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No. 9381.1A40

v. 5







**NATIONAL RECOVERY ADMINISTRATION**

HUGH S. JOHNSON, Administrator for Industrial Recovery

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**CODES OF FAIR COMPETITION**

**Nos. 196-244**

**AS APPROVED**

**JANUARY 1-JANUARY 31, 1934**

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

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**CODES OF FAIR COMPETITION**

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Approved Code No. 196

**CODE OF FAIR COMPETITION**

FOR THE

**WHOLESALE FOOD AND GROCERY TRADE**

As Approved on January 4, 1934

BY

**PRESIDENT ROOSEVELT**

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**Executive Order**

A Code of Labor Provisions for the Wholesale 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 Wholesale Food and Grocery Trade and for the incorporation of said provisions with provisions heretofore approved into a single Code of Fair Competition for the Wholesale 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 Whole-

sale 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 said Code of Labor Provisions heretofore approved subject to the following conditions:

(1) Section 13 of Article VII shall not be effective until 30 days after this code becomes effective.

(2) Paragraph 4 of Section 12 of Article VII shall not be effective until 30 days after the date this code becomes effective.

(3) The Administrator shall consider the right of the United States Wholesale Grocer's Association to representation on the code authority.

(4) A hearing shall be called as soon as practicable for the consideration and determination of the questions referred to in the conditions hereinbefore stated.

(5) Section 10 of Article VII is eliminated from the code.

(6) 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,  
*January 4, 1934.*

DECEMBER 12, 1933.

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Food and Grocery Wholesale Trade.

A hearing was held on the wage and hour provisions of this Code by officials of the National Recovery Administration on October 5, 1933, and approval was given to these provisions by the President on November 15, 1933. A hearing was held by the Agricultural Adjustment Administration on the fair trade provisions of the Code on October 9, 1933, at which the National Recovery Administration was represented.

The code was presented by duly qualified and authorized representatives of the trade, complying with the statutory requirements, and said to represent 75 percent in number and 90 percent in volume of the trade.

#### THE TRADE

The Wholesale Food and Grocery Trade according to the Census of Distribution (1929) is made up of 13,994 establishments with net sales of \$9,537,322,597. There are approximately 185,000 persons employed in this trade.

It is estimated that the average work-week in the Wholesale Food and Grocery Trade was 60 hours, and the provisions of this code provide for a 44-hour work-week and should result in a reemployment of about 15 percent.

#### PROVISIONS OF THE CODE

The Code provides for a workweek of 44 hours. Provision is made whereby an employer may work certain employees such hours as may be necessary in excess of the hours mentioned above if time and one third is paid for such additional hours per week.

The rates of pay are \$14.50 per week in cities of over 500,000 population, \$14.00 per week in cities of 100,000 to 500,000 population, \$13.00 per week in cities of 25,000 to 100,000, and \$11.00 per week in cities under 25,000 population.

I recommend that the price differential provision in Section 13 and the provision respecting transportation charges in paragraph 4 of Section 12 be suspended for 30 days pending further hearing.

The United States Wholesale Grocer's Association has made representations as to its right to be represented on the code authority. The facts at hand do not permit a present determination and I suggest that this question be considered at the same 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.

The administration of the Code is organized in such a manner as to include both wholesalers and retailers.

#### FINDINGS

I find that:

(a) This Code 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.

(b) The National-American Wholesale Grocers' Association, the Food and Grocery Chain Stores of America, National Retailer-Owned Wholesale Grocers, and the National Voluntary Groups Institute, presenting this Code are truly representative of the trade.

(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 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 Wholesale 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 wholesale 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 wholesale 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. *Wholesale Food and Grocery Trade.*—The term “wholesale food and grocery trade” or “trade” as used herein shall mean all selling or supplying to retailers, industrial buyers, restaurants, or institutions, or the selling on the part of one wholesaler to another of food and/or grocery products, but shall not include the selling or supplying of meat products (except in cans) fish or the selling or supplying of fresh fruit and produce, and provided further the term shall not include the selling or supplying 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. It is further provided that the provisions hereof, other than the provisions which are mandatory under the Act and those relating to administration of the code, to hours of labor, rates of pay and other conditions of employment, shall not be deemed binding upon such subdivisions of the trade as shall in accordance with any Executive Order of the President be subject to the jurisdiction of the Secretary of Agriculture.

SEC. 2. *Food and Grocery Wholesaler.*—The term “food and grocery wholesaler” or “wholesaler” as used herein shall mean any individual or organization engaged wholly or substantially in the wholesale food and grocery trade and distributing principally through a privately controlled warehouse.

SEC. 3. *Wholesale Food and Grocery Establishment.*—The term “wholesale food and grocery establishment” or “establishment” as used herein shall mean any warehouse, office, or department of any other establishment where a food and grocery wholesaler carries on

business, other than those places where the principal business is the selling of merchandise at retail or the selling at wholesale of products not included within the definition of wholesale food and grocery trade.

SEC. 4. *Employee*.—The term “employee” as used herein shall mean any person employed by any food and grocery wholesale establishment, but shall not include persons employed in establishments engaged principally in the selling or handling of products not included within the definition of wholesale food and grocery trade; nor shall it include persons principally engaged in farming.

SEC. 5. *Employer*.—The term “employer” as used herein includes anyone by whom such employee is compensated or employed.

SEC. 6. *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.

SEC. 7. *Executive*.—The term “executive” as used herein shall mean an employee responsible for the management of a business or a recognized subdivision or department thereof.

SEC. 8. *Professional Person*.—The term “professional person” as used herein shall mean research technicians, advertising specialists, and other persons engaged in occupations requiring a special discipline and special attainments.

SEC. 9. *Outside Salesmen*.—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. *Outside Collector*.—The term “outside collector” as used herein shall mean a collector of accounts 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. 11. *Maintenance Employee*.—The term “maintenance employee” as used herein shall mean an employee who, through special training or mechanical ability, is essential to the upkeep and/or preservation of the premises and property of the establishment, and shall not include such workers as porters, elevator operators, janitors, and cleaners.

SEC. 12. *Outside Service Employee*.—The term “outside service employee” as used herein shall mean an employee engaged primarily in delivering, installing, or servicing merchandise outside the establishment, and shall include stable and garage employees.

SEC. 13. *Watchman*.—The term “watchman” as used herein shall mean an employee engaged primarily in safeguarding the premises and property of the establishment.

SEC. 14. *Junior Employee*.—The term “junior employee” as used herein shall mean an employee under eighteen (18) years of age.

SEC. 15. *Apprentice Employee*.—The term “apprentice employee” as used herein shall mean an employee with less than six (6) months' experience in the wholesale food and grocery trade.

SEC. 16. *Part-time Employee*.—The term “part-time employee” as used herein shall mean an employee who works for less than the maximum work week.

SEC. 17. *South*.—The term “South” as used herein shall mean Virginia, West Virginia, Maryland, North Carolina, South Carolina,

Georgia, Florida, Texas, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, New Mexico, and the District of Columbia.

SEC. 18. *Population*.—Population shall be determined by reference to the Fifteenth Census of the United States (United States Department of Commerce, Bureau of the Census, 1930).

SEC. 19. *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 the Administrator appointed under Title I of said Act.

### ARTICLE III—EFFECTIVE DATE

The provisions of this Code shall become effective on 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 shall be employed.

It is provided, however, 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—OPERATING HOURS AND HOURS OF LABOR

SECTION 1. *Operating Hours*.—No wholesale grocer shall operate on a schedule of less than fifty-two (52) hours per week, except that where any wholesaler was operating less than fifty-two (52) hours per week prior to June 1, 1933, the minimum requirement shall not apply nor shall such hours be reduced.

SEC. 2. *Basic Hours of Labor*.—No employee, except as hereafter provided, shall work more than forty-four (44) hours per week, nor more than nine (9) hours per day, nor more than six (6) days per week.

SEC. 3. *Exceptions to Maximum Hours of Labor*.—(a) *Professional Persons*.—The maximum periods of labor prescribed in Section 2 of this Article shall not apply to professional persons employed and working at their profession.

(b) *Outside Salesmen, Outside Collectors, and Watchmen.*—The maximum periods of labor prescribed in Section 2 of this Article shall not apply to outside salesmen, outside collectors, and watchmen, but in no case shall such employees work more than six (6) days per week.

(c) *Outside Service and Sales Department Employees.*—The maximum periods of labor prescribed in Section 2 of this Article shall not apply to outside service employees nor to billing and shipping clerks, and cashiers working in conjunction with outside service employees in work of such nature that any inequality of hours would interrupt the routine of the outside service department, but such employees shall not work more than forty-eight (48) hours per week unless they are paid at the rate of time and one third for all hours over forty-eight (48) hours per week.

(d) *Maintenance Employees.*—The maximum periods of labor prescribed in Section 2 of this Article shall not apply to maintenance employees, but such employees shall not work more than forty-eight (48) hours per week, unless they are paid at the rate of time and one third for all hours over forty-eight (48) hours per week.

(e) *Executives.*—The maximum periods of labor prescribed in Section 2 of this Article shall not apply to executives receiving not less than \$35.00 per week.

(f) *Peak Periods.*—At Christmas and other peak periods, 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, employees may work not more than fifty-two (52) hours per week and ten (10) hours per day.

For inventory purposes employees may work during one week in each calendar year (8) hours in excess of the maximum hours prescribed in Section 2 of this Article.

All such work may be without the payment of overtime.

SEC. 4. *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 need not be 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 one half hours.

SEC. 5. *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. 6. *Conflict with State Laws.*—When any State law prescribes for any class of employees 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. 7. *Agreement for Uniformity of Store Hours.*—Any wholesale trade area containing ten (10) or more wholesale grocers, within a town or city, may by mutual agreement of two thirds ( $\frac{2}{3}$ ) of its wholesale grocers, subject to the approval of the Administrator, es-

establish uniform operating hours which shall be binding upon all wholesale grocers within such area.

## 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 \$14.50 per week for a forty-four (44) hour work week, or less than at the rate of \$15 per week for a forty-eight (48) hour work week.

(b) Within cities of from 100,000 to 500,000 population, no employee shall be paid less than at the rate of \$13.50 per week for a forty-four (44) hour work week, or less than at the rate of \$14 per week for a forty-eight (48) hour work week.

(c) Within cities of from 25,000 to 100,000 population, no employee shall be paid less than at the rate of \$12.50 per week for a forty-four (44) hour work week, or less than at the rate of \$13 per week for a forty-eight (48) hour work week.

(d) Within cities, towns, villages under 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 employees shall be paid less than at the rate of \$10 per week.

(e) The minimum wages of professional persons, outside collectors, 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 employees and apprentice employees may be paid at the rate of \$1 less 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. *Employees Physically Incapacitated.*—Employees who are physically incapacitated may, of their own volition, waive their right to minimum wages, but no employer shall employ such workers at less than the rate of \$8 per week, and no employer shall include within the classification of physically incapacitated employees more than one employee for every twenty (20) employees, or fraction thereof.

SEC. 5. *Part-time Employees.*—Part-time employees shall be paid not less than at an hourly rate proportionate to the rates specified in the foregoing Sections of this Article.

SEC. 6. *Southern Wage Differential.*—In the South all minimum wages specified in the foregoing Sections may be at the rate of \$1 less 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 existing on 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 employees 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—TRADE PRACTICES

SECTION 1. *Inaccurate Advertising.*—No food and grocery wholesaler shall publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any wholesale grocer in any way misrepresent any goods including but without limitation, their 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.

SEC. 2. *Price Discrimination.*—Discrimination in prices or terms of sale against purchasers of the same quantity under the same conditions of delivery and credit services for the same class of buyers (taking into consideration the service rendered by the seller or required from the buyer) is prohibited. Locality or sectional price discrimination which is designed or effective to unduly injure competitors is further prohibited.

SEC. 3. *Limitation Upon Price Increases.*—No food and grocery wholesaler 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 wholesalers 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. 4. *Unearned Service Payments.*—No food and grocery wholesaler shall pay a trade buyer for a special advertising or other distribution service by such buyer (a) except in pursuance of a written contract made in good faith and explicitly defining the service to be rendered and the 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 trade buyers 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 wholesaler to report such contracts made by him and/or to produce a copy thereof for inspection.

SEC. 5. *Unearned Discounts for Cash.*—No food and grocery wholesaler 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 food and grocery wholesalers.

SEC. 6. *Compulsory Purchases.*—No food and grocery wholesaler shall compel a buyer to purchase one product in order to purchase or obtain another.

SEC. 7. *Commercial Bribery.*—No food and grocery wholesaler 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 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.

SEC. 8. *Unfair Substitution.*—No food and grocery wholesaler shall unfairly substitute another product for that ordered from him.

SEC. 9. *Inaccurate Labelling.*—No food and grocery wholesaler 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.

SEC. 10. *Violation of Federal Food and Drugs Act.*—No food and grocery wholesaler shall knowingly sell a commodity adulterated or misbranded in violation of the Federal Food and Drugs Act.\*

SEC. 11. *Inaccurate References to Competitors, etc.*—No food and grocery wholesaler shall publish advertising which refers inaccurately in any material particular to any competitor or his goods, prices, values, credit terms, policies, or services.

SEC. 12. *Loss Limitation Provision.*—In order to prevent unfair competition against local merchants, selling merchandise at less than cost, except to other food and grocery wholesalers, is hereby declared to be an unfair trade practice. 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 selling at less than cost does not prohibit a merchant from selling an article without any profit to himself. But the selling price of articles to the customer should include an allowance for actual wages of 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 VIII, Section 1, herein.

\* Deleted as per paragraph 5 of Executive Order approving this Code.

2. The cost of merchandise shall include the net purchase price plus transportation charges to the seller's warehouse and transportation charges from the wholesaler to his customer, when such charges are paid by the wholesaler.

3. The Code Authority, subject to the approval of the Administrator, shall prescribe the method and conditions by which "net purchase price" shall be determined by the individual wholesaler. Such action of the Code Authority shall be taken within thirty days after the effective date of this Code.

4. "Transportation charges from the wholesaler to his customer" shall mean transportation charges to point of delivery; provided, however, that no transportation charges need be added on hauls under twenty-five miles. On all hauls of twenty-five miles or over the transportation charge as herein mentioned shall be the lowest published rate by or for any common carrier.

Notwithstanding the provisions of the foregoing paragraphs, any food and grocery wholesaler 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 this provision. A food and grocery wholesaler 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 wholesaler immediately notifies the Food and Grocery Distributors' Code Authority of such action and all facts pertinent thereto.

Notwithstanding the provisions of the foregoing paragraphs, any food and grocery wholesaler 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 forestall 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 donated for charitable purposes or to unemployment relief agencies.

SEC. 13. *Differentials*.—Where manufacturers, importers, mills, or other primary sellers sell coincidentally to wholesalers and retailers, the Code Authority, subject to the approval and with the advice of the Administrator, may arrange for a conference of all interested parties, including primary sellers or the Code Authority governing them, either through the medium of the hereinafter designated Food and Grocery Industry Conference Committee, or as otherwise provided in this Section, for the purpose of defining and establishing price differentials which shall be fair and reasonable in relation to the nature and extent of the distributing services and functions rendered by each buying class. Such differentials shall include all elements affecting the net price, such as discounts, terms, and allowances.

The Code Authority, or if so determined, the Food and Grocery Industry Conference Committee, with the advice and consent of the Administrator and after all interested parties shall have been given an opportunity to be heard on the matter, shall formally announce the price differentials which are deemed fair on specific products.

Nothing in this Section shall be construed to abridge the right of manufacturers to sell direct to retailers or the right of retailers to buy direct from manufacturers.

Nothing in this Section shall be construed to prevent reasonable and fair price differentials from being allowed on the basis of quantity purchased or such other factors as the Administrator shall deem proper.

SEC. 14. *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 wholesaler 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 wholesaler shall knowingly sell or offer for sale such merchandise. Nothing in this Section, however, shall affect contracts, which the wholesaler does not have the option to cancel, made with the 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, Produced 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.

## ARTICLE VIII—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 Retail 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, by each of the national wholesale 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 wholesale food and grocery trade, and such other members as may be elected from the retail food and grocery trade in accordance with the 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 wholesale 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 food and grocery wholesalers such reports as are necessary to effectuate the purposes of this Code. Each food and grocery wholesaler shall keep a record of his business transactions by such an accounting system as will inform him of the essential particulars of his business, including records of purchase invoices and of 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 States and local trading areas.

(f) *Expenses.*—The expenses of the administration of this Code shall be equitably assessed and collected by the Code Authority, subject to the approval of the Administrator.

SEC. 2. *Food and Grocery Industry Conference Committee.*—The National Food and Grocery Distributors' 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 Hardships.*—Where the operation of the provisions of this Code imposes an unusual or undue hardship upon any food and grocery wholesaler or group of wholesalers, such wholesaler or group of wholesalers 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 modification of the provisions of this Code may be required to effectuate the purposes of the National Industrial Recovery Act.

#### ARTICLE IX—GENERAL

SECTION 1. Membership in the national food and grocery wholesale associations represented upon the National Food and Grocery Distributors' Code Authority shall be open to all wholesalers of that branch of the wholesale food and grocery trade which said associations respectively represent, and said associations shall impose no inequitable restrictions upon admission to membership therein.

SEC. 2. In addition to the 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. 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. No food and grocery wholesaler shall use any subterfuge to frustrate the spirit and intent of this Code, which is, among other things, to increase employment, to shorten hours of work, and to raise wages to a living basis.

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 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. 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.

Approval Code No. 196.

Registry No. 123-3-10.





Approved Code No. 197

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**RETAIL FARM EQUIPMENT TRADE**

As Approved on January 6, 1934

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**ORDER APPROVING CODE OF FAIR COMPETITION FOR  
THE RETAIL FARM EQUIPMENT TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of the Code of Fair Competition for the Retail Farm Equipment Trade, and hearings having been duly held thereon; and an analysis, report, recommendation and findings on said Code by the Administrator directed to the President having been made, which are incorporated herein by reference; and it being found that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of Title I of said Act, and specifically that the requirements of Clauses (1) and (2) of Subsection (a) of Section 3 of said Act have been met:

NOW, THEREFORE, pursuant to the authority vested in the President by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise; and pursuant to authority vested in the undersigned Administrator for Industrial Recovery by Executive Orders, including Order dated December 30, 1933, and otherwise; it is ordered that the said Code of Fair Competition be and it hereby is approved in the name of the President.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,  
By HUGH S. JOHNSON  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 6, 1934.*

THE PRESIDENT,

*The White House.*

SIR: This is a report on the Code of Fair Competition for the Retail Farm Equipment Trade of the United States, the hearing having been held in Washington October 17, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS ON HOURS AND WAGES

The distribution of farm equipment is made, to a large extent, through retail hardware dealers who are operating under the terms of the Retail Code. It is, therefore, essential that the provisions for hours and wages be identical with the Retail Code except for additional provisions for overtime during crop failure which create a real emergency and for the employment of superannuated or partially disabled employees.

#### ECONOMIC EFFECT OF THE CODE

The reduction in hours will show an increase of approximately 15 percent in number of employees with a consequent increase in payroll. The adoption of the minimum wage rate will also be productive of increases in many communities where employees have been decidedly underpaid.

Approximately twenty thousand employees are regularly engaged in the trade, serving rural communities through 12,000 implement and hardware stores located in these rural trade areas.

Total sales of equipment through members of the trade amounted to \$519,000,000 in 1929. It is a trade so closely identified with agriculture that planting and harvest periods coupled with emergency crop failures constitute peak periods.

Increased employment will be effected largely through the addition of part-time employees during the peak seasons. It is estimated that approximately three thousand part and full time employees will be added and that payrolls will be increased by at least \$300,000 yearly as a result of the application of the Code to the trade.

It will be noted that although members of the trade in towns or trade areas of less than 2,500 population and employing less than five persons are exempt from the hour and wage requirements of the code, the application of all other provisions is universal to all the trade.

#### FINDINGS

I find that—

(a) The Code will promote the policies and purposes of Title I of the Act, including removal of obstructions to the free flow of inter-

state and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Trade normally employs less than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as revised complies in all respects with the pertinent provisions of Title I of the Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the Retail Farm Equipment group was and is a trade group truly representative of the aforesaid Trade; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, this Code has been approved by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

WASHINGTON, D.C.,  
*January 6, 1934.*

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**RETAIL FARM EQUIPMENT TRADE**

**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 retail farm-equipment trade, and, upon approval of the Administrator, shall be the standard of fair competition for such trade, and shall be binding upon every member thereof.

**ARTICLE II—DEFINITIONS**

(a) The term "retail farm-equipment trade" as used herein, includes distributing at retail of all equipment and repair parts for the operation, upkeep, and development of the farm, including raising, harvesting, and storing of crops, dairying, stock, and poultry raising, or any other agricultural pursuit.

(b) The qualifications of a "dealer" are that he shall have a suitable place of business with an adequate stock to serve the community in which he operates; shall have the proper means commensurate with the volume of business in that community of displaying goods in current demand; shall carry a reasonable supply of repairs properly to serve his customers; shall have a sufficient investment in his business that he may be able to perform the duties above outlined; and furnish the usual legitimate service necessary properly to promote his business and conduct his affairs upon such a basis as will assure permanency of business relationship.

Nothing in this section (b) shall be construed to exclude in any way as a member of the trade and/or from the operation of this code anyone who distributes at retail equipment and/or repair parts for the operation, upkeep, and development of the farm, as defined in section (a) of this Article II.

(c) The term "employee" as used herein, is anyone engaged in the trade in any capacity receiving compensation for his services, irrespective of the nature, or method of payment, of such compensation.

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

(e) The term "member of the trade" includes anyone, including individuals, firms, coopartnerships, corporations, cooperative asso-

ciations, commission agencies, agents, contract dealers, and manufacturers' retail store representatives and all other legal entities engaged in the trade.

(f) 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 under Title I of said Act.

(g) 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.

(h) Population shall be determined by reference to the 1930 Federal Census.

(i) Junior employee: The term "junior employee" as used herein shall mean an employee under eighteen (18) years of age.

(j) Apprentice Employee: The term "apprentice employee" as used herein shall mean an employee with less than six (6) months experience in the retail trade.

### ARTICLE III—MEMBERSHIP

(a) Membership in the Federation of Implement Dealers' Associations of the United States is and shall be open to any dealer engaged in the distribution at retail of farm equipment and repair parts as defined above, through membership in an affiliated association, or through individual membership.

(b) No inequitable restrictions on admission to membership are or may be imposed by the Federations or any of their constituent associations hereinbefore or hereinafter referred to.

(c) Membership by a dealer in the Federations of Implement Dealers' Associations of the United States, or any of their constituent associations shall not be requisite for the purchase of farm equipment.

### ARTICLE IV—ADMINISTRATION

(a) Immediately following the effective date of this Code as provided in Article XIV, the Administrator shall appoint a temporary Code Authority which shall consist of six members, three of whom shall be appointed from the members of the Code Committee of the National Farm Implement Dealers' Association and three from the Code Committee of the Eastern Federation of Farm Equipment Dealers, and not more than three members, without vote, to represent the Administrator or such groups or interests as may be agreed upon. Such temporary Code Authority so established shall serve for a period of not to exceed sixty days immediately following the said effective date of the Code and shall have all the powers, duties, and obligations herein provided for the Central Code Authority.

(b) Within sixty days immediately following the effective date of the Code, as provided in Article XIV, the permanent Central Code Authority shall be organized and constituted to succeed to all the powers, duties, and obligations of the temporary Code Authority provided in Section (a) of this Article. The Central Code Authority shall consist of one member from each constituent association of the Federations of Implement Dealers Associations of the United States, to be elected by the respective associations, each member to have equal vote, and not to exceed seven additional members to be elected by members of the trade who are nonmembers of the Federations and who have agreed to conform with the provisions of and bear their reasonable share of the cost of administering the Code, each said nonmember to have equal vote. The Administrator may appoint not more than three members of said Central Code Authority, without vote, to represent him or such groups or interests as may be agreed upon.

(c) 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 creation and administration. The reasonable share of the expense of creation 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 factors as may be deemed equitable to be taken into consideration.

(d) The Central 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 approve or disapprove any action taken by the said Central Code Authority.

The Central Code Authority shall be charged with the administration of the provisions of this Code, and with the duties thereof, through agents or otherwise; of conducting hearings and adjusting complaints, considering proposals for amendments to this Code, making recommendations thereon, and otherwise administering its provisions.

The Central Code Authority shall elect from its membership an Executive Committee of five members, with representation thereon from each division.

Because of the wide variance in agricultural conditions and practices of the eastern and western sections of the United States, there are hereby created for the purpose of administration the following divisions:

The Eastern Division of the Federations is comprised of the following constituent associations:

- New England Farm Equipment Dealers' Association
- New York Farm Equipment Dealers' Association
- Eastern Farm Equipment Dealers' Association
- Virginia Farm Equipment Dealers' Association
- North Carolina Farm Equipment Dealers' Association
- Western Pennsylvania Farm Equipment Dealers' Association

The Western Division of the Federations is comprised of the following constituent associations:

Western Retail Implement and Hardware Association  
 Minnesota Implement Dealers' Association  
 Iowa Implement Dealers' Association  
 Wisconsin Implement Dealers' Association  
 Michigan Farm Equipment Association  
 Illinois Implement Dealers' Association  
 North Dakota Implement Dealers' Association  
 South Dakota Implement Dealers' Association  
 Mississippi Valley Farm Equipment Association  
 Mid-West Implement Dealers' Association  
 Pacific Northwest Hardware and Implement Association  
 Indiana Implement Dealers' Association  
 Kentucky Hardware and Implement Association  
 Mountain States Hardware and Implement Association  
 Oregon Retail Hardware and Implement Association  
 California Retail Hardware and Implement Association  
 Panhandle Hardware and Implement Association  
 Idaho Retail Hardware and Implement Association  
 Montana Implement and Hardware Association  
 Ohio Implement Dealers' Association  
 Texas Hardware and Implement Association

The Executive Committee shall appoint a managing director for each of the two divisions, eastern and western, each such managing director to appoint his own assistants and define the territory to be served by each director.

The Executive Committee shall also appoint a board of three members of the Central Code Authority from each of the two divisions, each such board to act in a strictly advisory capacity to the managing director of its own division.

The Central Code Authority may establish other divisions and define the territory to be served by each, and such divisions shall be accorded representation on the Central Code Authority.

For the administration of this code in each division or subdivision of the association, the Central Code Authority shall appoint appropriate agencies and delegate to them all necessary power and authority for the administration of this code within each division and subdivision.

(e) To obtain from members of the trade 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 trade or any other party except to such governmental agencies as may be directed by the Administrator.

## ARTICLE V—MAXIMUM WORKING HOURS

SECTION 1. On and after the effective date of this Code establishments in the retail trade shall elect to operate upon one of the following schedules of hours of labor.

(a) Any establishment may elect to remain open for business less than fifty-six (56) hours but not less than fifty-two (52) hours per week, unless its store hours were less than fifty-two (52) hours prior to June 1, 1933, in which case such establishment shall not reduce its store hours; no employee of an establishment electing to operate in accordance with this Section (a) shall work more than forty (40) hours per week, nor more than eight (8) hours per day, nor more than six (6) days per week.

(b) Any establishment may elect to remain open for business fifty-six (56) hours or more per week but less than sixty-three (63) hours per week; no employee of such establishment shall work more than forty-four (44) hours per week, nor more than nine (9) hours per day, nor more than six (6) days per week.

(c) Any establishment may elect to remain open for business sixty-three (63) hours or more per week; no employee of such establishment 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.

No employee shall work for two or more establishments a greater number of hours, in the aggregate, than he would be permitted to work for that one of such establishments which operates upon the schedule of fewest operating hours.

No employee not included in the foregoing Sections (a), (b), and (c) and not specifically excepted hereinafter, shall work more than forty (40) hours per week, nor more than eight (8) hours per day, nor more than six (6) days per week.

SEC. 2. On or within one week after the effective date of this Code every retail establishment shall designate under which of the Groups set forth in the preceding Section 1 it elects to operate and shall post and maintain in a conspicuous place in the establishment a copy of such election showing its store hours and employee working hours.

SEC. 3. (a) No establishment may change from the Group in which it has elected to operate except upon December 31 of any year.

(b) Any establishment, however, may at any time increase its store hours, provided it maintains the basic employee work week of the Group in which it originally elected to operate.

(c) Any establishment may, for a period not to exceed three (3) months during the Summer, temporarily reduce its store hours, but the weekly wage of its employees shall not on that account be reduced.

SEC. 4. (a) *Professional persons, outside salesmen, outside collectors, field and repair service men, and watchmen.*—The maximum period of labor prescribed in Section 1 of this Article shall not apply to professional persons employed and working at their profession, or to outside salesmen, outside collectors, field and repair service men, and watchmen.

(b) *Maintenance and outside service employees.*—The maximum periods of labor prescribed in Section 1 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 by Section 1 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 5 of this Article, executives receiving \$35.00 or more per week in cities of over 500,000 population, or receiving \$30.00 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 \$25.00 or more per week in cities, towns, villages, and other places under 25,000 population, may work in excess of the maximum periods of labor prescribed in Section 1 of this Article. In the South, executives paid not less than ten (10) percent below the wages so specified may work in excess of such maximum periods.

(d) *Peak periods.*—At harvest, inventory, and other peak times, for a period not to exceed two (2) weeks in the first six (6) months of the calendar year and not to exceed three (3) weeks in the second six (6) months, an employee whose basic workweek is forty (40) hours may work not more than forty-eight (48) hours per week and nine (9) hours per day; an employee whose basic workweek is forty-four (44) hours may work not more than fifty-two (52) hours per week and nine and one half (9½) hours per day; an employee whose basic workweek is forty-eight (48) hours may work not more than fifty-six (56) hours per week and ten (10) hours per day. All such work may be without the payment of overtime.

SEC. 5. In case of crop failure or the destruction of crops by hail, black rust, or pests, such as boll weevil, Hessian fly, grasshoppers, corn borer, chinch bugs and the like, creating an abnormal demand for equipment, for replanting or reseeding to other crops, any employee may be permitted to work more than eight (8) hours per day at the regular daily rate of pay.

SEC. 6. Notwithstanding the provisions of the foregoing sections of this Article, and regardless of the number of persons otherwise permitted to work unrestricted hours, the total number of workers in any establishment (whether such workers are executives, proprietors, partners, persons not receiving monetary wages, or others) who shall be permitted to work unrestricted hours shall not exceed the following ratio: In establishments comprised of twenty (20) workers or less the total number of workers who may work unrestricted hours (not including those workers specified in Section 4 (a) of this Article) shall not exceed one worker for every five (5) workers or fraction thereof; in establishments comprised of more than twenty (20) workers the total number of workers who may work unrestricted hours (not including those workers specified in Section 4 (a) of this Article) shall not exceed one worker for every five (5) workers for the first twenty (20) workers, and shall not exceed one worker for every eight (8) workers above twenty (20).

SEC. 7. *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.

SEC. 8. *Extra working hour on 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.

## ARTICLE VI—WAGES

SECTION 1. *Basic schedules 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 calculated upon an hourly, weekly, monthly, commission, or any other basis—shall, except as hereinafter provided, be as follows:

(a) Within cities of over 500,000 population, no employee shall be paid less than at the rate of \$14.00 per week for a forty (40) hour work week, or less than at the rate of \$14.50 per week for a forty-four (44) hour work week, or less than at the rate of \$15.00 per week for a forty-eight (48) hour work week.

(b) Within cities of from 100,000 to 500,000 population, no employee shall be paid less than at the rate of \$13.00 per week for a forty (40) hour workweek, or less than at the rate of \$13.50 per week for a forty-four (44) hour workweek, or less than at the rate of \$14.00 per week for a forty-eight (48) hour workweek.

(c) Within cities of from 25,000 to 100,000 population, no employee shall be paid less than at the rate of \$12.00 per week for a forty (40) hour workweek, or less than at the rate of \$12.50 per week for a forty-four (44) hour workweek, or less than at the rate of \$13.00 per week for a forty-eight (48) hour workweek.

(d) Within cities, towns, 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 \$11.00 per week and provided further that no employee shall be paid less than at the rate of \$10.00 per week.

(e) Within 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 \$10.00 per week; subject, however, to the President's Executive Order of October 23, 1933, relating to the employment of five persons or less in towns of 2,500 population or less, which is attached hereto and made a part hereof as Schedule A.

The minimum wages paid to professional persons, outside salesmen, outside collectors, watchmen, field and repair service men, and maintenance and outside service employees shall be upon the basis of the basic employee workweek upon which the establishment by which they are employed has elected to operate.

The minimum wages of any employee not included in the foregoing paragraphs and not specifically excepted hereinafter shall be upon the basis of a forty (40) hour workweek.

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. 2. *Juniors and apprentices.*—Junior and apprentice employees may be paid at the rate of \$1.00 less per week than the minimum wage otherwise applicable; it is provided, however, that no employee shall be classified both as a junior and as an apprentice employee, and it is further provided that the number of employees classified as junior and as apprentice employees, combined, shall not exceed a ratio of one such employee to every five employees or fraction thereof up to twenty (20), and one such employee to every ten (10) employees above twenty (20).

SEC. 3. *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 \$1.00 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 \$10.00 per week, and provided further that no employee shall be paid less than at the rate of \$9.00 per week except as provided in Section 2 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 \$9.00 per week.

SEC. 4. *Part-time employees.*—Part-time employees shall be paid not less than at an hourly rate proportionate to the rates prescribed in the foregoing sections of this Article.

SEC. 5. *Weekly wages above minimum not to be reduced.*—The weekly wages of all classes of employees receiving more than the minimum wages prescribed in this Article shall not be reduced from the rates existing upon July 15, 1933, notwithstanding any reduction in the number of working hours of such employees.

## ARTICLE VII—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 Administrator.

SEC. 2. *Child labor*.—On and after the effective date of this Code, no person under the age of sixteen (16) years 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 during six (6) days in any one 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.

SEC. 3. No provision of this Code shall supersede any law within any State which makes more stringent requirements on employers as to hours of work, wages, or age of employees than are imposed by this Code.

SEC. 4. Each employer shall post in conspicuous places, accessible to employees, full copies of this Code.

SEC. 5. Employers engaged only locally in the trade (and not in a business in or affecting interstate commerce) who do not employ more than five persons and who are located in towns of less than 2,500 population which are not in the immediate area of a city or town of larger population than 2,500 shall not be subject to the operation of Articles V and VI and Sections 2 and 4 of this Article VII.

#### ARTICLE VIII—TRADE PRACTICES

The following practices constitute unfair methods of competition for the members of the retail farm equipment trade and are prohibited:

(a) *Price cutting*.—No member of the trade shall sell any product in the Trade at a price below his own individual cost. However, any member may meet the price competition of any one whose costs under this code provision are lower. Cost is defined as the wholesale invoice price, plus transportation cost, plus overhead. Overhead shall include all elements of expense (including servicing) which are involved in the conduct of the business as may be determined by an accounting method to be proposed by the Code Authority and approved by the Administrator.

Nothing in this Section (a), Article VIII, shall apply to the sale of merchandise which is obsolete, damaged, or the sale of which is being discontinued by said dealer, provided same are labelled, advertised, or offered for sale as such, but no discontinued merchandise shall be sold below cost if a new dealer has offered to buy the same under Section (d) of this Article.

(b) *Advertising*.—The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statements by way of advertising or otherwise, whether concerning the grade, quantity, quality, substance, character, nature,

origin, size, finish, or preparation, of any merchandise offered for sale by the trade, or the credit terms, values, policies, or service of any member of the trade or otherwise, having the tendency or capacity to mislead customers or prospective customers.

(c) *Interference with contractual relations.*—Wilfully 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 relations or services by any such means, with the purpose and effect of unduly hampering, injuring, or embarrassing competitors.

(d) *Transfer of dealer agency contracts.*—To accept from the manufacturer the transfer of a dealer agency contract without offering to purchase from the former agent his marketable stock of that line of merchandise at replacement prices of identical goods provided, however, that there shall be no such obligation to offer to purchase from a dealer who has violated the provisions of his contract with the manufacturer, or has voluntarily discontinued contractual relations with such manufacturer.

(e) *Secret rebates.*—The secret payment or allowances of rebates, refunds, commissions, or credits, or discounts, whether in the form of money or otherwise, or the secret extension to any purchaser of privileges or services not extended to all purchasers under like terms or conditions.

(f) *Prison-made goods.*—Pending the formation of a compact or code between the several states and 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 this code shall be stayed for a period of ninety days, but not thereafter:

(1) To protect free labor against the competition of products produced in penal, charitable, or reformatory institutions or by the inmates thereof, it is hereby declared to be an unfair act of competition and a violation of this code to sell, offer for sale, or deliver prison made products at prices lower than that at which similar goods made by free labor can be sold under the provisions of this Code.

(2) Nothing herein 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, Produced, 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 thereunder or effective upon the effective date of said Hawes-Cooper Act, the said effective date being January 19, 1934.

(g) *Trade-ins.*—Selling trade-in merchandise or livestock below the price allowed thereon by the member of the trade plus the cost, if any, of reconditioning such merchandise; provided, however, that such sale price upon trade-in merchandise or livestock remaining unsold at the end of the first year after it was traded in may be reduced not to exceed 25 percent of the price allowed thereon, (plus cost, if any, of reconditioning); provided, further, that trade-in

merchandise or livestock remaining unsold at the end of the second year after it was traded in may be sold without restriction.

(h) *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 provided that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

#### 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—COORDINATION

It shall be the policy of this trade to coordinate the administration of this code with such codes, if any, as may be adopted by any subdivisions of this trade or related trade, with a view of providing joint and harmonious action on all matters of common interest.

#### ARTICLE XI—VIOLATIONS

Violations of this Code or any subdivision thereof, or the violation of any approved rules issued thereunder or of any agreement entered into under this Code, or the violation through any false statement or report made to the President or the Code Authority by any person subject thereto shall, after determination thereof by the Administrator, constitute an unfair method of competition and the offender shall be subject to the penalties provided by law.

#### 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 his 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 of hearing as he shall specify, and to become effective on his approval.

#### ARTICLE XIII—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and service increase as rapidly as wages, it is recognized that price in-

creases 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 XIV—EFFECTIVE DATE

This code and amendments thereto shall be in effect beginning the third Monday after approval thereof by the Administrator, and shall apply to all members of the trade, excepting that those members of the trade located in towns of less than 2,500 population are permitted labor exemptions only as provided in Section 5, Article VII.

Approved Code No. 197.  
Registry No. 1303-07.

## SCHEDULE A

### EXECUTIVE ORDER

In order to effectuate the policy of title I of the National Industrial Recovery Act, approved June 16, 1933, and to provide for equitable enforcement of agreements heretofore made with the President and codes approved by the President under said act, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of said National Industrial Recovery Act, hereby prescribe the following rules and regulations which shall have the effect of modifying any inconsistent provisions of any order, approval, rule or regulation heretofore issued under title I of said act.

1. The provisions of the President's reemployment agreement, issued July 27, 1933, shall not be held to apply to employers engaged only locally in retail trade or in local service industries (and not in a business in or affecting interstate commerce) who do not employ more than five persons and who are located in towns of less than 2,500 population (according to the 1930 Federal census) which are not in the immediate trade area of a city of larger population, except so far as such employers who have signed the President's reemployment agreement desire to continue to comply with the terms of said agreement after the date of this order; and this release of such employers who have heretofore signed the President's reemployment agreement shall be further extended so as to release to the same extent all such employers of obligations not voluntarily assumed under the provisions of a code of fair competition approved by the President. This exemption is intended to relieve small business enterprises in small towns from fixed obligations which might impose exceptional hardship, but it is expected that all such enterprises will conform to the fullest extent possible with the requirements which would be otherwise obligatory upon them.

2. In view of general increases in prices which may or may not be justified in specific instances by increased costs caused by compliance with the President's reemployment agreement, or with approved codes of fair competition, the Administrator for Industrial Recovery is hereby directed to cause to be conducted such investigations as may be necessary to determine the extent to which manufacturers and producers have increased prices following, or in anticipation of, the approval of codes of fair competition, or after the signing of the President's reemployment agreement, and to set up adequate organizations for the handling of complaints against such price increases and of local complaints against retail price increases alleged to be contrary to the requirements of codes of fair competition, or the President's reemployment agreement, or in conflict with the policy of the National Industrial Recovery Act.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*October 23, 1933.*

(32)



Approved Code No. 198

**CODE OF FAIR COMPETITION**

FOR THE

**RAILWAY SAFETY APPLIANCE INDUSTRY**

As Approved on January 12, 1934

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**Order Approving Code of Fair Competition for the Railway  
Safety Appliance Industry**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Railway Safety Appliance Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.  
*January 12, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition proposed for the Railway Safety Appliance Industry and on the hearing conducted thereon in Washington, D.C., on October 11, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### RÉSUMÉ OF CODE AS TO WAGES AND HOURS

The Code provides that 8 hours shall constitute the normal number of working hours per day, and 40 hours the normal number of working hours per week, and that employees shall not be permitted to work in excess of an average of 40 hours per week in any 4 months' period, the first of which periods shall begin on the effective date of the Code. These provisions are applicable to all employees except traveling salesmen, outside service men, watchmen, who may be permitted to work 56 hours per week, and persons employed in managerial, executive, or technical work receiving not less than \$35.00 per week.

The minimum rates of pay provided for production labor are 40 cents per hour for men and 35 cents per hour for women, and where women replace men such women shall receive the same rates of pay as received by the men so replaced. Time and one half shall be paid production employees for each hour worked in excess of 8 hours per day or 40 hours per week.

All other employees are to be paid not less than \$15.00 per week, except that a limited number of learners and office boys or girls may be paid not less than 80 percent of the above minima.

Equitable adjustments are to be made of all wage rates above said minima.

Child labor is prohibited and no person under 18 years of age shall be employed in hazardous occupations.

#### GENERAL STATEMENT

The Railway Safety Appliance Manufacturing Industry is a capital goods industry. It comprises the design, development, manufacture, sale, and installation of power brake, signal and train-control systems, and parts. Its products are designed for the safeguarding of movements of cars, locomotives, or trains. Its single customer, therefore, is the Railways, which customarily place orders on their own initiative as the need for equipment arises, rather than upon solicitation by members of the Industry.

The investment in the Industry is approximately \$113,000,000, and the number of wage earners in normal times about 11,000 persons, with an estimated annual pay roll of \$20,000,000.

In 1928, which is considered a normal year, operation was at the rate of approximately 54 percent of capacity, with a value of production of about \$45,000,000. Operation in 1929 was about 68 percent of capacity; in 1930—57 percent; in 1931—30 percent; and in 1932—20 percent. The estimate for 1933 is about 11 percent of capacity.

Orders for repair and maintenance of parts which, in a normal year, amount to approximately 15 percent of the total volume of production, in 1933 have represented about 95 percent of the volume of production. New installation business is anticipated in 1934 which will add measurably both to the number of employees and the pay rolls of the Industry.

I believe that the Code is fair to Industry, to Labor, and to the Public, and is in accordance with the intent and purpose of the National Industrial Recovery Act.

#### FINDINGS

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

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies nor monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code. For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

WASHINGTON, D.C.,  
*January 12, 1934.*

# CODE OF FAIR COMPETITION

FOR THE

## RAILWAY SAFETY APPLIANCE INDUSTRY

### ARTICLE I

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 Railway Safety Appliance 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—DEFINITIONS

Wherever used in the Code or in any schedule appertaining thereto, the terms hereinafter in this Article defined shall, unless the context shall otherwise clearly indicate, have the respective meanings hereinafter in this Article set forth. The definition of any such term in the singular shall apply to the use of such term in the plural and vice versa.

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.

The term "the Industry" means and includes the business of the design, development, manufacture, sale, and installation of power brake, signal, and train control systems, and apparatus, appliances and parts which have for their object the safeguarding of movement of cars, locomotives, or trains on railways operated by steam electricity, or other motive power.

The term "member of the Industry" means and includes but without limitation any individual, firm, association, corporation, trustee, receiver, or other form of enterprise, engaged in the Industry.

The term "the Code" 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.

Except as otherwise required by any provision of the Code, the term "member of the Industry who assents to the Code" means any member of the Industry who assents to the Code as hereinafter provided.

The term "Code Authority" means the Code Authority as from time to time constituted whose members shall be chosen as hereinafter provided.

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

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

The term "expiration date" as used herein means June 16, 1935, or the earliest date prior thereto on which the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by Section 1 of Title I of the National Industrial Recovery Act has ended.

### ARTICLE III—HOURS

SECTION 1. Except as herein otherwise provided eight (8) hours of labor shall constitute the normal number of working hours per day and forty (40) hours of labor the normal number of working hours per week for all employees, and no employee shall be permitted to work in excess of an average of forty (40) hours per week in any four (4) months' period, the first of which periods shall begin on the effective date of the Code.

SEC. 2. 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 the Industry exceeds the maximum permitted herein.

SEC. 3. The provisions of this Article shall not apply to travelling salesmen or to outside service men, persons employed in managerial, executive, or technical work, or to members of their respective staffs whose rate of pay is not less than thirty-five (35) dollars per week; nor shall they apply to watchmen, who may be permitted to work fifty-six (56) hours per week.

### ARTICLE IV—WAGES

SECTION 1. The minimum wage that shall be paid by any employer to any employee engaged in the processing or installation of the products of the Industry or in labor operations directly incident thereto, shall be not less than forty (40) cents per hour for male and thirty-five (35) cents per hour for female employees; provided, that if males be replaced by females, for the same operations such females shall receive the same rate of pay as the males received, and, provided that learners may be paid not less than eighty (80) percent of the above-stated minimum rates and that the number of learners receiving less than such minimum rates shall not exceed five (5) percent of the total number of such employees. Employees engaged in the processing or installation of the products of the Industry and in labor operations directly incident thereto shall be paid not less than one and one half ( $1\frac{1}{2}$ ) times their regular hourly rates of pay for all excess hours worked over eight (8) hours per day or forty (40) hours per week.

SEC. 2. The minimum wage that shall be paid by any employer to all other employees, except commission salespeople, shall be at the rate of fifteen (15) dollars per week; provided, however, that office boys and girls and student learners may be paid not less than eighty (80) percent of such minimum wage, but the number of such office boys or girls and student learners paid at a rate of less than fifteen (15) dollars per week shall not exceed five (5) percent

of the total number of employees covered by the provisions of this paragraph.

SEC. 3. The minimum rates of pay above established shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 4. Equitable adjustment in all pay schedules of factory employees above the minima shall be made not later than fifteen (15) days from the effective date of the Code by any employers who have not theretofore made such adjustments, and the first reports of wages, required to be filed under the Code, shall contain all wage increases made since June 15th, 1933.

SEC. 5. A person whose earning capacity is limited because of age or physical or mental handicap may be employed at a wage below the minima established by the 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 employees so employed by such employer.

SEC. 6. Employers shall not reclassify employees contrary to fact with reference to work performed, with the intention of defeating the purposes of the Act.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. Employers shall not employ anyone under the age of sixteen (16) years. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health.

SEC. 2. As required by Sub-Section (a) of Section 7 of the National Industrial Recovery Act:

(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.

SEC. 3. All employers shall post complete copies of the Code in conspicuous places accessible to all employees.

#### ARTICLE VI—ADMINISTRATION OF THE CODE

SECTION 1. A Code Authority is hereby constituted which shall consist of seven members elected by the members of the Industry who assent to the Code. The method of selection and voting shall be as determined by the bylaws of the Code Authority of the Industry

subject to the approval of the Administrator. In addition to membership as above provided, the Administrator may appoint a member to the Code Authority, or not more than three members, such member or members to sit without vote and to serve for terms as fixed by the Administrator. Any such representative shall serve without expense to the Industry unless by agreement approved by the Administrator and, together with the Administrator, shall be given notice of and may sit at all meetings of the Code Authority.

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 may be 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, or any subcode 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 the Code as required by the bylaws and complying with the requirements of the 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 on the basis of proportionate pay rolls as required by the bylaws.

SEC. 5. Any member of the Industry who desires to become an assenting member to the Code, may do so by signing and delivering to the Secretary a letter substantially in the form set forth in Schedule A annexed hereto.

SEC. 6. Nothing contained in the 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, officer, agent, or employee 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. 7. The Code Authority shall have the following further powers and duties:

(a) To use its best efforts to insure the execution of the provisions of the 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 statistical information and reports as are required for the administration of the

Code, which information and reports shall be submitted by the Code Authority to such administrative and/or government agencies as the Administrator may designate; provided that nothing in the 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.

(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 the Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To secure from members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(f) To initiate, consider, and make recommendations for the modification or amendment of the Code.

SEC. 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.

SEC. 9. Any action taken by the Code Authority relative to the Administration of this Code, except where specifically made subject to the approval of the Administrator, may, in the discretion of the Code Authority, be submitted to the Administrator for approval, and shall in any case be subject to the disapproval of the Administrator.

## ARTICLE VII—MODIFICATION AND AMENDMENTS

SECTION 1. The 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 the Code or any conditions imposed by him upon his approval thereof.

SEC. 2. The Code, except as to the 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 VIII—GENERAL PROVISIONS

SECTION 1. If any employer in the Industry is also an employer in any other industry, the provisions of the Code shall apply to and affect only that part of the business and products of such employer which are included in the Industry.

SEC. 2. No provision of the Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

#### ARTICLE IX

The term "effective date of the Code" means 12:01 a.m. on the third Monday after the Code shall have been approved by the President pursuant to the National Industrial Recovery Act.

Approved Code No. 198.  
Registry No. 1413-01.

SCHEDULE A

FORM OF LETTER OF ASSENT TO THE CODE

\_\_\_\_\_, 193—.

*To the Secretary of the Code Authority of the Code of Fair Competition for the Railway Safety Appliance Industry.*

DEAR SIR: The undersigned, desiring to become a member who assents to the Code of Fair Competition for the Railway Safety Appliance Industry, a copy of which is annexed hereto, marked Annex A, hereby assents to all of the provisions of said Code (hereinafter referred to as the Code), and effective on the third Monday after the date on which the Code shall have been approved by the President of the United States of America as therein provided, or as of the date on which this letter shall have been delivered, if delivery thereof shall have been made subsequent to the third Monday after the Code shall have been approved by said President as aforesaid, by the signing and delivery of this letter, becomes a member who assents to the Code and agrees to the By-Laws of the Code Authority, a copy of which may be obtained from the Secretary of the Code Authority.

For all purposes of the Code, the address of the undersigned, until it shall file with the Secretary of the Code Authority written notice of a change of such address, shall be as set forth at the foot of this letter.

Very truly yours,

\_\_\_\_\_,  
Address: \_\_\_\_\_.

(43)

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Approved Code No. 199

CODE OF FAIR COMPETITION

FOR THE

CORK INDUSTRY

As Approved on January 12, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION

FOR THE CORK INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of the Code of Fair Competition for the Cork Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

GEORGE L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 12, 1934.*

The PRESIDENT,  
*The White House.*

SIR: The public hearing on the Code of Fair Competition for the Cork Industry of the United States, submitted by the Cork Institute of America, located at 5935 Grand Central Terminal, New York, was conducted in Washington, D.C., on the 25th of October, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 98% of the Industry.

The maximum hours established under this Code are forty (40) per week, averaged over a three-month period, with a limitation of forty-eight (48) hours in any one week. Exceptions are allowed for executives, technical workers, or supervisors who receive not less than thirty-five (\$35.00) dollars per week, and to their immediate nonproductive personal assistants receiving not less than twenty-five (\$25.00) dollars per week, and outside salesmen; also employees engaged in emergency repair work, firemen, engineers, truck drivers, and shipping crews, provided they are paid one and one-half times the regular rate of pay for all hours per week over forty-four (44). Watchmen are allowed fifty-six (56) hours per week, provided they are required to work only six days per week.

In 1929 this industry operated approximately 53 hours per week, and in 1931 approximately 50 hours per week. During 1929 approximately 3,842 wage earners were employed, and in 1931 approximately 3,018 wage earners were employed. In order to bring employment back to the 1929 level it would be necessary to adopt a 39.3 hour week. In view of these facts a 40-hour week would appear equitable and justifiable, reabsorbing, as it will, approximately 755 wage earners in this industry.

The minimum wages established in this Code are thirty-eight (38¢) cents per hour for males and thirty cents (30¢) per hour for females. Protection of employees on piecework performance is guaranteed.

Exceptions to the minimum wage are allowed to learners, office boys, and messengers, who shall receive 80 percent of the minimum, and to handicapped persons whose earning capacity is limited, provided the employer obtains a certificate from the State authority designated by the United States Department of Labor.

Wages in this Industry represented 18.3 percent of the value of products in 1929, compared with 16.5 percent for all industries combined. In 1931 wages in this line of activity represented 20.4 percent of the value of products, compared with 17.4 percent for combined industries.

Wage earners in 1931, on a 50-hour basis, were paid an average of 38.6 cents per hour.

The increase in price to the purchaser should not represent more than 7.4 percent by the increased wage rates and shortened hours. If wages in this industry are maintained at the 1929 hourly average,

i.e., 39.7 cents per hour, and on the basis of a 40-hour week, the total pay roll would increase \$87,943.00.

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

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is a trade association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

This 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 for these reasons has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 12, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## CORK INDUSTRY

### 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 Cork Industry and shall be the standard of fair competition for this Industry and binding on every member thereof.

### ARTICLE II—DEFINITIONS

SECTION 1. Wherever used in this Code or in any subdivisional Code or amendment made a part hereof, the terms hereinafter defined in this Article shall, unless the content shall otherwise clearly state, be the respective meanings in this Code and in such subdivisional Codes and amendments.

SEC. 2. The term "industry", as used herein, includes the manufacture and sale, including jobbing and wholesaling, of the products of the industry, and branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

SEC. 3. The term "products of this industry", as used herein, includes corkwood and ground cork converted into cork products of all descriptions, including: cork insulation and cork insulation accessories; cork stoppers; cork composition articles and specialties; cork liners, whether plain or in combination with paper, metal foil or other coating materials; cork marine goods; cork floor tile; and all other products made primarily of cork which are manufactured and sold by members of the Cork Industry. This includes also special blocks with or without binder used exclusively for low temperature insulation.

SEC. 4. The term "employee" as used herein includes anyone engaged in the industry in any capacity receiving compensation for his service, irrespective of the nature or method of payment of such compensation.

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

SEC. 6. The term "learners" as used herein shall mean any employee who has had no previous experience or employment in this industry.

SEC. 7. The term "member of the industry" includes anyone engaged in the industry as above defined, either as an employer or on his own behalf.

SEC. 8. The term "Institute" shall mean the Cork Institute of America.

SEC. 9. The term "Board of Directors" shall mean the Board of Directors of the Cork Institute of America.

SEC. 10. The term "Secretary" shall mean the Secretary of the Cork Institute of America.

SEC. 11. The term "Division/Divisional Group" shall mean the divisions of the Cork Institute of America which, as now constituted, are as follows:

- (a) Cork Insulation Manufacturers Division.
- (b) Cork Stopper Manufacturers Division.
- (c) Cork Composition and Cork Specialties Manufacturers Division.
- (d) Cork Marine Goods Manufacturers Division.
- (e) Cork Floor Tile Manufacturers Division.
- (f) Cork Bulletin and Display Board Manufacturers Division.

SEC. 12. The terms "Act" and "Administrator" as used herein shall mean respectively the National Industrial Recovery Act and the Administrator for Industrial Recovery.

### ARTICLE III—HOURS

#### MAXIMUM HOURS

SECTION 1. No employee shall be permitted to work in excess of an average of forty (40) hours per week in any three (3) months' period nor more than forty-eight (48) hours in any one week, except as herein otherwise provided.

#### EXCEPTIONS AS TO HOURS

SEC. 2. The maximum hours of work stipulated in this Article shall not apply to executives, technical workers, or supervisors who receive not less than thirty-five (\$35.00) dollars per week; nor to their immediate nonproductive personal assistants who receive not less than twenty-five (\$25.00) dollars per week; nor to outside salesmen; nor to any employee engaged in emergency repair work involving break-downs or protection of life or property; nor to firemen, engineers, truck drivers, and shipping crews, provided, however, that one and one half times the regular rate of pay shall be paid to employees engaged in emergency repair work, firemen, engineers, truck drivers and shipping crews for all hours worked in excess of forty-four (44) per week.

SEC. 3. Watchmen shall not be employed for more than fifty-six (56) hours in any one week, provided, however, that they shall not be employed for more than six (6) days in any one week.

#### TEMPORARY EMPLOYEES

SEC. 4. Overtime at the rate of time and one half shall be paid to any employee for all hours worked per week in excess of forty (40) when the period of his employment is less than three months and when the hours of his employment average more than forty (40) hours per week for the period of such employment.

#### EMPLOYMENT BY SEVERAL EMPLOYERS

SEC. 5. No employee shall be permitted to work for a total number of hours in excess of the number of hours herein prescribed for each week, whether employed by one or more employers.

## ARTICLE IV—WAGES

## MINIMUM WAGES

SECTION 1. No employee, hired on an hourly basis, shall be paid less than at the rate of thirty-eight (38¢) cents per hour for male and thirty (30¢) cents per hour for female employees.

## FEMALE EMPLOYEES

SEC. 2. The minimum rates established by this Article shall not in any way be considered as a discrimination by reason of sex, and where in any case female employees perform substantially the same work as male employees, they shall receive the same rate of compensation as male employees.

## PIECE-WORK COMPENSATION—MINIMUM WAGES

SEC. 3. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on time rate, piece-work performance, or other basis.

## MINIMUM WAGE FOR OFFICE, CLERICAL, ETC.

SEC. 4. No accounting, clerical, office, service or sales employee (except outside salesmen) shall be paid less than fourteen (\$14.00) dollars per week.

## EXCEPTIONS TO MINIMUM WAGES

SEC. 5. The minimum wages stipulated for employees in Sections 1 and 4 of this Article shall not apply to learners, office boys, and messengers, but the minimum rate of compensation for these employees shall be not less than eighty percent (80%) of the minimum rates established in Sections 1 and 4 of this Article, and the total number of such persons employed by any member of the industry shall not exceed five percent (5%) of the total number of regular employees engaged by such member, except that those members of the industry employing less than one hundred (100) wage earners shall be entitled to employ one learner or one office boy or one messenger to each five (5) regular wage earners, but in no case more than a total of five (5) such employees. Learners shall not be employed as such for a period longer than six (6) months.

## HANDICAPPED PERSONS

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. Each employer shall file with the Code Authority a list of all such persons employed by him.

## WAGES ABOVE MINIMUM

SEC. 7. It is the policy of the members of this industry to refrain from reducing 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.

## ARTICLE V—GENERAL LABOR PROVISIONS

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

## PROVISIONS FROM THE ACT

SEC. 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.

## RECLASSIFICATION OF EMPLOYEES

SEC. 3. No employer shall 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.

## STANDARDS FOR SAFETY AND HEALTH

SEC. 4. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

## STATE LAWS

SEC. 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, or sanitary or general working conditions, than are imposed by this Code.

## POSTING

SEC. 6. All employers shall post and keep posted complete copies of the wage, hour, and General Labor Provisions of this Code in conspicuous places accessible to employees.

## ARTICLE VI—ORGANIZATION AND CONSTITUTION OF CODE AUTHORITY

## ADMINISTRATION

SECTION 1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of the membership of the Board of Directors of the Institute. The Administrator, in his discretion, may appoint not more than three 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.

SEC. 2. 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.

## POWERS AND DUTIES

SEC. 3. The Code Authority shall have the following further powers and duties, the exercise of which shall be subject to the right of the Administrator, on review, to disapprove of 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.

(b) To use the secretary or any other person, association, or group, as it may deem proper, for the carrying out of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code, and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(c) To make investigations as to the functioning and observance of any of the provisions of this Code, at its own instance or on complaint by any person affected, and report the same to the Administrator.

(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 shall be submitted by members to such administrative and/or governmental agencies as the Administrator may designate, provided that nothing in this Code shall relieve any member of the industry of any existing obligation to furnish reports to any governmental agency. Such data shall be compiled by the Secretary in a form which will not reveal the data of an individual member of the Industry and in this form may be made available to the members of the industry as directed by the Code Authority, unless otherwise directed by the Administrator.

(e) To collect statistics of sales, unfilled orders, production, stocks on hand, shipments, hours of labor, rates of pay, number of employees, prices, and such other data as may be required by the Administrator, such data to be compiled by the Secretary in a form which will not reveal the data of an individual member of the industry.

(f) Upon termination of the activities of the Code Authority all data and statistics then on file with the Secretary which were submitted by any member of the industry shall be returned to such member upon request unless the disposition of such data and statistics is otherwise directed by the Administrator.

(g) To allocate assessments among the divisional groups of the Institute and to collect from those members of the Industry participating in the activities of the Code Authority an equitable and proportionate share 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.

SEC. 4. Each divisional group of the Industry shall have its own separate and distinct planning committee, known as the Division Executive Committee, and such executive committee shall place in writing all of its decisions and recommendations to the Code Authority for approval at least fifteen (15) days before such decisions and recommendations are to become effective. If the Code Authority disapproves or fails either to approve or disapprove such decisions or recommendations within fifteen (15) days after their receipt by the Code Authority, the Division Executive Committee shall be entitled to present its recommendations to the Administrator for his approval, if the approval of the Administrator is required; and if no such approval is required such division may of its own election carry out the decisions and recommendations of its Executive Committee, all to the end that each division shall be independent and self-governing in all matters relating exclusively to such division.

SEC. 5. Any action of the Code Authority or of any agency thereof, which the Administrator may deem unfair or improper, or contrary to the public interest, or which may be reported to him by any interested parties as unfair to any private interest, improper or contrary to the public interest, may be suspended for such period of

time, not to exceed thirty (30) days, as he may deem necessary to afford an opportunity for investigation into such action. Further action by the Code Authority or of any agency thereof may be held in abeyance by the Administrator pending his final determination of the matter under investigation.

SEC. 6. No inequitable restriction on admission to membership in the Institute or any division thereof participating in the activities of the Code Authority shall be imposed, and any member of the Industry shall be eligible for membership in the Institute or group or divisional group upon compliance with the provisions of the by-laws relating to membership. Any member of the industry who does not become a member of the Institute, who participates in the activities of the Code Authority shall pay to the Code Authority such proportionate part of the cost of administration of the Code as the Code Authority, subject to the approval of the Administrator, shall prescribe to be fair and equitable.

SEC. 7. Nothing contained in this Article 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.

#### ARTICLE VII—TRADE PRACTICES

The following practices shall constitute unfair methods of competition for members of the industry and are prohibited:

1. The false marking or branding of any 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, 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. 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. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform a contract, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

5. Unfairly procuring any information concerning the business of a member which is properly regarded by him as a trade secret or confidential within his organization, other than information relating to a violation of any provisions of the Code.

6. To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

Paying, allowing, or promising to any purchaser or prospective purchaser or to any officer, employee, agent, or representative of any such purchaser or prospective purchaser, any payment of money or other remuneration directly or indirectly, and/or the splitting or otherwise sharing the commission or compensation of a member's salesman or agent or other employee with anyone, and/or the granting of rebates, credits, discounts, adjustments or similar concessions, other than specified in the contract of sale and permitted by the Code.

7. Noncompliance with the provisions, separately or collectively, of any merchandising plan of the division to which the member belongs which may be submitted through the Code Authority and approved by the Administrator, and/or in any manner conducting his business otherwise than in open compliance with the plans he has filed with the Secretary.

8. To inform a customer or customers, either directly or indirectly, concerning any increases or decreases in prices or changes in discounts prior to the effective date of such new prices or discounts.

9. The sale by any member of the industry of side products of this industry or of any grades of products of this industry other than those filed with the Code Authority, except in accordance with a plan approved by the Executive Committee and the Code Authority subject, however, to the disapproval of the Administrator.

10. Using or substituting in a sale any article or material other than that specified by the purchaser of any product, or making any sale or contract of sale under any description which does not fully describe such product in terms customarily used in the industry, except that this provision shall not be construed as interfering with the practice of the industry in packing private brands of cork stoppers for customers such as wholesale druggists, or interfering with the disposal of bona fide side products as provided for in Section 9 of this Article.

11. Imitating or simulating any style, design, brand, slogan, or advertising copy, or other means of identification solely owned by another member of the Industry, for the purpose of misleading or deceiving purchasers.

12. Approaching or enticing the employees of competitors with the intent of unduly hampering, injuring, and/or embarrassing such competitors in the conduct of their business.

13. Protecting contracts against a decrease or an increase in price except as to the unshipped portion of such contracts.

14. Aiding or abetting any person, firm, association, or corporation in any unfair practice set forth in this Code.

15. Stating in the invoice of any product as the date thereof a date later or earlier than the date of the shipment of such product, or

including in any invoice any product shipped on a date earlier or later than the date of such invoice.

16. The making of any loan to a customer by any member of the industry or his employees for the purpose of inducing the sale of goods.

17. Making false or wilfully misleading 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.

18. Performing any extra operations on products such as, but not limited to, branding cork stoppers, paraffining cork stoppers, cutting half sizes, dyeing attachments to cork stoppers, shaping cork stoppers, and packing in units less than the accepted standards, without making an adequate charge to cover the cost of such operations.

19. The subnormal pricing or the granting of a reduced price, rebate, or other concession on articles not specifically mentioned in this Code to influence the sale of articles covered by this Code.

20. Supplying special service at reduced rates or gratis, such as service of construction superintendent or foreman, or the loan of equipment as an inducement toward making a sale of materials.

21. Recommending specifications which are known to be faulty or hazardous from a construction viewpoint or failing to caution prospective purchasers against the use of such specifications; or secretly changing specifications in figuring estimates for the purpose and effect of misleading competitors and customers or executing any contract other than in strict accordance with the construction specifications on which the contract was estimated and secured.

22. Accepting or offering to accept securities, bonds, mortgages, or stock as whole or part payment for material sold or work performed as an inducement to obtain an order.

23. Incorrectly classifying a customer to enable said customer to obtain a price better or terms of sale more favorable than those stated in such member's filed price list, terms of sale, or merchandising plan as hereafter provided.

24. Selling or offering for sale seconds or damaged goods at prices lower or terms of sale more favorable than those stated in such member's filed price list, terms of sale or merchandising plan, as hereafter provided, and in such cases all such goods shall be plainly marked or advertised as seconds or damaged goods.

## ARTICLE VIII—MERCHANDISING PLANS

SECTION 1. The Executive Committee of each divisional group of the industry shall, with the approval of a majority of the members of the division representing at least seventy-five percent (75%) of the dollar volume of the division's sales for the preceding six (6) months' period, prepare its recommendations as to the form and provisions of a merchandising plan to be followed by each individual member of the division concerned, which recommendations shall require each individual member of the division in filing his own merchandising plan to submit:

(a) His basic price list.

- (b) Complete schedules of discounts, including extra quantity discounts, if any.
- (c) Terms of sale.
- (d) His classification of the trade.
- (e) Lists of the various grades of all products which he proposes to offer for sale.
- (f) All other conditions in any way affecting any transaction or sale of the products of the division.

In addition to the foregoing information the Executive Committee of any Division may require the submission by the individual members of such division of bona fide samples of each grade of the products offered for sale, where varying the quality can be used to obtain a competitive advantage. All such recommendations and merchandising plans prepared by the Executive Committees shall be capable of uniform application within the respective divisions and shall be submitted to the Code Authority and the Administrator for approval, and upon such approval shall have the same force and effect as any other provision of this Code.

SEC. 2. Within fifteen (15) days after the approval by the Code Authority and the Administrator of the Executive Committees' recommendations and merchandising plans as provided for in Section 1 of this Article, each individual member of the division concerned shall file with the Secretary his plan for merchandising which shall supply the information required and shall be in the form approved by the Administrator. Such plan and any revision thereof shall remain in force unless and until superseded by the filing of a revised merchandising plan, revised price lists and/or discounts. The member's original plan and each revision thereof shall state the date on which it shall become effective, which date shall be not less than ten (10) nor more than twenty (20) business days after filing of same with the Secretary, and each other member of the division may file a similar revision to take effect upon the same date. The original merchandising plan and all revisions thereof filed by each member shall be made available by the Secretary to all other members of the division.

SEC. 3. No member shall sell any article at prices lower or discounts greater or on terms more favorable than those which he has currently on file with the Secretary.

SEC. 4. Original and revised price lists and/or discounts filed with the Code Authority, as hereinbefore provided, shall be available through the Secretary to all members of the Industry who handle a similar line of goods.

SEC. 5. No member of the industry shall sell or offer to sell under customer's private labels, or otherwise, qualities other than those which he has filed with the Secretary as provided in this article, or use grading of qualities as a method of giving buyers extra value over that provided in the member's published grades and terms.

SEC. 6. Many members of the industry sell their products through agents, distributors, jobbers, wholesalers, and/or contractors, while others sell their products directly to the ultimate user. In order to prevent indirect evasion of the provisions of this Article VIII by those members selling through agents, distributors, jobbers, wholesalers, and/or contractors, it is hereby provided that the Executive

Committee of each Division of this industry, subject to the approval of the Code Authority and the Administrator, shall prescribe appropriate forms of contracts to be entered into between members of the industry and agents, jobbers, distributors, wholesalers, and/or contractors (excluding retailers) for the distribution of the products of this industry and the observance of such prices and terms as those currently filed with the Code Authority at which the manufacturer sells such products.

SEC. 7. Except as may be subsequently set forth in a specific or supplementary export code for the industry, the provisions of this code now or hereafter adopted with regard to prices, discounts, deductions, allowances, extras, commissions, or methods and/or terms of sale, are not to apply to direct export sales. The term "export" applies to merchandise shipped to foreign countries other than possessions or territories of the United States.

#### 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 modification 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 Administrator, unless otherwise provided, and when so approved shall have the same force and effect as any other provision of this Code.

#### 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—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 tenth day after its approval by the Administrator, unless otherwise provided.

Approved Code No. 199.  
Registry No. 308-1-01.

Approved Code No. 200

**CODE OF FAIR COMPETITION**

FOR THE

**SANITARY NAPKIN AND CLEANSING TISSUE  
INDUSTRY**

As Approved on January 12, 1934

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ORDER

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**SANITARY NAPKIN AND CLEANSING TISSUE INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Sanitary Napkin and Cleansing Tissue Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,

*Division Administrator.*

WASHINGTON, D.C.,

*January 12, 1934.*

The PRESIDENT,  
*The White House.*

#### INTRODUCTION

SIR: This is a report of the Administrator on the application for, and public hearing on, the Code of Fair Competition for the Sanitary Napkin and Cleansing Tissue Industry as proposed by the Sanitary Napkin and Cleansing Tissue Association. The public hearing was conducted in Washington on November 3, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

There are twenty-six (26) known firms in this Industry, of which eighteen (18) are members of the Association and account for 82% of all sanitary napkins and cleansing tissues produced. One of the nonmembers attended the public hearing and was heard.

#### ECONOMIC AND STATISTICAL MATERIAL

For 1929 the sales volume was almost \$13,000,000 and employment at about 900 to 1,000. The volume of sales for 1933 is estimated to be within 25% of the volume of 1929. The Industry at present gives employment to about 1,100 to 1,200 workers. Consequently, the Industry has more than absorbed its unemployed as measured from the 1929 level. With such figures at hand one cannot expect an appreciable increase in employment under the provisions of the Code. Increased purchasing power is indicated, nevertheless, because it is estimated that with the proposed minimum wages there will be at least a 13% increase in pay rolls. The statistics at hand are based on June of 1933 as a representative month, when approximately 37% of the employees were working in excess of 45 hours per week with 60 hours or more per week, a top figure. Rates of pay were as low as 20¢ per hour for workers although the weighted average would unquestionably demonstrate a more satisfactory rate.

In this connection, it is important to remember that two manufacturers control about 75% of the total volume. With such a concentration of production, the Administrator has had to weigh all provisions carefully so as not to eliminate or oppress small enterprises, who may not be as highly mechanized as their competitors and who do not enjoy the advantages of large volume.

#### RÉSUMÉ OF CODE PROVISIONS

The Code establishes 41 $\frac{2}{3}$ ¢ per hour for men and 33 $\frac{1}{3}$ ¢ per hour for women as the minimum rate of pay. The basic week for pro-

duction is 40 hours. Such provisions will require a substantial contribution toward national recovery from part of the Industry. I believe that more drastic limitations at this particular time would work a hardship upon the smaller firms in the industry.

Trade practices are standard and may be expected to create a degree of stability which heretofore has been notably lacking.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

*January 12, 1934.*

## CODE OF FAIR COMPETITION

FOR THE

### SANITARY NAPKIN AND CLEANSING TISSUE 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 Sanitary Napkin and Cleansing Tissue 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 "Sanitary Napkin and Cleansing Tissue Industry" hereinafter called "the Industry", as used herein includes the manufacture, conversion, and/or primary distribution of sanitary napkins, cleansing tissues, and other similar products and such branches or subdivisions thereof of 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" 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 for Industrial Recovery.

Population and metropolitan districts for the purposes 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 40 hours in any one week or 8 hours in any 24-hour period, except—

(a) Employees engaged exclusively in an executive or managerial capacity who are receiving \$35.00 or more per week.

(b) Outside salesmen;

(c) Office employees, who shall be permitted 4 hours per week in addition to the maximum herein established but who shall not be permitted to work more than an average of 40 hours per week in any consecutive 3 months' period.

2. The maximum hours fixed in the foregoing section shall not apply to any employee engaged in emergency work involving breakdowns or protection of life or property, but in any such special case employees shall be paid at the rate of not less than one and one third times the established rate for each hour worked in excess of 8 hours in any one day and/or 40 hours in any one week.

3. No female employee shall be required or permitted to work between the hours of 8 p.m. and 6 a.m.

#### ARTICLE IV—WAGES

1. No employee, except as provided in Section 2 of this Article, shall be paid at less than the rate of  $33\frac{1}{3}\text{¢}$  per hour for women, and  $41\frac{2}{3}\text{¢}$  per hour for men. This minimum wage shall not in any way be considered as a discrimination by reason of sex, and where in any case women do substantially the same work, or perform substantially the same duties as men, they shall receive the same amount of wages as men receive for doing such work or performing such duties.

2. No accounting, clerical, office, service, or sales employee shall be paid at less than the rate of \$15.00 per week in any City of over 500,000 population, or in the Metropolitan District; or less than at the rate of \$14.50 per week in any City between 250,000 and 500,000 population, or in the Metropolitan District; or less than at the rate of \$14.00 per week in Cities of 250,000 or less, or in the Metropolitan District.

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. There shall be an equitable adjustment of all wages above the minimum. Within sixty (60) days of the effective date of this Code, the Code Authority shall present a proposal for such adjustment to the Administrator, such proposal to become binding as a part of this Code upon approval by the Administrator after such hearing as he may prescribe, provided, however, that in no event shall hourly rates of pay be reduced below those in effect for the 4 weeks ended June 17, 1933.

5. 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 or other agency 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

1. No person under 16 years of age shall be employed in the Industry, nor anyone under 18 years of age at operations or occupa-

tions hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within 30 days after this Code is approved 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 certificates, 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. Employers shall also comply with the hygienic regulations promulgated by the United States Public Health Service.

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

7. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

8. Each employer shall post in conspicuous places accessible to employees full copies of Articles III, IV, and V of this Code.

#### ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to administer this Code.

##### 1. Organization and constitution of Code Authority.

(a) The Code Authority shall consist of seven members, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth, and of such additional members, without vote, as the Administrator, in his discretion, may appoint to represent such groups or governmental agencies as he may designate.

(b) Each member of the Industry who qualifies as prescribed in Section 2 of this Article shall have one vote in the nomination and election of the members of the Code Authority, such nomination and election to be arranged by the proponents of the Code within one month of the effective date thereof, unless otherwise provided with the approval of the Administrator. In the interim, the Code Committee of the Sanitary Napkin and Cleansing Tissue Association shall act in this capacity. 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 pro-

vide 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) The Code Authority shall coordinate the administration of this Code with such Codes, if any, as may affect any division or subdivision of this or a kindred Industry, with a view to promoting joint action upon matters of common interest.

(d) Each 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.

2. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority, to participate in the selection of the members thereof and to use the N.R.A. Code insignia by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of preparation, presentation, and administration of this Code. The reasonable share of such expenses 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 to be taken into consideration.

3. The Code Authority shall have, to the extent permitted by the Act, the following powers and duties:

(a) 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. Such recommendations, upon approval by Administrator as provided in Article VIII, Section 2, shall become operative as part of this Code.

(b) Such Agency shall receive complaints of violations of this Code, make investigations thereof, and bring to the attention of the Administrator recommendations and information relative thereto for such action as in his discretion the facts warrant.

(c) Members of the Industry shall file with the Code Authority at such time and in such manner 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.

(d) Every member of the Industry shall compile and forward to the Code Authority a complete list of items, showing all prices, terms and discounts to this class of trade.

(e) As soon as practicable the Code Authority shall recommend a method of determining cost of production and shall formulate regulations for its application, such method and regulations upon approval by the Administrator as provided in Article VIII, Section 2, shall become operative as part of this Code. In formulating such regulations, the Code Authority shall take into consideration the necessity of

selling below cost to meet competition, to dispose of discontinued lines and seconds and other pertinent factors.

(f) Standard trade customs for the Industry (including deliveries, contracts, sales on consignment, cash discount terms, quantity price, standardization features, and sales of seconds) shall be formulated by the Code Authority; subject to the approval of the Administrator after due notice and hearing, they shall be binding upon every member of the Industry.

(g) 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.

(h) 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, or of any subdivision Code Authority, 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 (30) days to afford an opportunity for investigation of the merits of such complaint and further consideration by the Code Authority pending final action, to be taken only upon approval by the Administrator.

5. In addition to the information required to be submitted to the Code Authority, there shall be furnished to the 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

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 Industry, or otherwise.

(b) *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.

(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) *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.

(f) *Imitation of Trade Mark or Trade Name or Style Piracy.*—The imitation of trade marks, trade names, slogans, or other marks of identification of competitors, having a tendency and capacity to mislead or deceive purchasers or prospective purchasers.

(g) *Price Discrimination.*—Any discrimination in price between purchasers of the same class (not including discrimination in price on account of difference in grade, quality, or quantity of the product sold, or which makes only due allowances for difference in cost of selling and transportation) or discrimination in price in the same or different communities not made in good faith to meet competition.

(h) *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.

(i) *Requiring Chain Purchases.*—To sell any product or products on condition that the purchaser will also purchase another product or products made or sold by the same member of the Industry; or to sell such product or products at reduced prices or on special terms or under special conditions to induce the buyer to purchase such other product or products. Each member of the Industry shall sell each different line of merchandise independently and shall not cut the price of one with the provision that other lines be purchased or require a purchaser to purchase one class of merchandise as a consideration for being allowed to purchase another. This regulation does not govern the distribution of bona fide samples.

(j) All sales shall be made strictly in accordance with such price lists as provided for in Article VI, Section 3 (d).

(k) Except under regulations established in Article VI, Section 3 (e) it shall be a prohibited unfair method of competition for members of the Industry to sell any of their products below their cost of production except in accordance with such regulations.

#### 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 National Industrial Recovery Act, from time to time to cancel or modify any order, ap-

proval, 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 may be amended upon a recommendation of the Code Authority or any interested party or group or upon the Administrator's own notice, and any modifications so arrived at shall be effective when approved by the Administrator.

#### ARTICLE IX—MONOPOLIES

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

#### ARTICLE X—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 shall 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 XI—EFFECTIVE DATE

This Code shall become effective on the seventh day after date.

Approved Code No. 200.  
Registry No. 299B-30.



Approved Code No. 201

**CODE OF FAIR COMPETITION**

FOR THE

**WHOLESALE OR DISTRIBUTING TRADE**

As Approved on January 12, 1934

BY

**PRESIDENT ROOSEVELT**

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**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 Wholesaling or 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,  
*January 12, 1934.*

(69)

The PRESIDENT,  
*The White House.*

SIR: This is a report of the Hearing on the Code of Fair Competition for the Wholesaling or Distributing Trade, conducted in the Ballroom of the Mayflower Hotel, on November 13, 1933. The Code which is attached was presented by duly qualified and authorized representatives of the Trade, complying with the statutory requirements, said to represent 75 percent in number and over 80 percent in volume of the Trade which could be included in this code.

#### THE TRADE

The Wholesale Trade according to the Census of Distribution (1929) is made up of 169,702 establishments with net sales of \$69,291,545,000. However, a substantial portion of the wholesale trade comes under codes developed under the Agricultural Adjustment Administration, or previously covered under N.R.A. manufacturing and distribution codes. A net total of 45,043 establishments with net sales of \$15,323,429,000 are under the Wholesaling or Distributing Trade Code as submitted. Approximately 460,000 employees are affected by this code.

It is estimated that somewhat more than 80 percent of the employees in the Trade were working more than 40 hours per week, 40 percent more than 45 hours per week, and 20 percent more than 48 hours per week. The 40-hour week provided in this code should result in an increase in total employment of between 10 and 15 percent. This should absorb about half of the unemployment in the Trade as compared with 1929.

#### PROVISIONS OF THE CODE

The code provides for a work week of 40 hours. Outside deliverymen, maintenance men, outside repair service men, and installation men are permitted to work 48 hours per week. Provision is made whereby an employer may work an employee such hours as may be necessary in excess of the hours mentioned above if time and one third is paid for such additional hours per week.

The rates of pay are \$15.00 per week in cities of over 500,000 population, or in the immediate vicinity and \$14.00 per week in cities of less than 500,000 population or in the immediate vicinity.

The trade practices proposed in Article VII of the Code are not in any respect objectionable. Article VIII, Section 1, provides for the possibility of setting up price differentials between different classes of buyers, thus recognizing the functional discount desired by

wholesalers and distributors. All actions of this type are with the advice and subject to the approval of the Administrator.

The administration of the Code is organized in accordance with commodity divisions.

#### FINDINGS

I find that:

(a) The Code will promote the policies and purposes of Title I of the Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervisions, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor and otherwise rehabilitating industry.

(b) Said Trade normally employs more than 50,000 employees; and is classified by me as a major industry.

(c) The Code as approved complies in all respects with pertinent provisions of Title I of the Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the 26 applicant groups are trade groups truly representative of the aforesaid Trade; and that said groups impose no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 1, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**WHOLESALE OR DISTRIBUTING TRADE**

**ARTICLE I—PURPOSES**

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Wholesaling or Distributing Trade, and shall be the standard of fair competition for such trade.

**ARTICLE II—DEFINITIONS**

*Wholesaler or Distributor.*—For the purposes of this Code, a “wholesaler” or “distributor” shall be defined as any individual, partnership, association, corporation, or other firm, or a definitely organized division thereof, definitely organized to render and rendering a general distribution service, which buys and maintains at his or its place of business a stock of the lines of merchandise which it distributes; and which through salesmen, advertising, and/or sales-promotion devices, sells to retailers and/or to institutional, commercial, and/or industrial users; but which does not sell in significant amounts to ultimate consumers. Modifications or extensions to this definition or any part of it may be made for specific divisions when embodied in any appropriate supplemental code or when recommended by the appropriate Divisional Code Authority and approved by the Administrator.

*The Trade.*—The term “trade” is defined to be the business in which wholesalers or distributors engage.

*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.

*Employees.*—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 the Administrator appointed under Title I of said Act.

Population for the purposes of this Code shall be determined by reference to the 1930 Federal Census.

**ARTICLE III—HOURS**

**SECTION 1. *Maximum Hours and Exceptions.***—(a) No wholesaler or distributor shall cause or permit any employee, except an

employee in an executive, supervisory, technical, or professional capacity who receives thirty-five dollars (\$35.00) per week, or more, in cities of 500,000 population or over; or thirty dollars (\$30.00) per week, or more, in cities of less than 500,000 population, and except watchmen and outside salesmen, to work more than forty (40) hours per week or to work more than six (6) days in any one week (or less as determined by the Code Authority of any specific trade), except that any member of the trade may cause or permit:

(b) No employee except those exempted in paragraph (a) of this Section shall work more than eight (8) hours in any one day, except that on one day each week each employee may work one extra hour, but such hour is to be included within the maximum hours permitted each week.

(c) Outside deliverymen, maintenance men, outside repair service men and installation men to work forty-eight (48) hours per week.

(d) Watchmen shall work not more than fifty-six (56) hours nor more than six (6) days in any 7-day period.

(e) An employer may work an employee such hours as may be necessary in excess of the hours specified in paragraphs (a) and (c) of this Section if time and one third is paid for all such additional hours per week.

(f) The hours worked by any one employee in any one day shall be consecutive with the exception of a reasonable period out for lunch.

SEC. 2. *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 trade/industry, exceeds the maximum permitted herein.

#### ARTICLE IV—WAGES

SECTION 1. *Minimum Rates of Pay.*—The minimum rates of pay shall be as follows:

(a) In cities of 500,000 population or over, or in the immediate vicinity thereof, at the rate of fifteen dollars (\$15.00) per week.

(b) 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) In the South at the rate of one dollar (\$1.00) per week less than the rates specified above in paragraphs (a) and (b).

The term "the South" means the following states: Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Maryland, District of Columbia, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

(d) A part-time employee or one paid on an hourly basis shall be paid at an hourly rate not less than that obtained by dividing the appropriate minimum weekly wage specified for him in previous paragraphs of this Section by the appropriate maximum number of hours specified for him in Article III.

Wages paid during any period to employees on a piece-rate basis shall aggregate an hourly rate not less than that specified above for part-time employees and than paid on an hourly basis.

(e) Junior employees between the ages of 16 and 18 years, inclusive, may be paid at the rate of two dollars (\$2.00) less per week than the minimum wage rate per week otherwise applicable to them for the first 12 months of their employment; and learners over 18

years of age may, for a period of three months from the date of their employment, be paid at the rate of one dollar (\$1.00) less per week than the minimum wage per week otherwise applicable to them. The number of employees classified as juniors or learners combined shall not exceed the ratio of one such employee to every five employees or fraction thereof up to twenty (20) or more than one such employee for every ten (10), or fraction thereof, employees above twenty (20).

(f) Female employees performing substantially the same work as male employees shall have the same rate of pay as such male employees.

(g) Wages shall be paid weekly or semimonthly in lawful money or by negotiable check.

SEC. 2. No employee whose normal full-time weekly hours prior to 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 V—GENERAL LABOR PROVISIONS

SECTION 1. *Minimum Age Requirements.*—No person under 16 years of age shall be employed by any wholesaler or distributor, nor anyone under 18 years of age, at operations or occupations hazardous in nature. The Code Authority shall submit to the Administrator within thirty days 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.

SECTION 2. *Employees' Rights and Employers' Duties.*—(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.

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

SEC. 4. *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. 5. *Posting Code*.—Each employer shall post in conspicuous places, accessible to employees, copies of Articles I to V, inclusive, of this Code.

## ARTICLE VI—CODES AND THE ADMINISTRATION THEREOF

SECTION 1. *General and Supplemental Codes*.—(a) To provide an effective procedure for the administration of this code, and all codes supplemental thereto, the trade shall be divided into commodity divisions, as hereinafter provided.

(b) Provisions governing wholesalers or distributors in all commodity divisions shall be included in this general code.

(c) Provisions governing wholesalers or distributors in one or more, but not in all commodity divisions, may be embodied in a supplemental code for each division, after hearing before the Administrator and approval by the President.

SEC. 2. *Creation and Organization of General Wholesale and Divisional Wholesale Code Authorities*.—(a) The creation of a General Code Authority to cooperate with the Administrator in the administration of the provisions of the General Code is hereby authorized, and the creation of a Divisional Code Authority for each Division of the Trade to cooperate with the Administrator in administering the provisions of its Supplemental Code is hereby authorized.

(b) For the purposes stated in this Section, the following Commodity Divisions are hereby provided:<sup>1</sup>

- Beauty and Barber Supplies
- Buttons
- Charcoal and Packaged Fuel
- Cycle Jobbers
- Dry Goods
- Electrical Supplies
- Embroidery and Lace
- Floor Covering
- Furriers' Supplies
- Hardware
- Hats and Caps
- Jewelry (including Watchmakers' and Jewelers' Supplies)
- Men's Novelty Jewelry
- Men's Wear Buttons
- Notion, Thread & Women's Garments Supplies
- Radio
- School Supplies
- Sheet Metal
- Silverware
- Twine and Cordage
- Upholstery and Decorative Fabrics
- Wall Paper
- Woolen and Trimming Garment Supplies

<sup>1</sup> Others may be added from time to time and such further Divisions as the Administrator may find to be duly representative. Provided that the Administrator, after due notice and hearing, may amend these Divisions by enlarging or contracting them, or by consolidating or further dividing one or more of such Divisions.

(c) The General Code Authority shall consist of one or more members of each Divisional Code Authority, the precise number to be determined by the Administrator. Such members shall be elected by the members of each Divisional Code Authority in accordance with a fair method approved by the Administrator. The Administrator may appoint not more than three members, without vote, to serve for the term of six and twelve months, respectively, from the date of appointment.

(d) Until such time as the General Code Authority is elected in the manner provided in the foregoing paragraph and until such time as a representative number of supplemental codes have been approved, the Administrator shall appoint one member of each Commodity Division to act as a member of the General Code Authority.

(e) The Divisional Code Authority for each Division shall be composed of not less than three (3) nor more than twenty-one (21) wholesalers or distributors, or representatives thereof, in such Division, who shall be elected, in accordance with a fair method, as provided in the supplemental Code of each Division. The Administrator may appoint two members, without vote, to serve for the term of six months respectively from the date of appointment.

SEC. 3. *Duties of Trade Associations—Code Authorities to be Representative.*—(a) Each Trade Association directly or indirectly participating in the selection or activities of the General and/or Divisional Code Authorities 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 thereof, together with such information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purpose of the Act.

(b) In order that the General and Divisional Code Authorities 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 General Code Authority or any Divisional Code Authority is not truly representative or does not in any other respect comply with the provisions of the Act, may request an appropriate modification in the method of selection of any such Code Authority.

SEC. 4. *Assenting to Code and Payment of Cost of Administration.*—Wholesalers or distributors shall be entitled to participate in and share the benefits of the activities of their Divisional Code Authority, and through such Divisional Code Authority, to participate in and share the benefits of the activities of the General Code Authority, by assenting to and complying with the requirements of such Codes and sustaining their reasonable share of the proper expenses of their administration. Such reasonable share of the proper expenses of the administration of the General Code Authority and of any divisional Code Authority shall be determined by each Authority, respectively, subject upon review to the disapproval of the Administrator, on the basis of volume of business, the number of Divisions in which a member may operate, and the extent of his operations in each Division, and/or such other factors as may be deemed

equitable to be taken into consideration. The share of the cost of such administration, as so equitably assessed, shall be collected by the several Divisional Code Authorities from the members of the Trade in their respective Divisions.

*SEC. 5. Powers of General and Divisional Code Authorities.—*

(a) The General Code Authority shall have the power, subject upon review to the disapproval of the Administrator in addition to other powers herein granted:

(1) To coordinate the interests of the several divisions and the activities of the several Divisional Code Authorities so as to prevent conflicts of authority and to minimize overlapping of powers; and

(2) To hear all matters pertaining to the provisions of the General Code which may be submitted to it by any Divisional Code Authority; and

(3) To attempt to adjust and/or to report the same to the Administrator; and

(4) To exercise any other general and lawful powers which may be necessary to secure performance of the provisions of the Act.

(b) Each Divisional Code Authority shall have the following powers:

First. With respect to the provisions of the General Code which govern all Divisions of the Trade, each Divisional Code Authority, subject to the approval or request of the General Code Authority:

(1) Shall require from wholesalers or distributors in the Division which it represents such reports as are necessary to effectuate the purposes of the General Code; and

(2) May, upon its own initiative or complaint of any wholesaler or distributor in such Division, make investigations as to the functioning and observance of any provision of the General Code; and

(3) May hear and attempt to adjust such complaints, and

Provided, however, that any wholesaler or distributor who may be affected by the action or handling of matters pertaining to any provision of the General Code by his Divisional Code Authority, shall have the right to have such matter submitted to and considered by the General Code Authority for its action, as provided in Section 5 (a) of this Article.

Second. With respect to the specific provisions of the Supplemental Codes which govern one or more, but not all, Divisions of the Trade, each Divisional Code Authority, subject to the approval or consent of the Administrator:

(1) Shall require from wholesalers or distributors in its Division such reports as are necessary to effectuate the purposes of its Supplemental Code; and

(2) May, upon its own initiative or complaint of any wholesaler or distributor in such Division, make investigation as to the functioning and observance of any provision of its Supplemental Code; and

(3) May hear and attempt to adjust such complaints; and

(c) In the event that a Divisional Code Authority should report any matter referred to in the "Second" part of the above paragraph to the Administrator which affects any provision of the General Code, the Administrator may if he desires refer such matter to the

General Code Authority for handling as if such matter had been directly submitted to the General Code Authority by such Divisional Code Authority, as provided in the "First" part of the above paragraph.

SEC. 6. *Information for Government Agencies.*—In addition to the information required to be submitted to the General Code Authority and to the Divisional Code Authorities, 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.

SEC. 7. *Administrative Interpretations.*—The Administrator shall from time to time, after consultation with the General Code Authority and/or with a Divisional Code Authority, issue such administrative interpretations of the various provisions of the General Code, or of any supplemental Code, respectively, as are necessary to effectuate their purpose.

SEC. 8. *Undue Hardships Imposed by Codes.*—Where the administration of the provisions of the General Code impose an unusual or undue hardship upon any wholesaler or distributor, or upon any Division, or where the administration of the provisions of any Supplemental Code imposes an unusual or undue hardship upon any wholesaler or distributor affected thereby, such wholesaler or distributor, or such division, may make application for relief to the Administrator, who, after such public notice and hearing as he may deem necessary, may grant such exceptions to or modifications of the provisions of the General Code, or of any Supplemental Code, as the case may be, as may be required to effectuate the purposes of the Act.

## ARTICLE VII—TRADE PRACTICES

SECTION 1. *Inaccurate Advertising.*—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, 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.

SEC. 2. *False Billing.*—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.

SEC. 3. *Inaccurate Labelling.*—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, origin, size, substance, character, nature, finish, material content, or preparation of such goods.

SEC. 4. *Inaccurate Reference to Competitors, etc.*—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.

SEC. 5. *Threats of Law Suits.*—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 in-

timidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

SEC. 6. *Secret Rebates*.—No member of the trade shall secretly and 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 trade 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.

SEC. 7. *Bribing Employees*.—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 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. 8. *Interference with Another's Contracts*.—No wholesaler 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 wholesaler interfere with or obstruct the performance of such contractual duties or services.

SEC. 9. *Coercion*.—No member of the trade shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

SEC. 10. *Protection to Retailers*.—It shall be an unfair trade practice for Wholesalers who secure a substantial portion of their business from members of the retail trade to enter into competition with retailers by selling merchandise at wholesale prices to ultimate consumers for personal use or to sell to civic, institutional, and/or similar types of wholesale customers, merchandise for the personal use of employees of such customers. Nothing in this section, however, shall prevent bona fide sales by such wholesalers to their own employees of merchandise that is for the personal use of such employees.

#### ARTICLE VIII—PERMISSIVE TRADE PRACTICES

SECTION 1. *Differentials*.—In any division in which manufacturers, importers, mills, or other primary sellers sell coincidentally to several classes of buyers the Divisional Code Authority, subject to the approval and with the advice of the Administrator, may arrange for a conference of all interested parties, including primary sellers or the Code Authority governing them, for the purpose of defining and establishing price differentials which shall be fair and reasonable in relation to the nature and extent of the distributing services and functions rendered by each buying class. Such differentials shall include all elements affecting the net price, such as discounts, terms, and allowances.

The Divisional Code Authority, with the advice and consent of the administrator and after all interested parties shall have been given an opportunity to be heard on the matter, shall formally an-

nounce the price differentials which are deemed fair on specific products. When the Divisional Code Authority announce that a fair wholesale price differential has been established on any product by sources competent to adequately serve the wholesalers in the Division, then and thereafter, or until the Divisional Code Authority announces that such fair price differentials have been discontinued, it shall be an unfair trade practice for a wholesaler or distributor to handle such product unless the price at which it is sold to him allows or provides for such fair price differential.

Nothing in this section shall be construed to abridge the right of manufacturers to sell direct to retailers or the right of retailers to buy direct from manufacturers.

Nothing in this section shall be construed to prevent reasonable and fair price differentials from being allowed on the basis of quantity purchased or such other factors as the Administrator shall deem proper.

SEC. 2. *Other Unfair Trade Practices.*—Subject to the approval of the President after hearing there may be established, in any Supplemental Code, trade practice rules covering such other subjects as conditions in its specific Division may require, together with regulations concerning such principles as loss limitation, selling below cost, price reporting. Any violation of these provisions shall be an unfair trade practice.

#### ARTICLE IX—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 this 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 a 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 wholesaler or distributor 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 wholesaler or distributor shall knowingly sell or offer for sale such merchandise. Nothing in this section, however, shall affect contracts, which the wholesaler or distributor 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, produced 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.

#### ARTICLE X—MODIFICATION

SECTION 1. This General Code and all codes supplemental thereto, 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 these Codes or any conditions imposed by him upon his approval thereof.

SEC. 2. This General Code and all codes supplemental thereto, 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 Administrator.

#### ARTICLE XI—MONOPOLIES

No provision of this General Code, nor of any codes supplemental thereto, shall be so applied as to permit monopolies, or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

#### ARTICLE XII—APPLICATION OF CODE

Every wholesaler or distributor, except those who on the effective date of this code are governed by any other code of fair competition under the administration of the National Recovery Administration or the Agricultural Adjustment Administration, shall be bound by all the provisions of this General Code and by all the provisions of each and every Supplemental Code applicable to him, when such General Code and/or such Supplemental Code or Codes shall have been approved by the President, except those wholesalers or distributors, who within sixty (60) days after the effective date of this Code file with the Administrator applications for exemptions to this code or any portion thereof, which after due consideration by the Administrator are sustained.

#### ARTICLE XIII—EFFECTIVE DATE

This General Code and all codes supplemental thereto shall become effective on the 10th day after date.

Approved Code No. 201.

Registry No. 1625-59.



Approved Code No. 202

**CODE OF FAIR COMPETITION**

FOR THE

**CARPET AND RUG MANUFACTURING INDUSTRY**

As Approved on January 12, 1934

BY

**PRESIDENT ROOSEVELT**

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**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 Carpet and Rug 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, subject to the condition that the provisions of Article VII, Section 19 (a) be stayed pending further investigation and determination by the Administrator of the issues raised with respect thereto.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*January 12, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is the report on the Code of Fair Competition for the Carpet and Rug Manufacturing Industry as proposed by the Institute of Carpet Manufacturers of America, Inc.

The hearing was conducted in Washington, D.C. on October 4, 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 representing 95 percent of the volume of business and 86 percent of the number of establishments.

### I. DESCRIPTION OF INDUSTRY

At the present time the carpet and rug manufacturing industry is composed of 35 plants with a potential annual productive capacity of \$215,000,000. Sales during 1933 are estimated at \$60,000,000, which is a marked decrease from the sales of \$167,000,000 that were obtained in 1928. Under these circumstances, it is entirely natural that there should be a similar decline in employment from 32,800 in the latter year to approximately 16,000 at the present.

Several considerations set this industry apart from other enterprises in the textile manufacturing field. Although carpets and rugs are woven on looms, the principles of construction vary materially from any other type of weaving. The looms are extremely complex and certain types often cost as high as \$35,000 apiece. It is generally true that the capital investment per productive employee is extremely high.

Both large and small plants exist in the industry, but in this particular branch of textiles even a small plant is relatively large when compared with textile mills generally. The three largest manufacturers produce roughly 50 percent of the entire volume of the industry.

Design and quality are of extreme importance. The industry naturally follows the trend in interior decoration and furniture design which, although variable, does not have the sharp swings found in the apparel trades. The proponents of the code stressed the necessity for minimum quality specifications and substantiated their contentions by citing numerous instances of fabrics, ingrain carpets for example, which actually passed out of existence, due to long-continued debasement of quality. Constant cheapening of both material and construction finally brought this product into such extreme consumer distrust that it was no longer merchantable at any price. They pointed out that unless reasonable minimum specifications were established and conscientiously adhered to several of the currently manufactured items would disappear in the same manner.

Those proposing the code presented a comprehensive set of fair trade practices which have the practically unanimous approval of

the entire industry and have been very carefully reviewed by the Administration. At the hearing, strong objections were made to several of these provisions as they were originally submitted and it is believed that most of these objections, when valid, have been met. The extreme decline in sales over the last five years was conclusive proof that destructive competitive practices among manufacturers, unless checked, would destroy a capital investment of over \$200,000,000 and destroy the working opportunity for several thousand highly skilled workers.

Intermediate distribution channels, it was claimed, had added further to the chaos brought about by the practices within the industry itself. The mills through their own direct sales to retailers and also through their branch warehouses, control the great majority of goods going to the retailer. For this reason, it is vital that intermediate distributors should be bound in their selling practices by the same conditions as the manufacturer in selling direct to retail channels. Otherwise no reforms could be effected.

From the figures of productive capacity and sales previously cited, it is obvious that control of production is essential, but the sponsors of this code believed it impracticable to achieve this result by restricting machine hours. Any kind of machine-hour restriction that would allow the flexibility necessary to meet seasonal and style peaks would be unnecessarily involved and impossible of administration. Several of the leading firms in the industry made a careful study of their sales and production records over the last ten years. From this they evolved a production-control feature, which provides that at no time can a manufacturer maintain an inventory of more than one third of his sales for the previous twelve months. When the inventory reaches this allowable figure, the manufacturer is granted 120 days to readjust his inventory to the allowed figure before curtailing production. In this way, a mill may start building its stock two or three months before the anticipated peak demand and then can taper off production after the selling season. By this, it is hoped that there will be a leveling out of the peaks and valleys of production and hence furnish more stable employment throughout the year.

## II. LABOR PROVISIONS

Except for learners and physically handicapped employees, the industry proposes to pay a minimum wage of 35 cents per hour in the North and 30 cents per hour in the South. Hours of labor are limited to 40 hours per week and 8 hours in any one day. To take care of peak periods, employees may be permitted to work up to 48 hours per week for a period of six weeks during any six months' period, in which case an employee may work up to 10 hours in any one day.

## III. ADMINISTRATION

The provisions for the administration of this code are capable of providing the N.R.A. and the Carpet and Rug Manufacturing Industry with sufficient data to recommend any modifications or amendments that may be indicated by experience.

## IV. CONCLUSION

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervisions, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, I recommend that you approve this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 11, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**CARPET AND RUG MANUFACTURING INDUSTRY**

**ARTICLE I—PREAMBLE**

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 Carpet and Rug Manufacturing Industry and upon approval by the President shall be binding upon every member thereof.

**ARTICLE II—DEFINITIONS**

1. The term "industry" as used herein means the manufacture and original sale of all woven floor coverings and the spinning of carded wool or worsted sales yarn for carpets and rugs. Woven floor coverings, the principal content of which is cotton, grass, or paper, are specifically excluded.

2. The term "auto and airplane carpets" as used herein means those floor coverings manufactured for original sale to automobile manufacturers, to airplane manufacturers, to automobile body manufacturers, and to automobile carpet jobbers for installation in automobiles and airplanes.

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 "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.

6. The term "subscriber" as used herein includes that member of the industry who voluntarily and formally declares to the authority which shall administer this Code that he will be bound by its provisions and will bear his proportionate share of expense in the administration of this Code.

7. The term "regular merchandise" as used herein means all merchandise other than mill seconds, drops, private patterns, samples, remnants, and mill ends.

8. The term "wholesale distributor" as used herein means a firm or organization maintaining an establishment and performing a warehousing and distributing function by carrying a stock of rugs

or carpets, and also maintaining a selling organization to contact floor covering outlets and assuming the credit risks involved in such distribution.

9. The term "contract order" as used herein means an order in which the fabric is sold for a specific installation and not for a part of any dealer's stock.

10. The term "automobile jobber" as used herein means a firm or organization maintaining an establishment and performing a warehousing and distributing function by carrying a stock of automobile carpets and also maintaining a selling organization to contact automobile manufacturers and automobile body manufacturers and assuming the credit risks involved in such distribution.

11. The term "low basis price" as used herein means the manufacturer's published list price, less maximum published trade discount only.

12. The term "drops" as used herein means discontinued patterns.

13. The term "perfect merchandise" as used herein means merchandise which is free from defects, as determined by the inspection department of the manufacturer.

14. 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—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours per week, nor more than eight (8) hours per day, provided, however, that during a period not to exceed six (6) weeks during any six months' period, employees may not work in excess of forty-eight (48) hours per week, but no more than ten (10) hours in any twenty-four (24) hour period.

2. It is provided further, that the maximum hours prescribed above shall not apply to professional workers employed in their professional capacity or to any person on a managerial staff receiving in excess of thirty (30) dollars per week, or to watchmen.

3. It is provided further, that a tolerance of ten (10) percent above the maximum hours prescribed above may apply to engineers, electricians, firemen, employees engaged on repair-shop or outside crews, or in the operation of shipping, except common labor.

4. In any special case where restrictions of hours of highly skilled workers would unavoidably reduce the total employment in a plant, or where employees are engaged in emergency maintenance or repair work involving breakdowns or the protection of life or property, employees may be permitted to work in excess of the maximum hours prescribed above. Any emergency time shall be reported monthly to the Code Authority.

5. All hours in excess of the maximum prescribed in the foregoing paragraphs of this Article shall be compensated for at the rate of one and one third ( $1\frac{1}{3}$ ) of the time or piece work rate.

## ARTICLE IV—WAGES

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

2. No employee in the southern section shall be paid less than at the rate of thirty (30) cents per hour, except as herein otherwise provided.

3. The southern section as used above shall include the states of Virginia, Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi and Tennessee.

4. 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.

5. The dollar differentials in wages between skilled and unskilled employees as existing at August 15, 1933, shall not be decreased. This provision shall not be binding as to employees earning in excess of thirty (30) dollars for forty (40) hours of work.

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. Each employer shall file with the Code Authority a list of all such persons employed by him, provided, however, that such class of employees shall not exceed five (5) percent of the total employees in any plant.

7. Learners shall not be paid less than eighty (80) percent of the minimum wage, and shall not constitute more than ten (10) percent of the total number of employees in any plant. Learners are persons who have been employed in the industry not longer than six (6) weeks, except as listed below:

Weavers, Pickers, Threaders, Spoolers, Spinners, and

Dyers	-----	two months
Setters and Jacquard Creelers	-----	four months

## 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 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) 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 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.

#### ARTICLE VI—ADMINISTRATION

1. To provide for the administration of this Code within the industry, a Code Authority is hereby established to consist of the Board of Trustees of the Institute of Carpet Manufacturers of America, Inc., or its successor organization. This Board shall have power to appoint any committees or delegate any of its powers to same and utilize any agencies it may deem best for the purpose of administering this Code.

In the public interest and in order to carry out any of the powers of the President of the United States under the National Industrial Recovery Act, the President may appoint one or more representatives who may without cost to the Industry attend meetings of the Code Authority, but without vote, or confer with the Code Authority as to methods or measures for the administration of the Code.

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 for participation in the formation of this Code or in the adoption of any amendments thereto, or in its administration, and (2) submit to the Administrator any articles of the association's By-Laws, regulations, and any amendments when made thereto, which in any way affect the purposes of the National Industrial Recovery Act in the administration of the Code.

3. In order that the Code Authority shall at all times be truly representative of the Industry and 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 comply with the provisions of the Act, may require the membership of the Industry to make an appropriate modification in the method of selection of 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 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 on the basis of such 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 exercising reasonable diligence in the conduct of his duties hereunder be liable to anyone for any action or omission to act under this Code.

6. The Code Authority shall have the following further powers and duties:

To obtain from members of the Industry for use of the Code Authority, and for the information of the President, such reports or statistical information listed below, and/or any other reports or information as shall later be deemed necessary for such purposes. Such data shall be furnished to an individual not in the Industry, to be designated by the Code Authority. The source of such data shall not be disclosed to any member of the Industry, except where any such member specifically consents in respect to his own statistics, or where it is specifically provided for in this Code. Each member of the Industry shall furnish:

A. Such information on cost practices as will enable cost experts employed by the Code Authority to recommend a set of principles of cost practices as hereinafter provided.

B. The following statistics:

*Monthly.*—(1) Analysis of total shipments in square yards of—

Regular Merchandise

Drops

Seconds

Mill Ends

Slow-Moving Merchandise;

(2) Divided by carpets and rugs, also by weaves:

Orders received in square yards,

Production of finished goods in square yards

Inventory of finished goods in square yards

Shipments of finished goods in square yards

Sales billed in dollar value of:

(a) Regular Merchandise

(b) Drops

(c) Seconds

(d) Mill Ends

*Semiannually.*—A certified report showing the proportion separately of dollar billed sales of drops, seconds, and mill ends, to the dollar billed sales of regular merchandise.

7. The Code Authority shall have power to initiate, consider, and make recommendations for the modification or amendment of this Code.

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 Act.

9. Where any member of the Industry finds that any other member of the Industry in his operation is presuming an interpretation of any provision of the Code which appears contrary to a proper

interpretation, he may complain to the Code Authority and all members of the Industry shall refrain from competitive action on such interpretation pending an interpretation from the Code Authority.

10. The Code Authority upon receipt of a written complaint from any member of the Industry shall, within two weeks, render an interpretation to be binding on all members of the Industry subject to appeal to the Administrator.

11. Each member of the Industry shall file with the person not in the Industry, designated by the Code Authority, the beginning and termination dates of any agreement or contract involving the sale of his product, to the terms of which he remained legally bound beyond the 24th day of November 1933.

12. If the Administrator shall determine that any action of the Code Authority or any subdivision thereof is unfair or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of the merits of such complaint and further consideration by the Code Authority pending final action to be taken only upon approval by the Administrator.

#### ARTICLE VII—FAIR TRADE PRACTICES

1. Inasmuch as the members of the Industry control a preponderant share of the distribution of carpets and rugs to retailers and consumers, which distribution is to be governed by the following trade practices, it shall be an unfair trade practice for any member of the Industry to distribute through intermediate channels in such a manner as shall create unfair competition as defined in Articles VII, VIII, and IX with members of the Industry distributing direct to the retailer and consumer.

2. *Control of Production.*—The finished goods inventory of square yards of merchandise wherever located, owned by any member of the Industry shall not exceed one third ( $\frac{1}{3}$ ) of his sales in square yards of merchandise for the immediately preceding twelve (12) months. A member of the Industry whose inventory shall at the end of any month exceed the aforementioned allowed figure shall be allowed a period of one hundred twenty (120) days in which to restore the balance between his inventory and sales before curtailing production. Should any person or company enter the industry as a manufacturer or should any existing member of the industry have withdrawn or withdrew his lines from the market for a period of not less than three (3) months the above provisions shall be suspended in their case for the period of twelve (12) months; during this twelve (12) months such person or company may carry an inventory of finished merchandise not to exceed that which is allowed to members of the Industry of commensurate capacity under the provisions of this Code.

3. *Selling Below Cost.*—No member of the Industry shall sell any regular merchandise at a net price or net prices below his cost, excepting that any such member may sell under the provisions of this Code at a price below his cost (a) to meet current prices on regular merchandise of essentially equivalent grade and quality sold by any competitor complying with the provisions of this Code, or (b) where

the Code Authority grants him permission to sell below his cost because exceptional conditions have been presented. The Code Authority shall, through expert cost accountants, determine the principles of a cost practice, both as to the character of the items to be included and the method of their application to the finished products, and each member of the Industry shall set up and maintain records which will conform to the principles recommended and be governed thereby in all computations and reports required for the administration of this Code.

4. *Open Price Data.*—(a) Each member of the Industry shall file with the Code Authority and publish to the trade certified lists of his prices and discounts and also any revision of prices, which shall be immediately forwarded to all members of the Industry. If any member of the Industry desires to revise any of his prices he shall file with the Code Authority any such revision which shall become effective not less than seven (7) days thereafter, exclusive of the date of the filing thereof. Any such revision shall be forwarded immediately to all members of the Industry, who, thereupon, may file any revision of prices which may become effective upon the date when the revised price first filed shall go into effect.

(b) No member of the Industry shall sell any regular merchandise for less than his published list prices, which shall be subject to no greater discount than his maximum trade discount as filed with the Code Authority.

5. *Rebates.*—No member of the Industry shall rebate to any purchaser any part of the purchase price either in the form of trade discounts, advertising allowances, or any other allowances, excepting allowances filed with the Code Authority.

6. *Donations.*—No member of the Industry shall make any donation or contribution in the form of cash, credit, advertising, or other gratuitous consideration to any purchaser.

7. *Contracts.*—No member of the Industry shall accept a contract order at less than his published list price, less his published trade discount.

8. *Quality Specifications.*—Each member of the Industry accepts the minimum specifications for Axminster, Wilton, and Velvet fabrics, which have been adopted by the Institute of Carpet Manufacturers of America, Inc., which shall be filed with the Bureau of Standards at Washington, and shall not manufacture any Axminster, Wilton, or Velvet merchandise inferior to these specifications except to complete the weaving of any fabric in the looms. It is understood that automobile carpets and rugs and also carpets and rugs whereof the surface yarns are composed entirely of jute are excepted from the quality specifications above referred to. Any member of the Industry may require of the Code Authority an interpretation regarding such specifications as to his product.

9. *Copying of Patterns.*—No member of the Industry shall produce in an inferior grade a copy of a running line pattern by any other manufacturer.

10. *Invoicing and Marking.*—All merchandise shipped to customers shall be correctly described and priced on the invoices which are issued covering such merchandise. Rugs other than "perfect" shall be plainly and permanently marked "mill seconds."

11. *Return Merchandise.*—All sales of merchandise shall be final, and no member of the Industry shall accept the return of any merchandise, either for exchange or credit, except where the quality of the merchandise is in question or where an error has been made in size or pattern, or for credit reasons, or where such return is authorized by the Code Authority or its agent.

12. *Credit Terms.*—The following maximum credit terms will apply in all sales of merchandise with the understanding that any member of the Industry be permitted to exercise his option as to which terms best suit the needs of his company:

- (a) 4% 70 days from date of invoice, or
- (b) 4% 60 days from end of month.

Abatement of discount beyond maturity date to be at the rate of one (1) percent a month, left to the option of each member of the Industry, but in no case should abatement of discount be permitted beyond thirty (30) days after maturity date of invoice. Any deviation from the above terms shall be only upon approval of the Code Authority.

13. *Compensation for Losses.*—No member of the Industry shall guarantee any purchaser against, or compensate him for, any losses arising through the operation of his business.

14. *Protection.*—No member of the Industry shall extend price protection or stock protection to purchasers other than wholesale distributors or firms performing a similar distributing function in the event of any decline in prices.

15. *Consignment.*—No member of the Industry shall consign the products of his manufacture to retail dealers or consumers.

16. *Consumers.*—No member of the Industry shall sell direct to the ultimate consumer or his agent, with the exception of sales to city, state, and federal governments, railroads, steamship companies, and common carriers or employees. Sales made through contract departments of wholesale distributors shall not be considered as being made to the ultimate consumer or his agent.

17. *Drops.*—The dollar billed sales of drops by any member of the Industry shall not exceed ten (10) percent of his dollar billed sales of his regular merchandise at his regular published prices, for any calendar year, beginning January 1, 1934. In the case of any excess above the foregoing, then a subscriber shall pay to the Code Authority, as and for liquidated damages, the sum of twenty (20) percent of the amount of such excess, such sum to be devoted to meeting the expenses of the administration of this Code.

18. *Slow-Moving Merchandise.*—Slow-moving merchandise which remains in stock after having been offered for sale as mill seconds, drops, and mill ends for a period of not less than three (3) months, may be sold at discounts necessary to move same, but such slow-moving merchandise shall be sold only during the months of June and December and without further price or stock protection.

19. *Allowances.*—(a) Retail stores are to be credited or paid the volume allowances based only on merchandise invoiced to an individual company. No manufacturer shall pay or allow credit for any cost of re-shipping merchandise shipped and invoiced to a retailer.\*

\* Provisions of this subsection stayed; see paragraph 2 of Executive Order approving this Code.

(b) All members of the Industry shall lodge with the person not in the Industry, designated by the Code Authority, at the beginning of each season, schedules of all their allowances to wholesale distributors and to other purchasers. Allowances for dollar volume shall be calculated and paid or credited to retailers for no less a period than six (6) months, and in accordance with the schedule filed as provided herein. Notification of any proposed revision in a schedule of allowances shall be given the person not in the Industry, designated by the Code Authority, not less than one (1) week prior to the date upon which any such revision shall become effective.

#### ARTICLE VIII—AUTO AND AIRPLANE CARPETS

The following additional provisions shall apply to the sale of auto and airplane carpets:

1. *Off Goods*.—Merchandise consisting of seconds, returned goods, and overweavings may be offered to the automobile trade at any time, but if offered to the regular floor-covering trade all provisions of the Code shall apply.

2. *Consignment*.—No member of the Industry shall consign automobile carpets.

3. *Credit Terms*.—Each member of the Industry shall abide by the following terms in the sales of his merchandise:

(a) No cash discount or volume allowances to be allowed to purchasers of auto and airplane carpets; sales to jobbers on four (4) percent basis.

(b) Terms of sale shall specify for payment for merchandise not later than the 25th of the month following the date of the invoice.

(c) Shipments shall be f.o.b. mill.

4. *Filing of Orders*.—Each member of the Industry shall file with the person not in the Industry, designated by the Code Authority, certified copies of all orders received in excess of five hundred (500) dollars; such lists to be filed on the 12th of each month, showing the orders taken during the preceding month. Orders must show quantity, price, terms, life of such agreement and quality and construction specifications, consisting of all-over weight per square yard and pile weight per square yard. After a lapse of three (3) months specifications and price particulars of any order will be considered available for the information of any member of the Industry who may so request. Name of member of the Industry and purchaser shall not be disclosed unless in the opinion of the person not in the Industry, designated by the Code Authority, it is necessary in the event of a claim of unfair practice.

5. *Protection*.—Price protection or stock protection shall not be extended to automobile manufacturers or to distributors or retail dealers in automobile carpets.

6. *Shipping Specifications*.—All orders shall be specified quantities and stipulate the period during which the entire order must be released for shipment or billed. No goods shall be manufactured except against written orders.

## ARTICLE IX—WOOL SALES YARN

The following additional provisions shall apply to those members of the Industry spinning carded and worsted wool sales yarn for carpets and rugs, with the understanding that Section 6 (b) of Article VI and Article VII of this Code, shall not apply to said members of the Industry:

1. *Control of Production.*—The finished yarns inventory of pounds of merchandise, wherever located, owned by any member of the Industry defined in this Article shall not exceed one sixth ( $\frac{1}{6}$ ) of his sales in pounds of merchandise for the immediately preceding twelve (12) months. Since, however, seasonal variations require fluctuating inventories of finished yarns, a said member of the Industry whose inventory shall at the end of any month exceed the aforementioned allowed figure shall be allowed a period of one hundred twenty (120) days in which to restore the balance between his inventory and sales, before curtailing production. Should any person or company enter the industry as a manufacturer or should any existing member of the industry have withdrawn or withdrew his lines from the market for a period of not less than three (3) months the above provisions shall be suspended in their case for the period of twelve (12) months; during this twelve (12) months such person or company may carry an inventory of finished merchandise not to exceed that which is allowed to members of the Industry of commensurate capacity under the provisions of this Code.

In order to inform the President of the United States as to the regulation of production conformable with sales, a return shall be made each month to the person not in the Industry, designated by the Code Authority, by each said member of the Industry showing the sales in pounds for the month and the inventory of finished yarns at the end of the month.

2. *Standard Spinning Contract.*—The said members of the Industry, through the Code Authority, shall set up a standard contract for the sale of carpet yarns, which shall include a description of the yarn, a definite date, price, quantity, and a specific time for completion, and it shall be considered unfair practice to allow customers to specify deliveries which shall carry any contract past its completion date. All sales shall be final and any of the said members of the Industry shall not allow rebates of any sort, whether for stock protection, financial protection, or anything else that would change the terms of the contract.

3. *Arbitrations.*—Upon any question arising under this Code which would involve dispute between any said member of the Industry and a weaver to whom he has sold yarn, the complaint of either may be brought to the attention of the Code Authority for its recommendation. If it is determined by said Authority that the contention of any said member of the Industry or of the weaver is without justification then the person not in the Industry, designated by the Code Authority, will be requested to seek an arbitration between the said member of the Industry and weaver involved.

4. *Options.*—Options that are given in yarn purchases shall not exceed ten (10) days.

5. *Seconds, Damaged, or Off-Colored Merchandise.*—All merchandise sold at prices below the contracted price of such merchandise because of yardage, quality, or color, must be reported to the Code Authority monthly. Sales of such merchandise shall not exceed more than 2½% of the yearly sales in pounds of each said member of the Industry. This includes such items as inferior or damaged yarn, discontinued or slow-moving colors or any types of merchandise that might properly be classified under these headings.

6. *Donations.*—It shall be considered as unfair competition for any said member of the Industry to make any donation or contribution in the form of cash, credit, advertising, or other gratuitous consideration to any customer in connection with any sale.

7. *Terms.*—Each said member of the Industry shall abide by the following credit terms in the sales of his yarn:

3½%-----	10 days
3%-----	30 days
Net-----	60 days
f.o.b. shipping point.	

From date of invoice which shall be date of delivery.

Interest shall be charged at the rate of one half of one (½ of 1) percent per month in excess of 60 days. Any deviation from the above terms shall be only upon approval of 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.

2. This Code, upon recommendation to the Administrator by the Code Authority, based on conditions in the Industry which tend to effectuate the operation of this Code or the purposes of this Act, may be modified or amplified, except as to provisions required by the Act; such modification or amplification to have the same force or effect as any other provision of this Code after approval by the Administrator under such notice or hearing as the Administrator may specify.

#### 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 the second day after date.

Approved Code No. 202.  
Registry No. 214-1-04.





Approved Code No. 203

**CODE OF FAIR COMPETITION**

FOR THE

**RAW PEANUT MILLING INDUSTRY**

As Approved on January 12, 1934

BY

**PRESIDENT ROOSEVELT**

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**Executive Order**

WHEREAS, the Secretary of Agriculture and the Administrator of the National Industrial Recovery Act having rendered their separate reports and recommendations and findings on the provisions of said Code, coming within their respective jurisdictions, as set forth in the Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, and Executive Order No. 6345 of October 20, 1933:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby find that:

1. An application has been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Raw Peanut Milling Industry; and,

2. Due notice and opportunity for hearings to interested parties has been given pursuant to the provisions of the Act and regulations thereunder; and,

3. Hearings have been held upon said Code, pursuant to such notice and pursuant to the pertinent provisions of the Act and regulations thereunder; and,

4. Said Code of Fair Competition constitutes a Code of Fair Competition, as contemplated by the Act and complies in all respects with the pertinent provisions of the Act, including clauses (1) and (2) of subsection (a) of Section 3 of Title I of the Act; and,

5. It appears, after due consideration, that said Code of Fair Competition will tend to effectuate the policy of Congress as declared in Section 1 of Title I of the Act.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby approve said Code of Fair Competition for the Raw Peanut Milling Industry.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*January 12, 1934.*

DEPARTMENT OF AGRICULTURE,  
*Washington, D.C., January 9, 1933.*

The PRESIDENT,  
*The White House.*

DEAR MR. PRESIDENT: I have the honor to submit the following:

1. There is transmitted herewith a Code of Fair Competition for the Raw Peanut Milling Industry, which I recommend for your approval and which the National Recovery Administrator recommends for your approval with reference to the labor provision thereof. There accompanies the Code the report of the Administrator of the Agricultural Adjustment Act, the report of the Administrator of Title I of the National Industrial Recovery Act, and a true, correct, and complete stenographic report of all the evidence introduced at a public hearing on said Code, held pursuant to Section 3 (a) Title I of the National Industrial Recovery Act.

2. By virtue of Executive Order No. 6182, of June 26, 1933, as supplemented by Executive Order 6207, of July 21, 1933, and Executive Order No. 6345, of October 20, 1933, which, pursuant to Title I of the National Industrial Recovery Act of June 16, 1933 (Public, No. 67, 73d Congress) delegated to me, as Secretary of Agriculture, certain of the powers vested in the President of the United States by the aforesaid Act, and after considering the aforesaid Code of Fair Competition and a true, correct, and complete stenographic report of all evidence introduced at such public hearing, and being fully advised in the premises, I make the following findings:

(1) That an application has been duly made by the regional associations representing the Raw Peanut Millers, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of the President, of the Code of Fair Competition for the Raw Peanut Milling Industry. The regional associations making such application and the advisory body provided for in such Code, are truly representative of the industry, and no inequitable restrictions on admission to membership are imposed by the regional associations.

(2) That the Raw Peanut Milling Industry, covered by such Code, is included within the trades, industries or subdivisions thereof enumerated in Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, and Executive Order No. 6345 of October 20, 1933.

(3) That the provisions of the Code establishing standards of fair competition (a) are regulations of transactions in or affecting the current of interstate and foreign commerce and (b) are reasonable.

(4) That the Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will not permit monopolies or monopolistic practices.

(5) That the Code will not prevent an individual from pursuing the vocation of manual labor and selling or trading the products

thereof nor prevent anyone from marketing or trading the produce of his farm.

(6) That due notice and opportunity for hearing, in connection with the aforesaid Code, has been afforded interested parties, in accordance with Title I of the National Industrial Recovery Act and applicable regulations issued thereunder.

(7) That said Code will tend to effectuate the declared policy of Title I of the National Industrial Recovery Act as set forth in Section 1 of said Act in that the terms and provisions of such Code tend to: (a) Remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; (b) to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups; (c) to eliminate unfair competitive practices; (d) to promote the fullest possible utilization of the present productive capacity of industries; (e) to avoid undue restriction of production (except as may be temporarily required); (f) to increase the consumption of industrial and agricultural products by increasing purchasing power; and (g) otherwise to rehabilitate industry and to conserve natural resources.

(8) That said Code, when approved by the President, will constitute a Code of Fair Competition for the Raw Peanut Milling Industry within the meaning of Section 3 (a) of Title I of the National Industrial Recovery Act.

Respectfully,

H. A. WALLACE,  
*Secretary.*

DEPARTMENT OF AGRICULTURE,  
*Washington, D.C., January 9, 1934.*

HON. HUGH S. JOHNSON,  
*Administrator, National Recovery Administration,*  
*Washington, D.C.*

DEAR GENERAL JOHNSON: I am transmitting herewith the Code of Fair Competition for the Raw Peanut Milling Industry. The labor provisions of this code have already received your approval.

This is one of the codes over which you will have jurisdiction under the terms of the Executive Order which has been signed by the President.

The Agricultural Adjustment Administration has prepared a marketing agreement for the peanut millers who are affected by this code. This agreement has received my tentative approval and has been signed by a substantial majority of the peanut millers in the various peanut producing states. The peanut millers have, however, taken the position that they do not desire the agreement to become effective until their code is made effective. For this reason I am anxious that there be no unnecessary delay in making effective this code which, as you will note from the record, is acceptable to a great majority of the industry. I hope, therefore, that it will be possible for you to obtain final approval for this code and leave the matter of any adjustment to be made in the code, in line with the policy set forth by the Executive Order, to be handled at a later date.

In view of the fact that the labor provisions were originally approved by you on December 20, I trust that there will be no difficulty in following this procedure.

Sincerely yours,

H. A. WALLACE,  
*Secretary.*

DECEMBER 20, 1933.

HON. HENRY A. WALLACE,  
*Secretary of Agriculture, Washington, D.C.*

DEAR MR. SECRETARY: Attached herewith is my recommendation for the approval of Labor Provisions of the Code of Fair Competition for the Raw Peanut Milling Industry, together with supporting documents.

Will you kindly transmit this file with the Code of Fair Competition for this Industry, which I understand you are about to transmit to the President with your recommendation for approval, pursuant to Executive Order of June 26, 1933.

Your kind offices in this matter will be greatly appreciated.

Yours very truly,

HUGH S. JOHNSON,  
*Administrator.*

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**RAW PEANUT MILLING INDUSTRY**

**ARTICLE I—PURPOSES**

Whereas, it is the declared policy of Congress as set forth in section 1 of title I of the National Industrial Recovery Act:

“to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources;”

Now, therefore, to effectuate such policy, the following provisions are established as a Code of Fair Competition for the Raw Peanut Milling 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—DEFINITIONS**

**SECTION I.** As used in this code—

(a) The term “President” means the President of the United States.

(b) The term “Secretary” means the Secretary of Agriculture of the United States.

(c) The term “National Recovery Administrator” means the duly designated representative of the President to administer such functions and powers under title I of the National Industrial Recovery Act as are not delegated to the Secretary by Executive Order.

(d) The term “Act” means title I of the National Industrial Recovery Act, approved June 16, 1933.

(e) The term “Person” means individual, partnership, corporation, association, and any other business unit.

(f) The term “Raw Peanut Milling Industry” (hereinafter referred to as “the industry”) includes the cleaning and/or shelling of raw peanuts.

(g) The term "Member of the Industry" means any person engaged in the industry, either as an employer or on his own behalf, including any person who contracts for the cleaning and/or shelling of raw peanuts with a member of the industry as to all transactions in the peanuts so cleaned and/or shelled.

(h) The term "Employee" means 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.

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

(j) The term "Books and Records" means any books, records, accounts, contracts, documents, memoranda, papers, correspondence, or other written data pertaining to the business of the person in question.

(k) The term "Subsidiary" means any person, of or over whom, a member of the industry has, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

(l) The term "Affiliate" means any person who has, either directly or indirectly, actual or legal control of or over a member of the industry, whether by stock ownership or in any other manner.

(m) The term "National Administrative Committee" means the National Administrative Committee created pursuant to Article IX hereof.

(n) The term "Regional Committees" means the Regional Committees created pursuant to Article IX hereof.

(o) The term "The Virginia Area" means the territory included in the States of Virginia, North Carolina, Tennessee, and Pennsylvania.

(p) The term "The Southeastern Area" means the territory included in the States of Georgia, Alabama, South Carolina, Florida, and Mississippi.

(q) The term "The Southwestern Area" means the territory included in the States lying west of the Mississippi River.

(r) The term "Outside Salesmen" means salesmen who exclusively perform the functions of selling but do not deliver.

(s) The term "Outside Peanut Buyer" means a buyer who travels through the producing areas for the purpose of buying and/or receiving peanuts to be shipped to a member of the industry.

(t) The term "Watchman" means a person whose sole function is watching.

### ARTICLE III—HOURS

SECTION 1. No employer shall employ any clerical, accounting, or other office employees in excess of 44 hours in any one week, or 8 hours in any one day, or any employee, other than those covered in the preceding clause, in excess of 40 hours in any one week, or 8 hours in any one day, with the following exceptions:

(a) Executive, supervisory, technical, and administrative employees, provided that they receive regularly \$35 per week or more, outside salesmen and outside peanut buyers.

(b) Watchmen, provided, however, that they shall not work more than 56 hours per week.

(c) Chauffeurs, deliverymen, receiving and shipping crews, provided, however, that they shall not work more than 48 hours per week.

(d) Firemen, engineers, electricians, and shop crews, provided that they shall not work more than 48 hours per week.

SEC. 2. The maximum hours fixed in the section immediately foregoing shall not apply to employees engaged in emergency repair work; provided, however, that any employee, except an employee covered by paragraph (a) of said section, engaging in emergency repair work beyond the maximum hours established for him in said section shall be compensated by at least time and one third his normal rate for hours worked in excess of his maximum, and reports shall be made monthly to the National Administrative Committee stating the number of hours worked in excess of maximum on emergency repair work.

SEC. 3. Any employee, except a watchman, working on a Sunday or legal holiday shall be compensated by at least time and one third his normal rate for the hours so worked.

#### ARTICLE IV—WAGES

SECTION 1. On and after the effective date the minimum wage that shall be paid by employers in the industry shall be in accord with the following schedule:

*Class A.*—Those engaged in the light work of picking peanuts at picking tables, bag patching, messengers, and common labor not otherwise classified, 15¢ per hour.

*Class B.*—Those engaged in shipping and receiving, feeders of peanuts into mills, sweepers, helpers, sack sewers, chute attendants, watchmen, and oilers, 22¢ per hour.

*Class C.*—Firemen, chauffeurs, deliverymen, and head floormen, 27¢ per hour.

*Class D.*—Picking-room foremen, shop crews, and engineers, 35¢ per hour.

*Class E.*—Clerical, accounting or other office employees, \$14 per week.

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

SEC. 3. It is agreed that this Code guarantees a minimum rate of pay regardless of whether the employee is compensated on a basis of time-rate or piecework performance.

SEC. 4. The hourly wage rate for occupations other than common labor shall be increased by a sum which will at least maintain the weekly earnings existing on an average during the month of July, 1933, and in no case shall wages be reduced.

SEC. 5. The minimum rates of the wages and the maximum hours of work set forth above shall be effective for a period of four months from the effective date of this Code and thereafter until such time as said rates and hours may be revised in accordance therewith. After four months from the effective date of this Code said rates and hours may be reviewed by the Administrator at public hearing, following such notice as he shall specify.

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. At least one such person may be employed by each member of the industry; but, where more than one are so employed, the aggregate of them shall not exceed 5% of all persons in the employ of such member of the industry. Each employer shall keep on file with the National Administrative Committee a list of all persons in his employ whose earning capacity is so limited.

SEC. 7. After the effective date of this Code no employer shall withhold any wages.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. On and after the effective date of this Code no person under 16 years of age shall work or be permitted to work in the industry.

SEC. 2. No person under 18 years of age shall work or be permitted to work at operations or occupations deemed to be detrimental to health or hazardous. The National Administrative Committee shall submit before February 1, 1934, to the Administrator for approval a list of such occupations.

SEC. 3. Members of the industry shall comply with all laws and ordinances for their respective localities imposing more stringent requirements, regulating the minimum age of employment, wages, hours of work, or health, fire, or general working conditions, than are imposed under this Code.

SEC. 4. Pursuant to Section 7 (a) of the National Industrial Recovery Act, the following conditions are hereby embodied in and prescribed as a part 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 interference, restraint, or coercion of employers of labor, or their agents, in 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. 5. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the provisions of the Act or of this Code.

SEC. 6. (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) Such notice shall be printed in English in type of at least 10 point; and at least three notices shall be posted in any shops employ-

ing more than 10 employees, and one in any smaller shop. Notices shall be posted in such other languages as may be spoken by employees.

(c) All changes in the provisions of those aforesaid articles shall be posted within one week after such changes have been incorporated in the Code.

## ARTICLE VI—UNFAIR METHODS OF COMPETITION

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

SECTION 1. *False advertising.*—To publish or disseminate in any manner any false advertisement. An advertisement shall be deemed to be false if it is untrue in any particular, or if directly or by ambiguity or inference it creates a misleading impression.

SEC. 2. *Misbranding.*—To sell or otherwise introduce into commerce any peanuts which are misbranded. Peanuts shall be deemed to be misbranded:

(a) *Standards of fill.*—If the container is so made, formed, or filled as to mislead the purchaser, or (2) the contents fall below the standard of fill prescribed regulations of the Secretary hereunder;

(b) *Standards of identity.*—If they purport to be or are represented as peanuts for which a definition of identity has been prescribed by regulations of the Secretary hereunder and fail to conform to the definition;

(c) *Standards of quality.*—If they purport to be or are represented as peanuts for which standards of quality have been prescribed by regulations of the Secretary hereunder, and (1) fail to state on the label, if so required by the regulations, the standard of quality in such terms as the regulations specify, or (2) fall below the standard stated on the label.

SEC. 3. *Opening Day.*—To accept delivery of farmers' stock peanuts of the new crop prior to the opening day for such acceptance which shall be determined and announced annually by the Regional Committees for their respective areas.

SEC. 4. *Sale of Seed.*—To sell or offer for sale nubs, pegs, or oil stock for planting purposes.

SEC. 5. *Subsidizing.*—To obtain a monopoly of the operation of trucks or picking machines with the purpose of preventing the use of the same by a competitor, or to subsidize the owners or operators of trucks or picking machines or to furnish free bags to producers, pickers, or truckers, or to store farmers' stock peanuts free of charge.

SEC. 6. *Guaranties and Concessions.*—To guarantee prices against declines in any manner whatsoever, and to pay or allow to buyers of cleaned and/or shelled peanuts or to sellers of Farmers' stock peanuts allowances, bonuses, rebates, subsidies, or concessions of any kind.

SEC. 7. *Call Peanuts.*—To purchase farmers' stock peanuts at a price to be determined at a date subsequent to the date of the contract of sale.

SEC. 8. *Contracts.*—To post-date or pre-date contracts to sell cleaned or shelled peanuts, or to contract in any manner whatever

without definite commitment by both parties as to price and time within which shipment shall be made.

## ARTICLES VII—REPORTS

SECTION 1. The members of the industry shall severally, from time to time, upon the request of the Secretary (or the National Recovery Administrator in case of information relating to hours of labor, rates of pay, or other conditions of employment) furnish such information, on and in accordance with forms of reports to be supplied, as may be deemed necessary for the purposes of (1) assisting in the furtherance of the powers and duties of the Secretary or the National Recovery Administrator with respect to this Code and/or (2) enabling the Secretary or the National Recovery Administrator to ascertain and determine the extent to which the declared policy of the act and the purposes of this Code will be effectuated, such reports to be verified under oath.

SEC. 2. The members of the industry shall severally permit, for the same purposes and/or to enable the Secretary or the National Recovery Administrator to verify the information furnished on said forms of reports, all their books and records and the books and records of their affiliates and subsidiaries to be examined by the Secretary and/or the National Recovery Administrator during the usual hours of business.

SEC. 3. The members of the industry shall severally keep books and records which will clearly reflect all financial transactions of their respective businesses and the financial condition thereof, and shall see to it that their respective subsidiaries and affiliates keep such records.

SEC. 4. The members of the industry shall severally, from time to time, upon the request of the Secretary report to the Secretary the quantity of farmers' stock peanuts on hand whether owned or stored for others, and the quantity of raw shelled and/or cleaned peanuts on hand owned or stored for others.

SEC. 5. The members of the Industry shall promptly report to their respective Regional Committees upon request, on such forms as said committees may from time to time prescribe, the prices paid or bid for farmers' stock peanuts by variety and grade, and the prices asked, received, and offered for raw shelled and/or cleaned peanuts, by variety and grade.

SEC. 6. The Regional Committee shall furnish to the Secretary (and to the National Recovery Administrator in matters relating to hours of labor, rates of pay, and other conditions of employment) upon request any and all information furnished by the members of the industry pursuant to this Article.

SEC. 7. All information furnished to the Secretary pursuant to this Article shall remain confidential in accordance with the applicable General Regulations, Agricultural Adjustment Administration.

SEC. 8. The prices of farmers' stock peanuts paid or bid by each member of the industry, segregated by variety and grade, shall be posted conspicuously by each member of the industry so that farmers may be kept advised at all times as to current prices.

## ARTICLE VIII—GRADES

SECTION 1. *Farmers' Stock Peanuts.*—(a) Farmers' stock Spanish and Runner peanuts shall be graded on the basis of the established U.S. Standard Grades and farmers' stock Virginia Type peanuts shall be graded on the shelling basis of the established U.S. No. 3 Grade, Class A, and no member of the industry shall purchase farmers' stock peanuts except on the basis of such grades.

(b) Each member of the industry shall make a deduction from or an increase in the purchase price for farmers' stock peanuts for variations in the sound meat content established by the aforesaid grades as follows: In Spanish peanuts of  $1/70$  of the ton price for each 1% above or below, as the case may be, and in Runner and Virginia Type peanuts of  $1/65$  of the ton price for each 1% above or below, as the case may be. In addition, each member of the industry shall pay a premium agreed upon with the producer for Virginia Type peanuts of a quality superior to the general quality of the crop as evidenced by the proportion of peanuts suitable for "hand picks" and/or for the proportion of extra large kernels.

(c) In the case of Spanish, Runner, and Virginia Type peanuts, each member of the industry shall make a deduction from the purchase price for farmers' stock peanuts for damage in excess of 2% of \$2.00 per ton for each 1% or fractional part thereof of such excess damage.

SEC. 2. *Processed Peanuts*—(a) *Virginia Type Peanuts.*—The several grades of cleaned or shelled Virginia Type peanuts established by the U.S. Department of Agriculture on April 8, 1932, or as hereafter changed, shall be the standard grades of cleaned or shelled Virginia Type peanuts. No member of the industry shall sell or offer for sale any other grades of Virginia Type peanuts for edible purposes other than for crushing into oil.

(b) *Spanish and Runner Peanuts.*—The several grades of shelled Spanish and Runner peanuts established by the United States Department of Agriculture on July 26, 1925, or as hereafter changed, together with Rule 3, Section 4, and Rule 4, Section 4, of the Rules of the Southeastern Peanut Association, concerning good delivery, effective September 1, 1925, shall be the grades of and basis for sales of shelled Spanish and Runner peanuts. No member of the industry shall sell or offer for sale for edible purposes other than crushing into oil shelled Spanish or Runner peanuts of any other grades or on any other basis.

SEC. 3. *Peanut Products.*—To insure the purity and to improve the quality of edible peanut products, "pick-outs" from shelled peanuts shall be sold only for crushing into oil and for purposes other than for human consumption.

## ARTICLE IX—SUPERVISORY BODIES

SECTION 1. *National Administrative Committee.*—The members of the industry shall select a National Administrative Committee of not more than seven members, which shall be approved by the Secretary and the National Recovery Administrator in the following manner:

Two members shall be designated by the Virginia-Carolina Peanut Association, a Virginia corporation with its principal place of business at Suffolk, Virginia.

Two members shall be designated by the Southeastern Peanut Association, a Georgia corporation with its principal place of business at Atlanta, Georgia.

One member shall be designated by the Southwestern Peanut Association, a Texas corporation with its principal place of business at Fort Worth, Texas.

One member shall be elected by a majority weighted vote of the members of the industry in the Virginia area who are not and were not members of the Virginia-Carolina Peanut Association on the effective date hereof, and the vote of each such member of the industry for such purpose shall be entitled to the respective weight which the total volume of peanuts milled by him during the preceding year ending September 30, bears to the total peanuts milled by all such members of the industry in said year.

One member shall be elected by a majority weighted vote of the members of the industry in the Southeastern area who are not and were not members of the Southeastern Peanut Association on the effective date hereof, and the vote of each such member of the industry for such purpose shall be entitled to the respective weight which the total volume of peanuts milled by him during the preceding year, ending September 30, bears to the total peanuts milled by all such members of the industry in said year.

(a) *Organization*.—After the election of at least five members, as hereinabove provided, the National Administrative Committee may organize and function, and may elect such officers and adopt such rules for the conduct of its business as it may deem necessary or desirable. The members of the National Administrative Committee, shall serve until successors are designated or appointed in the same manner as hereinabove provided.

(b) *Duties and Powers*.—The duties and powers of the National Administrative Committee include the following:

1. To act as intermediary between the members of the industry and the Secretary and/or National Recovery Administrator.

2. To formulate rules, regulations, and procedure, subject to disapproval by the Secretary and/or National Recovery Administrator, for the proper administration of this Code and the effectuation of the policy of the Act.

3. To supervise, cooperate with and coordinate the activities of the several Regional Committees.

4. To incur such expense and make such expenditures as it deems necessary properly to administer this Code and effectuate the policy of the Act.

5. To dispose of all disputes, questions, and complaints referred to it by the several Regional Committees, and to determine all disputes between members of the industry situated in different areas subject to the right of the National Recovery Administrator, on review, to disapprove any action taken by it in matters relating to hours of labor, rates of pay, or other conditions of employment.

6. To prepare a uniform sales contract, to which all members of the industry shall adhere, which shall provide for a definite com-

mitment by both parties as to price and date of shipment, for settlement of all disputes between buyer and seller as to grades and for settlement of other disputes by arbitration. Any such form of sales contract so adopted may be revised from time to time by the National Administrative Committee and may be disapproved in whole or part at any time by the Secretary.

(c) *Administration Members*.—The National Recovery Administrator may designate an agent who shall have the privilege of attending any meeting of the National Administrative Committee, but shall not be vested with voting power in the affairs of said Committee, and shall serve without any expense to the industry.

SEC. 2. *Regional Committees*.—Regional Committees of not more than three members shall be appointed for the Virginia, Southeastern, and Southwestern Areas by the Peanut Association in each area, unless the members of the industry in any area who are not and were not members of the association on the effective date hereof milled 10% or more of the total peanuts milled in such area during the preceding year ending September 30. In that event one member shall be elected by a weighted majority vote of said members of the industry who are not and were not members of such association on the effective date hereof, and for such purpose the vote of each such member of the industry shall be entitled to the respective weight which the total volume of peanuts milled by him in said preceding year ending September 30 bears to the total peanuts milled by all such members of the industry in said year.

(a) *Organization*.—After the selection of all members of a Regional Committee, as hereinabove provided, such Regional Committee may organize and function, and may elect such officers and adopt such rules for the conduct of its business as it may deem necessary or desirable. The members of the several Regional Committees shall serve for one year from the date of election or designation, or until their successors are designated or elected in the same manner as hereinabove provided.

(b) *Duties and Powers*.—Subject to the right of the National Recovery Administrator, on review, to disapprove any action taken by any Regional Committee in matters relating to hours of labor, rates of pay, or other conditions of employment, the duties and powers of the several Regional Committees include the following:

1. To act as intermediary between the members of the industry and the National Administrative Committee.

2. To exercise general supervision over the Administration of this Code and the effectuation of the policy of the Act in their respective areas by and with the advice, consent, and direction of the National Administrative Committee.

3. To employ a Regional Manager and such other employees as it deems necessary, and to define the duties and fix the compensation of any such employees.

4. To incur such expense and make such expenditures, subject to approval by the National Administrative Committee, as it deems necessary to the proper performance of its duties and the proper exercise of its powers hereunder.

5. To dispose of all questions, complaints, and disputes arising under this Code within the area, or to refer any such controversy

to the National Administrative Committee with or without ruling and recommendation, provided, however, that if a member of any Regional Committee shall be a party to, or the representative of a party to, any such dispute, he shall, for the purpose of the consideration thereof, be disqualified as a member of such committee.

(e) *Administration Members.*—The National Recovery Administrator may designate an agent who shall have the privilege of attending any meeting of any Regional Committee, but shall not be vested with voting power in the affairs of said Committee, and shall serve without any expense to the industry.

SEC. 3. *Investigations.*—It shall be the duty of the Regional Managers, if any, and if in any area no Regional Manager has been appointed it shall be the duty of the Regional Committee, to investigate any alleged or suspected violation of this Code. In aid of any such investigation the Regional Managers or the Regional Committees, as the case may be, may require any member of the industry to submit such information under oath as may be necessary or pertinent to such investigation. Any information so obtained by the Regional Managers and/or Regional Committees shall not be disclosed except to the National Administrative Committee, the Secretary, and the National Recovery Administrator. If any Regional Committee concludes that any member of the Industry within its area is violating any of the terms or conditions of this Code, it may order such violation discontinued and, in the event of noncompliance with any such order, it shall report such violation, together with all facts pertaining thereto, to the Secretary and/or the National Recovery Administrator.

## ARTICLE X—EXPENSES

SECTION 1. The members of all committees created hereby or hereunder shall serve without compensation, but shall be entitled to their expenses necessarily incurred in the performance of their duties hereunder.

SEC. 2. The National Administrative Committee shall periodically notify each Regional Committee the amount of its share of the total expense incurred by said National Administrative Committee, and such share shall be that proportion of the total expense of said committee which the total volume of peanuts milled in each area during the preceding year ending September 30 bears to the total volume of peanuts milled in all areas.

SEC. 3. Each member of the industry shall pay to his Regional Committee a share of all expenses incurred pursuant to this Code and will make such payment on receipt of notice of his share of such expenses as hereinafter provided. Such share shall, tentatively, be such proportion of the total expenses as each such member's estimated total peanuts milled during the current crop year commencing October 1 bear to the estimated total of such peanuts milled by all the members of the industry during said crop year. Such shares shall be recomputed at the end of each crop year ending September 30 on the basis of each such member's actual proportion of the total peanuts milled in said crop year, and adjustments shall be made with each such member on the basis of such recomputation.

SEC. 4. Each Regional Committee shall periodically report its expenses, together with its share of the expense of the National Administrative Committee, to an employee, a bank, or some other agency designated by it, and each member of the industry shall report to such agency the peanuts milled by it during the crop year to date or for the whole crop year ending September 30, as the case may be. Such agency shall then apportion the total expense among all the members of the industry as hereinabove provided.

#### ARTICLE XI—DURATION OF IMMUNITIES

The benefits, privileges, and immunities conferred by this Code shall cease upon its termination except with respect to acts done prior thereto.

#### ARTICLE XII—AGENTS

The Secretary and the National Recovery Administrator may each by designation in writing name any person, including any officer or employee of the Government, to act as his agent in connection with his respective powers and duties under any provision of this Code.

#### ARTICLE XIII—MODIFICATION

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

#### ARTICLE XIV—EFFECTIVE TIME

This Code shall become effective on the fifth day after its approval by the President.

Approved Code No. 203.  
Registry No. 136-01.





**CODE OF FAIR COMPETITION**  
**FOR THE**  
**PLUMBING FIXTURES INDUSTRY**  
**As Approved on January 13, 1934**

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**PLUMBING FIXTURES INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Plumbing Fixtures Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the application of the provisions of Section 7 of Article VIII, in so far as they provide for the establishment of differential discounts as between wholesalers and other classes of purchasers (as defined in such section) and for wholesaler and other purchase price levels, be, and they hereby are, stayed for a period of sixty (60) days in order to afford consideration of the objections of any interested parties to such provisions, at the expiration of which period the said provisions shall become effective unless I shall, by my further order otherwise determine, or extend such stay.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 13, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Plumbing Fixtures Industry (including the Enameled Cast Iron Plumbing Fixture Industry, Vitreous China Plumbing Fixture Industry, Sanitary Seat Industry, and the Sanitary Brass Plumbing Fitting Industry) and on the public hearing conducted thereon in Washington, D.C., on August 30, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### INDUSTRY BACKGROUND

The Plumbing Fixtures Industry represents a composite group of manufacturers of sanitary plumbing products such as bath tubs, lavatories, sinks, brass fittings, and other related articles. In the industry's peak year, 1925, the total volume of business was estimated in excess of \$200,000,000. To produce this volume, about 35,000 workers were directly employed. In 1931, the most recent year for which statistics are available, the volume of business had dropped to approximately \$86,000,000 and about 20,000 workers were employed on part-time basis. In June, the largest month of this year, approximately the same number of workers were employed on part-time basis as in 1931.

#### HOURS AND WAGES

The Code establishes a 40-hour week. Minimum rates of wages established are 40 cents per hour for males over 21 years of age in the North and 35 cents per hour in the South; 35 cents per hour for females over 21 years of age; and for all employees under 21 years of age, 32 cents per hour or 80 percent of the minimum rate for adult male employees. Women employees at the same work will receive the same pay as male workers. The maximum hour provisions are not to apply to any employee in emergencies but in each special case, at least time and one half the normal rate shall be paid all employees working in excess of the maximum hours.

Child labor is prohibited.

There is also a clause providing that a "Safety and Health Manual" for the improvement of working conditions be submitted by the Code Authority for the approval of the Administrator.

#### ECONOMIC EFFECT AND FEATURES OF THE CODE

The Plumbing Fixtures Industry is largely dependent upon new construction for its volume. With new residential construction work, upon which this industry largely depends for a market, averaging between 10 and 15 percent of normal in 1933, this industry has subsisted primarily on modernization work which has not been

sufficient to provide much production or increased employment. Despite the deplorable condition of the construction industry, the Code will increase employment within the industry about 15 percent with a larger percentage increase in the payrolls. A fact worthy of mention is that the Code does not add appreciably to the cost of construction.

Another feature of the Code, worthy of note, is that providing for the elimination of the sale in the United States of all but first grade ware guaranteed against manufacturing defects. This provision protects the consumer against a long standing malpractice wherein he often received second grade products (commonly known as culls) though paying for first grade.

A forward step in the stabilization of the plumbing industry was consummated by the coordination with this Code of those of the plumbing wholesaling and plumbing contracting fields by means of which action many differences and problems between the several elements of the industry have been eradicated or rectified.

Furthermore, to achieve fair and equitable methods of distribution within the industry, separate wholesale and retail purchase levels are to be established by each manufacturer, such price levels to form the basis of cost determination by plumbing wholesalers and contractors in arriving at their selling prices.

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant associations are industrial associations truly representative of the aforesaid Industry; and that said associations impose no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 13, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**PLUMBING FIXTURES 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 Plumbing Fixtures Industry including Enameled Cast Iron Plumbing Fixtures Industry, Vitreous China Plumbing Fixture Industry, Sanitary Seat Industry, Sanitary Brass Plumbing Fitting Industry, and shall be the standard of fair competition for such industries and shall be binding upon every member thereof.

**ARTICLE II—DEFINITIONS**

**SECTION 1. *Industry.***—The term “industry”, as used herein, includes the manufacture and sale of:

(a) Enameled cast iron plumbing fixtures, such as bath tubs, shower receptors, lavatories, sinks, drinking fountains, laundry trays, closet tanks, accessories, and the like.

(b) Vitreous China plumbing fixtures, such as lavatories, drinking fountains, closet bowls, closet tanks, urinals, bath tubs, accessories, and the like;

(c) Seats of whatever composition, for installation on and for use in connection with closet bowls and the like;

(d) Sanitary brass plumbing fittings, such as bath fittings, shower fittings, lavatory fittings, sink fittings, drinking fountain fittings, and other completed fittings and trimmings for use in connection with plumbing fixtures and the like;

(e) Such branches and subdivisions thereof and such related industries as may from time to time, with the approval of the Administrator, be included under the provisions of this Code.

**SEC. 2. *Employee.***—The term “employee” as used herein, includes anyone engaged in the industries in any capacity receiving compensation for his services irrespective of the nature or method of payment of such compensation.

**SEC. 3. *Employer.***—The term “employer” as used herein, includes anyone by whom any such employee is compensated or employed.

**SEC. 4. *Manufacturer or Member of the Industries.***—The term “manufacturer” or “member of the industries” includes anyone engaged in the industries as above defined, or any portion thereof, either as an employer or on his own behalf.

**SEC. 5. *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 for Industrial Recovery.

SEC. 6. *Association*.—The term "Association" means, respectively:

- (a) Sanitary Cast Iron Enamel Ware Association
- (b) Vitreous China Plumbing Fixture Association
- (c) Seat Manufacturers' Association
- (d) Sanitary Brass Manufacturers' Association
- (e) National Brass Association

SEC. 7. *United States*.—The terms "United States" or "this country", as used herein, include all of the territory of the United States of America, including its insular and maritime possessions, but excluding the Philippine Islands.

### ARTICLE III—MAXIMUM HOURS

SECTION 1. *Maximum Hours of Work*.—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, or regularly in excess of six (6) days in any seven (7) day period.

SEC. 2. *Exempt Employees*.—The maximum hours fixed in the foregoing section shall not apply to salesmen in the field nor to employees in office or factory in managerial, supervisory, executive, and technical capacities who receive compensation in excess of thirty-five dollars (\$35.00) per week. All such employees shall be listed by their employers with the Code Authority.

SEC. 3. *Emergencies*.—The maximum hours fixed in the foregoing Section 1 shall not apply to any employee in emergencies; but in each special case, at least one and one half (1½) times his normal rate shall be paid for hours worked in excess of the maximum hours. At the end of each calendar month every employer shall report to the Code Authority, in such detail as may be required, all such cases.

### ARTICLE IV—MINIMUM WAGES

SECTION 1. *Minimum Hourly Rates*.—The minimum rates of pay for all employees, except those provided for in Section 3 of this Article, shall be as follows:

(a) No male employee over twenty-one (21) years of age shall be paid at a rate less than forty (40) cents per hour, except in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, and Arizona no male employee over twenty-one (21) years of age shall be paid at a rate less than thirty-five (35) cents per hour.

(b) No female employee over twenty-one (21) years of age shall be paid at a rate less than thirty-five (35) cents per hour.

(c) No employee under twenty-one (21) years of age shall be paid at the rate of less than 32¢ per hour or 80% of the minimum rate for adult male employees; provided, however, that the number of minor employees receiving less than the minimum rates for adult employees shall not exceed 5% of the total number of employees in any one factory. Minors in excess of said 5% may be employed provided that they be paid not less than the minimum rates for adult employees.

SEC. 2. *Incentive Compensation.*—The foregoing Section establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

SEC. 3. *Minimum Salary Rates.*—No employer shall pay any accounting, clerical, or office employee at less than the rate of fifteen dollars (\$15) a week; provided, however, that office boys and girls under twenty-one (21) years of age may be paid not less than 80% of such minimum wage; but the total number of such office boys and girls receiving less than fifteen dollars (\$15.00) a week shall not exceed 5% of the total number of employees covered by the provisions of this paragraph. Minor office boys and girls in excess of said 5% may be employed provided that they be paid not less than the minimum rate for adult employees.

SEC. 4. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

SEC. 5. *Wages above the Minimum.*—To the extent practicable, the differences in hourly rates of pay or hourly earnings above the minimum existing on June 16, 1933, shall be maintained, and in no case shall they be decreased. Within thirty (30) days all such readjustments made since June 16, 1933, shall be reported to the Administrator through the Code Authority.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor.*—No person under sixteen (16) years of age shall be employed in the industry, nor shall anyone under eighteen (18) years of age be employed at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within ninety days after the approval of this Code, 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.

SEC. 2. *Required 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, and other conditions of employment, approved or prescribed by the President.

SEC. 3. *Posting Code.*—Each employer shall post in conspicuous places full copies of this Code.

SEC. 4. *Reclassification.*—Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

SEC. 5. *Reports*.—(a) Each employer in these industries shall furnish monthly to the Code Authority on forms to be furnished by said Code Authority, a sworn report of the number of persons employed, wage rates in effect, and hours worked during the preceding month in his plant or plants, classified as to occupations, together with other sworn production or employment reports as the Code Authority may require from time to time, and an affidavit that the employer has complied with all the provisions of this Code.

(b) Individual reports shall not be available to anyone except the Administrator and the representatives of the Code Authority (who shall not be in the employ of any employer under this Code), provided, however, that in the event of a complaint the Code Authority shall have access to all information pertinent to such complaint. Total figures compiled from such reports shall be available to the members of the Industry.

SEC. 6. *Health and Safety*.—No employer shall maintain in his plant standards of health, safety, and sanitation, or other conditions relating to employment lower than the standards approved for the Industry by the Administrator or provided by the laws of the jurisdiction. A "Safety and Health Manual" for the Industries shall be submitted by the Code Authority for approval by the Administrator.

SEC. 7. *State Laws*.—Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regarding the age of employees, wages, hours of work, health, or general working conditions than provided by 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.

### SECTION 1. *Organization and Constitution of Code Authority*.—

(a) The Code Authority shall consist of seven (7) 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 to represent the Administrator or such groups or interests as may be agreed upon.

(b) The following industries shall each have the following number of representatives:

Industry:	<i>Representatives</i>
Enameled Cast Iron Plumbing Fixture Industry_____	2 persons
Vitreous China Plumbing Fixture Industry_____	2 persons
Sanitary Seat Industry_____	1 person
Sanitary Brass Plumbing Fitting Industry_____	2 persons

Each of the above industries' representatives on the Code Authority shall be nominated by the Chairman of that industry's association; except that in the Sanitary Brass Plumbing Fitting Industry one representative shall be nominated by the Chairman of the Sanitary Brass Manufacturers' Association and one by the Chairman of the National Brass Association and elected in the manner hereinafter described.

The members of the Code Authority shall be elected at meetings of the members of the industries called immediately after the approval of this Code by the Administrator and held immediately prior to the effective date thereof. The meetings shall be called by the respective associations and notice thereof shall be sent by registered mail to all members of the respective industries. The notice shall specifically state that voting at the meeting may be in person or by proxy. The members of the Code Authority shall be elected by members of the industries present in person or by proxy at such meetings by a majority vote of members of the industries present in person or by proxy as such.

In the event that this Code shall be wholly adopted by related industries, provisions shall be made for their representation upon the Code Authority by election in the before-mentioned manner, and the number of members of the Code Authority shall be increased by one (1) for each such additional industry.

(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 purpose 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 comply with the provisions of this Code appropriate modification in the methods of selection of the Code Authority may be made.

(e) Participation in any administrative activities or endeavors under this Code shall be based on the following:

(1) Payment of the pro rata share of the cost of administering this Code by becoming a member of one of the Associations; or

(2) Payment to the appropriate association of an equitable pro rata share of the expense incurred by such Association in administering this Code.

**SEC. 2. Duties and Powers of 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 disapprove any action taken by the Code Authority.

(a) The Code Authority shall cause this Code to be enforced, and subject to review by the Administrator, shall designate such agents and delegate such authority to them as may be necessary or convenient.

(b) It shall investigate complaints of violations of this Code and shall take such steps as may be necessary to secure an equitable disposition of any such complaint. The Code Authority may provide for its own organization, and may make such rules as to meetings, notices, waivers of notice, and other procedural matters as it may from time to time determine; provided, however, that notice of meetings shall be sent to the Administrator sufficiently in advance of such

meetings to permit the Administrator or his representatives to attend such meetings if desired. The Code Authority may, to such extent as it may determine, act by and through the Fair Competition Committee of each industry.

(c) The Chairman of each Association shall nominate a Fair Competition Committee consisting of five members who shall be elected by a majority vote of the members of each industry. This Committee shall be charged with the duties of investigating complaints of unfair trade competition and adjusting same in the light of the provisions of this Code. In cases where anyone accused of unfair competition refuses to abide by a decision of a majority of the Fair Competition Committee, the Committee shall refer its findings and recommendations with respect thereto to the Code Authority for disposition. The final appeal within the Industries shall be to the Code Authority. Appeals from its decisions shall be referred to the Administrator for disposition. The decisions of the Code Authority under this paragraph shall be subject to review by the Administrator.

(d) The Code Authority may require from time to time the industry or industries, subject to its authority, to submit in total figures for its own consideration and for transmittal to the Administrator such reports, statistical data, and other information as it may require. Such information shall be held confidential and shall not be open to inspection except as to totals of the industry. The compilation of reports shall be performed by individuals who are not in any way connected with members of the Industry or Industries.

(e) 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—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the industry and are prohibited:

SECTION 1. *Discrimination.*—To discriminate in prices, terms, discounts, allowances, guarantees, or in any other way between purchasers of the same class, except as hereinafter set forth in Section 7 of Article VIII hereof, whether the material is sold for purchaser's stock, for specific building operations, or for any other specific purposes; provided, however, that nothing in this Code shall be construed to prevent any manufacturer from selecting within the classes established his own customers in bona fide transactions.

SEC. 2. *Secret Rebates.*—Withholding from, or 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, except where modified arrangements are on file with the Code Authority. 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.

SEC. 3. *Postdating and Predating.*—Postdating or predating of quotations, orders, invoices, statements, or other sales documents.

SEC. 4. *Inducing Breach of Contract.*—Inducing or attempting to induce the breach of a contract between a competitor and his customer during the term of such contract; provided, however, that nothing in this rule shall be taken to prevent a manufacturer who has quoted on the material involved from calling to the attention of the purchaser, even though the order has been placed and accepted, that the materials for which the order has been placed do not conform in size, quantity, or quality to those on which the quotations were solicited.

SEC. 5. *Repudiation of Contracts.*—Repudiation of accepted orders and other contracts or their attempted cancellation, except for legal cause or by mutual consent.

SEC. 6. *Lump sum and Combination Bidding.*—Quoting a total price on any schedule of materials which does not show, and/or which is lower than the sum of, the regular unit prices of the articles comprising the schedule. Where an article consists of two or more parts, which themselves are considered units by the Industry, the unit price of the combination article shall not be less than the sum of the unit prices of the articles which comprise it.

SEC. 7. *False Marking or Branding.*—The failure to plainly and permanently brand or mark for identification with the name or trade mark of the manufacturer all products of the industries except parts; and the failure to supply facsimiles of such brands or trade marks by each manufacturer to the Code Authority. The false marking or branding of any product of the industries which has the tendency to mislead or deceive customers or prospective customers, whether as to grade, quality, quantity, substance, character, nature, origin, size, finish, preparation, or otherwise.

SEC. 8. *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 the credit terms, values, policies, or services of any member of the industries or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

SEC. 9. *Substitution.*—The furnishing of articles more or less expensive, of better or inferior quality, or of larger or smaller size than specified without making the proper adjustments in the quoted price and clearly indicating the nature of the substitution.

SEC. 10. *Defamation.*—The defamation of competitors or members of other branches of the plumbing industry 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.

SEC. 11. *Commercial Bribery.*—To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. Commercial bribery provisions shall not be construed to prohibit free and general

distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SEC. 12. *Protection*.—The sale or offering for sale of materials for stock under any form of guarantee to a purchaser or prospective purchaser against either advance or decline in the price of said product, except as herein otherwise provided.

SEC. 13. *Threats of Litigation*.—The publishing or circulating of threats of 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.

SEC. 14. *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.

SEC. 15. *Used Materials*.—Inasmuch as the handling of both new and second-hand building materials by the same merchant encourages substitution and misrepresentation of products to the consumer, to the detriment of both the consumer and the manufacturer, the sale of the products of this industry by manufacturers to anyone who buys for resale used or damaged building materials, plumbing products, heating products, and/or pipe fittings and valves.

SEC. 16. *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—MARKETING POLICIES

The following practices shall be followed by all members of the industry or industries in the marketing of their products and deviation from such practices and rules shall constitute unfair competition and is prohibited.

SECTION 1. *Orders*.—All orders over \$100.00 shall be signed and cover specified articles to be delivered on or before a definite date. They shall be either accepted or rejected by the manufacturer when received. Only orders for stock for shipment within thirty days of date of receipt of order, and orders for specific jobs, will be accepted at the prices in effect at date of receipt of order. All other orders shall be subject to the prices in effect at date of shipment. The minimum size and maximum delivery time for specific job orders shall be prescribed from time to time, and exceptions to this rule allowed by the Code Authority.

SEC. 2. *Invoices*.—All sales shall be invoiced at the time of shipment and such invoices together with credit memoranda and all other documents relating to the sale, shall clearly and accurately state all of the essential elements of the sale, including types and sizes of products, quantities, prices, credit terms, discounts, allowances, date of order, date of acceptance, date of shipment, and other pertinent information. Copies of invoices, together with credit memoranda and all other sales documents, shall be filed with the

Code Authority as and when directed by the Code Authority, and in the event of a complaint, sworn copies of invoices, credit memoranda, and all other sales documents shall be sent immediately to the Code Authority upon its request.

SEC. 3. *Standardization of Products.*—After uniform sizes, drillings, grading rules, and minimum specifications shall have been established by the industry subject to review by the Administrator, proper charge shall be made for deviation therefrom.

SEC. 4. *Grading.*—No manufacturer shall sell in the United States other than first-grade products guaranteed against manufacturing defects. Such guarantee shall be uniform among all manufacturers, as specified by the Code Authority, and shall provide for furnishing new products of the same type and size to replace those which have proved defective on the same basis as the original purchase, but it shall not cover charges for labor or consequential damages, provided, however, that in exceptional cases, a manufacturer may make additional allowances because of defective materials upon filing a complete report thereof with the Code Authority.

SEC. 5. *Field Inspection.*—No manufacturer shall allow credit for a defective article until the fact of such defect shall have been established by an authorized representative of the manufacturer and the article shall have been destroyed or returned to the manufacturer, except as may be otherwise required by law, or a court of competent jurisdiction. Deviation from this rule as to each industry may be permitted by a majority vote of the members thereof.

SEC. 6. *Consigned Stocks.*—No manufacturer shall consign stocks of the products of these industries to distributors, contractors, manufacturers' agents, and/or others. All consigned stocks in existence on the effective date shall be entirely liquidated by the consigning manufacturer as soon as practicable and within a period of not to exceed 90 days therefrom or at the expiration of contracts existing on that date which by their terms cannot be terminated within 90 days, copies of such contracts to be filed with the Code Authority.

SEC. 7. *Distribution.*—The functions of manufacturing, wholesaling, and retailing the products of these industries each constitute a separate business.

In recognition of the fact that the products of these industries manufactured by the signatories of this Code could not be installed in ultimate service without the assembling, warehousing, and bulk selling of accessory and complementary products performed by wholesalers in the plumbing industry, said wholesalers, in consideration of such service and in consideration of purchasing in wholesale quantities, shall be entitled to and shall receive a discount from published prices greater than the discount accorded to any person, firm, or corporation, that does not perform the assembling, warehousing, and bulk selling functions hereinbefore described. The difference between the discount allowed to wholesalers and the discount accorded to other purchasers is to be determined by each individual manufacturer; but in no case is it to be less than a percentage determined by the Code Authority, with the approval of the Administrator, and modifications made from time to time, based on a study of the value to the consumer of the distributing, assembling, and warehousing functions. Such study shall be made by an im-

partial fact-finding agency under the direction of the Code Authority.

No manufacturer may sell on the wholesaler purchase price level except to an individual, firm, corporation, or other person who buys and assembles at wholesale and sells plumbing supplies to retailers or to the retail division of his own business; has a proper investment in his business; maintain an adequate showroom, a warehouse, and sufficiently complete stock of such commodities to meet the normal plumbing supply requirements of his trade in his territory and maintains an adequate bookkeeping system, sales office, and delivery service.

Manufacturers' sales to all others who purchase the products of these Industries for resale shall be on the retailer purchase price level, and no manufacturer shall sell the products of these Industries to any one other than for resale, except to employees for their own use.

No manufacturer shall sell the products of these Industries to anyone except to manufacturers subject to this Code at better than his wholesaler purchase price level. Customers who qualify for such level may be further classified by each manufacturer on the basis of volume of purchases or on any other basis as specified in his published prices and other conditions of sale which he has filed with the Code Authority in accordance with Section 10 of this Article, but in no event shall the special discount exceed five (5%) percent beyond the net price for the wholesaler level.

Each manufacturer shall file with the Code Authority, when required by it, but in confidence, the names of customers sold by him on each price level, his schedule of special discounts, and such other information as the Code Authority may require. If the Code Authority, after investigation, finds that any manufacturer has classified a customer contrary to the provisions of this Section, it shall so notify the manufacturer and require him thereafter to sell such customer on the proper level.

Any manufacturer engaged in more than one level of the Plumbing Industry (manufacturing-wholesaling-retailing) shall conduct each business separately and with an individual system of accounting for each in accordance with the respective codes for the various levels of the Industry.

In order that the consumer may be informed of the fair prices of products of the Industries, each manufacturer shall publish and distribute a suggested fair price for sales to the consumer of each of his products, except parts and specialties.\*

SEC. 8. *Cost Protection.*—The Code Authority shall promptly cause to be developed and submitted to the Administrator a uniform system of cost accounting designed to make possible the accurate determination by each member of the Industries of his own individual cost.

Upon approval by the Administrator of such system of cost accounting, necessary information concerning it shall be distributed by the Code Authority to all members of the Industries.

Thereafter, no manufacturer shall sell or exchange his products in the United States (except on close-outs) at a price or upon such terms and conditions as will result in the customer paying for such

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\* See paragraph 2 of order approving this Code.

goods less than the cost to the seller of producing and marketing the same in this country as determined by the uniform cost accounting system; provided, however, that he may sell below his cost when necessary to meet the price of any equivalent product of any competitor against whom he is bidding for any specific job or order. All such cases are to be reported immediately to the Code Authority.

When a manufacturer is engaged in more than one line of business, each business shall be considered a separate unit for purposes of ascertaining costs, and general expenses of all kinds shall be properly and fairly allocated to the several business units.

SEC. 9. *Uniform Terms of Sale.*—No manufacturer shall sell his products on any basis more favorable to the purchaser than the credit terms, cash discounts for early payments and showroom discounts, established from time to time by the Code Authority in cooperation with the respective associations.

SEC. 10. *Published lists.*—Within ten (10) days after the effective date of this Code, each manufacturer shall publish and distribute among each class of purchaser whom he sells, his price lists applicable to that class for various types and sizes of products, including in such lists or in supplementary writings, copies of which must be filed with the Code Authority, all of his conditions of sale, including trade discounts, for such class of customers. All changes in such price lists, discounts, and conditions of sale shall be filed with the Code Authority immediately upon publication thereof. The Code Authority shall distribute such price information except the special discounts provided in Section 7 of this Article to all manufacturers of the respective Industry. No manufacturer shall sell his products in the United States, except on close-outs, to anyone, except to employees for their own use for any purpose whatsoever, at any prices or on any terms and conditions other than those indicated in his published lists: provided, however, that he may sell any of his products at the price of any equivalent product of any competitor who is offering to sell below his own published prices or terms. All such cases shall be reported promptly to the Code Authority.

SEC. 11. *Close-outs.*—A manufacturer may sell, at less than his published prices, products acknowledged by the Code Authority to be obsolete. Invoices for such sales shall be clearly marked "Special Price on Account of Close-out."

#### ARTICLE IX—MODIFICATION

SECTION 1. *Presidential Modification.*—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. By presenting this Code, however, the members of these Industries and others assenting hereto do not thereby consent to any modification thereof, and they reserve the right to object individually or jointly to any such modification.

SEC. 2. *Amendment and Termination.*—Such of the provisions of this Code as are not required to be included therein by the Act may be modified, added to or eliminated, or this Code may be terminated in its entirety at any time in the manner hereinafter provided, subject, however, to the provisions of Section 7 of Article VIII.

Proposals for modifying or eliminating provisions of this Code or for adopting additions to or substitutions for the Code or for terminating the Code in its entirety may be made in writing to the Code Authority by any member of the Industries subject to this Code. The Code Authority shall include such proposal in full in the written notice of the next meeting of the Industries. The question of the adoption of such proposal shall be voted upon at such meeting, and, if a majority in plant capacity and number of the members of the Industries present vote in favor of such proposal, the Code Authority shall present such proposal to the N.R.A. for Presidential approval when such approval is required. Such proposal shall provide for its effective date. The provisions of this paragraph shall not constitute a limitation upon any right to propose modifications or amendments to this Code which may be granted or conferred by the Act.

#### ARTICLE X—MONOPOLIES, ETC.

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

#### ARTICLE XI—SUBTERFUGE

No manufacturer shall use any subterfuge to frustrate the spirit and intent of this Code.

#### ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the first or the sixteenth day of the month, whichever shall first occur, after its approval by the President.

Approved Code No. 204.  
Registry No. 1129-03.



Approved Code No. 205

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**METAL WINDOW INDUSTRY**  
**As Approved on January 13, 1934**

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**METAL WINDOW INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Metal Window Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code Complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

**HUGH S. JOHNSON,**  
*Administrator for Industrial Recovery.*

Approval recommended:

**MALCOLM MUIR,**  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 13, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Metal Window Industry in the United States, as revised after the hearing conducted in Washington on October 11, 1933, in accordance with the provisions of the National Industrial Recovery Act.

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

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

(a) Employees engaged as travelling salesmen or in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week;

(b) Employees engaged in emergency maintenance or emergency repair work and watchmen.

This Code establishes a minimum rate of pay for forty cents (40¢) per hour with the exception that clerical and office employees shall be paid not less than at the rate of fifteen dollars (\$15.00) per week and, further, that superannuated employees may be paid less than the minimum rate when employed on light work.

No person under sixteen years of age shall be employed in this Industry. The Code provides that no employer shall reclassify employees for the purpose of defeating the provisions of the Act, and contains provisions for the posting of copies of the Code and for the payment of all wages in regular pay periods.

ECONOMIC EFFECTS OF THE CODE

According to the statistical analysis of the Division of Research and Planning, the total sales of the products of this Industry have decreased from \$33,440,000 in 1929 to \$1,700,000 for the first six months of 1933. The Industry is to a large extent controlled by the activities of the construction industry.

The data furnished to the Division of Research and Planning would indicate that reemployment should be effected on the continuation of the present volume of business. Further reemployment will be dependent on and in direct proportion to the trend of general construction. The minimum wage rate established in this Code should increase the wages of approximately thirty percent of the factory employees in this Industry, and, further, equitable readjustment of wages is provided for all employees receiving more than the minimum wage rate.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

WASHINGTON, D.C.,  
*January 13, 1934.*

# CODE OF FAIR COMPETITION

FOR THE

## METAL WINDOW INDUSTRY

### ARTICLE I—PURPOSES

To effect the policies of Title I of the National Recovery Act, this Code is submitted as a Code of Fair Competition for the Metal Window 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

SECTION 1. The term "Metal Window Industry" or the "Industry", as used herein, is defined to mean the manufacturing and the selling and installing (by the manufacturer) of industry products.

SEC. 2. The term "industry products" as used herein is defined to mean and include the following:

(A) Metal windows, except that the following are not included:

(1) Windows constructed of metal-covered woodwork, and

(2) Windows of which the frame and/or sash sections are constructed predominantly of cast metal or of structural iron or structural steel shapes, and

(3) Windows of which the frame and/or sash sections are constructed predominantly of nonferrous metal of specially designed or dimensioned frame and/or sash sections for a specific project.

(B) Hot rolled or pressed steel subframes and pressed steel stools (manufactured by members of this industry), which are an integral part of the metal window.

(C) Mechanical operators for metal windows.

(D) Industrial Type Steel Doors. The term "industrial type steel door" as used herein is defined to mean and include a door constructed with the stiles and rails of cold rolled, drawn, formed or pressed steel, or built-up using hot rolled structural steel shapes, and having a sash panel consisting of a metal window (as described in Section 2 (a) of this Article) together with a steel frame for such door constructed of cold rolled, formed, pressed steel, or built-up using hot rolled structural steel shapes.

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 "member of the Code" includes any member of the industry who shall expressly signify assent to this Code by signing and delivering to the Code Authority a letter substantially in the form as set forth in Attachment A attached hereto.

SEC. 5. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SEC. 6. The term "dealer" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the purchase of industry products for resale.

SEC. 7. The term "trade" as used herein means all channels of distribution for the products of this industry.

SEC. 8. The term "Institute" as used herein is defined to mean the "Metal Window Institute."

SEC. 9. The term "Commissioner" refers to the executive of the Institute then in office who bears that title.

SEC. 10. 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

#### MAXIMUM HOURS

SECTION 1. No employee, except as hereinafter provided in the Article, shall be permitted to work in excess of forty (40) hours in any week (seven (7) day period) or eight (8) hours in any day (twenty-four (24) hour period) or six (6) days in any week (seven (7) day period), except that a tolerance not to exceed two (2) hours in any day (twenty-four (24) hour period) may be permitted in cases of special emergency manufacturing operations for a specific project under a specific and binding contract, provided, however, that the maximum number of hours worked in any one week (seven (7) day period) shall not exceed forty (40) hours. In any such special case all hours worked in excess of the normal, that is, eight (8) hours in any day (twenty-four (24) hour period), shall be reported to the Code Authority indicating the reason for and the number of employees engaged in such special emergency manufacturing operations.

#### HOURS FOR CLERICAL AND OFFICE EMPLOYEES

SEC. 2. 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 eight (8) hours in any day (twenty-four (24) hour period), or more than twelve (12) days in any fourteen (14) day period.

#### EXCEPTIONS AS TO HOURS

SEC. 3. 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.

SEC. 4. Employees engaged on installation work may be permitted to work not in excess of forty (40) hours in any week (seven (7) day period), nor eight (8) hours in any day (twenty-four (24) hour period), nor more than five (5) days in any seven (7) day period.

SEC. 5. Employees engaged as watchmen at the establishment of the manufacturer may be permitted to work not in excess of fifty-six (56) hours in any week, nor in excess of six (6) days in any week (seven (7) day period).

#### EMPLOYMENT BY SEVERAL EMPLOYERS

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

#### MINIMUM WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of forty cents (40¢) per hour, except as hereinafter otherwise provided.

#### MINIMUM WAGES FOR CLERICAL AND OFFICE EMPLOYEES

SEC. 2. No clerical or office employee shall be paid in any pay period less than at the rate of fifteen dollars (\$15.00) per week of forty (40) hours, except that office boys and/or girls under eighteen (18) years of age shall be paid not less than eighty percent (80%) of the said rate. Such office boys and/or girls shall be limited in any calendar month to one (1) for each twenty (20) office employees employed by any one employer.

#### PIECEWORK COMPENSATION—MINIMUM WAGES

SEC. 3. 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.

#### OVERTIME FOR EMERGENCY WORK

SEC. 4. Employees engaged on emergency maintenance or emergency repair work, shall be paid at least one and one half (1½) times the normal rate for hours worked in excess of the eight (8) hours in any one day (twenty-four (24) hour period), or forty (40) hours in any seven (7) day period, as provided in Article III. 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, provided that all such cases of emergency work shall be reported to the Code Authority.

## EVASION THROUGH REEMPLOYMENT

SEC. 5. No employee now employed at the rate in excess of the minimum shall be discharged and re-employed at a lower rate for the purpose of evading the provisions of this Code.

## WAGES ABOVE THE MINIMUM

SEC. 6. An equitable adjustment shall be made in the wage differentials for all employees receiving more than the minimum wage as provided in this Code unless such adjustment has already been made, and in no case shall the wage differentials be decreased. All action taken under this section shall be reported to the Code Authority.

## FEMALE EMPLOYEES

SEC. 7. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

## SUPERANNUATED EMPLOYEES

SEC. 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 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. 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 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 Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

## PROVISIONS FROM THE ACT

SEC. 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, and

(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.

#### RECLASSIFICATION OF EMPLOYEES

SEC. 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, nor shall any employer engage in any other subterfuge for this purpose.

#### STANDARDS FOR SAFETY AND HEALTH

SEC. 4. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within sixty (60) days after the effective date of this Code.

#### STATE LAWS

SEC. 5. 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.

#### POSTING

SEC. 6. On and after the effective date of this Code all employers agree to post and keep posted in accessible places in their offices and factories all provisions of this Code which affect hours of employment, rates of pay, and all other labor provisions.

#### PAYMENT OF WAGES

SEC. 7. 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 such 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

### ORGANIZATION AND CONSTITUTION

SECTION 1. 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 six (6) members of the industry, to be elected 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, provided, however, that five (5) of such members of the Code Authority shall be directors, officers, or executives of members of the Institute, and one (1) such member of the Code Authority shall be elected from the directors, officers, or executives of a nonmember of the Institute, if any, except that in the event not less than eighty percent (80%) of the members of the industry are also members of the Institute, then all the members of the Code Authority may be elected from the members of the Institute, and provided, further, that not more than one (1) such Institute industry member of the Code Authority shall be elected from the same member of the industry.

SEC. 3. The Institute is hereby designated as the agency to conduct an election of the members of the Code Authority within ten (10) 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. 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. Not more than one (1) representative of each member of the industry shall vote at any election. Each member of the industry shall be entitled to one vote for each one hundred thousand dollars (\$100,000) of net sales of industry products in the previous calendar year, provided that no such member shall have more than three (3) votes, and provided further, that each member shall have at least one vote, irrespective of the amount of net sales reported.

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. Such representatives, together with the Administrator, shall be given notice of, and may sit at, all meetings of the Code Authority.

SEC. 5. The Institute 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. 6. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the 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. 7. 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. 8. 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.

#### POWERS AND DUTIES

SEC. 9. The Code Authority shall have the following further powers and duties, the exercise of which shall be subject to the right of the Administrator, on review, to disapprove.

(a) To execute 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. 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 the Metal Window Institute and/or such other agency 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 association and/or agency shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the co-ordination 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, provided that no member of the industry shall have the power to investigate directly the manufacturing procedure of any other member of the industry without the consent of such member.

## 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. *Selling below cost.*—No member of the industry shall sell any industry product at a price below his own individual cost. However, any member may meet the price competition of anyone whose costs under the Code are lower.

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 conform to and 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 2. *Price Discrimination.*—Any discrimination in price for industry products between purchasers of the same grade, quality, or quantity of products sold, after making due allowance for cost of fabrication, selling, servicing, and transportation is an unfair method of competition.

Rule 3. *Secret Rebates.*—The secret payment or allowance of rebates, refunds, commissions, or unearned discounts, whether in the form of money or otherwise, or secretly extending to certain purchasers special services, credit allowances, or other privileges, with

the intent and/or effect, directly or indirectly, of selling industry products at terms more favorable to the buyer than the discount schedules and/or terms and conditions of sale filed with the Code Authority is an unfair method of competition.

Rule 4. *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 described.

Rule 5. *Contingent Quotations*.—Making the acceptance of any separately priced nonindustry material in a quotation for industry products or the making of another quotation for a nonindustry material contingent upon the acceptance of a quotation for industry products, where the purpose or the effect thereof is to secure to a buyer a special price, is an unfair method of competition.

Rule 6. *Combined Quotations*.—No member of the industry shall combine the requirements for the products of this industry for two or more distinct and separate projects in one quotation to the same purchaser for the purpose and with the intent of concealing the true selling price for the products of each or all of such projects. Under this section a project shall be considered distinct and separate from another project unless constructed on the same site and the awarding authority, including the owner, and his agents (including the architect and the engineer) are the same entities.

Rule 7. *Substitution of Materials*.—Deliberate departure from plans and specifications when quoting on contract requirements if made for the purpose or with the effect of misleading the buyer as to the grade, quality, or quantity of products offered or sold, or the quotation of any substitute material without clearly identifying the nature of such substitute material, is an unfair method of competition.

Rule 8. *Illusory Contracts*.—The postdating or predating of a quotation, contract, whether written or verbal, invoice or receipt, the withholding from or inserting in a contract or invoice facts which make it a false record, wholly or in part, of the transaction represented on the face thereof, and/or entering into a contract for industry products for the purpose of avoiding one's obligations under Article VIII is an unfair trade practice.

Rule 9. *Combination Sales of Industry and Non-Industry Products*.—No member of the industry shall combine quotations for any product 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 the product of this industry.

Rule 10. *Inducing Breach of Contracts*.—No member of the industry shall induce or attempt to induce the breach of existing contracts between members of the industry and their customers, or interfere with or obstruct the performance of any such contractual

duties or services with the purpose or effect of hampering, injuring, or embarrassing competitors in their business.

Rule 11. *Defamation of Competitors.*—No member of the industry shall defame or disparage competing members of the industry by falsely imputing to them dishonorable conduct, inability to perform contracts or to make deliveries, questionable credit standing, or by other false reports having the tendency to mislead or deceive customers or prospective customers.

Rule 12. *Enticement of Employees.*—No member of the industry shall maliciously entice an employee or representative of a competitor from his employment for the purpose or effect of injuring or embarrassing such a competitor in his business. Nothing herein shall prevent an employee or representative from offering his services to a competitor nor prevent any member from employing an employee of another member where the initiative for such change of employment comes from the employee or representative.

Rule 13. *Blacklisting.*—No member of the industry shall join or participate with other members of the industry who with such member constitute a substantial number of members of the industry or who together control a substantial percent of the business in any specific product or products of the industry, in any transaction known in law as a blacklist, including any practice or device (such as a white list), which accomplishes the purpose of a blacklist.

Rule 14. *Inaccurate Advertising.*—No member of the industry shall publish advertising (whether printed, radio, display, or any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including, but without limitations, 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 15. *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.

Rule 16. *Other Unfair Trade 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—PUBLICITY OF PRICES, TERMS, AND CONDITIONS OF SALE

SECTION 1. Within fifteen (15) 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 full and complete schedule of its discounts f.o.b. shipping point and terms and conditions of sale and installation to its trade for:

- (a) Industry products manufactured of steel, and

(b) Window screens (steel, aluminum, or bronze) which are an integral part of a metal window and sold and/or installed as a part of an industry product.

and which are generalized on pages 100-106 incl., of Section I "General Information", dated May 1, 1932, and which discounts, terms, and conditions of sale are applicable to the Gross List Prices scheduled under:

#### INDUSTRY PRODUCTS

(a) Section IV. "Sub-frames", pages 401-403 incl., dated Aug. 1, 1933; and

(b) Section V. "Various and Special", pages 501, 551-554 incl., dated Aug. 1, 1933; and

(c) Section VI. "Pivoted Windows", pages 600-607 incl., dated May 1, 1932, pages 651-652, dated Aug. 1, 1933, pages 653-654, dated May 1, 1932, pages 655-656, dated Aug. 1, 1933; and

(d) Section VII. "Commercial Projected", pages 700-703 incl., pages 751-752, dated May 1, 1932, and page 753, dated Aug. 1, 1933; and

(e) Section VIII. "Architectural Projected", pages 800-801, 851-852, dated May 1, 1932; and

(f) Section IX. "Continuous Windows", page 900, dated May 1, 1932; and

(g) Section X. "Mechanical Operators", pages 1000-1003 incl., dated May 1, 1932, pages 1005-1006, dated Aug. 1, 1933; and

(h) Section XI. "Doors", page 1100, dated May 1, 1932, pages 1101-1104 incl., pages 1110-1112 incl., pages 1120-1122 incl., pages 1131, 1132, 1141, 1142, 1151, 1152, 1161, 1162, 1171, 1172, 1173, dated Aug. 1, 1933; and

(i) Section XII. "Detention Windows", pages 1201, 1225-1229, incl., 1251-1254 incl., 1275-1278 incl., dated Aug. 1, 1933; and

(j) Section XIII. "Spring-balance Windows", pages 1301-1304, incl., 1351-1354, incl., dated Aug. 1, 1933; and

(k) Section XIV. "Double-hung Windows", pages 1401-1406, incl., dated Aug. 1, 1933; and

(l) Section XV. "Basement Windows", page 1501, dated Aug. 1, 1933; and

(m) Section XVI. "Light Casements", pages 1601-1603, incl., 1605, 1651, 1652, dated Aug. 1, 1933; and

(n) Section XVII. "Intermediate Casements", pages 1701-1704, incl., 1751-1758, incl., dated Aug. 1, 1933; and

(o) Section XVIII. "Casement Projected", pages 1801-1804, incl., and 1851, dated Aug. 1, 1933; and

(p) Section XIX. "Casement Combination", pages 1901-1906, incl., dated Aug. 1, 1933; and

(q) Section XX. "Heavy Casements", pages 2001-2011, incl., dated Aug. 1, 1933; and

(r) Section XXI. "Inswing Casement Combination", pages 2101-2104, incl., 2151, 2152, dated Aug. 1, 1933; and

## NONINDUSTRY PRODUCTS

(s) Section III, "Screens", pages 301-319, incl., and pages 351 and 352, dated Aug. 1, 1933,

which sections are part of a Schedule of Gross List Prices issued by the Metal Window Institute, a copy of which has been filed with the Administrator, and is incorporated in this Code by reference.

SEC. 2. Copies of all such schedules of discounts, terms, and conditions of sale shall be immediately distributed by the Code Authority to all members of the industry and such schedules of discounts, terms, and conditions of sale, and the "Gross List Prices" as heretofore mentioned shall be open to inspection at all reasonable times by any interested party.

SEC. 3. Each member of the industry may file with the Code Authority a revised schedule of discounts, terms, and conditions of sale from time to time thereafter, provided, however, that such revisions shall be filed on the tenth (10th) day in advance of the effective date of any such revision.

SEC. 4. Copies of all such revised discounts, terms, and conditions of sale shall be immediately distributed by the Code Authority to each member of the industry, who may thereupon file a revision of its schedule of discounts, terms, and conditions of sale on file, and applicable to the industry products involved, and such revisions shall become effective upon the date when the first such revised schedule shall go into effect.

SEC. 5. All such schedules shall include all discounts, terms, and conditions of sale to each of the member's class of trade, provided however, that no schedule shall provide for prices less than the member's individual cost as determined by Rule 1 of Article VII, unless such schedule is filed to meet the lower cost of a competitor, pursuant to the provisions of Rule 1 of Article VII hereof.

SEC. 6. All discount schedules so filed shall follow the uniform outline for publishing discounts as may hereafter be adopted by the Code Authority as most appropriate for use in the marketing of the industry products included in the Gross Price Lists.

SEC. 7. Members of the industry shall file and maintain on file list prices, together with all discounts, terms, and conditions of sale applicable thereto, in the same manner as described in the foregoing sections of this Article, for all industry products not now included in the "Gross List Prices" covered by Section 1 of this Article and specifically including industry products which may subsequently be manufactured by members of this industry and included under Section 2 of Article II.

SEC. 8. No member of the industry shall sell or offer for sale any industry product to which such discounts apply at such prices or on such terms and conditions of sale as will result in the purchaser obtaining such product at less than the prices determined by the discounts 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. 9. No member of the industry shall render any service, other than advice or consultation, to any purchaser of any industry prod-

uct, in connection with the sale or installation of any such product, unless a schedule of such services shall have been previously filed with the Code Authority, pursuant to the provisions of this Article, and unless fair compensation for such services shall be paid by the purchaser.

#### ARTICLE IX—INSTALLATION (FIELD ERECTION)

SECTION 1. The industry submits that one of the serious abuses affecting it in the past has been the faulty installation of industry products by nonmembers of the industry, for which members of this industry have been called upon to bear responsibility. To remedy this abuse it is provided that members of the industry shall include the installation (field erection) of the products of this industry, in all quotations and/or contracts for the sale of such products in excess of \$3,000.00 for Light Casements, \$2,000.00 for Double Hung Windows, and \$1,000.00 for all other products (all based on the net f.o.b. selling price to the trade quoted as provided herein by Article VIII), except that the installation (field erection) of the following classes of industry products is not required to be included in any quotation or contract involving such products, regardless of the amount of such quotation or contract:

- (a) Pressed Steel Subframes, Section IV,
- (b) "Commodity Stock" and "Commodity Standard" products when sold to dealers, and
- (c) Industry products manufactured and introduced by a member of the industry under an exclusive patent, or controlled and manufactured by a member of the industry under a license by a patentee,

which classification of products are identified by the schedule of "Gross Price List" mentioned herein in Article VIII.

SEC. 2. It shall be one of the duties of the Code Authority to study conditions in the industry with respect to the problem of the proper installation (field erection) of industry products and to submit to the Administrator within ninety (90) days after the effective date of the Code, its recommendations concerning such problem and the operation of the provisions of Section 1 of this Article. The Administrator may, thereupon, if he deems it necessary, provide a hearing to further determine whether the provisions of Section 1 are effectuating the policies of the Act and, thereafter, if he finds that such provisions, either in whole or in part, are not effectuating the policies of the Act, may require an appropriate modification, or the elimination thereof.

#### ARTICLE X—LABOR PROVISIONS FOR 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 or codes for the construction industry as may be applicable thereto, to be determined, in cases of doubt, by the Administrator after such notice and hearing as he may prescribe.

## ARTICLE XI—PENALTIES AND LIQUIDATED DAMAGES

SECTION 1. Any violation of any provision of this Code by any member of the industry shall constitute a violation of the Code by such member.

SEC. 2. Recognizing that the violation by any member of the Code of any of the rules of fair competition expressed in Rules 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article VII, in Sections 8 and 9 of Article VIII, and in Section 1 of Article IX of the Code will disrupt the normal course of fair competition in the industry and undermine the fair wages and reasonable working hours herein undertaken, besides inflicting serious damages on other members, and that it will be impossible fairly to assess the amount of such damage to any individual member of the Code, it is hereby agreed by and among all members of the Code that each member of the Code who shall violate any of the above enumerated rules of fair competition shall pay to the Commissioner, in trust, as and for liquidated damages, a sum equal to not more than twenty percent (20%) of the gross amount of any contract or order for industry products taken in violation of any such rule or rules. Such funds shall be applied to the administration of the Code. The Code Authority, by the affirmative vote of two thirds, may waive any liability for such liquidation damages as may be imposed by or pursuant to this provision of the Code, if, in its discretion, it so decides that such violation was innocently made and that the collection of such damage is not necessary in order to effectuate the policy of Title I of the National Industrial Recovery Act.

SEC. 3. Every member of the Code shall sign and transmit to the Code Authority a letter in the form set forth in Attachment A appended hereto.

SEC. 4. The penalty for violation of provisions of the Code by a member of the Code other than those above enumerated shall be as provided in the National Industrial Recovery Act.

## ARTICLE XII—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 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.

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. Any such application may be made by the Code Authority.

## 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—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 XV—SUBSIDIARY COMPANIES

Corporations or firms shall be considered to be affiliated to any member of the industry (called "the parent corporation") when the latter, either directly, or through any intermediate agency, owns a majority of the outstanding voting capital stock of the affiliate. Any such parent corporation shall be responsible for the observance by any affiliated corporation of all appropriate provisions of this Code.

## ARTICLE XVI—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 as provided herein might cause an injustice to any member of the industry.

## ARTICLE XVII—EFFECTIVE DATE

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

Approved Code No. 205.  
Registry No. 1122-1-01.

ATTACHMENT "A"

FORM OF LETTER OF ASSENT TO THE CODE

*To The Code Authority, Metal Window Industry, Washington, D.C.*

GENTLEMEN: The undersigned, desiring to become a member of the Code of Fair Competition of the Metal Window Industry, a copy of which is annexed hereto, hereby assents to and agrees to be bound by all the provisions of said code, and effective ten days after the approval of the Code by the President as therein provided, by the signing and delivery of this letter becomes a member and, effective as aforesaid, hereby agrees with every person, firm, association, and corporation who shall then be or thereafter become a member of the Code, that the Code shall constitute a valid and binding contract between the undersigned and all such other members, and that for all purposes of the Code the address of the undersigned until it shall file with the Commissioner written notice of a change of such address, shall be as set forth at the foot of this letter.

Yours very truly,

By

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(Official title)  
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Address

(151)





Approved Code No. 206

**CODE OF FAIR COMPETITION**

FOR THE

**FELDSPAR INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**FELDSPAR INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Feldspar Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Feldspar Industry, a hearing on which was conducted in Washington on the fourth of November 1933 in accordance with the provisions of the National Industrial Recovery Act.

### HOURS

The Code provides that no employee engaged in milling or grinding operations shall be permitted to work in excess of 40 hours in any one week or 8 hours in any one day or 6 days in any 7-day period; that no employee engaged in mining operations shall be permitted to work in excess of 40 hours per week, averaged over a 3-month period, or in excess of 48 hours in any one week; and that no clerical or office employee shall be permitted to work in excess of 40 hours in any one week or 10 hours in any one day. The following are excepted:

- (a) Employees in executive, administrative, or supervisory capacities, who receive \$35 or more per week;
- (b) Employees on emergency maintenance or emergency repair work, who, however, shall be paid at least one and one third times the normal rate for time worked in excess of 8 hours in any one day.

### WAGES

The Code provides for minimum rates of pay of 25 cents per hour in the South and 30 cents per hour in the North for employees engaged in mining operations; for minimum rates of pay of 30 cents per hour in the South and 35 cents per hour in the North for employees engaged in milling and grinding operations; and for a minimum rate of pay of \$13.50 for clerical and office employees.

Aged or physically handicapped persons may be employed at such wages and for such hours as shall be stated in a certificate issued by a State Authority designated by the United States Department of Labor.

### CHILD LABOR

The employment of persons under 16 years of age and, in occupations hazardous in nature or dangerous to health, of persons under 18 years of age is prohibited.

### ECONOMIC EFFECTS OF THE CODE

The miners and the grinders of feldspar have joined together for the purpose of presenting this Code. It is thought that the operation of these two groups under one Code will help to solve some of the most difficult problems of the industry.

From the year 1929 to the year 1932, the volume of sales of crude feldspar declined about 47% and the value of sales about 58%. Present grinding operations are at the rate of approximately 13% of capacity, and in 1929 were at the rate of only 28% of capacity.

The minimum wages prescribed in the Code are more than 100% higher than the lowest wages now being paid in some sections. Maximum weekly working hours are being reduced by approximately 25%. It is believed that the Code will increase employment in this industry about 25% and that it will increase wages at least 30%.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of Said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 16, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## FELDSPAR 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 Feldspar Industry, and shall be binding upon every member thereof.

### ARTICLE II—DEFINITIONS

(a) The term "Feldspar Industry", as used herein, includes the mining, grinding, and sale by the miner or grinder of feldspar products and such related branches and/or subdivisions of this industry as may from time to time be included under the provisions of this Code by the President after such due notice and hearing as he may prescribe.

(b) The term "member of the industry" includes, but without limitation, any business entity engaged in the Feldspar Industry either as an employer or on his or its own behalf.

(c) The term "employer", as used herein, includes any individual or enterprise by whom any employee is compensated or employed.

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

(e) The term "grinder" as used herein includes any member of the industry engaged in the grinding of mined feldspar.

(f) The term "miner" as used herein includes any member of the industry engaged in the mining of crude feldspar.

(g) The term "South" as used herein includes the States of Virginia, Tennessee, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, and Louisiana.

(h) The term "North" as used herein includes those States not included within the foregoing definition of the South.

(i) 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—LABOR

A. HOURS OF WORK—1. (a) *Mining Operations*.—Subject to the exceptions hereinafter provided no employee shall be permitted to work in excess of forty (40) hours per week averaged over a three (3) months' period nor in excess of forty-eight (48) hours in any one week. The Code Authority shall specify the dates on which the three (3) month periods used for averaging hours shall begin and end. In order to permit the proper arrangement of these dates, the first period used for averaging may, if so specified by the Code Authority, be shorter than three (3) months.

(b) *Milling or Grinding Operations*.—Subject to the exceptions hereinafter provided no employee shall be permitted to work in excess of forty (40) hours in any one (1) week, or eight (8) hours in any one (1) day or six (6) days in any seven (7) day period.

2. No office or clerical employees shall be permitted to work in excess of forty (40) hours in any one (1) week or in excess of ten (10) hours in any twenty-four (24) hour period.

3. The maximum hours established herein shall not apply to employees engaged in executive, administrative, or supervisory work, who receive thirty-five dollars (\$35.00) or more per week.

4. The maximum hours established herein 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 at least one and one third ( $1\frac{1}{3}$ ) times the normal rate shall be paid for hours worked in excess of eight (8) hours in any one (1) twenty-four (24) hour period.

5. No employer shall engage any employee for any time which, when totaled with that already performed for another employer or employers, exceeds the maximum permitted herein.

6. Employers who personally perform manual work or are engaged in mechanical operations shall, to the extent permitted by the Act, be subject to the maximum hours prescribed in this Article.

7. An employer shall so administer work in his charge as to provide a maximum practicable continuity of employment for his personnel.

B. WAGES—1. (a) *Mining Operations*.—No employee shall be paid at less than the rate of twenty-five cents (25¢) per hour in the South and thirty cents (30¢) per hour in the North.

(b) *Milling or Grinding Operations*.—No employee shall be paid at less than the rate of thirty cents (30¢) per hour in the South and thirty-five cents (35¢) per hour in the North.

2. No employee engaged in clerical or office work shall be paid at less than the rate of thirteen dollars and fifty cents (\$13.50) per week of forty (40) hours.

3. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, tonnage rate, or other basis.

4. An equitable adjustment shall be made in the wages of all employees now receiving more than the minimum wage as provided in this Code. 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 16, 1933.

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

6. An employer shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Wages shall be paid at regular periods. These wages shall be exempt from any payments for pensions, insurance, or sick benefits other than those voluntarily paid by the wage earners.

7. No employer or his agent shall accept any rebate directly or indirectly on such wages or give anything of value or extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

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 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 IV—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 within thirty (30) days after the effective date of this Code, 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 of this Code shall supersede any state or federal laws imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general conditions than are imposed under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees or engage in any subterfuge so as to defeat the purposes of the Act.

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

8. Every employer shall provide for the health and safety of his workmen.

#### ARTICLE V—ADMINISTRATION

1. To effectuate the policies of the National Industrial Recovery Act and to provide for the administration of the Code, a Code Authority composed of six (6) members, three (3) of whom shall represent members of the industry engaged in grinding operations and three (3) of whom shall represent members of the industry engaged in mining operations solely, and independent of grinding interests, shall be elected by members of the industry, by such fair methods of election as the Administrator may approve. In addition, the Administrator, if he so elects, may appoint not more than three (3) nonvoting members of the Code Authority to serve, without expense to the Industry, for such terms as he may specify, as his representatives or as representatives of such interested groups as he may designate. Subject to the provisions of subsection (d) of section 5 of this Article all members of the industry engaged in mining operations shall be entitled to participate in the selection of such members of the Code Authority as represent the mining operations of the industry and all members of the industry engaged in grinding operations shall be entitled to participate in the selection of such members of the Code Authority as represent the grinding operations of the industry.

2. The Feldspar Association is hereby designated as the agency to conduct an election of 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 term of such members shall be called. Notice of each election shall be sent to all members of the industry at least ten (10) days in advance of any such election, and voting at such election may be by person, by proxy, or by letter ballot.

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.

4. Each trade or industrial association 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 such other information as to activities as the Administrator may deem necessary to effectuate the purposes of the Act.

5. In addition to the powers and duties herein specifically conferred upon the Code Authority it shall have the following powers and duties, subject to the right of the Administrator on review to disapprove any action by the Code Authority pursuant to this Code:

(a) The Code Authority shall be charged with the supervision and administration of this Code, and shall have the right to establish its own rules for the conduct of its business.

(b) In order that the President may be informed of the extent of the observance of the provisions of this Code and of the extent to which the declared policy of the National Industrial Recovery Act is being effectuated in the industry as herein defined, the Code Authority shall make such reports as the Administrator may require, periodically, or as often as he may direct. Each employer shall make such sworn or unsworn reports to the Code Authority as to wages, hours of labor, number of employees, quantity and value of production, shipments, stocks on hand, sales prices and other matters as the Code Authority may require for the administration of this Code. 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. Any and all information furnished to the Code Authority shall be furnished to such agency, not a member of the industry, as may be designated by the Code Authority. Such information shall be deemed confidential and shall not be divulged to any employer except in summary, but shall be available to the Administrator upon request.

(c) The Code Authority shall receive, and if it shall approve shall present for the approval of the President, any proposals for supplementary provisions or amendments to this Code, or any part hereof, with respect to wages, hours, trade practices, and related matters or conditions in the industry.

(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 by paying their reasonable pro rata share of the expense of the maintenance of the said Code Authority and its activities, either by becoming a member of the Feldspar Association or by paying to the Code Authority or to such agency as it may designate such pro rata share. Such shares 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.

(e) The Code Authority may designate the Feldspar Association, or any other proper agency, to assist it in maintaining its accounts and in procuring the collection of the cost of administration due from members of the industry. The Code Authority may from time to time appoint such subcommittees or designate such agencies and may delegate to any of them such of its powers and its duties as it shall deem necessary and proper, in order to effectuate the provisions and purposes of this Code, provided, however, that the Code Authority shall not be relieved of final responsibility with respect to any such delegated powers or duties.

## ARTICLE VI—COST ACCOUNTING AND PRICES

A. The Code Authority shall formulate and recommend for the approval of the Administrator for use in the industry a uniform and adequate cost-accounting system, which shall be adaptable to the industry. Such system shall specify the factors which shall be included in determining the operating costs of employers. After approval of such cost-accounting system by the Administrator each member of the industry shall use a cost-accounting system which is at least as detailed and complete as the system so approved.

B. No member of the industry engaged in grinding operations shall sell any product at such prices or on such terms and conditions of sale as will result in a purchaser's paying therefor less than such member's individual costs as determined in accordance with the principles of the costing system provided for in Section A of this Article, except to meet the competition of another member of the industry.

C. No member of the industry shall purchase crude feldspar from a member of the industry engaged in mining operations, and no member of the industry engaged in mining operations shall sell such crude feldspar to a member of the industry engaged in grinding operations at less than the lowest cost of a representative producer of crude feldspar. A representative producer of crude feldspar shall be a member of the industry regularly engaged in the mining of feldspar and maintaining a permanent organization for conducting these operations. Such costs shall be determined from time to time by the Code Authority on the basis of adequate cost data submitted by such representative producers and shall be subject to review and modification by the Administrator.

D. Members of the industry engaged in both mining and grinding operations as herein defined shall, for the purpose of determining their costs pursuant to the provisions of Section B of this Article, use as that element of cost described as cost of materials not less than the minimum prices established in accordance with Section C by the Code Authority for all products of members of the industry engaged in mining operations.

E. The Code Authority shall formulate and submit for the approval of the Administrator a classification of the grades of feldspar in accordance with the uses thereof. After the approval thereof by the Administrator no member of the industry shall sell feldspar except in accordance with such classification.

F. Within ten (10) days after the effective date of this Code, each member of the Industry shall file with the Code Authority a schedule individually prepared by him, showing his current prices, discounts, and all terms and conditions of sale, and thereafter shall maintain on file with the Code Authority at all times a schedule showing such current prices, discounts, and terms and conditions of sale, and any deviation therefrom in connection with any sale of his products shall constitute a violation of this Code.

Any member of the Industry may, from time to time, file a revised schedule with the Code Authority, such revision to become effective on date specified therein, provided, however, that such revision shall be filed with the Code Authority at least ten (10) days in advance of the effective date thereof. Copies of such revisions

with notice of the effective date specified, shall be immediately sent by the Code Authority to all other members of the Industry, who thereupon may file, if they so desire, revisions of their schedules to meet the revisions first filed, such revisions to become effective upon the date when the revised price list first filed shall become effective. All schedules so filed with the Code Authority shall be open to inspection at all reasonable times by any interested party.

G. No member of the industry shall permit his agent to sell ground feldspar products at other than the prices, terms, and conditions, filed by such member of the industry with the Code Authority in accordance with Section F.

H. No member of the Industry shall make or permit to be made any secret payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or any secret extension to certain purchasers, of special services or privileges not extended to all purchasers, on like terms and conditions.

I. All quotations and contracts for the sale of any product of the industry by a member of the industry shall be in writing and shall contain a definite statement of price, tonnage, grade, terms of payment, time and place of delivery, and all other items necessary to form a complete understanding. No contracts with individual consumers or jobbers shall be made for a period in excess of thirty (30) days or in excess of such longer periods as the Code Authority may from time to time approve.

J. No member of the Industry shall sell any products of the Industry on consignment, except under circumstances and conditions approved by the Code Authority.

K. The present capacity of the Industry is far in excess of the present or prospective needs. Therefore each member of the Industry shall register with the association the grinding capacity of its present grinding equipment. Prior to the installation of any new grinding equipment by persons engaged or engaging in the Feldspar Industry, except for the replacement of similar worn-out or obsolete grinding equipment, such persons shall report to the Code Authority. The Code Authority shall make such recommendations to the Administrator as may seem necessary to effectuate the policy of the National Industrial Recovery Act.

#### ARTICLE VII—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 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 any provision of this Code or any conditions imposed by him upon his approval thereof.

B. This Code may be amended upon the recommendation of the Code Authority or of any interested party or group, and any modification so recommended or initiated shall be effective upon the approval thereof by the President after such notice and hearing as he may prescribe.

## ARTICLE VIII

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

## ARTICLE IX

Whereas the policy of the National Industrial Recovery 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 and understood that price increases will, so far as reasonably possible, be limited to actual increases in the seller's costs.

## ARTICLE X

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

Approved Code No. 206.

Registry No. 1012/1/02.





Approved Code No. 207

**CODE OF FAIR COMPETITION**

FOR THE

**BALL CLAY PRODUCTION INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**BALL CLAY PRODUCTION INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Ball Clay Production Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Ball Clay Production Industry, a hearing on which was conducted in Washington on the twelfth of December 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### LABOR PROVISIONS OF CODE

The Code provides for a maximum work day of 10 hours and a maximum work week of 40 hours, averaged over a six-months period, provided that no employee be permitted to work more than 48 hours in any one week. The following are excepted:

(a) Employees in supervisory, outside sales or clerical capacities receiving \$35.00 per week or more;

(b) Employees engaged on emergency maintenance or emergency repair work and a limited number of employees (not exceeding 10% of the total number of employees in each plant) engaged in several special operations, all of whom shall be paid at least one and one-half times the normal rate of pay for time worked in excess of the maximum hours above specified.

The Code provides for minimum rates of pay of \$15.00 per week for office employees and of 37½ cents per hour in the North and 30 cents per hour in the South for other employees. To the extent practicable, wages above the minimum are to be equitably readjusted and in no case decreased.

The employment of persons under 16 years of age and, in occupations hazardous in nature or dangerous to health, of persons under 18 years of age is prohibited.

#### ECONOMIC EFFECTS OF THE CODE

This is a very small industry, but one which is distinct and well organized. Employment in the industry has decreased from about 400 workers in 1929 to about 260 at the present time. During the same period, volume of sales has decreased more than 70% and value of sales more than 75%.

The minimum wages provided for in the Code are more than 100% higher than the minimum wages paid in August of this year, and are higher than those paid in the year 1929. It is believed that the Code will increase the total amount paid to labor by this industry at least 38%.

The normal work week in this industry has been 60 hours and the restrictions on hours contained in the Code will undoubtedly increase employment. According to estimates by the industry, the increase will be about 25%.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 16, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**BALL CLAY PRODUCTION 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 Ball Clay Production Industry, and shall be binding upon every member thereof.

**ARTICLE II—DEFINITIONS**

The term "Industry" as used herein includes the aggregate of those operations of each producer necessary for the production and sale of clay by such producer where the essential recoverable product thereof is Ball Clay.

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, except a member of the Industry.

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

The term "Member of the Industry" includes any one engaged in the industry as above defined, either as an employer or on his own behalf, except that it shall not include contractors as herein defined.

The term "Association" as used herein shall mean the United States Ball Clay Producers' Association.

The term "Contractor" as used herein includes all those stripping or producing ball clay under contract for a member of the industry, either from mines owned by the contractor, or from mines owned by the member of the industry for whom such stripping or producing is done.

The term "Southern Area" as used herein includes Virginia, Kentucky, and all states south thereof and east of the Mississippi River and also that portion of the State of Missouri south of the 37th parallel and east of the 91st meridian.

The term "Northern Area" as used herein includes all the United States on the North American Continent except that part included in the Southern Area.

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—MAXIMUM HOURS

SECTION 1. Except as provided in Sections 2 and 3 of this Article, no employee shall be permitted to work in excess of forty (40) hours per week averaged over a semiannual period either from January 1 to June 30, or from July 1 to December 31, and the maximum hours of work for any employee during any one week shall not exceed forty-eight (48); no employee shall be permitted to work in excess of ten (10) hours in any twenty-four (24) hour period.

SEC. 2. These limitations as to hours of labor shall not apply to persons employed in supervisory, outside sales, or clerical capacities receiving a fixed salary at the rate of thirty-five (\$35.00) dollars per week or more.

SEC. 3. The maximum hours established in Section 1 of this Article shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property; nor shall they apply to a limited number of employees (not exceeding 10% of the total number of employees in each plant) engaged in the operating, maintenance, or firing of power shovels, and cranes, engaged in car loading and engaged in operations which must be performed before and after the regular working hours; but in any such special cases, at least one and one-half times the normal rate of pay shall be paid for time worked in excess of the maximum hours herein established.

SEC. 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 hours permitted herein.

SEC. 5. Any employer who does the work of an employee shall be subject to the provisions of this Code as to hours of labor.

SEC. 6. All wages shall be paid at least twice per month and all salaries at least once a month, in lawful currency or negotiable check; 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 IV—MINIMUM WAGES

SECTION 1. No employee in the Northern Area shall be paid at less than the rate of thirty-seven and one half ( $37\frac{1}{2}$ ) cents per hour.

SEC. 2. No employee in the Southern Area shall be paid at less than the rate of thirty (30) cents per hour.

SEC. 3. 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. The wage differentials for those employees receiving wages above the minimum shall, to the extent practicable, be equitably readjusted, and in no case shall they be decreased. No unfair advantage shall be taken of any employee in making this Code effective.

SEC. 5. No office or clerical employee shall be paid less than fifteen (\$15.00) dollars per week.

## ARTICLE V--GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed in the industry at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within one month after the effective date of this Code a list of such operations or occupations, if there be any such. 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. (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.

SEC. 3. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the provisions of the Act or of this Code.

SEC. 4. No member of the industry shall use a contractor for stripping or for the production of clay unless the contractor complies with all the labor provisions of this Code in regard to employees used in the production of such clay, and in such stripping operations. For all other purposes of this Code, the employees of such contractors, used in the stripping or in the production of such clay, shall be treated and considered as employees of the member of the industry taking the clay produced by such contractor or for whom such stripping is done.

SEC. 5. 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. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

## ARTICLE VI--ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. To further effectuate the policies of the Act, the Board of Directors of the Association is hereby constituted the Code Authority.

SEC. 2. The Code Authority shall consist of the same number of members as the Board of Directors of the Association (which shall be six (6) in number on the effective date of this Code), or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter provided. The Administrator, in his discretion, may appoint not more than three (3) additional members without vote, to represent the Administrator, or such groups or interests as may be agreed upon, without expense to the industry.

SEC. 3. Each member of the industry becoming a member of the Association, shall be entitled to elect one director of that Association, and that member shall ipso facto become a member of the Code Authority.

SEC. 4. All those engaged in the industry may become members under and participate in the administration of this Code by becoming members of the Association. Said 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. 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, or any sub-Code Authority.

SEC. 6. The Secretary and the Treasurer, respectively, of the Association shall act as such officers of the Code Authority.

SEC. 7. The expenses of administering the Code shall be borne by the members of the Association. In addition to the dues collected by the Association as such, the Code Authority may from time to time make such assessments on account of such expenses against the members of the Association as it shall deem proper, and such assessments, subject to review and modification of the Administrator, shall be equally divided between and be borne by the members of the Association, and shall be payable as the Code Authority may specify. Failure of any member of the Association to pay the amount of any assessment against such member for a period of thirty (30) days after the date on which it became payable shall constitute a violation of the Code.

SEC. 8. 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 or modify any action taken by the Code Authority:

(a) From time to time, to appoint and remove, and to fix the compensation of all such other officers, agents, employees, accountants, attorneys, and experts as the Code Authority shall deem necessary for the purpose of administering the Code;

(b) To receive complaints of violations of this Code, make investigations thereof, provide hearings thereon and adjust such com-

plaints and bring to the attention of the Administrator for prosecution, recommendations, and other action relative to unadjusted violations;

(c) To coordinate the administration of this Code with such other Codes, if any, as may be related to the industry, and to delegate to any other administrative authority, with the approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest;

(d) To initiate, consider, and make recommendations for the modification or amendment of this Code;

(e) To obtain from members of the industry such reports and such other information as may be necessary or convenient for the use of the Code Authority and the Administrator in the administration and enforcement of the Code and to give assistance to members of the industry in improving methods, or in prescribing, with the approval of the Administrator, a uniform system of accounting and reporting. In addition to the information otherwise provided for in this Code 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; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency.

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 as such member, be liable to anyone for any action or omission to act, except for his own nonfeasance of malfeasance.

## ARTICLE VII—TRADE PRACTICES

SECTION 1. 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 practices or methods are unfair, provided that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

SEC. 2. In the event any specific trade practice rules hereafter become necessary they may, upon recommendation to and approval thereof by the Administrator, be made a part of this Code in the manner hereinafter provided for amendments to this Code.

SEC. 3. A violation by any member of the industry of any provision of this Article or the engaging in any practice hereafter declared by the Code Authority, with the approval of the President, to be an unfair trade practice, shall be a violation of this Code.

## ARTICLE VIII—MODIFICATION

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

#### 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 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 additional increases in the seller's costs.

#### ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 207.

Registry No. 1013-04.





Approved Code No. 208

**CODE OF FAIR COMPETITION**

FOR THE

**PICTURE MOULDING AND PICTURE FRAME  
INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**PICTURE MOULDING AND PICTURE FRAME  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Picture Moulding and Picture Frame Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Picture Moulding and Picture Frame Industry in the United States, as revised after a hearing conducted in Washington on November 24, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS FOR HOURS AND WAGES

The maximum hours of labor provided in this Code are 40 hours per week with the following exceptions: Executive and Supervisors receiving \$35 or more per week do not have any limitation of hours. Watchmen are not permitted to work more than 56 hours, nor more than 6 days, in any one week. Cleaners, mechanics, engineers, firemen, outside crews and outside delivery men, not to exceed ten percent of the employees of any one plant, are allowed a tolerance of 8 hours per week and are to be compensated at one and one third their normal rate of pay for hours worked in excess of 40 hours in any week. Emergency repair and maintenance work is unrestricted but also shall be compensated at one and one third the normal rate of pay for hours worked in excess of 40 hours in any one week or in excess of 8 hours in any one day. As the industry is largely a manufacture-on-order industry, an 8-hour tolerance per week is allowed on hours, providing the weekly average in each 4-week period does not exceed 40 hours. Hours in addition to the 40-hour average (but not exceeding 48 hours in any one week) are allowed during the peak season, if employees are compensated at the rate of one and one third times their normal rate of such additional hours worked. Office and clerical employees are not permitted to work more than 40 hours per week averaged over any 4-week period nor in excess of 48 hours in any one week.

The minimum wage rate provided for employees is 32½ cents per hour in the North and 10 percent less in the South. Learners, not to exceed 5 percent of the employees of any plant and for a period of one month, and messengers and office girls between 16 and 18 years of age, also not to exceed 5 percent of the employees, may be compensated at 80 percent of the minimum wage provided. Female workers shall receive the same rate of pay as male workers for substantially the same work. Handicapped persons may be employed at suitable work upon certification of the State Authority designated by the United States Department of Labor. One year from the effective date of this Code the minimum wage is to be increased to 37½ cents per hour unless adequate reasons for not doing so are presented to the Administration at a public hearing requested by the Code Authority for this purpose.

## CHILD LABOR

The minimum age limit is 16 years, except in hazardous positions where the minimum age limit shall be 18 years.

## ECONOMIC EFFECT OF THE CODE

From the data available, the representative of the Planning and Research Division has estimated maximum hour provisions of this Code would increase employment in this industry approximately 25 percent over that of June 1933; and that the wage provisions though comparatively low are a substantial increase over those prior to the President's Reemployment Agreement. An increase in the minimum wage from 32½ cents per hour to 37½ cents per hour is provided after this Code has been in effect one year, in the belief that the industry will then be better able to provide this more adequate wage for its employees.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

# CODE OF FAIR COMPETITION

FOR THE

## PICTURE MOULDING AND PICTURE FRAME 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 Picture Moulding and Picture Frame 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. *Picture Moulding and Picture Frame Industry.*—The Picture Moulding and Picture Frame Industry, hereinafter termed “the industry”, means the manufacture and/or sale by the manufacturers of picture-frame mouldings, including plain, ornamented, embossed, carved, or composition, whitened, veneer covered, metal, finished and unfinished, and all picture frames, including mirror frames, photo frames, painting frames, advertising frames, metal frames, picture placques, leather and leatherette frames, both empty and fitted and irrespective of the materials used in the production thereof, and wooden trays and art novelties made in picture-frame factories of similar materials and by similar processes to those used in the manufacture of picture frames; but excluding custom picture-framing from finished mouldings made to order for specific pictures delivered by retail customers for framing to the picture and frame departments of stores operating under the Code of Fair Competition for the Retail “Trade.”

SEC. 2. *Division.*—The term “Division” of the industry as used herein shall mean the several branches of the industry which have been or may hereafter be established by the Code Authority. The divisions immediately hereby established are as follows:

1. Raw Moulding.
2. Finished Moulding.
3. Empty Picture Frame.
4. Fitted Picture Frame.
5. Metal Moulding and Metal Frame.

SEC. 3. *Divisional Agency.*—The term “Divisional Agency” shall mean the executive agency of any Division of the industry selected by members of the Division by methods of selection prescribed by the Code Authority.

SEC. 4. *Members of the Industry.*—The term “Member of the Industry” includes, but without limitation, any individual or enterprise engaged in the industry, either as an employer or on his or its own behalf.

SEC. 5. *Member of Division.*—The term “Member of the Division” shall mean any member of the industry as classified in any division of the industry now or hereafter established.

SEC. 6. *Employee.*—The term “Employee” as used herein includes any and all persons engaged in the industry, except a “member of the industry”, however compensated.

SEC. 7. *Act and Administrator.*—The terms “Act” and “Administrator” as used herein shall mean, respectively, Title I of the National Industrial Recovery Act, and the Administrator of said Act.

SEC. 8. *Population.*—Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

SEC. 9. *Association.*—The term “Association” as used herein means The Picture Moulding and Frame Manufacturers Association, Incorporated, under the laws of the State of Illinois, not for profit.

### ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—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 as hereinafter otherwise provided.

#### EXCEPTIONS

SEC. 2. *Executive, Supervisory, or Administrative Employees.*—The maximum hours prescribed in Section 1 of this Article shall not apply to executive, supervisory, or administrative employees receiving thirty-five (35) dollars or more in any one week, nor to outside salesmen, provided, however, that the exemption contained in this section shall not apply to foremen engaged in machine operations.

SEC. 3. *Watchmen.*—The maximum hours prescribed in Section 1 of this Article shall not apply to watchmen, provided, however, that watchmen shall not be permitted to work in excess of fifty-six (56) hours in any one week nor more than six (6) days in any one week.

SEC. 4. *Outside Deliverymen, Firemen, Mechanics, Engineers, Cleaners, and Outside Crews.*—The maximum hours prescribed in Section 1 of this Article shall not apply to outside deliverymen, firemen, mechanics, engineers, cleaners, and outside crews, provided, however, that the total number of such employees engaged by any member of the industry shall not exceed ten percent of the total number of employees engaged by such member of the industry at any one time, and provided, further, that such employees shall be paid not less than one and one third times their normal rate of pay for all hours worked in excess of forty (40) hours in any one week, nor shall such employees be permitted to work more than forty-eight (48) hours in any one week.

SEC. 5. *Emergencies.*—The maximum hours prescribed in Section 1 of this Article shall not apply to emergency maintenance or emergency repair work, provided, however, that any employees engaged

in any such emergency maintenance or emergency repair work, shall be paid at not less than one and one third times their normal rate of pay for all hours worked in excess of forty (40) hours in any one week, or in excess of eight (8) hours in any one day.

SEC. 6. *Peak Seasons*.—The maximum hours prescribed in Section 1 of this Article shall not apply in case of seasonal or peak operations, provided, however, that no employee engaged in such operations shall be permitted to work in excess of forty-eight (48) hours in any one week or in excess of forty (40) hours per week averaged over a four (4) consecutive week period except as hereinafter provided. Employees may be permitted to work in excess of the forty (40) hour average over a four (4) week period (but not in excess of forty-eight (48) hours in any one week) provided that employees shall be paid at least one and one third times their normal wage rate for all hours worked in any one week in excess of the forty (40) hour average period provided herein or for hours worked in excess of eight (8) in any one day.

SEC. 7. *Office Employees*.—Clerical and office employees other than administrative, supervisory, or executive employees exempted pursuant to the provisions of Section 2 of this Article, shall not be permitted to work in excess of forty (40) hours per week averaged over any four (4) consecutive weeks nor in excess of forty-eight (48) hours in any one week.

SEC. 8. *Dual Employment*.—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 hours prescribed in this Article.

SEC. 9. *One Owner in Partnership Exempted*.—Where a member of this industry is a partnership, association, or trust, which consists of more than one person, not more than one individual of such partnership, association, or trust shall work as an operator in excess of the maximum hours of labor as hereinbefore provided.

#### ARTICLE IV—WAGES

SECTION 1. *Minimum Wages*.—No employee shall be paid in any pay period less than at the rate of thirty-two and one half ( $32\frac{1}{2}$ ) cents per hour, except as herein otherwise provided.

SEC. 2. *Increase of Minimum Wage after One Year*.—One year from the effective date of this Code the minimum wage hereunder shall be increased to thirty-seven and one half ( $37\frac{1}{2}$ ) cents, subject however, to the right of the Code Authority at its election and prior to said date of effective increased minimum wage to request a hearing before the Administrator to show cause why said increase or any part thereof should not become effective.

SEC. 3. *Wage Differential in South*.—The minimum wage in the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, shall be ninety (90) percent of the minimum wages set forth in Sections 1 and 2 of this Article.

SEC. 4. *Piece Work and Minimum Wage*.—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. *Learners*.—Persons learning an occupation shall be paid not less than eighty (80) percent of the minimum wages prescribed in Section 1 of this Article providing that the number of such learners shall not exceed five percent of the total number of employees of any one employer at any time and that the learners shall not be compensated at less than the minimum rate for a total period in excess of one month whether employed by one or more employers.

SEC. 6. *Office Boys and Messengers*.—The minimum rates prescribed in Section 1 of this Article shall not apply to messengers, office boys, or office girls under the age of eighteen (18) years, provided, however, that such employees shall be paid not less than eighty (80) percent of the minimum wage prescribed herein. The number of such employees shall not exceed five (5) percent of the total number of employees of any one employer at any one time.

SEC. 7. *Adjustment of Wages*.—No employee receiving in excess of the minimum wage rate in June 1933 shall have his rate of wages decreased below his rate on that date. Wages in excess of the minimum shall be adjusted on a fair and equitable basis, said adjustments to be reported to the Code Authority and the Administrator for approval.

SEC. 8. *Female Employees*.—Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

SEC. 9. *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.

SEC. 10. *Accounting, Clerical, or Office Employees*.—Accounting, clerical, or office employees shall not be paid less than the rate of \$15.00 per week in any city of 500,000 population or over, or in the immediate trade area of such city, and not less than \$14.50 per week in any city between 100,000 and 500,000 population or in the immediate trade area of such city, and not less than \$14.00 per week in any city between 10,000 and 100,000 or in the immediate trade area of such city, and not less than \$12.00 per week in any city under 10,000 population. Population for the purposes of this Code shall be determined by the 1930 Federal Census.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Prohibited*.—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 January 31, 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. *Employees' Right to Organize.*—In compliance with Section 7 (a) of the Act, it is provided that:

(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.

SEC. 3. *State Laws Prevail Where More Stringent Than Code.*—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. 4. *Posting Code.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

SEC. 5. *Reclassifying Employees.*—No employer shall reclassify employees or duties of occupations performed for the purpose of defeating the purpose or provisions of the Act or of this Code.

SEC. 6. *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 for approval within six months after the effective date of this Code.

SEC. 7. *Contracted Work.*—No employer shall avoid or evade the labor provisions of this Code by contracting his work to any person subject to labor regulations less stringent than those provided in this Code.

SEC. 8. *Prohibited Home Work.*—No member of the industry shall permit any work in the industry to be performed in the home of any worker.

SEC. 9. *Payment of Wages.*—An employer shall make payment of all wages due in lawful currency, or by negotiable check therefor payment on demand. These wages shall be exempt from any payments for premiums, insurance, or sick benefits other than those voluntarily paid by the wage earners, or required by State laws. All employment agreements shall require that wages be paid at least at the end of every two weeks' period, salaries at least at the end of every month, and that no employer shall withhold wages due any employee.

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

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

SEC. 2. *How Composed.*—The Code Authority shall consist of not less than ten (10) members of the industry complying with the provisions of Section 8 of this Article, to be selected as follows: Ten (10) members of the Code Authority may be selected by the members of the Association, not more than two (2) being selected by each of the five (5) Divisions by the members thereof. Not less than one (1) member of the Code Authority shall be a nonmember of the Association, if there be any such members of the industry and shall be selected by such nonmembers, complying with the provisions of Section 8 of this Article, by personal vote or by proxy at an election conducted by the Association.

SEC. 3. *Provisions for Alternates.*—Each Division may select an alternate for each of its members of the Code Authority. Should any matter come before the Authority which specifically involves acts, conduct, or the interests of a company with which any member of the Code Authority is associated or employed, such member shall be disqualified to act in such matter and a designated alternate may act in such disqualified member's place.

SEC. 4. *Trade Association Shall Conduct Election.*—The Association is hereby designated as the agency to conduct an election of the members of the Code Authority within twenty (20) 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 (10) days in advance of such election, and voting at such election may be by person, by proxy, or by letter ballot.

SEC. 5. *Members Appointed by the Administrator.*—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) to twelve (12) months from the date of appointment as the Administrator may designate. Such members shall be given notice of and may sit at all meetings of the Code Authority.

SEC. 6. *Trade Association Regulations.*—Each trade or industrial association or Division 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 effect the purposes of the Act.

SEC. 7. *Code Authority Must be Representative.*—In order that the Code Authority shall at all times be truly representative of the in-

dustry 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. *Expenses of Code Authority.*—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. Those who participate in or accept the benefits of the activities of the Code Authority or their respective Divisional Agency shall pay their reasonable share of the cost of the Administration of this Code. 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. *Members of Code Authority not Partners.*—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.

SEC. 10. *Powers and Duties of Code Authority.*—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 Title I 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 and except to such impartial agency as may be necessary to facilitate the administration of this Code.

(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 co-ordination 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) The Code Authority may appoint such committees or agents as it may deem necessary and may delegate to them or to any Divisional Agency or Divisional Code Authority such of its powers or duties as it may deem proper for the administration of this Code; provided, however, that it shall reserve final responsibility as to any powers or duties so delegated.

(j) Divisional agencies or Divisional Code Authorities provided for herein may make such rules and regulations as may be necessary to administer this Code in their respective Divisions. Any rules and regulations made pursuant to the provisions of this section shall be immediately submitted in duplicate to the Authority, which shall promptly transmit one copy thereof to the Administrator for his review or disapproval.

(k) In order to assist in eliminating unfair competition, the Code Authority may establish classifications and quality standards for the products manufactured and sold by each Division subject to the approval of the Division concerned. No member of the industry shall falsely represent his product as complying with any standards or classifications so established. Such classifications and quality standards shall be subject on review to disapproval by the Administrator.

(l) To employ a Secretary-Accountant who shall be the Executive Officer of the Code Authority and who shall not be in any way affiliated with any member of the industry.

SEC. 10. *Industrial Relations Board.*—To recommend to the Administrator the establishment of an Industrial Relations Board for this industry.

SEC. 11. *Metal Moulding and Metal Frame Division.*—Division 5, Metal Moulding and Metal Frame, may adopt, subject to the approval of the Administrator, a Supplementary Code for such Division, provided that such Supplementary Code shall not be inconsistent with or contrary to the provisions of this Code of the Industry. Such Supplementary Code, when approved by the Presi-

dent, shall have the same force and effect in the Metal Moulding and Metal Frame Division as this Code. Such Supplementary Code may provide for a Divisional Code Authority, which shall have direct access and appeal at all times to the Administrator.

## ARTICLE VII—PUBLICITY OF PRICES, TERMS AND CONDITIONS OF SALE

SECTION 1. *Cost Accounting System for Each Division.*—Pursuant to the provisions of Article VI, each Division of the industry shall formulate or cause to be formulated standard methods or systems of cost accounting for use in such Division of the Industry, which methods or systems shall be adaptable to the cost-accounting procedure of and to the business of such Division of the Industry, and shall be subject to the approval of the Code Authority. Such methods or systems shall specify the factors that shall determine the cost for each member of such Division 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 such Division of the Industry complete details of such methods or systems. Thereafter, in determining its costs, each member of the industry shall use the principles of such cost-accounting system recommended by such divisions and approved by the Code Authority and the Administrator.

SEC. 2. *Selling Below Cost.*—No member of the industry shall publish prices or sell any article, including surplus stocks, below his cost of production except (a) to meet the competition of a lower-cost producer and (b) as may be specifically authorized by the Code Authority regarding dropped lines and close outs.

SEC. 3. *Filing Individual Overhead Costs.*—Each member of the industry shall within ten (10) days of the effective date of this Code, file with the Secretary-Accountant a statement of the percentage to be added to his direct raw material and direct labor costs, the total of which is commonly called Bench Cost, to cover his entire individual overhead. This overhead percentage may be different for different classifications of products of the members, provided that not more than four classifications be used, unless otherwise authorized by the Code Authority. The percentages filed shall be based on the actual costs of the individual member, and, after the adoption of the cost system which may be prescribed by the respective Divisions as set forth in Section 1 of this Article, shall be in accord with such cost system.

SEC. 4. *Price Lists to be Filed with Code Authority.*—Within ten (10) days after the effective date of this Code each member of the industry shall file with the Secretary-Accountant of the Code Authority his list prices and maximum discounts applying thereto and the terms and conditions of sale on all his products. Such lists so filed and any revisions thereof subsequently filed shall be available to each class of purchasing trade, namely, manufacturers who are customers of another manufacturer, wholesalers, and retailers to which such list prices, maximum discounts, terms, and conditions apply.

SEC. 5. *List Prices May be Changed.*—In the event of any change by any member of the industry in any list price and maximum

discounts, terms, or conditions of sale applying thereto, he shall file full and complete copies of every such change with the Secretary-Accountant of the Code Authority within such periods as may have been designated by the Code Authority but not exceeding ten (10) days in advance of the effective date of any such change.

SEC. 6. *Unlisted Discounts Not Allowed.*—No member of the industry shall sell, pay a rebate, or allow a deduction at any time to anyone except in accordance with his list prices and maximum discounts applying thereto, terms, and conditions of sale then in effect and published in the manner described herein. Each member of the industry shall have the right, individually, to publish new list prices and maximum discounts applying thereto, terms, and conditions of sale from time to time as herein provided.

## ARTICLE VIII—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.

RULE 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 or in any way misrepresents any commodity (including its use, trade mark, grade, quality, quantity, origin, size, material content, or preparation), or credit terms, value, policies, services, or the nature or form of the business conducted.

RULE 2. *"Bait" Advertising.*—No member of the Industry shall knowingly publish advertising or use 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 knowingly withhold from or insert in, any quotation, contract, or invoice any statement that makes it inaccurate in any material particular.

RULE 4. *Inaccurate Labeling.*—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, material content, or preparation of such commodity.

RULE 5. *Inaccurate Reference to Competitors, Etc.*—No member of the Industry shall publish advertising which intentionally refers inaccurately in any material particular to any competitors or their commodities, prices, values, credit terms, policies, or services.

RULE 6. *Threats of Lawsuits.*—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, and failure to prosecute diligently shall be evidence of such harassment or intimidation.

RULE 7. *Secret and Discriminatory Rebates.*—No member of the Industry shall offer or make any secret or discriminatory payment or allowances of a rebate, refund, commission, credit, unearned dis-

count, 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 secret or discriminatory special service or privilege not extended to all customers of the same class.

**RULE 8. *Giving Gratuities or Rewards to Employees.***—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 with or without knowledge of such employer or principal, provided that nothing herein shall prohibit the free and general distribution of articles used solely for advertising.

**RULE 9. *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 10. *Shipment of Commodities on Consignment.***—No member of the Industry shall ship commodities on consignment, except under circumstances and conditions approved by the Code Authority.

#### ARTICLE IX—COMPLAINTS AND APPEALS

**SECTION 1. *Right of Appeal to Divisions.***—Any interested party shall have the right of complaint to any Divisional Agency and prompt hearing and decision therein with respect to any action by it under this Code under such rules and regulations as it may prescribe.

**SEC. 2. *Method of Appeal to Authority.***—Any interested party shall have the right to appeal to the Code Authority from any decision of a Divisional Agency under such procedure as the Code Authority shall prescribe.

**SEC. 3. *Right of Complaint to Authority.***—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, or course of action pursued by the Code Authority.

**SEC. 4. *Right of Appeal to Administrator.***—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, or finding made, or course of action pursued by any agency pursuant to this Code.

#### ARTICLE X—MONOPOLIES

No provisions of this Code shall be interpreted or applied in such manner as to promote or permit monopolies or monopolistic practices or to eliminate, oppress, or discriminate against small enterprises.

#### ARTICLE XI—MODIFICATIONS

**SECTION 1. *President May Modify Code.***—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 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.

SEC. 2. *Amendment of Code.*—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 after such notice and hearing as he shall specify, shall become effective on approval of the President.

#### ARTICLE XII—EFFECTIVE DATE AND TERMINATION

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

Approved Code No. 208.  
Registry No. 1122-09.



Approved Code No. 209

**CODE OF FAIR COMPETITION**

FOR THE

**MUSICAL MERCHANDISE MANUFACTURING  
INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**MUSICAL MERCHANDISE MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Musical Merchandise Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

GEORGE L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Musical Merchandise Manufacturing Industry, submitted by the National Association of Musical Merchandise Manufacturers, located at 45 West 45th Street, New York, N.Y., was conducted in Washington on the 15th of November 1933 in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent eighty (80%) percent of the Industry.

The maximum hours permitted under this Code are forty (40) hours per week, averaged over a four (4) weeks' period; provided, however, that such employees shall not be employed more than forty-eight (48) hours in any one (1) week; and provided further that such employees may be permitted to work a total of not to exceed eighty (80) additional hours during any twelve (12) months' period. For clerical or office employees a maximum of forty (40) hours per week is provided, except that at inventory periods, such employees may work a maximum of forty-eight (48) hours per week for a total of not to exceed three (3) weeks in each six (6) months' period. However, overtime at the rate of time and one third is provided for all hours per week over forty (40).

The minimum wage scale for male employees is thirty-five (35¢) cents per hour. The minimum wage for female employees is thirty-two (32¢) cents per hour, and for clerical or office employees a minimum wage of fifteen (\$15.00) dollars per week is provided, except that office boys and office girls who are between the ages of sixteen (16) and eighteen (18) years may be employed at a rate not less than eighty percent (80%) of such minimum wage and are to be limited to one (1) in number or five percent (5%) of the total number of clerical and office employees employed by any member of the Industry.

Because of the fact that a musical instrument is not classed as a necessity of life, but is a commodity which supplies a cultural want of mankind, it is not purchased until the more vital needs have been supplied. Not until prosperity has become well established will this Industry experience a real upturn in business, with the resultant reemployment of a substantial number of employees. Based on information furnished by this Industry, wage-earner employment declined 33.3 percent from 1928 to 1932.

On the basis of a 40-hour week, 160 wage earners should benefit through reemployment, bringing the total number of wage earners to 960.

The total value of products for the year 1928 was \$3,160,000. Since then the value of products has gradually decreased from year to year until during 1932 it amounted to only \$1,228,000 or 61.1 percent under the 1928 total. The percentage of decrease of each succeeding year including 1932 under the 1928 total was 22.9, 26.3, 38.4, and 61.1, respectively.

Even though 1928 was a peak year, the establishments actually were then operating at 79 percent of their capacity. While the capacity has remained almost the same for each year since 1928, having declined only 12.5 percent, production has declined 61.1 percent.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees, and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

This Industry has cooperated in a most satisfactory manner with the Administrator 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 for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 16, 1934.

# CODE OF FAIR COMPETITION

## FOR THE

# MUSICAL MERCHANDISE MANUFACTURING INDUSTRY

## 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 Musical Merchandise Manufacturing Industry, and shall be the standard of fair competition for this industry and binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. The term "musical merchandise" as used herein is defined to mean all musical instruments, and all other allied products commonly dealt in in the musical-instrument business, including all accessories, attachments, supplies, parts, materials, strings for musical instruments, instrument cases and covers, with the exception of the products of the piano, organ, and band-instrument manufacturing industries.

SEC. 2. The term "musical merchandise manufacturing industry" as used herein is defined to mean the production, fabricating, repairing, reconstructing, remodeling, and the assembling of musical merchandise and allied products, and/or materials and supplies thereof as defined in Section 1 of this Article.

SEC. 3. 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 nature or method of payment of such compensation.

SEC. 4. The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

SEC. 5. The term "learner" as used herein, shall mean an employee without previous experience or employment in the industry engaged in learning any one of the skilled or semiskilled operations incidental to the musical merchandise manufacturing industry.

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

### MAXIMUM HOURS

SECTION 1. No employee except as herein otherwise provided shall be permitted to work in excess of forty (40) hours per week, averaged over a four (4) weeks' period; provided, however, that such

employees shall not be employed more than forty eight (48) hours in any one (1) week; and provided further that any employee included in this section may be permitted to work a total of not to exceed eighty (80) additional hours during any twelve (12) months' period, provided that overtime at the rate of time and one third is paid for the additional hours worked over forty (40) hours per week.

SEC. 2. No person employed in clerical or office work shall be permitted to work more than forty (40) hours per week, except that at inventory periods, such employees may work a maximum of forty eight (48) hours per week for a total of not to exceed three (3) weeks in each six (6) months' period, provided that time and one third shall be paid to such employees for all hours per week over forty (40).

#### EXCEPTIONS

SEC. 3. The foregoing stipulations of Sections 1 and 2 of this Article shall not apply, however, to employees in managerial, supervisory, and executive capacities, technicians on research and engineering staffs, or demonstrators, who receive thirty-five dollars (\$35.00) or more per week, nor to commercial traveling salesmen.

SEC. 4. Service men shall not be permitted to work in excess of forty-eight (48) hours per week.

SEC. 5. Watchmen and Firemen shall not be permitted to work more than thirty-six (36) and forty-eight (48) hours in alternate weeks, or an average of forty-two (42) hours per week; or Firemen shall be allowed a ten (10%) percent tolerance on the hours stipulated in Section 1 of this Article.

#### EMPLOYMENT BY SEVERAL EMPLOYERS

SEC. 6. No employee shall be permitted to work for a total number of hours in excess of the number of hours prescribed herein, whether he be employed by one or more employers.

#### ARTICLE IV—WAGES

##### MINIMUM WAGE

SECTION 1. No male employee shall be paid less than at the rate of thirty-five cents (35¢) per hour. No female employee shall be paid less than at the rate of thirty-two cents (32¢) per hour.

##### MINIMUM WAGE FOR CLERICAL AND OFFICE EMPLOYEES

SEC. 2. No person employed in clerical or office work shall be paid at a rate less than fifteen dollars (\$15.00) per week, except that office boys and office girls who are between the ages of sixteen (16) and eighteen (18) years may be employed at a rate not less than eighty percent (80%) of such minimum wage. The total number of such office boys and office girls employed by any member of the industry shall not exceed one (1) in number or five percent (5%) of the total number of his employees covered under this section, whichever is the higher.

## LEARNERS

SEC. 3. No learner shall be paid less than eighty percent (80%) of the minimum wage prescribed in Section 1 of this Article. The period of learning for each operation shall be determined by the Code Authority subject to the approval of the Administrator, but in no case shall such period exceed six (6) months.

## HANDICAPPED PERSONS

SEC. 4. 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.

## PIECEWORK COMPENSATION—MINIMUM WAGES

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

## WAGES ABOVE MINIMUM

SEC. 6. 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, unless since such date such adjustments have been made, 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.

## FEMALE EMPLOYEES

SEC. 7. 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

## CHILD LABOR PROVISION

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within sixty (60) days after the effective date of this Code a list of such operations or occupations. In any 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.

#### PROVISIONS FROM THE ACT

SEC. 2. In compliance with Section 7(a) of the Act it is provided that:

(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.

#### RECLASSIFICATION OF EMPLOYEES

SEC. 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.

#### STANDARDS FOR SAFETY AND HEALTH

SEC. 4. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

#### STATE LAWS

SEC. 5. No provisions in this Code shall supersede any State or Federal laws which impose on employers more stringent requirements as to the age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, than are imposed by this Code.

#### CONTRACT LABOR

SEC. 6. All systems of contracts between employer and employee for the manufacture of any product or part thereof or for work to be done at a specific price and/or by which employees engage other employees to work for them, are prohibited by this Code.

#### POSTING

SEC. 7. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

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

ORGANIZATION

SECTION 1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of not more than seven (7) nor less than three (3) members of the industry to be chosen by 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.

SEC. 2. 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.

SEC. 3. 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 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 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.

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 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 and disapproval by the Administrator, on the basis of volume of business and/or such other factors 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.

POWERS AND DUTIES

SEC. 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 of 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 as soon as the necessary readjustments within the industry can be made, reports based on periods of one, two, or four weeks, or multiples thereof, for use of the Code Authority and the Administrator in the administration and enforcement of the Code, and to give assistance to members of the industry in improving methods, or in prescribing a uniform system of accounting and reporting. All individual reports shall be kept confidential and only general summaries thereof may be published.

(d) To obtain from members of the industry such additional 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 contained in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government 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.

(e) 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.

(f) To use the National Association of Musical Merchandise Manufacturers or other trade associations and agencies as it deems proper for the carrying out of any of its activities provided for herein and with the approval of the Administrator to pay such trade associations and agencies the cost thereof, provided that nothing contained 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.

(g) To coordinate the administration of this Code with such other codes, if any, as may be related to the industry, or any subdivision thereof, and to delegate to any other administrative authority, with the prior approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

(h) To secure from members of the industry who assent to this Code and/or participate in the activities of the Code Authority such proportionate payment of the expenses of maintaining the Code Authority as may be determined by the Code Authority and approved by the Administrator.

(i) To cooperate with the Administrator in regulating the use of the N.R.A. Code Insignia solely by those employers who have agreed to, and are complying with, this Code.

(j) To initiate, consider, and make recommendations for the modification or amendment of this Code.

## 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.

SECTION 1. 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.

SEC. 2. 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.

SEC. 3. 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.

SEC. 4. 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.

SEC. 5. No member of the industry shall use advertising or other representation which refers inaccurately in any material particular to any competitors of their commodities, prices, values, credit terms, policies, or services.

SEC. 6. 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.

SEC. 7. No member of the industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

SEC. 8. No member of the industry shall ship commodities on memorandum or consignment, except under contract or bona fide orders.

SEC. 9. 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. 10. 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. 11. No member of the industry shall repudiate a contract entered into in good faith when the purpose of such repudiation is to create for such member an unfair price advantage.

#### 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 National Industrial Recovery 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 modification or amendments to be based upon application to the Administrator and such notice and hearings as he shall specify, and to become effective on approval of the Administrator unless otherwise provided.

#### ARTICLE IX—MONOPOLIES, ETC.

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

#### ARTICLE X—PRICE INCREASES

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

#### ARTICLE XI—EFFECTIVE DATE

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



Approved Code No. 210

**CODE OF FAIR COMPETITION**

FOR THE

**PIPE ORGAN INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**PIPE ORGAN INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Pipe Organ Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

GEORGE L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Pipe Organ Industry, submitted by the National Association of Organ Builders, located at 45 West 45th Street, New York, N.Y., was conducted in Washington on the 8th of November, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 95 per cent of the Industry.

The maximum hours permitted under this Code for factory employees are forty (40) hours in any one (1) week provided, however, that this limit may be extended to a maximum of forty-eight (48) hours in any one (1) week, for a total of not to exceed twelve (12) weeks in any twelve (12) month period, and provided further that time and one third shall be paid for all hours per week over forty (40). For clerical and office employees a maximum of forty (40) hours in any one (1) week is permitted, except that inventory and statistical employees may be permitted to work a maximum of forty-eight (48) hours in any one (1) week for a total of not to exceed three (3) weeks in any six (6) month period.

The minimum wage for factory employees, except learners, is forty cents (40¢) per hour. The minimum wage for learners is at a rate not less than eighty per cent (80%) of the minimum established herein, and the total number of persons so employed by a member of the Industry is not to exceed one in number or five per cent (5%) of the total number of such member's factory workers, whichever is the higher and the period of learning is limited to six (6) months whether served under one or more employers.

The minimum wage for other employees, except office boys and office girls, is fourteen dollars (\$14.00) per week. Office boys and office girls are to be paid not less than eighty per cent (80%) of the minimum established and the total number of such persons employed at less than fourteen dollars (\$14.00) per week by any member of the Industry in any calendar month shall not exceed two (2) in number or five per cent (5%) of the total number of such member's other employees, whichever is the higher. The minimum rate of pay established is to apply, irrespective of whether an employee is actually compensated on a time rate, piecework performance, or other basis. It is also provided that female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

The value of commodities produced by the Organ Manufacturing Industry aggregated, during 1929, \$11,322,726. During 1931 product value declined 49.6 per cent under the 1929 total, or to \$5,710,028.

The number of Pipe Organs manufactured in the United States increased from 1,151 in 1919 to 1,767 in 1923, and to 2,471 in 1927. Unit production dropped to 1,695 in 1929. This 31.4 per cent drop of 1929 under 1927 was due for the most part to the introduction of sound in motion-picture theaters, which was one of the two main consumer groups. Due to economic conditions, the demand for church organs has diminished to a very low level, as well.

Because of the fact that a pipe organ is not a necessity of life, but a commodity which supplies the cultural wants of mankind, it is not purchased until the more vital needs have been supplied. Not

until prosperity has become well established will this industry experience a real upturn in business with the resultant reemployment of a substantial number of employees.

Wage earners employment declined 38.9 percent from 1929 to 1931. On the basis of the forty (40) hour week, 438 wage earners should benefit through reemployment.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

This Industry has cooperated in a most satisfactory manner with the Administrator 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 for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 16, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## PIPE ORGAN INDUSTRY

### 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 Pipe Organ Industry, and shall be the standard of fair competition for this industry and binding upon every member thereof.

### ARTICLE II—DEFINITIONS

1. The term "Pipe Organ Industry" as used herein is defined to include:

(a) Organ builders who manufacture and/or assemble Pipe Organs.

(b) Manufacturers operating a factory for the production of Pipe Organ parts.

2. The term "member of the industry", as used herein, shall mean any person engaged as an employer in the Pipe Organ Industry.

3. 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.

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

5. The term "learner" as used herein shall mean an employee with less than six (6) months previous experience or employment in this industry.

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 factory employee shall be permitted to work in excess of forty (40) hours in any one week; provided, however, that this limit may be extended to a maximum of forty-eight (48) hours in any one week, for a total of not to exceed twelve (12) weeks in any twelve (12) month period; and provided further, that time and one third shall be paid for all hours per week over forty (40).

2. No person employed in clerical or office work or any other employee not elsewhere specifically covered, shall be permitted to work

in excess of forty (40) hours in any one week, except that inventory and statistical employees may be permitted to work a maximum of forty-eight (48) hours in any one week for a total of not to exceed three (3) weeks in any six (6) month period.

3. Watchmen shall be employed in pairs and shall not be permitted to work more than thirty-six (36) and forty-eight (48) hours on alternate weeks or an average of forty-two (42) hours per week.

4. The foregoing stipulations shall not apply to employees in managerial, supervisory, or executive capacities, technicians on research and engineering staffs, who receive thirty-five (\$35.00) dollars or more per week, nor shall they apply to outside salesmen.

5. The foregoing stipulations shall not apply to outside installers and outside service men who shall be permitted to work forty-eight (48) hours per week at the regular hourly rate of pay and where emergencies require overtime, they shall be compensated at the rate of time and one third for all hours in excess of forty-eight (48).

6. No employee shall be permitted to work for a total number of hours in excess of the number of hours prescribed herein, whether he be employed by one or more employers in this or any other industry.

#### ARTICLE IV—WAGES

1. No factory worker, except learners, shall be paid at a rate less than forty cents (40¢) per hour. No learner shall be paid at a rate less than eighty percent (80%) of the minimum established herein, and the total number of persons so employed by a member of the industry shall not in any case exceed one in number or five percent (5%) of the total number of such member's factory workers, whichever is the higher. The period of learning shall be limited to six (6) months, whether served under one or more employers.

2. No other employees, except office boys and office girls, shall be paid less than fourteen dollars (\$14.00) per week. Office boys and office girls shall be paid not less than eighty percent (80%) of the minimum established and the total number of such persons employed at less than fourteen dollars (\$14.00) per week by any member of the industry in any calendar month shall not exceed two (2) in number or five percent (5%) of the total number of such member's other employees as defined herein, whichever is the higher.

3. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework performance, 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. It is the policy of members of this industry to refrain from reducing compensation for employment which compensation was, prior to June 16, 1933, in excess of the minimum wage herein set forth; 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, unless the same has been accomplished since June 16, 1933. All action taken under this section shall be reported to the Code Authority within thirty (30) days after the effective date of this Code.

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at not less than 80% of the minimum wage 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. The total number of persons so employed by any employer shall not in any case exceed one in number or 5% of the total number of his employees, whichever is higher. Each employer shall file with the Code Authority a list of all such persons employed by him.

#### 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 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. 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 engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

4. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

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, than are imposed by this Code.

6. If any employer in this industry is also an employer in another industry, the provisions of this Code shall apply to and affect only that part of his business which is included in the Pipe Organ Industry.

7. All systems of contract between employer and employee for the manufacture of any product or part thereof, or for work to be

done at a specific price, and/or by which employees engage other employees to work for them, are prohibited by this Code.

8. All employers shall post and keep posted copies of this Code in conspicuous places accessible to employees.

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

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of five persons to be selected by the National Association of Organ Builders by a fair method of selection approved by the Administrator. The Administrator in his discretion may appoint not more than three additional members without vote and without compensation, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

2. Vacancies in the personnel of the Code Authority selected by the industry shall be filled through appointment by the Administrator upon nomination of the Code Authority.

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.

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. Any member of the industry shall be eligible for membership in the National Association of Organ Builders or any other trade association or organized group participating in the activities of the Code Authority upon compliance with the provisions of the bylaws relating to membership, provided that any person applying for membership shall, in addition to the payment of such dues as are imposed upon and paid by all other members, accept a reasonable and equitable share of the cost of code administration. Such members of the industry as do not choose to become members of the National Association of Organ Builders or any other trade association or organized group may participate in the activities of the Code Authority and the selection of members thereof by assenting to and complying with the requirements of this Code and paying to the Code Authority a reasonable share of the expenses of its administration based on volume of business and/or such other factors as may be deemed equitable, as determined by the Code Authority, subject to the disapproval of the Administrator.

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 to the extent permitted by the Act, the exercise of which shall be reported to the Administrator, who shall have the right to disapprove of 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 use such trade associations and other agencies as it deems proper for 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 designate the National Association of Organ Builders, or such other agencies as it may select as the agency for administering, supervising, and promoting the performance of the provisions of this Code.

(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 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 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.

(i) 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

*Rule 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, 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.

*Rule 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.

*Rule 3. Inaccurate Labelling.*—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.

*Rule 4. 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 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.

*Rule 6. 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 7. Additional Trade Practices.*—The Code Authority shall submit to the National Association of Organ Builders within thirty (30) days after the effective date of this Code its recommendations for additional trade practices, and such trade practices as are approved by the Association when approved by the Code Authority and the Administrator shall become a part of this Code and shall have the same form and effect as any other provisions 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 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 Administrator, unless otherwise provided.

## ARTICLE IX—MONOPOLIES, ETC.

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

## ARTICLE X—EFFECTIVE DATE

This Code shall become effective on the eleventh (11th) day after its approval by the Administrator.

Approved Code No. 210.

Registry No. 1644-02.



Approved Code No. 211

**CODE OF FAIR COMPETITION**

FOR THE

**ROBE AND ALLIED PRODUCTS INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**ROBE AND ALLIED PRODUCTS INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Robe and Allied Products Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

A. D. WHITESIDE,

*Division Administrator.*

WASHINGTON, D.C., *January 16, 1934.*

(213)

The PRESIDENT,  
*The White House.*

SIR: This is a report of the Hearing on the Code of Fair Competition for the Robe and Allied Products Industry, conducted in Washington on August 17, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS FOR HOURS AND WAGES

This Code limits the hours of labor for all employees, except watchmen, outside salesmen, maintenance men, repair shop crews, and persons employed in a supervisory capacity earning not less than thirty-five dollars per week, to forty hours per week. Provision is made that in the case of office employees and shipping crews the employees shall not be held rigidly to forty hours per week; during sixteen weeks of the year they may be employed for forty-eight hours, provided that during an entire calendar year the average number of hours worked by such employees shall not be more than forty hours per week. The industry is limited strictly to one shift.

The minimum wage provided is thirteen dollars per week for all employees except apprentices who shall earn at least seventy-five percent of the minimum wage and persons physically handicapped. The employment of both types of workers is subject to strict regulation.

#### ECONOMIC EFFECT OF THE CODE

So far as may be determined by the meager statistics available for this industry, there is at present, if we discount the current slump, little or no unemployment. Probably because of the vogue during recent years for lounging garments the number of workers increased from 6,918 in 1929 to 10,670 in 1931, and it is probable that the number of workers now employed is greater than the number employed in 1931. According to the estimate of the Planning and Research Division the forty-hour week will require a twenty percent increase in employment to maintain production.

Practically no information regarding earnings is available, and in consequence no estimate may be made of the effect of the thirteen-dollar minimum on present earnings. This minimum wage will afford some measure of protection for the lower grades of employees and, in certain portions of the industry, bring about perhaps a material increase in pay rolls. The most significant pay-roll increase, however, will be attributable to the reduction in hours rather than to any increase in wages which this Code may necessitate.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that the said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate small enterprises and will not operate to discriminate against them.

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

For these reasons the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 16, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## ROBE AND ALLIED PRODUCTS 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 Robe and Allied Products 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 "industry" as used herein includes the manufacture of bath, lounging, and beach robes, dressing gowns, lounge suits and house coats and such other articles 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.

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 such employee is compensated or employed.

4. The term "member of the industry" includes anyone engaged in the industry, either as manufacturer, submanufacturer, or contractor.

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 Title I of said Act.

### ARTICLE III—HOURS

1. Except as hereinafter provided no employee shall be permitted to work in excess of forty (40) hours in any one week nor more than eight (8) hours in any twenty-four (24) hour period.

2. No person employed in clerical or office work, or in shipping departments, or stock rooms, unless he is employed in a managerial, supervisory, or executive capacity and earns not less than thirty-five dollars (\$35.00) per week, shall be permitted to work in excess of forty (40) hours per week, nor more than eight (8) hours in any twenty-four (24) hour period, except that such employees may be permitted to work forty-eight (48) hours per week during a maximum of sixteen weeks in any calendar year, provided that in

any calendar year the total number of hours worked by any such employee shall not exceed an average of forty (40) hours per week.

3. No watchman shall be permitted to work in excess of fifty-six (56) hours in any one week.

4. The provisions of this article shall not apply to outside salesmen or to maintenance men or repair shop crews.

5. No member of the industry shall operate any machine employed in the industry on a schedule of more than one shift of forty (40) hours in any one week, except that for a limited time or times due to an emergency arising through accident or similar cause, the Code Authority may, upon the express approval of the Administrator, and upon such conditions as he may prescribe, authorize the operation of machines on a schedule of more than one shift of forty (40) hours per week.

6. No employee, except such employees as are enumerated in Sections 2, 3, and 4 of this Article, shall be permitted to work more than five (5) days in any seven (7) day period.

7. 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.

#### ARTICLE IV—WAGES

1. Except as hereinafter provided, no employee shall be paid at less than at the rate of thirteen (\$13.00) dollars per week of forty (40) hours, or 32½ cents per hour.

2. 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.

3. Subject to review by the Code Authority and by the Administrator, the weekly compensation for employees now in excess of minimum wages herein provided shall not be reduced, notwithstanding that the hours of work in any such employment may be hereby reduced to forty (40) hours per week and piece rates shall be so adjusted that the earnings at said piece rates shall at least be equivalent to those obtaining under the longer hours heretofore prevailing.

4. Persons learning an occupation shall be paid not less than seventy-five (75%) percent of the minimum wage which prevails in such occupation, provided that the number of such learners shall not exceed five (5%) percent of the manufacturing employees of any one employer and that learners shall not be employed as such for a period in excess of six (6) weeks, irrespective of whether they are employed by one or more employers. If the operation at which any learner is engaged has a piecework rate and the amount earned at such rate by such learner is more than seventy-five (75%) percent of the minimum wage which prevails in such occupation, such learner shall be paid on a piece-rate basis.

5. 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 Code Authority a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. The Code Authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons, and shall file with the Administrator a record of all such certificates issued and such other information as the Administrator may require.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) 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.

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 employer shall reclassify employees or duties of occupations performed for the purpose of defeating the provisions of the Act or of this Code.

6. All members of the industry shall provide for the safety and health of their employees. Standards of 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 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 regulations, or insurance, or fire protection, or general working conditions, than are imposed by this Code.

8. All members of the industry shall post complete copies of Article III, IV, and V of this Code in conspicuous places accessible to employees.

9. Home work is strictly prohibited.

10. No provision in this Article shall modify established practices or privileges as to vacation periods, leaves of absence, or temporary absences from work heretofore granted to office employees.

11. Any member of the industry who at any time shall manufacture any merchandise subject to the provisions of this Code shall be bound by all the provisions of this Code as to all employees engaged in whole or part of such manufacture. In case any employee shall be engaged partly in such manufacture and partly in manufacture of goods of another character, this Code shall apply to each portion of such employee's time as is applied to the manufacture of articles subject to the provisions of this Code.

12. All manufacturers or jobbers who cause their merchandise 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 his employees the wages provided in this Code and in addition a reasonable payment to the contractor to cover overhead.

#### ARTICLE VI—ADMINISTRATION

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

2. Said Code Authority shall consist of not more than twelve (12) members, to be selected in the manner hereinafter set forth:

(a) Seven (7) members shall be appointed by the Robe Industry Association of America, Inc., subject to the approval of the Board of Directors of said Association and to the approval of the Administrator.

(b) Two (2) members shall be elected by the contractors of this industry, subject to the approval of the Administrator. Each such member shall be a recognized and bona fide contractor and shall be elected by a majority vote of all contractors in the industry. The Administrator shall supervise said election.

(c) In addition to the foregoing, the Administrator may appoint not more than three (3) additional members to represent the Administrator or such other interests or groups as may be determined upon. Should the Administrator appoint a member, or members, to represent the Administrator, such member, or members, shall serve without expense to the industry.

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.

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 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. Only members of the industry assenting to this Code shall be entitled to share the benefits of the activities of the Code Authority as hereinafter set forth.

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 be liable to anyone for any action or omission to act under the Code, except for his willful misfeasance or nonfeasance.

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

(a) To adopt a constitution, bylaws, and rules and regulations for its procedure and for the administration and enforcement of this Code, 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 require.

(b) 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.

(c) To create such individual agencies as may be deemed necessary or desirable to assist in the administration of this Code.

(d) To obtain through a confidential agency from the members of the industry reports, statistics, and other information for the use of the Code Authority and the Administrator in the administration and enforcement of this Code, and for the information of the President, and to give assistance to members of the industry in improving methods, or otherwise. Members of the industry shall furnish to the Code Authority such duly certified reports as may be required as aforesaid.

(e) To set up, with the approval of the Administrator, a uniform cost accounting system for each division or subdivision of the industry. Any member of the industry shall have the privilege of continuing any cost system now in use or of instituting a new cost 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 Administrator.

(f) 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 proper authorities for prosecution, recommendations and information relative to unadjusted violations.

(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 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.

(h) To coordinate the administration of this Code with such other Codes, if any, as may be related to the industry, or any subdivision thereof, and to delegate to any other administrative authority, with the approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

(i) To secure an equitable and proportionate payment of the expenses of maintaining the Code Authority and its activities from those members of the industry accepting the benefits of the activities of the Code Authority or otherwise assenting to this Code.

(j) To establish or designate an agency on planning and fair practice which shall cooperate with the Code Authority in developing fair trade practices and industrial planning, including the regularization and stabilization of employment for the industry.

(k) To initiate, consider, and make recommendations for the modification or amendment of this Code.

(l) To assist in the adjustment of disputes between members of the industry.

(m) To study the subject of manufacturer-contractor relations and to make from time to time to the Administrator such recommendation thereon as will contribute to the stability of manufacturer-contractor relations.

8. To assist in the administration and enforcement of this Code, the Administrator may direct that the Code Authority establish 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 investigate all matters in the Code relating to hours, wages and general labor provisions and to report their findings and recommendations to the Code Authority. The designated employee representatives shall be truly representative of the employees in this industry and shall be selected by such employees.

9. 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.

10. An appeal from any action by the Code Authority affecting the rights of any employer or employee in the industry may be taken to the Administrator.

#### ARTICLE VII—N.R.A. LABEL

1. All merchandise manufactured subject to the provisions of this Code shall bear an N.R.A. label to symbolize to purchasers of said merchandise the conditions under which it 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 sell 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 merchandise when sold to the retail distributor.

4. Any and all members of the industry may apply to the Code Authority for a permit to purchase and use such N.R.A. label, which permit 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 and sale 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.

#### ARTICLE VIII—TRADE PRACTICES

1. The maximum terms of discounts on sales made by members of the industry after January 29, 1934, shall be six percent (6%) ten (10) days, E.O.M. on merchandise made for men and boys, and eight percent (8%) ten days E.O.M. on merchandise made for women, girls, and infants, anticipation to be permitted at the rate of six percent (6%) per annum. For this purpose, any shipment made on or after the twenty-fifth (25th) day of the month may be considered made as of the first day of the following month. There shall be no post dating except that as to any merchandise sold for Fall consumption and shipped by a member during the months of July or August, dating as of the following September first, but no later, may be granted.

2. Members of the industry shall sell all merchandise f.o.b. regular point of shipment, except that merchandise may be sold delivery free within a radius of fifty (50) miles of any city, town, or village from which shipment is regularly made.

In any instance where a member of the industry ships from a warehouse located in a city, town, or village other than his regular point of shipment, such merchandise shall be sold upon either one of the following alternative bases:

(a) At a discount lower than otherwise ordinarily charged by an amount sufficient to repay to the member the transportation charges on such merchandise between said regular point of shipment and said warehouse. If a lowering of discount shall be insufficient to wholly repay said transportation charges to the member, any balance thereof remaining unpaid shall be charged to the customer.

(b) At the regular discount but at a price higher than ordinarily charged by an amount sufficient to repay to the member said transportation charges between said points.

3. No gratuities to purchasers or prospective purchasers, or their agents, of any nature whatsoever, shall be offered or paid by any member of the industry directly or indirectly; nor shall any purchasing, selling, or brokerage commission or compensation or gratuity, of any nature whatsoever, be offered or paid by any member of the industry, directly or indirectly, to any person, except a person regularly employed on the sales staff of such member.

4. No member of the industry shall, directly or indirectly, enter into any agreement, express or implied, to pay any rebate to anyone. Commencing as of February 1st, 1934, no member shall, directly or indirectly, pay any rebate to anyone, irrespective of the date of any agreement to pay such rebate.

5. No member of the industry shall ship merchandise on consignment or memorandum.

6. Merchandise covered by the provisions of this Code sold and delivered by members of the industry in substantial compliance with an order or contract shall not be accepted by such members for return. No member of the industry shall sell any merchandise on approval or with the privilege to return.

7. 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.

8. No member of the industry shall pay directly or indirectly any part of the advertising expenses of any purchaser, prospective purchaser, or their agents; nor shall any member of the industry directly or indirectly furnish either partly or wholly gratis to any purchaser, prospective purchaser, or their agents any literature or printed matter for redistribution or any premiums (whether or not in the form of merchandise), excepting window cards, monograms, jobbers' selling kits, newspaper cuts and mats.

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 merchandise (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.

10. No member of the industry shall brand or mark or pack any merchandise 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 merchandise.

11. No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their merchandise, prices, values, credit terms, policies, or services.

12. 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.

13. 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.

14. No member of the industry shall sell any merchandise subject to the provisions of this Code at a price below his own individual cost as computed by the uniform cost system provided in Article VI, Section 7 (e) of this Code; provided, however, that a member of the industry may sell at a price below his own individual cost in order to meet the competition of another member who is not himself selling at a price below his own individual cost. This rule shall not apply to bona fide seasonal clearance sales or to the sale of imperfect

or actually damaged or distressed merchandise; subject to the approval of the Administrator, the Code Authority may establish regulations to govern such sales.

#### 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. 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 by the Administrator.

#### 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 for the present price increases 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 approval.

Approved Code No. 211.  
Registry No. 204-1-02.



Approved Code No. 212

**CODE OF FAIR COMPETITION**

FOR THE

**DRAPERY AND UPHOLSTERY TRIMMING  
INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**DRAPERY AND UPHOLSTERY TRIMMING  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Drapery and Upholstery Trimming Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*  
WASHINGTON, D.C.,  
*January 16, 1934.*

THE PRESIDENT,  
*The White House.*

SIR: This is a report on the hearing on the Code of Fair Competition for the Drapery and Upholstery Trimming Industry, held in the Fairfax Room of the New Willard Hotel, on November 10, 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 70% by volume of production and 14 out of 50 concerns in the Industry.

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

#### THE INDUSTRY

The Industry comprises 50 concerns having an investment in 1933 of \$4,000,000. In 1929 the industry provided employment for 5,000 full-time workers. This figure has declined to 2,500 employees in 1933. The aggregate annual sales have fallen from \$20,000,000 in 1928 to \$7,000,000 in 1932.

#### PROVISIONS OF THE CODE

The Code provides for a minimum wage of \$13.00 per week. 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 three months; maintenance employees are permitted to work 44 hours per week. Hours of work have been reduced by 15%, and employment is thereby increased in the same proportion.

Operations are limited to two shifts of 40 hours each per week. All homework is abolished within one month after the effective date.

Existing differentials between wage rates above the minimum are maintained and no employee is to receive less compensation for the 40-hour week than was received for the longer work week prevailing prior to the approval of this Code. Average weekly earnings will be increased approximately 7% by the application of this Code.

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 prohibiting sale of merchandise below cost when and if a uniform system of cost accounting recommended by the Code Authority is approved by the Administrator.

There was some question as to whether or not this Industry is entitled to operate under a separate code, since a large part of the products of the Industry are manufactured on weaving and braiding machines. These operations are included within the definition of the Code for the Narrow Fabrics Industry. At the request of the members of the Industry submitting this Code it was decided to permit them to operate under this separate code with respect to operations performed on weaving and braiding machines until such time as the Narrow Fabrics Code is approved by the President. The Code will continue in effect for a period of only six months, but this time may be further extended or shortened upon application of the Code Authority approved by the Administrator.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervisions, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**DRAPERY AND UPHOLSTERY TRIMMING**  
**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 Drapery and Upholstery Trimming 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 "Industry" as used herein includes the manufacture and original sale of trimmings for draperies, furniture, curtains, caskets, window and lamp shades, rug fringe, awning fringe, silk cords, tassels, bath robe girdles, gimps, and passementerie trimmings all of a decorative nature and curtains manufactured on knitting machines.

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, and includes anyone who furnishes or contracts for labor as a part of a larger or further operation in the process of manufacturing the products of the Industry.

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 "productive machinery" as used herein includes all machines and hand work equipment used in the manufacturing processes of the Industry.

6. 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.

**ARTICLE III—HOURS**

1. No office employee shall work or be permitted to work in excess of forty (40) hours per week, averaged over a period of three (3)

months or forty-eight (48) hours in any one (1) week, or eight (8) hours in any twenty-four (24) hour period.

2. No other employee shall work or be permitted to work in excess of forty (40) hours in any one (1) week or eight (8) hours in any twenty-four (24) hour period, excepting that:

(a) Repair shop crews, engineers, electricians, and firemen shall be permitted to work 10% in excess of the hours specified above.

(b) Executives and employees in a managerial or supervisory capacity, who receive \$35.00 or more per week, and outside salesmen are excepted from the maximum hour provisions of this Article.

(c) Watchmen are permitted to work not more than 56 hours per week.

3. The maximum hours fixed in the foregoing Section shall not apply to any employee 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 third ( $1\frac{1}{3}$ ) times his normal rate shall be paid for hours worked in excess of the maximum hours therein provided.

At the end of each calendar month every employer shall report to the Code Authority hereinafter provided for, in such detail as may be required, the number of man-hours worked in that month in cases of emergency and the ratio which said emergency man-hours bear to the total number of man-hours of labor during the month.

4. Members of the Industry shall not operate productive machinery for more than two shifts of forty (40) hours each per week.

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.

#### ARTICLE IV—WAGES

1. The minimum wage that shall be paid by members of the Industry to any employee shall be at the rate of  $32\frac{1}{2}$  cents per hour.

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. The weekly compensation for employment now in excess of the minimum wages herein provided shall not be reduced (notwithstanding that the hours worked in such employment may be hereby reduced). Wage differentials existing prior to June 16, 1933, shall be maintained for all employees receiving \$35 per week or less.

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 this Industry. In any State, any 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. No provision in this Code shall supersede any State or Federal law 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 or use any other subterfuge so as to defeat the purposes of the Act.

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

8. Home work of any kind shall be permitted only for a period of one month after the effective date of this Code.

9. Until adoption of further provisions of this Code that may prove necessary in order to prevent any improper speeding up of the work (stretch-outs) no manufacturing 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, or prior to the Share-The-Work movement unless such increase is submitted to and approved by the Code Authority created by this Code, and by the Administrator.

#### 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.

(a) The Code Authority shall consist of 9 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 to represent the Administrator or such groups or interests as he may determine.

(b) Five members of the Code Authority shall be selected by the Board of Directors of the Allied Drapery and Upholstery Trimming Association, and 4 members may be selected by members of the Industry, not members of this Association, by a fair method, approved 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. The Code Authority shall have the following duties and powers to the extent permitted by this Act. The Administrator shall have the right to review and veto any action taken by the Code Authority.

(a) The Code Authority 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. Such recommendations, when approved by the Administrator, shall have the same force and effect as any provisions of this Code.

(b) The Code Authority shall 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, and report the same to the Administrator.

(c) 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 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 to be taken into consideration.

(d) Members of the Industry shall file with the Code Authority, at such times and in such manner as may be prescribed, statistics covering number of employees, wage rates, employee earnings, hours of work, production, shipments, stocks, prices, and such other data pertinent to the effectuation of the purposes of this Code as may be required by the Administrator.

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.

#### ARTICLE VII—TRADE PRACTICES

1. No member of the Industry shall sell or exchange any product of the Industry below his own cost when and if same may be determined as herein provided, except to meet the competition of any member of the Industry whose price is not less than his own cost. When a uniform and standard system of cost accounting, prescribed by the Code Authority, shall be approved by the Administrator, every member of the Industry shall use a system of accounting which conforms to the principles of and is at least as detailed as such

system. The Code Authority shall, subject to the approval of the Administrator, determine the cost factors to be included in such system.

2. The following unfair trade practices are prohibited:

(a) The giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or 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.

(b) The secret payment or allowances 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.

(c) The branding or marking of any product of the Industry in any manner which tends to deceive or mislead purchasers, with respect to the grade, quality, quantity, origin, size, material content, or preparation of such product.

(d) Selling on more liberal terms than 2% 10 days E.O.M.

#### 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 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 Administrator.

#### ARTICLE IX

When another Code shall be approved by the President covering processes or operations in which this Industry or any part thereof engages, the provisions of such Code shall supersede any provisions of this Code covering such processes or operations.

#### ARTICLE X—MONOPOLIES, ETC.

No provision in 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 AND TERMINATION

This Code shall become effective on the 10th day after date. It shall continue in effect for a period of six (6) months after such effective date. This time may be further extended or shortened upon application of the Code Authority approved by the Administrator.

Approved Code No. 212.  
Registry No. 280-1-02.



Approved Code No. 213

**CODE OF FAIR COMPETITION**

FOR THE

**WOOL TRADE**

As Approved on January 16, 1934

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ORDER

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**WOOL TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Wool Trade, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is the report on the Code of Fair Competition for the Wool Trade submitted by the Boston Wool Trade Association. The hearing was conducted in Washington, D.C., on October 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 trade, representing approximately 73% of the volume of business.

#### DESCRIPTION OF INDUSTRY

This Code was originally submitted by the Boston Wool Trade Association, a representative body of several years standing in the trade. This Association, however, limited its membership to firms having a place of business in Boston. Because of this restriction on membership, a new association, the National Wool Trade Association was formed which embraces an even higher percent of the trade than did the former association.

The services performed by the Wool Trade are primarily those of merchandising and do not include producing or manufacturing processes. The Wool Trade deals directly with the growers, furnishing them at shearing time with an immediate outlet for their product, and thereafter assuming the financial responsibility of carrying the wool until it passes into the manufacturer's hands. The Wool Trade is concerned with handling, financing, grading, warehousing, and selling of this product from grower to manufacturer. The business is, by nature, seasonal. Its peak occurs at the time of the spring wool clip when the heavy weights of wool from the West cause a high peak of employment of temporary labor.

The Wool Trade is already identified with carrying out the purposes of the Farm Credit Administration and is, in certain instances, subject to regulation by that branch of the Government. Through loans made to wool growers by farm relief and loan agencies, the Farm Credit Administration has become directly or indirectly interested in a substantial proportion of the wool clip of the United States. This wool is being handled on consignment by members of the Wool Trade who have thereby been subjected to regulation not only with respect to the consigned wool which they are handling for the farm relief agencies but also with respect to the manner in which they handle wool which they themselves own or hold on consignment from others.

Although the Wool Trade, as such, conducts no actual manufacturing operations, it deals in wool in processed forms. Thus, it deals in the byproducts of wool manufacturing, such as wool wastes and noils, which constitute the raw stock used by certain woolen manufacturers. It also deals in scoured and carbonized wool, garnetted stock and similar merchandise which are the direct products of processes designed to prepare it for subsequent manufacturing

operations. Although these preparatory processes are not actually conducted by the Wool Trade, they are frequently done for them on commission by manufacturers, the purpose being to convert the commodity into merchantable form. The grading and sorting of wool, processes which involve no machinery but prepare the wool for sale, are functions of the Wool Trade as merchants.

The Wool Trade, as defined in this Code, does not include top makers who, although owning no machinery, buy wool, sort it and cause it to be scoured and combed in proper blends by the commission wool comber. As a group, at their request, they have been treated in this Code as manufacturers rather than merchants.

#### LABOR PROVISIONS

The Industry proposes to pay a minimum wage of 37½ cents per hour. Hours of labor are limited to 40 hours per week, except for watchmen, outside salesmen, and buyers and managerial workers receiving more than \$35.00 per week. Clerical and office employees may work an average of 40 hours per week during the six months, beginning May 15, but not more than 48 hours in any one week. The code provides that in order to prevent or relieve transportation congestion during the peak of the season, employees engaged in this activity may work in excess of the maximum hours and shall be paid time and one third for overtime.

The Code provides also that employers of not more than five persons located in towns of less than 2,500 population are not included within the minimum wage and maximum hour provisions. This is to accommodate those persons, such as farmers and small store owners, mainly in the wool-growing sections of the West, who buy and sell wool incidentally to other occupations during the shearing season.

#### ADMINISTRATION

The provisions of the Administration of this Code are capable of providing the N.R.A. and the Wool Trade with sufficient data to recommend any modifications or amendments that may be indicated by experience. It is also provided that fair trade practices shall be submitted within sixty days from the effective date, and that these fair trade practices are to be mutually agreed upon by the members of this trade and the National Association of Wool Manufacturers.

#### CONCLUSION

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

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups by inducing and maintaining united action of labor and

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

(b) Said Trade normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is a trade association truly representative of the aforesaid Trade; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, this Code of Fair Competition for the Wool Trade has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 16, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## WOOL TRADE

### ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Wool 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 "wool trade" as used herein shall mean the business of buying, selling, or dealing in any of the following commodities: (a) wool, shorn or pulled; (b) new wool waste; (c) noils and all other by-products of wool manufacturing; (d) the products of wool resulting from preparatory processes, which include the products of the processes of grading, sorting, dusting, picking, carding, garnetting, carbonizing, and scouring; it is provided, however, that manufacturers of wool textiles operating under another Code of Fair Competition, who buy direct for their own purposes and not for resale, shall be governed as to such share of their business as is included within the above definition of wool trade by the provisions of such other code and shall be excluded from all the provisions of this Code except such provisions relating to fair trade practices as may subsequently be mutually agreed upon by the National Wool Trade Association and the National Association of Wool Manufacturers and approved by the Administrator.

2. The term "wool" as used herein shall include wool and the hair of the angora goat, cashmere goat, alpaca and like animals.

3. 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.

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

5. The term "member of the trade" as used herein includes anyone engaged in the trade as above defined, 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 for Industrial Recovery.

7. Population for the purpose of this Code shall be determined by reference to the 1930 Federal Census.

#### ARTICLE III—EXEMPTION OF TOWNS UNDER 2,500 POPULATION

1. Employers who do not employ more than five (5) persons and who are located in towns of less than 2,500 population (according to the 1930 Federal Census) which are not in the immediate trade area of a city of larger population shall not be included within the provisions of Articles IV and V of this Code.

2. The "5 persons" refer to any person working in the establishment except a proprietor, provided such person works at least 24 hours per week.

3. A town of less than 2,500 population is deemed to be in the immediate trade area of a larger city in either of the following instances:

(a) If it is in the Metropolitan District of a city over 100,000 population as such Metropolitan Districts are defined in the Federal Census of 1930, or

(b) If its boundaries touch the boundaries of a city or town with a population over 2,500.

#### ARTICLE IV—HOURS

1. No employee shall be permitted to work in excess of 40 hours in any one week except watchmen, outside salesmen, and buyers, and employees engaged in a managerial or executive capacity who receive more than \$35 per week; provided, however, that clerical and office employees may be permitted to work 40 hours per week averaged over the six months, each year, beginning May 15, but in no event in excess of 48 hours in any one week, and further provided that watchmen shall not work more than 6 days per week.

2. The maximum hours fixed in the foregoing section shall not apply to any employee engaged in emergency work necessary to prevent or relieve transportation congestion, but in any such special case at least one and one third times his normal rate shall be paid for all hours in excess of the maximum prescribed herein. Emergency hours worked shall be reported monthly to the Code Authority.

#### ARTICLE V—WAGES

1. No employee shall be paid at less than the rate of 37½ cents per hour.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piece-work, or other basis.

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 VI—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the trade. 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.

## ARTICLE VII—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. Such Code Authority shall consist of not less than 5 or more than 8 members, 5 of whom shall be representatives of the trade elected by a fair method of selection to be approved by the Administrator, and 3 of whom without vote may be appointed by the Administrator to serve without expense to the trade. Such agency may present to the Administrator recommendations based on conditions in the trade 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, when approved by the Administrator, after such public hearing as he may deem necessary, shall have the same force and effect as any other provisions of this Code.

2. Such Code Authority shall 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 shall report the same to the Administrator.

3. For the purpose of supplying the Administrator with the requisite data as to the observance and effectiveness of this Code, and as to whether the Wool Trade is taking appropriate steps to enable it to adjust its hours of labor and wages in accordance with the de-

clared policy of the Act, each employer shall furnish regular reports as hereinafter provided. The Code Authority is hereby constituted the agency to provide for the collection and receipt of such reports and for the forwarding of the compiled results of such reports to the Administrator, and to provide for the holding of such reports themselves in confidence. Such reports shall be in such form, shall be furnished at such intervals, and shall contain such information relative to the purposes of this Code as shall be prescribed by the Administrator or by the Code Authority with the approval of the Administrator; including particularly information with respect to employment, hours, wages, and wage-rates, and with respect to stocks on hand of wool and of the other commodities specified in Article II, Section 1, hereof.

4. 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.

5. 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.

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

#### 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—FAIR TRADE PRACTICES

Within 60 days after the effective date of this Code, the Code Authority, after consultation with the trade, shall submit to the Ad-

ministrator recommendations for the adoption of fair trade practices, and such recommendations shall, upon the approval by the Administrator, become effective as part of this Code.

ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the second Monday after date.

Approved Code No. 213.

Registry No. 282-01. •





Approved Code No. 214

**CODE OF FAIR COMPETITION**

FOR THE

**SLIT FABRIC MANUFACTURING INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**SLIT FABRIC MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Slit Fabric Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C., *January 16, 1934.*

The PRESIDENT,  
*The White House.*

SIR: The public hearing on the Code of Fair Competition for the Slit Fabric Manufacturing Industry, as proposed by the National Association of Slit Fabric Manufacturers, Inc., was conducted in Room 2062, Department of Commerce Building, Washington, D.C., on October 30, 1933. Every person who requested an appearance was fairly heard in accordance with regulations of the National Recovery Administration. The Code has the approval of the Labor, Industrial and Consumers' Advisory Boards of the National Recovery Administration and of the Legal Division. The Chairman of the Code Committee of the submitting Association upon authorization of the Committee has also given his approval to the final draft of the Code on behalf of the Industry.

#### DESCRIPTION OF THE INDUSTRY

The industry as defined in the Code includes the manufacture and sale by the manufacturer or jobber of slit fabrics for bindings, pipings, trouser curtains, waist-band canvas and trimmings for use of and sale to the cutting-up manufacturing trades. The Slit Fabric Manufacturing Industry is a "supply" industry. Its customers are the cutting-up manufacturing trades composed mainly of manufacturers of wearing apparel. The definition limits the application of the Code to the Slit Fabric Manufacturers whose product is used by and sold to the cutting-up manufacturing trades. This excludes from the provisions of this Code those few garment manufacturing firms which produce slit fabrics not for sale to others but for consumption by themselves as part of their finished garment. It also excludes those slit fabric manufacturers known as a box trade whose problems are different and whose product is destined solely for sale "over the counter" at retail. Likewise excluded by this limitation in the definition are manufacturers of slit fabrics used by and sold to the shoe, electrical equipment and rubber tire industries.

The submitting Association has offered the following general statistics which are descriptive of the industry.

Total Firms in the Industry.....	100
Aggregate Annual Sales, 1932.....	\$8,000,000
Aggregate Invested Capital, 1933.....	\$3,700,000
Employees.....	1,700

#### RÉSUMÉ OF THE CODE

ARTICLE I states the purpose of the Code.

ARTICLE II sets forth certain definitions.

ARTICLE III contains the maximum hour provisions of the Code, prohibits the employment of workers in homes and limits the operation of each plant in the industry to one shift per day.

ARTICLE IV establishes the minimum wage for all employees employed in the industry.

ARTICLE V contains the general labor provisions including a provision prohibiting child labor as well as the mandatory labor provisions required by the Act.

ARTICLE VI sets up a Code Authority and defines its powers and duties.

ARTICLE VII provides for the elimination of certain unfair trade practices.

ARTICLE VIII provides the methods of modifying the Code.

ARTICLE IX contains the mandatory provisions referring to monopolies and discrimination against small enterprises.

ARTICLE X states the effective date of the Code.

#### LABOR PROVISIONS OF THE CODE—POSSIBLE REEMPLOYMENT

Being primarily a service industry and using as it does generally cotton fabrics, the industry employs workers with no high degree of skill and is close to the cotton textile industry in its general position. It seems reasonable therefore that its wage and hour provisions should be largely determined by those applying in the cotton textile and other similar industries.

It is noteworthy that the number of employees is reported to be about the same in 1933 as in 1928 and 1930. From June to October 1933 there was an increase of 110 employees. This represents in part the effect of the application of the President's Reemployment Agreement. It is estimated by the Industry that from 30% to 40% of all employees received wage increases as a result of the application of the President's Reemployment Agreement and that most of these were female employees. The minimum wages paid in the industry prior to the President's Reemployment Program are stated to have been \$8, \$9, and \$10 per week. Proponents of the Code assert that the present pay roll represents an increase from 50% to 200% over those paid before the adoption of the President's Reemployment Agreement.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervisions, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily

required). by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 16, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**SLIT FABRIC 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 Slit Fabric Manufacturing 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 and sale by the manufacturer or jobber of slit fabrics for bindings, pipings, trouser curtains, waistband canvass and trimmings for use of and sale to the cutting-up manufacturing trades. The articles enumerated herein when made in clothing factories and used in connection with the garments manufactured in such factories are exempted from 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.

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 terms "Act" and "Administrator" as used herein shall mean, respectively, Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.

6. The term "Southern Section of the United States" as used herein shall include the States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

7. The term "Northern Section of the United States" as used herein shall include all the States in the United States not specifically included within the Southern Section of the United States, and the District of Columbia.

8. The term "jobber" as used herein includes all those for whom and/or under whose directions or orders slit fabrics for bindings, pipings, trouser curtains, waist-band canvas and trimmings are manufactured in whole or in part by contractors and/or other manufacturers, and who act as wholesale distributors thereof.

9. The term "manufacturer" as used herein includes all those who manufacture slit fabrics as defined in Section 1 of Article II.

## ARTICLE III—HOURS OF LABOR

1. Except as hereinafter 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.

2. The provisions of this Article shall not apply to those persons engaged in an executive, managerial, or supervisory capacity earning \$35.00 per week or more, and who are not engaged in any way in productive labor; nor to outside salesmen.

3. Chauffeurs, shipping clerks, and outside errand boys shall not be permitted to work in excess of 44 hours in any one week.

4. The maximum number of hours of overtime which any employee may work in any six (6) months' period shall be twenty-five (25) hours, and in no event shall any employee be permitted to work more than one (1) hour overtime per day, or more than five (5) hours overtime per week. All overtime shall be paid for at not less than the rate of time and one third.

5. No overtime in addition to that herein provided for shall be permitted except upon the recommendation of the Code Authority and the approval of the Administrator and under such conditions and upon such terms as the Administrator shall prescribe.

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.

7. No home work shall be permitted by members of the industry.

8. Not more than one (1) shift of employees shall be allowed in any one (1) day. The Administrator, upon due showing and after such notice and hearing as he may prescribe, may grant such exceptions to this provision as he may deem necessary.

## ARTICLE IV—RATES OF PAY

1. No employee shall be paid at less than the rate of thirteen (13) dollars per week when employed in the Northern Section of the United States, nor less than at the rate of twelve (12) dollars per week when employed in the Southern Section of the United States, except as hereinafter provided.

2. Apprentices may be paid not less than at the rate of eighty percent (80%) of the minimum wage provided for herein for a period not to exceed eight (8) weeks, provided that at no time shall the total number of apprentices employed by any one employer exceed eight percent (8%) of the total number of employees. However, any employer shall be entitled to employ at least one apprentice.

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. Wages of those receiving more than the minimum shall be equitably adjusted so as to preserve the differentials existing on July 1, 1933. All adjustments of wage rates made in accordance with this provision shall be reported to the Code Authority within thirty (30) days of the effective date of this Code.

The Code Authority shall have the power to investigate and adjust complaints arising under this provision; adjustments by the Code Authority shall be subject to review by the Administrator.

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

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed at a wage below the minimum established by this Code under the following conditions:

(a) That they shall be paid proportionately no less than the other employees in the same factory 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 provisions of this Code.

(b) That the employer shall at once prepare and transmit to the Code Authority a list of such excepted persons stating name, class of occupation, wage rate, length of service, and reason for exception. This list shall be revised up-to-date once each month and transmitted to the Code Authority.

(c) The proportion of excepted persons to total employees at any time shall not exceed the proportion of such employees on the pay roll during the week of July 15, 1933.

(d) The Code Authority shall have the right to investigate and disallow any such claims for exception subject to review by the Administrator upon appeal by any employer or employee.

(e) The Code Authority shall report to the Administrator within three (3) months and from time to time thereafter as to the effect of the operation of this provision, both generally and in cases of individual hardship.

#### 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 before February 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. 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 or engage in any subterfuge so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places accessible to employees copies of Articles III, IV, and V of this Code.

#### ARTICLE VI—ADMINISTRATION

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 not less than five (5) nor more than eight (8) members, five (5) of whom shall be selected by the Board of Directors of the National Association of Slit Fabric Manufacturers, Inc., and not more than three (3) of whom, without vote and without expense to the Industry, may be appointed by the Administrator to represent such groups or interests or such governmental agencies as he may designate.

(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, 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.

(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 Administrator shall entertain complaints and provide such hearings as he may deem proper for those claiming the right to be represented on the Code Authority, and shall have the right from time to time to change the method of selection and the organization selecting the members of the Code Authority, in order that it shall be truly representative of the industry.

(e) 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, or of any subdivision Code Authority, 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 (30) days to afford an opportunity for Investigation of the merits of such complaint and further consideration by the Code Authority pending final action, to be taken only upon approval by the Administrator.

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

(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 set forth.

(b) To receive, investigate, and adjust complaints of violations of this Code, and based upon such investigations and after such hearings as it may deem proper, to make recommendations in respect thereto to the proper authorities for the prosecution of such violations.

(c) To obtain from time to time from employers in the industry reports in respect to wages, hours of labor, conditions of employment, number of employees, and other matters pertinent to the purposes of this Code, as the Code Authority may prescribe, and to submit periodical reports to the Administrator in such form and at such times as he may require, in order that the President may be kept informed with respect to the observance thereof.

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) In addition to the information required to be submitted to the Code Authority, all members of the industry shall furnish such adequate 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. Nothing in this Code shall relieve any one of any existing obligation to furnish reports to government agencies.

(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 agents the cost thereof; provided, that such agency 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.

(f) To coordinate the administration of this Code with such other codes, if any, as may be related to the Slit Fabric Manufacturing Industry, or any subdivision thereof, with a view to promoting joint and harmonious action upon matters of common interest.

(g) To make surveys, to compile reports, to collect statistics and trade information, to investigate unfair trade practices, to make recommendations for fair trade practices, and otherwise assist the Administrator in effecting the purposes of this Code and the Act.

(h) 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.

(i) To cooperate with the Administrator in regulating the use of the N.R.A. insignia solely by those employers who have assented to this Code.

(j) Subject to the approval of the Administrator, the Code Authority shall have the power to adopt a uniform cost-accounting system for the industry, which when so adopted shall be the standard cost-accounting system for the Industry.

3. 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.

4. The Code Authority shall study provisions relating to trade practices, investigate the observance thereof, and make such recommendations thereon to the Administrator as it shall deem advisable. Upon the approval of the Administrator and after such hearing as he may prescribe, such recommendations, or any part of them, as may be so approved, shall become a part of this Code and shall have full force and effect as provisions hereof.

#### 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, branding, or invoicing of any product of the industry which has the tendency to mislead or deceive customers or prospective customers, whether as to its grade, quality, quantity, substance, character, nature, origin, size, finish, its 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 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. 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 special services or privileges not extended to all purchasers on like terms and conditions.

6. *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.

7. *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.

8. *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.

9. *Consigned Merchandise.*—No member of the industry shall ship goods on consignment or memorandum except under circumstances to be defined by the Code Authority where peculiar circumstances of the industry require the practice.

10. *Selling Below Cost.*—No member of the industry shall sell any article at price below his individual cost except 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 if approval of such sale is first obtained from the Code Authority. For this purpose, costs shall be determined by the Uniform Cost Accounting System provided for in the foregoing Article VI, Section 2, Subsection (j).

#### ARTICLE VIII—MODIFICATIONS

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 upon approval of the Administrator.

## ARTICLE IX—MONOPOLIES

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

## ARTICLE X—EFFECTIVE DATE

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

Approved Code No. 214.  
Registry No. 299-04.



Approved Code No. 215

**CODE OF FAIR COMPETITION**

FOR THE

**AMERICAN GLASSWARE INDUSTRY**

As Approved on January 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**AMERICAN GLASSWARE INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the American Glassware Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

GEORGE L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 16, 1934.*

(257)

THE PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the American Glassware Industry, submitted by the American Glassware Association, located at 19 West 44th Street, New York, N.Y., was conducted in Washington on the 3rd of November 1933 in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 80 percent of the Industry.

This Industry is intimately related to the Glass Container Industry and a number of plants have their production divided between these two Codes. For that reason the hour and wage provisions of this Code have been made to conform with the hour and wage provisions of the Glass Container Code.

The maximum hours permitted under this Code are forty (40) hours per week, as averaged over a period of thirteen (13) weeks, provided, however, that in no case shall any employee be permitted to work in excess of forty-eight (48) hours during any one week. For clerical and office employees a maximum is permitted of forty (40) hours per week averaged over each four (4) weeks' period and not in excess of forty-eight (48) hours in any one week.

The minimum wage is forty cents (40¢) per hour, unless the hourly rate for the same class of work on July 15, 1929, was less than forty cents (40¢) per hour, in which case the minimum wage shall be not less than the wages paid in July 1929, and in no case less than thirty cents (30¢) per hour.

The outlets for the products of this Industry are wholesalers, jobbers, retailers, and various manufacturers of other products who use glass in the fabrication of their commodities, including the manufacture of storage batteries, signal devices, artificial illuminating equipment, etc. The exports to foreign markets are small compared with the total volume of business.

The demand for glass products is fairly uniform throughout the year, due to the wide uses to which glass has been put. Due to the fact that the American Glassware Industry is so interwoven with other industries throughout the country, an upturn in general business conditions should be reflected favorably in this Industry.

On the basis of the 40-hour week, 3,104 wage earners should benefit through reemployment. This increase represents 15.08% which will bring the total number of employees up to 23,797.

The value of commodities produced by the American Glassware Industry aggregated during 1929, \$90,865,936. During 1931 product value declined 32.2 per cent under the 1929 total, or to \$61,633,709.

#### FINDINGS

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

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said Association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

This Industry has cooperated in a most satisfactory manner with the Administrator 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 for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 16, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**AMERICAN GLASSWARE INDUSTRY**

**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 American Glassware Industry, and its provisions shall be the standards of fair competition for such industry and binding upon every member thereof.

**ARTICLE II—DEFINITIONS**

1. The term "Glassware Industry" as used herein means the business of producing glassware, other than glass marbles, glass containers, flat glass, optical glass, and fabricated laboratory glassware in the continental United States, its territories or possessions.

2. The term "association" means the American Glassware Association.

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 own behalf.

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

5. The term "plant", as used herein, means a place where glassware, as defined in Section 1 of this article, is produced.

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.

7. The term "majority vote", as used herein, shall mean that each member of the industry, as defined in Section 3 of this article, shall have one vote and at each meeting of the members of this industry a quorum shall consist of members whose votes represent at least 51% of the total votes and whose registered sales volume equals at least 51% of the total registered sales volume; 75% of the members of the industry present at such meetings shall constitute a majority vote, provided that the total registered sales volume of such number of members equals at least 75% of the total registered sales volume of all members present.

8. The term "staff" means the employed personnel of American Glassware Association, and may be an individual, partnership, or

corporation, which shall not, however, be financially interested in any member of the industry.

9. The term "Divisions" includes the following branches of the Glassware Industry:

A. ILLUMINATING GLASSWARE DIVISION includes all glassware used in connection with artificial sources of illumination where such glassware, by virtue of its shape, design, and material composition, is intended to modify, to reflect, and/or to diffuse, the light emanating from the source of artificial illumination and/or to decorate the same as described in paragraph 1 of this article, excluding those specifically provided for in the definitions of other Divisions.

B. TECHNICAL AND INDUSTRIAL GLASSWARE DIVISION includes—

1. *Glass parts for electrical devices*, consisting of glass parts for electrical lamps (light sources), radio tubes, power vacuum tubes, photo-electric cells, gaseous discharge tubes, X-Ray apparatus, and other similar electrical devices.
2. *Glass insulators and insulation*.
3. *Signal glassware*, consisting of railway, marine, aviation, and traffic signal glassware, including flood lights, battery jars, gauge glasses, and glass parts of signal apparatus, and also lamp chimneys and lantern globes made to specification for railway and marine uses.
4. *Vacuum glassware*, consisting of glassware for insulated or evacuated containers.
5. *Cooking glassware*.

C. LAMP CHIMNEYS AND LANTERN GLOBES DIVISION includes lamp chimneys of a variety of sizes and shapes of blown, clear glassware, plain or decorated, manufactured either by hand or machine, used on lamp equipment which burns kerosene oil or gasoline, or on equipment which simulates such lighting apparatus, except lamp chimneys used in lighthouses or on or in connection with railways and also includes lantern globes (other than railway lantern globes) of a variety of clear and/or colored blown glass shapes manufactured either by hand or machine used on oil lighted equipment, or on equipment which simulates such apparatus.

D. SCIENTIFIC GLASSWARE DIVISION includes laboratory, surgical, and hospital glassware in blown and pressed shapes, also drawn or fabricated tubing and rod, excepting, however, fabricated laboratory glassware.

E. AUTOMATIC TUMBLER GLASSWARE DIVISION includes blown, or pressed, or pressed and blown tumblers produced by full automatic process.

F. AUTOMATIC GLASSWARE DIVISION includes pressed, or pressed and blown, glassware produced by fully automatic process, not specifically defined under other Divisions in the Article.

G. AUTOMOBILE GLASSWARE DIVISION includes lens and other signal glassware for automobiles.

H. BLOWN TABLE GLASSWARE DIVISION includes paste mould, iron mould, and "off-hand" tableware, stemware, tumblers, and kindred items made by hand or semiautomatic process.

I. BLOWN GLASSWARE DIVISION includes those generally listed groups of blown articles, paste and iron mould, made by hand and

semiautomatic processes, clear and colored, plain and decorated, private mould and otherwise, not specifically covered by other Divisions, such as glassware for vending and display devices, cylinders, jars, lamp bases, lamp columns, lamp stems and parts, sacramental glassware, aquaria, seed cups, glassware for coffee- and tea-making devices, and other kindred groups, commonly recognized by the trade.

J. PRESSED GLASSWARE DIVISION A includes those generally listed groups of pressed or pressed and blown glassware, melted in tanks, made by side-lever, rotary, and semiautomatic processes, such as tableware, stemware, tumblers, jars, bar goods, soda-fountain glassware, hotel- and restaurant-supply glassware, kitchen glassware, stationers glassware, and other kindred groups, commonly recognized by the trade.

K. PRESSED GLASSWARE DIVISION B includes those generally listed groups of pressed or pressed and blown glassware, melted in pots, made by side-lever, rotary, and semiautomatic processes, such as tableware, stemware, tumblers, jars, bar goods, soda-fountain glassware, hotel- and restaurant-supply glassware, kitchen glassware, stationers glassware, and other kindred groups, commonly recognized by the trade.

L. GLASSWARE CUTTING AND DECORATING DIVISION (melting plants only) includes all cutting, acid etching, needle etching, sand blasting, or other embellishments added to glassware blanks by producers of blanks, excepting those provided for under Division A.

M. GLASSWARE CUTTING AND DECORATING DIVISION (nonmelting plants) includes all cutting, acid etching, needle etching, sand blasting or other embellishments added to glassware blanks by manufacturers performing this function only, excepting those provided for under Division A.

N. MISCELLANEOUS GLASSWARE DIVISION includes all glass products not specifically defined under other Divisions in this article, such as glass novelties, glass specialties, private-mould articles.

### ARTICLE III—MAXIMUM HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours per week, as averaged over a period of thirteen (13) weeks except such employees as are expressly exempted from the provisions of this article, provided, however, that in no case shall any employees be permitted to work in excess of forty-eight (48) hours during any one (1) 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 per week averaged over each four (4) weeks' period and not in excess of forty-eight (48) hours in any one week.

SEC. 3. *Exceptions as to Hours.*—The provisions of this article shall not apply to traveling salesmen; or to employees engaged in emergency repair work; or to persons employed in a managerial or executive capacity or on technical and laboratory staffs who earn thirty-five dollars (\$35.00) per week, or more.

SEC. 4. *Watchmen.*—No watchmen shall be permitted to work in excess of eighty-four (84) hours in any two weeks' period.

SEC. 5. *Furnacemen, Gas Makers, Engineers, and Pot Fillers.*—No furnacemen, gas makers, engineers, and pot fillers shall be permitted to work in excess of forty-two (42) hours per week.

SEC. 6. *Where Skilled Employees Not Available.*—Where skilled employees are not available, with the approval of the Code Authority and the Administrator, the maximum hours for skilled employees may be in excess of the maximum hours herein specified for a period not to exceed three (3) months after the effective date of this Code.

SEC. 7. *Employment by Several Employers.*—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—MINIMUM WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of forty (40) cents per hour, except as otherwise herein provided, unless the hourly rate for the same class of work on July 15, 1929, was less than forty (40) cents per hour, in which case the minimum wage shall be not less than the wages paid in July, 1929, and in no case less than thirty (30) cents per hour.

SEC. 2. *Piecework Compensation, Minimum Wages.*—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.

SEC. 3. *Learners.*—No learner shall be paid in any pay period less than at the rate of eighty (80%) percent of the minimum rates of pay specified in this Code. Learners whose period of learning shall not exceed six (6) months shall be persons without previous experience or employment in the Industry and the total number of such learners shall not exceed more than five (5%) percent of the total number of employees in any one plant. The provisions of this section shall not be so applied as to defeat the purposes and intent of the Act.

SEC. 4. *Wages above minimum.*—It is declared to be the policy of the members of the Industry to refrain from reducing the wage rates of employees whose hourly rates of wages through the first six months of 1933 were in excess of the minimum wages herein prescribed; also to maintain the weekly earnings of such employees, except in extreme cases where the hours have been drastically reduced, notwithstanding that the maximum hours prescribed by this Code may be below the average weekly hours worked during the first six months of 1933. It is further declared as a policy that the hourly wages of this class of employees be adjusted upward in an equitable manner to effectuate this policy. The Division Administrative Committees shall, within three (3) months after the effective date of this Code, recommend to the Code Authority a schedule of minimum rates of wages; which shall be adjusted in such a manner as to provide against inequality between the various plants in the Industry, and the Code Authority shall thereupon file such schedules with the Administrator as an amendment to this Code and when approved by the President, shall have the same force and effect

as any other amendment or provision hereof. Nothing in this section shall be construed as affecting any contractual relations with labor organizations.

SEC. 5. *Female Employees.*—Female employees performing the same work as male employees and employed during the same work period, shall receive the same rates of pay as male employees.

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.*—No persons 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. 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. *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. *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, than are imposed by this Code.

SEC. 6. *Payment of Wages.*—No employer shall make payment of any wages due other than in lawful currency or by negotiable check payable on demand.

SEC. 7. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

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

SECTION 1. *Organization and Constitution.*—A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of not less than seven (7) and not more than fourteen (14) members to be chosen by the members of this industry by a majority vote, as defined in Section 7 of Article II. 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.

SEC. 2. Vacancies in the personnel of the Code Authority selected by the industry shall be filled through appointment by the Administrator upon nomination of the Code Authority.

SEC. 3. 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.

SEC. 4. In order that the Code Authority shall at all times be 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 either by becoming a member of the association and paying to the association the dues provided to be paid by a member in like standing or 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. 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. *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 administer the provisions of this Code and provide for the compliance of the industry with the provisions of the Act, and to propose and submit to the Administrator amendments and/or modifications of this Code, for the approval of the President.

(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 to the staff 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 designate the American Glassware Association and such 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 designate the following divisions and subdivisions as the agency of the Code Authority for the administration of the Code in each division to the extent permitted under the provisions of this Code and of the Act:

1. ILLUMINATING GLASSWARE DIVISION.
2. TECHNICAL AND INDUSTRIAL GLASSWARE DIVISION:
  - Subdivision (a) Glass Parts for Electrical Devices.
  - Subdivision (b) Glass Insulators and Insulation.
  - Subdivision (c) Signal Glassware.
  - Subdivision (d) Vacuum Glassware.
  - Subdivision (e) Cooking Glassware.
3. LAMP CHIMNEYS AND LANTERN GLOBES DIVISION.
4. SCIENTIFIC GLASSWARE DIVISION.
5. AUTOMATIC TUMBLER GLASSWARE DIVISION.
6. AUTOMATIC GLASSWARE DIVISION.
7. AUTOMOBILE GLASSWARE DIVISION.
8. BLOWN TABLE GLASSWARE DIVISION.
9. BLOWN GLASSWARE DIVISION.
10. PRESSED GLASSWARE DIVISION A.
11. PRESSED GLASSWARE DIVISION B.
12. GLASSWARE CUTTING AND DECORATING DIVISION (melting).

13. GLASSWARE CUTTING AND DECORATING DIVISION (nonmelting).

14. MISCELLANEOUS GLASSWARE DIVISION.

(a) Each Division or Subdivision may, by majority vote as defined in Article II, Section 7, elect a Division Administrative Committee.

(b) Other Divisions or Subdivisions may be established, from time to time, by interested groups of manufacturers upon application to, and approval by, the Code Authority, provided that such application is authorized by seventy-five (75%) percent of the membership within a particular group. When approved by the Code Authority the names of such Divisions or Subdivisions shall be submitted as an amendment to this Code, and if approved by the Administrator, shall be added to the list of those recognized in this section.

(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 an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(h) 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.

(i) 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.

(j) To provide that—

(a) Any interested person shall have the right of complaint to the Code Authority and of a prompt hearing and decision thereon in respect to any decision, rule, regulation, or other course of action of any divisional administrative committee. Such complaint must be filed in writing with the Code Authority within a reasonable period of time after said decision, rule, regulation, or course of action is issued or taken. The decision of such Code Authority may be appealed by any interested person to the Administrator, and

(b) Any interested person shall have the right of appeal to the Administrator, under such rules and regulations as the Administrator may prescribe, in respect to any decision, rule, regulation, or other course of action, issued, or taken by the Code Authority.

(k) To establish a system of cost finding which, after approval by the Administrator, shall be the basis used in determining the cost of any product of a member of the industry.

SEC. 8. To provide that any decision, rule, regulation, order, or finding made or course of action followed pursuant to any provision

of this Code, may be cancelled or modified by the Administrator whenever he shall determine such action necessary to effectuate the provisions of the Act.

#### ARTICLE VII—PRICE LISTS, DISCOUNTS, TERMS

SECTION 1. Each member of the Industry producing glassware in Division A and Division C, as defined in Article II, Section 9, shall upon the effective date of this Code, file with the Staff a net price list or a price list and discount sheet, as the case may be, individually prepared by him on the basis of an adequate cost finding method, showing his current prices, or prices and discounts, and all terms and conditions of sale on all competitive articles of glassware produced by him. Such price lists and terms and conditions of sale, so filed with the Staff, shall be open to inspection at all reasonable times by any interested party. Revised price lists may be filed from time to time thereafter with the Staff by any member producing glassware in the Division, provided, however, that such revisions shall be filed with the Staff at least ten (10) days in advance of the effective date thereof, and provided further that any other member producing glassware in either Division may file revisions of his net price list, or price lists and discount sheets, or terms and conditions of sale, to meet the revisions first filed which may become effective on the date when the revised price list or revised terms and conditions of sale first filed shall become effective.

(a) No member producing glassware in either Division shall divulge to any customer or to any other member of the industry revisions in prices, or terms and conditions of sale, prior to the effective date of such revisions.

(b) No member of the industry shall sell directly or indirectly or permit any agent to sell from warehouse or consigned stocks any products of the industry covered by the provisions of this section at a price lower, or at a discount greater, or on more favorable terms of payment or conditions of sale, than those provided in his current net price lists, or price lists and discount sheets.

#### ARTICLE VIII—TRADE PRACTICE RULES

SECTION 1. The following shall constitute trade practice rules for this industry:

Rule 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.

Rule 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.

Rule 3. *Inaccurate Labelling.*—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.

Rule 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.

Rule 5. *Selling Below Cost.*—No member of the industry shall sell any products below cost, as determined by an adequate cost finding system adopted by the Code Authority and approved by the Administrator, provided, however, that dropped lines, seconds or inventories which must be converted into cash may be disposed of in such a manner and on such terms and conditions as the division administrative committee may approve in order to move such products into buyers' hands. The Code Authority may, from time to time, require manufacturers to furnish to the Staff complete information relating to their costs. Such information shall be deemed confidential and shall not be divulged to any manufacturer or other person not a member of the Staff of the Association except as may be required by the Administrator.

Rule 6. *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.

Rule 7. *Secret Rebates.*—No member of the industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

Rule 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. 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 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.

Rule 10. *Coercion.*—No member of the industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

Rule 11. *Blacklisting.*—No member of the industry shall join or participate with other members of the industry who with such members constitute a substantial number of members of the industry or

who together control a substantial percent of the business in any specific product or products 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.

Rule 12. *Gifts, Advertising, Contributions, etc.*—No member of the industry shall give or offer to give any gifts in the form of money, advertising contributions, or otherwise to customers or groups of customers in connection with the sale of products or an inducement thereto by any scheme which involves lottery, misrepresentation, or fraud.

Rule 13. *Imitation of Design.*—No member of the industry shall imitate a competitor's trade mark, trade name, or exclusive, or established design of product, or package, intended to identify the maker or vendor of said product, when the effect of such imitation may be to cause confusion in the minds of purchasers with reference to the identity of the maker thereof.

SEC. 2. *Additional Trade Practices.*—Each division or subdivision of the industry may propose amendments relative to the filing of discounts, commissions, or brokerage fees, credit terms, package charges, freight equalization, and other terms of sale and/or other trade practice rules and submit the same to the Administrator through the Code Authority.

#### ARTICLE IX—CONTROL OF PRODUCTION

SECTION 1. Members of the industry within fifteen (15) days after the effective date of this Code shall register with the Code Authority their present melting capacity of continuous tank equipment and tonnage capacity of furnaces and day tanks.

SEC. 2. No person, partnership, association, corporation, or other form of enterprise engaged in the industry or for the purpose of engaging in the industry shall install any new or additional melting capacity, in whole or in part, after the effective date of this Code, until it has been established to the satisfaction of the Administrator, upon application, that such new or additional installations will not be in contravention of the purposes and intent of the Act, provided, however, that nothing in this Section shall be interpreted to prevent the consummation of any contract bona fide executed prior to the approval of this Code or the replacement of obsolete or worn out equipment with equipment of identical, or less, melting capacity.

SEC. 3. The Code Authority shall make recommendations to the Administrator regarding the granting or withholding of such certificates.

#### ARTICLE X—IMPORTS

SECTION 1. The Code Authority shall make such investigations as may be found necessary to determine the effect of imports upon the industry. If it should be found that competitive articles are being imported into the United States in substantial quantities or in increasing ratio to domestic production or on such terms or under such conditions as to render ineffective or seriously to endanger the main-

tenance of the provisions of this Code, the Code Authority shall make application to the President for relief as provided in Section 3(e) of Title I of the National Industrial Recovery Act.

#### ARTICLE XI—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of 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 shall become effective upon approval of the Administrator, unless otherwise provided.

#### ARTICLE XII—MONOPOLIES, ETC.

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

#### ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective fifteen (15) days after its approval by the President.

Approved Code No. 215.

Registry No. 1022-04.





Approved Code No. 216

**CODE OF FAIR COMPETITION**

FOR THE

**POWDER PUFF INDUSTRY**

As Approved on January 17, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**POWDER PUFF INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Powder Puff Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 17, 1934.*

The PRESIDENT,  
*The White House.*

#### INTRODUCTION

SIR: This is the report of the Administrator on the application for, and public hearing on, the Code of Fair Competition for the Powder Puff Industry, as proposed by the Powder Puff Manufacturers Association. The public hearing was conducted in Washington on December 4, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

There are 26 accredited manufacturers of powder puffs, 15 of which are members of the Association and account for approximately 85 percent of the total volume of the industry. Two manufacturers, not members of the Association, were present at the hearing.

#### ECONOMICAL AND STATISTICAL MATERIAL

The volume of sales in 1929, which was the peak year, was \$6,000,000, and the total employment was 3,000 employees. The estimated volume of sales for 1933 is set at \$4,500,000, and the number of employees at 2,000. With the operation of the President's Reemployment Agreement, employment has increased until it is now estimated to be only 10 percent under the 1929 level. Although it cannot be reasonably expected that the current employment figures will be increased a great deal, there is every reason to believe that there will be an appreciable increase in the purchasing power represented, because it was not uncommon formerly to find minimum wages of \$5, \$7, and \$8 per week and as little as \$3 per week. Estimates are that factory employees have worked an average of 48 hours per week throughout the period 1929 to 1933.

#### RÉSUMÉ OF CODE PROVISIONS

The Code establishes 40 hours as the basic week for production and 32½ cents per hour as the minimum rate of pay. The principal exception to the basic 40-hour week is the specialized employee, termed the "cutter", upon whose output depends the employment for the entire industry, who is permitted to work 100 hours per year in addition to the maximum of 40 hours.

The principal exception to the minimum-wage provision of thirty cents per hour is the learner, but the period of learning is limited to only two weeks. This provision seems justifiable because the industry is prohibiting "home work" which formerly accounted for a substantial part of the entire production.

Trade practices are standard and are not in any respect objectionable in view of the chaotic competitive conditions which have obtained.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 17, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## POWDER PUFF 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 Powder Puff 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 "Powder Puff Industry" as used herein includes the manufacture and/or primary distribution of powder puffs 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 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, except as provided in Section 2 of this Article, shall be permitted to work in excess of 40 hours in any one week or 8 hours in any twenty-four-hour period.

2. Any male employee 18 years of age or over engaged in cutting materials shall be permitted to work 100 hours per year in addition to the maximum hours established in Section 1 of this Article, provided that in no event shall such additional hours exceed 10 in any one week or 2 in any twenty-four-hour period; and provided, further, that any employee working such additional hours shall be compensated at one and one-third times the normal rate.

3. No employee shall be permitted to work more than 24 days in any twenty-eight day period.

4. The provisions of this Article shall not apply to outside salesmen or to employees engaged in a managerial or executive capacity who earn not less than \$35.00 per week.

#### ARTICLE IV—WAGES

1. No employee shall be paid at less than the rate of  $32\frac{1}{2}\text{¢}$  per hour, except that a learner shall be paid at not less than 24¢ per hour for a period of not over two weeks, provided, however, that no employee who has performed similar work for any employer in the Industry for a total of two weeks or more within the preceding two years shall be classed as a learner.

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. No employee whose full time weekly hours for the four weeks ended June 17, 1933, are reduced by the provisions of this Code by 20% or less, shall have his or her full time weekly earnings reduced. No employee whose full time weekly hours are reduced by the provisions of this Code, in excess of 20%, shall have his or her said earnings reduced by more than 50% of the amount calculated by multiplying the reduction in hours in excess of 20% by the hourly rate.

4. 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

1. *Child Labor Provision.*—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 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. *Provisions From The Act.*—(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. *Reclassification of Employees.*—No employer shall reclassify employees or duties or occupations performed for the purpose of defeating the provisions of the Act or of this Code.

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.

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.

6. *Posting.*—Each employer shall post in conspicuous places in his plant, accessible to employees, copies of Articles III, IV, and V of this Code.

7. *Home Work.*—All members of the Industry shall arrange to discontinue the system of home work by February 1, 1934. If, however, this provision works an unreasonable hardship on any employer, he may, upon appeal to the Code Authority, and subject to the approval of the Administrator, be allowed additional time up to a total of two months in which to complete its abolishment.

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

### ORGANIZATION

1. To further effectuate the policies of the Act, the Code Authority is hereby constituted to administer this Code.

2. The Code Authority shall consist of six individuals, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth, and of such additional members, without vote, as the Administrator, in his discretion, may appoint to represent such groups or governmental agencies as he may designate.

The Code Authority members shall be selected as follows:

Any member of the Industry who has qualified as provided in Section 5 of this Article shall be entitled to one vote in the nomination and election of the members of the Code Authority. The proponents of the Code shall arrange for such nomination and election within 90 days of the effective date of this Code. In the interim, the regularly elected officers of the Powder Puff Manufacturers' Association shall fulfill the functions and discharge the duties of the Code Authority.

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.

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 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.

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 expense of preparation, presentation, and administration of this Code. 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 exercising reasonable diligence in the conduct of his duties hereunder be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or non-feasance.

#### POWERS AND DUTIES

7. The Code Authority shall have the following powers and duties in addition to those elsewhere provided in this Code:

(a) To adopt by-laws 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 for use of the Code Authority, for the Administrator in the administration and enforcement of the Code, and for the information of the President, reports based on periods of one, two, or four weeks, or multiples thereof, as soon as the necessary readjustment within the Industry can be made and to give assistance to members of the Industry in improving methods, or in prescribing a uniform system of accounting and

reporting. All individual reports shall be kept confidential as to members of the Industry and only general summaries thereof may be published.

(c) To receive complaints of violations of this Code, make investigations thereof, and bring to the attention of the Administrator recommendations and information relative thereto for such action as in his discretion the facts warrant.

(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 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.

(e) To coordinate the administration of this Code with such other Codes, if any, as may be related to the Industry, or any subdivision thereof, and to delegate to any other administrative authority, with the approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

(f) To secure an equitable and proportionate payment of the expenses of maintaining the Code Authority and its activities from members of the Industry.

(g) To cooperate with the Administrator in regulating the use of the N.R.A. Code Insignia solely by those employers who have assented to, and are complying with, this Code.

(h) To establish or designate an agency on Planning and Fair Practice to which shall be added by the Administrator a representative instructed to safeguard the interests of the consumer, which shall cooperate with the Code Authority in developing fair inter- and intra-trade practices and industrial planning, including the regularization of employment and stabilization of employees for the Industry. Any such recommended practices being amendments to the Code must be approved by the President.

(i) To initiate, consider, and make recommendations for the modification or amendment of this Code.

(j) The Code Authority may appoint and remove and fix the compensation of such employees, accountants, attorneys, and officers as it shall deem necessary or proper for the purpose of administering the Code.

(k) 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, or of any subdivision Code Authority, 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 (30) days to afford an opportunity for investigation of the merits of such complaint and further consideration by the Code Authority pending final action, to be taken only upon approval by the Administrator.

#### GENERAL ADMINISTRATIVE PROVISION

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. An appeal from any action by the Code Authority affecting the rights of any employer or employee in the Industry may be taken to 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 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. 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 special services or privileges not extended to all purchasers on like terms and conditions.

6. *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.

7. *Sales of Seconds.*—The sale or offer for sale, at a reduced price, of rejects, factory seconds, or other defective merchandise by any member of the Industry in excess of 4% of his total production. Any such sale shall be reported to the Code Authority. Sales in excess of 4% may be permitted by the Code Authority upon a

showing that such restriction works an undue hardship upon a member of the Industry, but the granting of such permission must not allow such member an unfair competitive advantage nor work to the detriment of other members.

8. *Processing Materials Furnished by Others.*—The sale of the service of processing materials furnished by others at less than the price arrived at by deducting the market cost of such materials, if purchased by the member concerned, from the price established by such member for the finished product.

9. *Sales Below Cost.*—To sell or offer to sell any product below its cost, except to meet the competition of a member of the Industry whose cost is lower. Each member of the Industry shall determine cost in accordance with a cost accounting system capable of application by all members to be formulated by the Code Authority and approved by the Administrator.

10. *Terms of Sale.*—Terms shall not exceed 2% discount for cash within 10 days from date of invoice, or 30 days net, with the privilege of giving E.O.M. (end of months) dating.

#### 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 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 Administrator.

#### ARTICLE IX—MONOPOLIES

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

#### ARTICLE X—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 XI—EFFECTIVE DATE

This Code shall become effective on the tenth day after date.

Approved Code No. 216.  
Registry No. 299-1-20.

Approved Code No. 217

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**DENTAL LABORATORY INDUSTRY**

As Approved on January 22, 1934

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**DENTAL LABORATORY INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Dental Laboratory Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved, but upon the following condition:

That the limitation of hours per week set forth in Section 2 of Article III for clerical and office employees shall be forty instead of forty-four, except that it shall be forty-four in any case where there is only one such employee in a dental laboratory.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D. C., *January 22, 1934.*

The PRESIDENT,  
*The White House.*

SIR: A public hearing on the Code of Fair Competition for the Dental Laboratory Industry of the United States, submitted by the National Dental Laboratories Association, located at 1010 Vermont Avenue, Washington, D.C., was conducted in Washington on the 20th of October 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent in excess of eighty percent (80%) of the Industry.

The maximum hours established by this Code are forty (40) per week for all employees, with the exception of laboratories employing one clerical or office worker in which case such worker is allowed forty-four (44) hours per week. One-man laboratories are also allowed forty-four (44) hours per week. Workers in the Dental Laboratory Industry were employed in 1929 on an average of fifty-two (52) hours per week and in 1933 approximately forty-seven (47) hours per week. To return employment to the 1929 level it would be necessary to establish a 37.6-hour week. However, from a practical angle a 40-hour week seems to be a most advisable basis for the re-employment of workers in this Industry. Through the establishment of a 40-hour week approximately 1,400 workers should benefit by reemployment.

The minimum wages established in this Code are forty cents (40¢) per hour, or \$16.00 per week for all processing workers, and \$14.00 per week for office employees. The minimum wage for apprentices is \$14.00 per week for a period of one year, and forty cents (40¢) per hour or \$16.00 per week thereafter. Messengers not engaged in processing shall receive \$10.00 per week. Provision is made for time and one third for all hours worked by processing employees in excess of forty (40) per week.

Owing to the fact that so many conflicting figures were presented at the public hearing, bearing on the Dental Laboratory Industry, and because of the fact that no information regarding this Industry is available through governmental sources, it is impossible to give a very accurate or clear statistical picture of the Industry.

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

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminat-

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

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

This Industry has cooperated in a most satisfactory manner with the Administrator 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 in its present form as approved represents an effective, practical, equitable solution for this Industry; and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 22, 1934

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**DENTAL LABORATORY 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 Dental Laboratory Industry, and shall be the standard of fair competition for such industry and binding upon every member thereof.

**ARTICLE II—DEFINITIONS**

1. The term "Dental Laboratory Industry" as used herein shall mean the construction, repair, or adjustment, outside the oral cavity, in a dental laboratory, of dental prosthetic appliances, consisting of restorative dentures and corrective appliances made from impressions and/or casts, and such related branches or subdivisions as may from time to time be included under the provisions of this Code by the President of the United States, after such notice and hearing as he may prescribe.

2. The term "Dental Laboratory" as used herein shall mean a workroom or rooms wherein dental prosthetic appliances are constructed, repaired, or adjusted on order, instruction or prescription, for a dentist or another dental laboratory; excluding, however, the workroom or rooms operated as a part of the office or offices of a practicing dentist or dentists, and their bona fide employees engaged and employed therein in the construction, repair, or adjustment of dental prosthetic appliances solely for the personal patients of such dentist or dentists and not for the patients of any other dentist or dentists.

3. The term "home work" as used herein shall mean the performance of the work of this industry in the home or elsewhere outside of the work room or rooms of a dentist or dentists, a dental laboratory, or a one-man dental laboratory as herein defined.

4. 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.

5. The term "employee" as used herein shall include any and all persons engaged in the industry as herein defined however compensated, including any person when engaged in processing and excepting executives and employers when not engaged in processing.

6. The terms "price or prices" as used herein shall mean the charges for the products and/or services of the industry.

7. The term "one-man laboratory" as used herein shall mean a dental laboratory in which only one person is engaged in processing, whether or not any messengers, office, or other nonprocessing employees are employed.

8. The term "apprentice" as used herein shall mean any person having less than one year's experience in the industry as defined above, who is employed as a learner or beginner.

9. The term "processing" as used herein shall mean performing any step in the construction, adjustment, or repair of any product of this industry.

10. 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

#### MAXIMUM HOURS

SECTION 1. No employee, engaged in whole or in part in processing, shall be permitted to work in excess of forty (40) hours in any one week except as herein otherwise provided. A normal workday shall not exceed eight (8) hours.

SEC. 2. No person employed in clerical, office, or other nonprocessing work shall be permitted to work in excess of forty-four (44) hours in any one week. A normal workday shall not exceed nine (9) hours.<sup>1</sup>

#### EXCEPTIONS TO HOURS

SEC. 3. A one-man laboratory shall not engage in processing to exceed forty-four (44) hours per week.

SEC. 4. The provisions of this Article shall not apply to outside salesmen, or to persons employed in a managerial or executive capacity who do not engage in processing and who earn thirty-five dollars (\$35.00) or more per week.

SEC. 5. Processing employees, including the operator of a one-man laboratory, shall be allowed to work twenty-five (25) hours in excess of the maximum hours established in Sections 1 and 3 of this Article during each half of the calendar year, provided, however, that no such employee shall work more than forty-eight (48) hours in any one week and provided further that a record of all hours of overtime shall be posted in the laboratory and reported as required by the Code Authority.

#### EMPLOYMENT BY SEVERAL EMPLOYERS

SEC. 6. 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.

<sup>1</sup> Modified by paragraph 2 of order approving this Code.

## OPERATING HOURS OF A LABORATORY

SEC. 7. No dental laboratory shall be operated or remain open in excess of fifty-two (52) hours in any one week; nor shall any such laboratory be operated or open for the purpose of performing any business function on Sunday or before 7:00 A.M. on any week day, or later than 7:00 P.M. on Monday to Friday, inclusive, or later than 1:30 P.M. on Saturday.

(a) Uniform holiday closing, and uniform opening and closing hours between the hours herein prescribed, may be established in any metropolitan area, city, or town by a majority vote of all laboratories located within such areas and when approved by the Code Authority shall be binding upon all laboratories in such area.

(b) Each Dental laboratory shall post in an accessible place in its laboratory a schedule of its operating hours and a schedule of the working hours of its employees, and file copies and/or reports of same as the Code Authority shall designate.

## ARTICLE IV—WAGES

## MINIMUM WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of forty cents (40¢) per hour or sixteen dollars (\$16.00) per week except as otherwise herein provided.

(a) Apprentices shall be paid not less than fourteen dollars (\$14.00) per week for a period of one (1) year, and thereafter at not less than the rate of forty cents (40¢) per hour.

(b) Messengers not engaged in processing shall be paid not less than ten dollars (\$10.00) per week.

(c) Office and clerical help shall be paid not less than the rate of fourteen dollars (\$14.00) per week.

(d) Part-time employees shall be compensated for the work performed by them at not less than the minimum rates herein established.

## PIECEWORK COMPENSATION—MINIMUM WAGES

SEC. 2. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework performance or other basis.

## WAGES ABOVE MINIMUM

SEC. 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 wages 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.

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

SEC. 5. Time and one third shall be paid processing employees for all hours in excess of forty (40) hours per week.

SEC. 6. The provisions of this Article shall not apply to outside salesmen, or to persons employed in a managerial or executive capacity who do not engage in processing.

## ARTICLE V—GENERAL LABOR PROVISIONS

### 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 sixty (60) days after the approval 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.

### PROVISIONS FROM THE ACT

SEC. 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.

### RECLASSIFICATION OF EMPLOYEES

SEC. 3. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

### STANDARDS FOR SAFETY AND HEALTH

SEC. 4. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

## STATE LAWS

SEC. 5. No provision in this Code shall supersede any State or Federal law which imposes 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.

## POSTING

SEC. 6. All employers shall post and keep posted complete copies of the wage and hour and general labor provisions of this Code in conspicuous places accessible to employees.

## APPRENTICES

SEC. 7. No laboratory shall employ apprentices in a ratio greater than one to every four processing employees or major fraction thereof, provided, however, that any laboratory employing four or less processing employees may employ one apprentice. Apprentices shall not be counted as processing employees in the determination of this ratio.

## SANITARY REQUIREMENTS

SEC. 8. No room or apartment in a tenement or dwelling house used for living, eating or sleeping purposes, shall be used for the purpose of conducting a dental laboratory, unless such laboratory complies with sanitary requirements as established by the Code Authority, and approved by the Administrator. Any action of the Code Authority with respect to this provision shall be subject to the review and disapproval of the Administrator.

(a) Every part of the dental laboratory shall be kept clean and shall be kept free from accumulation of dirt, filth, rubbish in and about the same. The entire premises shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition.

## STUDENT—LEARNER WORK

SEC. 9. Work done by students and learners shall not be sold unless such students or learners are paid for this work in compliance with the provisions of the Code, provided, however, that this provision shall not apply to work done by students of any bona fide dental school or college or to work done by students and learners under existing contracts executed in compliance with the law of the State in which such contract was made.

## HOME WORK

SEC. 10. All home work in this industry is hereby prohibited.

## ARTICLE VI—ADMINISTRATION

Organization, Powers, and Duties of the Code Authority.

## ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this code and shall consist of fifteen (15) members to be chosen by the industry through a fair method of selection and approved by the Administrator. The Administrator in his discretion may appoint not more than three 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) The Code Authority shall be selected as follows: One member to be selected from the members of the industry in each of the twelve (12) Regions covering the entire United States, and three (3) members at large, to be selected from the entire industry.

(b) In order to assist the Code Authority in the Administration of this code, the National Dental Laboratories Association is hereby designated as the administrative agency of the Code Authority and as the agency to collect such statistics and information, subject to the disapproval of the Administrator, as may be pertinent and required for the purposes of this code.

(c) Regional Sub-Code Authorities are hereby established to further assist the Code Authority, and shall consist of five (5) members nominated by and from members of the industry by a fair method of selection in each region and appointed by the Administrator. For the purposes of this Code, the Regional divisions of the industry shall be as follows:

Region 1. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

Region 2. New York.

Region 3. Pennsylvania, New Jersey.

Region 4. West Virginia, Virginia, Delaware, Maryland, District of Columbia.

Region 5. Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.

Region 6. Kentucky, Indiana, Ohio, and the Southern peninsula of Michigan.

Region 7. Wisconsin, Illinois, and the Northern peninsula of Michigan.

Region 8. Missouri, Arkansas, Louisiana.

Region 9. Iowa, Minnesota, Nebraska, North Dakota, South Dakota.

Region 10. Kansas, Oklahoma, Texas, New Mexico, Colorado.

Region 11. California, Nevada, Utah, Arizona.

Region 12. Washington, Oregon, Idaho, Montana, Wyoming.

SEC. 2. 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, through appointment by the Administrator upon nomination of the Code Authority.

(a) In the event of the failure of any region to select its Regional Sub-Code Authority or any member or members thereof within the time specified by the Code Authority, or in the event of any vacancy occurring therein, the Code Authority may make appoint-

ments to fill such vacancies pending the selection of qualified successors as provided herein.

SEC. 3. 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 and to the Code Authority 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 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.

SEC. 5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and Regional Sub-Code Authorities and participate in the selection of the members thereof and in any revisions or amendments to this code by assenting to and complying with the requirements of this code and sustaining their reasonable share of the expenses of administration or by becoming members of the National Dental Laboratories Association and paying to the Code Authority such proportionate part of the cost of administration as the Code Authority, subject to the Administrator's approval, shall prescribe as fair and equitable.

(a) Any member of the industry shall be eligible for membership in the National Dental Laboratories Association and in any regional, state, or local association directly or indirectly participating in the selection or activities of the Code Authority and/or Regional Sub-Code Authority, upon compliance with the provisions of the by-laws relating to membership, provided that any person applying for such membership shall, in addition to the payment of such dues as are applicable in his case in accordance with the established rate or schedule of dues, accept a reasonable and equitable share of the cost of administration.

SEC. 6. Nothing contained in this code shall constitute the members of the Code Authority or Regional Sub-Code Authorities partners for any purpose. Nor shall any member of the Code Authority or Regional Sub-Code Authorities 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 or Regional Sub-Code Authorities, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or any omission to act under this Code, except for his own willful misfeasance or nonfeasance.

#### POWERS AND DUTIES

SEC. 7. The Code Authority shall have the following powers and duties to the extent permitted by the Act, subject to the review and disapproval of the Administrator.

(a) To administer the provisions of this Code and provide for the compliance of the industry with the provisions of the Act, and to propose and submit to the Administrator, for his approval, amendments and/or modification of this code.

(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, statistics, and reports as are required for the administration of the Code and to provide for submission by members of such information, statistics and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information, statistics, and reports shall be submitted 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 person or agency except as may be directed by the Administrator, or except as it may be deemed necessary to divulge such information to enforce the observance of the provisions of this code. Any person conducting a dental laboratory shall furnish promptly to the Code Authority the information required by it, in such form as may be specified.

(d) Within a reasonable time after the effective date of this code to provide for the establishment and promulgation of:

(1) A uniform system of billing which shall be complied with and adhered to by all members of this industry.

(2) A uniform method of cost accounting and/or cost formulae, which, when approved by the Administrator shall be used in the determination of cost by all members of this industry.

(e) To use the National Dental Laboratories Association and such regional, state, and local 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 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—UNFAIR TRADE PRACTICES

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

1. *Guarantees.*—No member of this industry shall guarantee any product of this industry, except in accordance with the rules and

regulations concerning guarantees, established by the Code Authority and approved by the Administrator.

2. *False Marking or Branding.*—No member of this industry shall mark or brand any product of the industry in any manner having a tendency to mislead or deceive customers, or prospective customers, whether as to the grade, quality, quantity, substance, construction, nature, origin, size, finish, or preparation of such product.

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. *Espionage of Competitors.*—No member of this industry shall attempt to 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.

5. *Interference with Contractual Relations.*—No member of this 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.

6. *Substitution of Materials.*—No member of this industry shall use, submit, or bill any material, superior or inferior in quality to that specified by the purchaser of any dental laboratory product, thereby effecting a price discrimination.

7. *Rebates.*—No member of the industry shall offer or make any payment or allowance of a rebate, refund, commission, credit, 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 special service or privilege not extended to all customers of the same class.

8. *Defamation.*—No member of this industry shall attempt to 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.

9. *Conspiracy.*—No member of this industry shall aid or abet any person in the dental laboratory industry in any unfair competitive practice.

10. *Misrepresentation.*—No member of the industry shall bill or invoice or offer to sell any dental laboratory product, under any description which does not fully describe such dental laboratory product in terms customarily used in the dental laboratory industry, or in violation of the uniform system of billing when adopted for the industry.

11. *Threats of Law Suits.*—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal pro-

ceedings 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.

12. *Samples*.—No member of this industry shall bill or sell samples of dental laboratory products for less than the cost of production; nor employ free goods or free samples or free deals in connection with a sales transaction. Nothing in this provision shall be so construed as to prohibit the bona fide loan of samples.

13. *Underselling Claims*.—No member of the industry shall use or participate in the publishing or broadcasting of any statement or representation which lays claim to a policy or continuing practice of generally underselling competitors.

14. *False Invoicing*.—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.

15. *Acceptance of Work*.—No member of this industry shall accept any dental restoration for adjustment, repair, or processing, except from a dentist or from another dental laboratory.

#### ARTICLE VIII—REGULATIONS AS TO COSTS, PRICE LISTS, TERMS, ETC.

1. *Costs*.—No member of the industry shall sell, or offer to sell, the services or products of his laboratory below cost, based on normal operations, computed in accordance with a uniform method of cost accounting and/or cost formulae adopted by the Code Authority and approved by the Administrator.

2. *Price Lists*.—Each member of the industry shall within fifteen (15) days after the effective date of this code file with the Code Authority and otherwise as it shall direct, and with his Regional Sub-Code Authority, his net current price lists to become effective on the date filed.

(a) No member of the industry shall thereafter sell, or offer to sell, at prices other than the prices contained in his price list so filed.

(b) Revised price lists may, ten (10) days prior to the effective date thereof, be filed, from time to time, in the same manner as provided for the filing of original price lists.

(c) Upon complaint or on its own initiative, the Code Authority may require the listing laboratory to file its cost data forthwith and if the price of any item in any such price list is determined by the Code Authority to be improper, in that it does not comply with the provisions of the Code, new prices, based upon the uniform method of cost accounting and/or cost formulae which do comply with the provisions of this code may be required by the Code Authority to be filed within ten (10) days after notice thereof to the listing laboratory.

3. *Terms and Discounts*.—(a) All quotations and bills or invoices for products and services of dental laboratories shall be made only upon the basis of net settlements due on or before the first of the following month and payable on or before the fifteenth day thereof.

(b) No member of the industry shall offer or allow any cash or trade discount; provided that no provision of this code shall be interpreted to prevent the extension between laboratories of courtesy discounts applying to the products of the industry; and provided

further, that the purchasing laboratory shall not sell such products at less than the producing laboratory's prices thereof as filed with the Code Authority.

#### 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 by the Code Authority to the Administrator and such notice and hearing as he shall specify to become effective on approval of the Administrator, unless otherwise provided.

#### ARTICLE X—MONOPOLIES

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

#### ARTICLE XI

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

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

Approved Code No. 217

Registry No. 1617-09



Approved Code No. 218

**CODE OF FAIR COMPETITION**

FOR THE

**SLATE INDUSTRY**

As Approved on January 22, 1934

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ORDER

**APPROVING CODE FOR FAIR COMPETITION**

FOR THE

**SLATE INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Slate Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C., *January 22, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Slate Industry, a hearing on which was conducted in Washington on the ninth 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, averaged over a six months' period, with limits of forty-eight hours for any week, six days for any week, and nine-hours for any day. The following exceptions are permitted:

(a) Employees engaged on emergency maintenance and repair work, but they will receive time and one third for overtime;

(b) Slateloaders, shipping clerks, truck drivers, and watchmen, who are limited to fifty-six hours per week;

(c) Those engaged in managerial or executive capacity, who receive not less than \$30.00 per week; and

(d) Travelling salesmen.

The maximum hours apply to the total time of each employee, whether working for one or several employers.

This Code provides for a minimum wage of 35 cents per hour, except in Virginia, the only southern state producing slate, where the minimum is 30 cents. Watchmen are excepted, but must be paid at least \$15.00 per week, and with the permission of the proper authorities, handicapped persons may be excepted. These minimum wages apply whether an employee is compensated on a time rate, piecework, or other basis. Wages must be paid monthly or oftener and provision is made for equitable readjustment of wages above the minimum.

No person under eighteen years of age may be employed. Employers must endeavor to provide continuity of employment and for the safety and health of their employees.

#### ECONOMIC EFFECTS OF THE CODE

The value of the products covered by the Code fell from a peak of over nine million dollars in 1925 to eight and a half in 1929 and to less than two million dollars in 1932. The Slate Industry is heavily burdened by depression, by stagnant construction, by severe losses in past years, and by rival materials. Employment has dropped to about half the peak figure.

Due to these conditions, it is doubtful whether adoption of this Code will result in a large immediate increase in employment, but it is hoped that the stabilizing effect of the marketing provisions will protect the present two thousand employees and with increasing business permit of some increase.

The minimum wages are approximately double the present minima, and an increase in pay rolls of 25% to 30% is estimated by the sponsors of the Code.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 22, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## SLATE INDUSTRY

### ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act and for the purpose of conserving a natural resource in rehabilitating the Slate Industry and enabling it to do its part toward the restoration and maintenance of highest practical degree of public welfare, the following provisions are established as a Code of Fair Competition for that Industry, and shall be the standards of fair competition for that Industry and binding upon every member thereof.

### ARTICLE II—DEFINITIONS

SECTION 1. The term "Slate Industry" or "Industry" as used herein means and includes the quarrying and selling, the processing and selling and/or the selling by agencies set up and controlled by a quarrier or group of quarriers of slate and slate products (excepting slate granules) and such related branches or subdivisions thereof 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. Division of Industry. The terms "Division of Industry" or "Division" shall mean and include the following: (1) The Slate Roofing Division, which deals with slate used for roofing purposes; (2) The Structural and Electrical Division, which deals with slate used for structural and electrical purposes; (3) The Blackboard Slate Division, which deals with slate used for blackboard purposes, and also such other divisions as may be hereafter established.

SEC. 3. Regions. The term "Region" shall mean and include the following areas: (1) The Maine region, which shall include the State of Maine; (2) The New York-Vermont region, which shall include the States of New York and Vermont; (3) The Pennsylvania-Maryland region, which shall include the States of Pennsylvania and Maryland, and (4) The Virginia region, which shall include the State of Virginia; (5) other regions or areas in which quarries are worked or may be hereafter developed shall be included hereunder.

SEC. 4. District. The term "District" shall mean and include a locality in which one or more quarries are working the same or adjacent veins producing substantially the same kind of slate.

SEC. 5. The term "employee" as used herein includes anyone except a member of the industry engaged in the Slate Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

SEC. 6. The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

SEC. 7. The term "member of the industry" includes anyone engaged in the Slate Industry as above defined, either as an employer or on his or its own behalf.

SEC. 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 of said Act.

SEC. 9. The terms "Code Authority", "Division Committee", and "District and Regional Committees" as used herein shall mean the administrative agency or agencies established pursuant to this Code as hereinafter provided.

SEC. 10. The term "member of the Code" includes any member of the Industry who shall expressly signify assent to this Code.

### ARTICLE III—HOURS

SECTION 1. Maximum Hours. No employee shall be permitted to work in excess of forty (40) hours per week averaged over any six (6) months' period, forty-five (45) hours in any one (1) week, nine (9) hours in any one (1) day, or six (6) days in any seven (7) day period except as herein provided.

SEC. 2. Exceptions. These maximum hours fixed in Section (1) shall not apply to:

(a) Employees on emergency maintenance or emergency repair work, involving break-downs or protection of life or property, but such employees shall be paid one and one third ( $1\frac{1}{3}$ ) times the hourly rates for time in excess of nine (9) hours per day or forty-five (45) hours per week.

(b) Slateloaders, shipping clerks, truck drivers, firemen, and watchmen, provided, however, that they shall not be permitted to work in excess of fifty-six (56) hours in any one (1) week.

(c) Persons engaged in managerial or executive capacity who receive not less than thirty dollars (\$30.00) per week.

(d) Persons engaged as traveling salesmen.

SEC. 3. Combined Time. No employer shall knowingly permit any employee to work for any time which when totaled with that already performed with another employer or employers exceeds the maximum permitted herein.

### ARTICLE IV—WAGES

SECTION 1. Minimum wage. No employee except watchmen shall be paid at less than the rate of thirty-five cents (35¢) an hour, except that in Virginia employees may be paid at not less than the rate of thirty cents (30¢) an hour.

SEC. 2. Piecework. This article establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate, piecework or other basis.

SEC. 3. Readjustment of Wages. Unless such readjustment has already been made because of the operation of the President's Re-employment Agreement, the wage rates of all employees receiving more than the minimum rates prescribed above, but less than thirty-five dollars (\$35.00) per week, shall be equitably readjusted.

SEC. 4. Watchmen. Watchmen shall not be paid less than at a rate of fifteen dollars (\$15.00) per week.

SEC. 5. Payment. All wages shall be paid in lawful currency or by negotiable check, at least once a month. 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.

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. Rights of Labor. (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. Employers shall not employ any persons under eighteen (18) years of age.

SEC. 3. State Laws. Within each state no provisions 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 the Code.

SEC. 4. Company Homes and Stores. Employees other than maintenance or supervisory men or those necessary to protect the property shall not be required as a condition of employment to live in homes rented from the employer or to trade at the store specified by the employer.

SEC. 5. Safety and Health. Each employer will use his best endeavor to so administer work in his charge as to provide a maximum practicable continuity of employment of his employees, and for their safety and health during the hours of their employment.

**SEC. 6. Reclassification.** No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the provisions of the Act or of this Code.

**SEC. 7. Posting.**—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

## ARTICLE VI—MARKETING PRACTICES

**SECTION 1. Open Price Policy.**—(a) Within twenty (20) days after approval of the code by the President all members of the Industry shall publish, and from time to time thereafter, as conditions require, may revise their price lists, including list prices, terms of delivery, and cash discounts, together with trade discount sheets applying to each class of customer, for each recognized standard classification of slate and slate products which they offer for sale. They shall deliver such price lists and trade discount sheets and revisions thereof to the Slate Industry Code Authority ten (10) days in advance of the effective date thereof, unless the Slate Industry Code Authority shall authorize a shorter period. Sufficient copies of such price lists, and revisions thereof, together with discount sheets and any changes therein, with notice of effective date specified, shall be delivered to the Code Authority to permit of immediate sending of same to all known Members of the Industry, selling the same slate products, who thereupon may file, if they so desire, revisions of their price list and/or discount sheets to meet the price first filed which shall become effective upon the date when the revised price list or discount sheet first filed goes into effect.

(b) No Member of the Industry shall sell directly or indirectly by any means whatsoever any product of the industry covered by the provisions of this Article at a price lower or at discounts greater or on more favorable terms of payment than those provided in his current price lists and trade discount sheets for respective classes of customers.

**SEC. 2.** No Member of the Industry shall by means of any secret rebate, special discount or by selling or offering for sale nonstandard grades, sizes, dimensions or classifications of slate and slate products, or other means attempt to violate or evade the terms of the Code set forth in this Article.

**SEC. 3. Liquidation of Stocks.** Inventories of slate which must be liquidated by any Member of the Industry may be sold at such prices as are necessary to move slate into buyers' hands; however, all such stocks must be reported to the Slate Industry Code Authority and disposed of subject to the approval of that Authority.

**SEC. 4. Selling Below Cost.** (a) Except as specified in Section 3 of this Article no Member of the Industry shall sell or exchange any slate or slate products at a price or upon such terms or conditions as will result in the purchaser paying for such product less than the average district cost of that Member of the Industry's district for that product.

(b) The methods of determining, and the agencies who determine, the average district cost shall be established by the Code Authority

subject to the approval of the Administrator; but in computing the average district costs from individual members' cost records the costs of at least that 40% of the Members of the Industry of each particular district having the highest costs shall be excluded. Until his average district cost is available, no Member of the Industry shall sell or exchange any product below his own individual cost, computed by accounting methods established by the Code Authority and approved by the Administrator, except to meet the competition of a Member of the Industry having a lower cost for the same product.

(c) The Code Authority shall establish a uniform method of accounting suitable for the Industry subject to the approval of the Administrator. Each Member of the Industry shall use a cost accounting system at least as detailed as that so established by the Code Authority. But the determination of a Member's average cost for the purposes set forth in Subsections (a) and (b) of this Section shall not include: depreciation, interest on capital, and reserves for contingencies, or other purposes.

(d) The provisions of this Article shall apply to all stocks of Members of the Industry now on hand, as well as to future production, except that all contracts for delivery of slate entered into prior to the approval of this Code by the President shall be executed as per agreed terms, unless by voluntary agreement the contracting parties set new terms.

SEC. 5. *Sales Terms and Conditions.*—(a) All members of the Industry shall adopt and maintain such uniform credit and contract terms and other uniform, fair, and equitable sales practices as established by the Code Authority with the approval of the Administrator.

(b) Within ten (10) days after the effective date of this Code, each Member of the Industry shall publish and file with the Code Authority all qualifications which have been established by him to determine the prices, terms, or conditions of sale made applicable by him to the different classes of his trade or customers, for products covered by this Code. He shall publish and file promptly with the Code Authority any changes made by him in such qualifications and any additional qualifications.

(c) Each member shall file at such times, in such manner, and at such places as may be designated by the Code Authority the names and locations of all direct sales agents, branch offices, commission representatives, and salesmen with whom they have contracted for sale of their product.

## ARTICLE VII—ADMINISTRATION

A Code Authority is hereby constituted to administer this Code in accordance with the provisions of the Act.

SECTION 1. Organization and constitution of the Code Authority.

(a) The Code Authority shall consist of the President of the National Slate Association, from time to time in office, two (2) individuals from each division of the industry elected by and from members of the Code in each respective division by a fair method of selection approved by the Administrator. But in no event, so long as there are only three (3) divisions, shall the division representatives on Code Authority consist of more than three (3) from the Pennsyl-

vania-Maryland Region or two (2) from the New York-Vermont Region, or one (1) from the Maine Region. When matters pertaining to the roofing-slate division of the Industry are brought before the Code Authority an individual elected by and from the members of the Code in the Virginia Region shall sit with the Code Authority with full voting power. The Administrator, in his discretion, may appoint not more than three (3) additional members, without vote, to represent the Administrator or such groups or interests as he may specify or approve, to serve for terms of twelve months.

(b) In each region there shall be selected, by methods approved by the Administrator, such regional and district committees as may be required, to assist the Code Authority in the administration of the Code under such regulations as the Code Authority may provide.

(c) The National Slate 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 Slate Industry 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 Slate Industry 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 Slate Industry Code Authority.

SEC. 2. Powers and Duties. The Slate Industry 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 it.

(a) 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 hereof, 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 provisions hereof.

(b) 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 members of the industry or any other party except to such governmental agencies as may be designated by the Administrator.

(c) The Code Authority may designate a planning board or committee whose function and duties shall be the betterment of the In-

dustry, through improvement of conditions within the Industry and through cooperative action with other industrial groups, subject to the approval of the Code Authority.

(d) The Code Authority, upon its own initiative, upon request of the Administrator, or upon complaint in writing by an interested party or group, may make such inquiries or investigations as may be necessary to administer effectively the provisions of this Code.

(e) 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 initiation and administration. The reasonable share of the expenses of its initiation 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 factors as may be deemed equitable to be taken into consideration.

(f) Any interested party shall have the right of complaint to the Code Authority and a prompt hearing and decision thereon, under such rules and regulations as it shall prescribe, in respect to any act of any agent or agency designated by the Code Authority to act in its behalf.

(g) Nothing contained in the Code shall be deemed to constitute any of the members thereof partners for any purpose. No member of the Code shall be liable in any manner to anyone for the act of any member or agent of the Code Authority performed pursuant to the provisions of this Code. No member of the Code and no member or agency of the Code Authority shall be liable to anyone or in any manner other than as provided in the act, or in the Code, for any act performed in accordance with, or for any failure to act required by, the provisions of the Code.

#### ARTICLE VIII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Slate Industry and are prohibited:

SECTION 1. False Marking or Branding.—The false marking or branding of any product of the Slate 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 Slate Industry.

SEC. 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 Slate Industry or the credit terms, values, policies, or services of any member of the Slate Industry, having the tendency or capacity to mislead or deceive customers or prospective customers.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 6. 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.

SEC. 7. Substitution. The furnishing of slate not suitable for a purpose ordered or the shipping of products which do not conform to the samples submitted or representations or change in specification upon which order was placed, made prior to securing the order, without the consent of the purchaser to such substitution.

SEC. 8. 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.

SEC. 9. Infringement of Patents. Imitating trade marks, trade names, slogans, or other marks of identification of competitors and the appropriation of catalog and advertising forms, constitute a violation of this Code.

SEC. 10. To aid and abet the practice known as "bid peddling."

SEC. 11. Consigned Goods. The shipping of slate or slate products on consignment.

SEC. 12. 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.

SEC. 13. As far as possible, employers in the Slate Industry will promote employment by following the Simplified Practice Recommendations of the Department of Commerce R13-28 on Structural Slate, R14-28 on Roofing Slate, and R15 on Blackboard Slate, in their production and sales promotion efforts and endeavor to have specifiers of slate require the sizes provided in these recommendations.

## 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.

SEC. 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances or supplemented to meet marketing needs of this natural-resource industry, 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 provisions of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

## ARTICLE XI—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 ten (10) days after its approval by the President.

Approved Code No. 218.  
Registry No. 1023-19.





Approved Code No. 219

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**BEDDING MANUFACTURING INDUSTRY**  
**As Approved on January 23, 1934**

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**BEDDING MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Bedding Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended.

W. A. HARRIMAN,  
*Division Administrator.*  
WASHINGTON, D.C.,  
*January 23, 1934.*

(311)

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Bedding Manufacturing Industry as revised after a public hearing held on November 9, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### LABOR PROVISIONS

Provision is made for a forty-hour week, except that employees may work 48 hours a week during any eight (8) weeks in any six (6) months' period. Exceptions are provided for travelling salesmen, employees engaged in emergency maintenance or emergency repair work, and for persons employed in a managerial, supervisory, or executive capacity who earn not less than thirty-five (\$35.00) dollars a week. A tolerance of 10% is permitted for firemen, engineers, truck drivers, and shipping crews. Watchmen may be permitted to work no more than an average of forty-eight hours a week and in no week over fifty-six hours.

No employee shall receive a lesser wage rate than is required to provide the same earnings for forty hours of labor per week as was received for that class of work for the longer work week prevailing prior to June 1, 1933. A minimum rate of thirty-five (35¢) cents per hour is provided for employees in the North and thirty (30¢) cents per hour for employees in the South. Apprentices, who may be employed for a period of not more than ninety days, shall receive not less than 80% of the minimum, and the number of apprentices shall at no time exceed 5% of the total employees. No employee may serve more than one apprenticeship in the industry. Persons whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at wages lower than the minimum, provided the employer obtains from a state authority a certificate authorizing such employment.

No person under the age of 16 years may be employed in the industry, nor anyone under the age of 21 years at operations or occupations hazardous in nature or detrimental to health. The provisions of Section 7 (a) of Title I of the Act are included. It is provided that within each State the Code shall not supersede any laws of the 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 the Code. Employers may not reclassify employees or duties of occupations so as to defeat the purposes of the Act. Employers must post complete copies of the Code in conspicuous places accessible to employees.

All labor provisions of this Code are made subject to review by the Administrator and modification after July 1, 1934.

## ECONOMIC EFFECT OF THE CODE

According to the report of the Division of Economic Research and Planning, the weighted average of hours of work by employees in the Bedding Manufacturing Industry in 1929 was 49.3 hours a week. However, it was frequently the practice in that year to work employees as many as 60 to 72 hours a week, and even during the dull season as many as 45 hours a week. As a result of the 40-hour week provision in the code, members of the Industry estimate that the Industry will reemploy all of its workers based on 1929 employment figures and probably as many as from 7 to 10% more than were employed during the peak of 1929. Employment in the Industry on June 1, 1933, was approximately 21% less than employment during the peak of 1929. The total increase in employment in the Industry because of the provisions of the Code will be from 28 to 31% over the employment on June 1, 1933. As a result of this Code, minimum wages in the Southern territory will be approximately double the minimum rates which were paid on June 1, 1933. In the North, the average wage increase to employees receiving the minimum will be nearly 50%. Employers estimate that their total payrolls will be increased by from 60 to 120%, not only because of the increase in the minimum rate and a reduction in the hours of employment, but also because of the provision that no employee may receive less for the 40-hour week than he received for the longer week prevailing before June 1, 1933.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant asso-

ciation is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

CODE OF FAIR COMPETITION  
FOR THE  
BEDDING MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as the Code of Fair Competition for the Bedding 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 "industry" as used herein, includes the manufacture, remaking, repairing, or renovating of mattresses, pillows, box springs, studio couches (the principal components of which are springs, mattresses, and pillows), metal beds, metal and wood cribs and cots, metal bed springs, and gliders; provided, however, that this definition shall not include any retail furniture or department store which, incidental to the operation of such business, repairs, remakes, or renovates for customers a bedding product previously sold by such store to such customer; provided further, that organizations or groups of manufacturers representing branches or subdivisions thereof may become parties to or be exempted from this Code on approval by the Administrator.

2. The term "bedding" as used herein includes the products stated above.

3. The term "employee" as used herein, includes anyone engaged in the industry except a member of 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 such employee is compensated or employed.

5. 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.

6. The "South" as used herein includes the following States: Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Maryland, District of Columbia, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma. The "North" includes the remaining States 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.

## ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of 40 hours per week except that any employee may work 48 hours a week during any 8 weeks in each six months' period. The aforesaid maximum hours are subject to the following exceptions:

(a) 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, supervisory, or executive capacity who earn not less than thirty-five dollars (\$35.00) per week. (b) A tolerance of 10% upon the hours specified above is permitted for firemen, engineers, truck drivers, and shipping crews. (c) Watchmen shall not be permitted to work more than an average of 48 hours a week over a two weeks' period, and in no week over 56 hours.

## ARTICLE IV—WAGES

1. No employee shall receive a lesser rate than is required to provide the same earnings for 40 hours of labor per week as was received for that class of work for the longer work week prevailing prior to June 1, 1933; provided, however, that no factory employee, whether remuneration is based upon an hourly or piecework or incentive plan, shall receive less than a minimum of thirty cents per hour in the South, and thirty-five cents per hour in the North; and further providing that all other employees whose remuneration is based upon a weekly or monthly rate shall receive not less than a minimum of \$15.00 per week.

The above minimum wages shall not in any way be considered as a discrimination by reason of sex and where in any case women do substantially the same work or perform substantially the same duties as men they shall receive the same rate of wage as men receive for doing such work or performing such duties.

2. Apprentices without previous experience in bedding work may be employed at a minimum wage of 80% of the above requirements for a period of not more than ninety days; provided, however, the number of such beginners employed by a member of the industry shall at no time exceed 5% of his total employees; provided further, no employee may serve in the bedding industry more than one apprenticeship within the above provisions.

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.

A. Any member of the industry who does substantially the same work performed by any employee of the industry, shall be subject to all of the hour and wage provisions of Articles III and IV hereof.

## ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the industry, nor anyone under 21 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 within 30 days after the effective date hereof. 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. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

8. For the general protection of all employees as well as those engaged in renovating used materials, 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 months after the effective date of this Code.

A. The provisions of Articles III, IV, IV (a), and V are subject to the Administrator's review and modification after July 1, 1934, on such showing of facts as he may require and after reasonable opportunity for the Code Authority to be heard.

## ARTICLE VI—ADMINISTRATION

1. To further effectuate the policies of the Act, the Board of Trustees of the National Association of Bedding Manufacturers is hereby designated the Code Authority to administer, supervise, and promote the performance of the provisions of this Code by members of the industry and to cooperate with the Administrator.

2. Any bedding manufacturer is entitled to membership in the Association and to participate in the selection of members of the Code Authority by assenting to and complying with the requirements of this Code. Each member of the Association shall pay his proportionate share of the expenses of the preparation and administration of this Code. Such costs and expenses shall be defrayed as follows: Until December 31, 1934, each member shall pay to the Association on an annual basis the sum of five dollars, plus an amount equal to 1/20 of 1% of such bedding manufacturer's 1931 total sales, and for each calendar year thereafter the same percentage of the total sales of such manufacturer for the previous calendar year. In the event that such payments shall not raise a sum sufficient to meet the foregoing purposes, the Code Authority shall have power to levy an assessment on all members, based upon sales volume as aforesaid for the amount required. These payments and assessments shall be subject to change at the requirement of the Administrator.

Each bedding manufacturer who is not a member of the Association shall pay a sum representing his proportionate share of the expenses of the administration of this Code upon the same basis, and at the same times, and shall make the same reports, as are required to be made by members of the Association.

It is expressly understood that the income of the Association derived from such payments or assessments shall be used by the Code Authority exclusively for the purposes hereinabove set forth.

No bedding manufacturer who does not assent to the provisions of this Code shall have any right to participate either in the benefits of the Association or the selection of members of the Code Authority.

3. The Code Authority may appoint such agents or special or general committees from among the members of the Association for the purposes of this Code as it may decide, subject to such regulations as the Administrator may require. The Government is to be represented on the Code Authority by one to three members without vote and without expense to the industry to be appointed by the Administrator for terms of from six months to one year, the terms of appointment to be arranged so that they do not expire at the same time.

4. In order that the Association 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 Association is not truly representative, or does not in other respects comply with the provisions of the Act, the Administrator may require a modification in method of selection of members of the Code Authority.

5. (a) For the administration of this Code the bedding industry of the country shall be divided into zones, districts, and regions long established by the industry through the Better Bedding Alliance of America, based upon commercial centers, competitive characteristics, and living and working conditions. These zones are for reference shown as Exhibit "A" attached hereto. Districts and regions are as shown in the Bylaws of the Association. The boundaries of the zones, regions, and districts may from time to time be changed or modified by the Code Authority.

(b) There shall be a National Board of Zone Directors and, for the pillow division and the glider division, respectively, National Boards of District Chairmen. These Boards shall make such recommendations as they deem advisable to the Code Authority, including amendments to this Code.

If any recommendation of the Board of Zone Directors or of the Boards of District Chairmen concerning amendments to this Code, is disapproved or modified by the Code Authority, such original recommendation shall be referred back to the originating Board with reasons for disapproval or modification, but if such original recommendation is then passed by a two-thirds vote of the entire Board of Zone Directors or, with respect to matters relating exclusively to the Pillow or Glider Divisions, by a four-fifths vote of their respective Boards of District Chairmen, such action shall be effective and final the same as if it had the approval of the Code Authority. Otherwise, the action of the Code Authority on any such recommendation shall be effective and final.

6. At meetings of such National Boards, each Zone Director or District Chairmen shall be authorized to act for the members of his Zone or District, respectively.

7. A Government Contact Committee shall be appointed by the Code Authority and shall conduct all communications and conferences of the bedding industry with the President, or with his agents, concerning the approval of this Code or the approval of any amendments thereof.

8. The Board of Zone Directors or the respective Boards of District Chairmen of the pillow or glider divisions, may submit rules and regulations necessary for the effective administration and enforcement of this Code to the Code Authority and upon their adoption and approval by the Code Authority such rules and regulations shall be submitted to the Administrator for approval.

9. To supply data needed for the administration of this Code, each member of the industry shall furnish to the Secretary of the Association such reports or statistics as may be deemed necessary for that purpose by the Code Authority or by the Board of Zone Directors or, with respect to the Pillow or Glider Divisions by their respective Boards of District Chairmen, such reports at all times to be open to inspection of the Administrator. All such individual reports or statistics shall be kept confidential as to source by the Association Secretary, and he shall disclose no source of information without the consent of the source, except as may be required by the Administrator.

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

11. Violations and Complaints. (a) The Code Authority shall appoint a National Grievance Committee of three or more members, designating one as Chairman, who shall consider in the manner hereinafter provided, complaints involving claimed violations of any of the provisions of this Code. No member of the National Grievance Committee may be a member of either a Zone or Regional Grievance Committee.

(b) Each Regional Coordinator shall appoint from among the members within his Region a Regional Grievance Committee of three or more members, and shall designate the Chairman of such Committee.

(c) Each Zone Director shall appoint from within his Zone, a Zone Grievance Committee of three or more members, designating one as Chairman of said Committee.

(d) If any member of the industry shall violate this Code and should complainant and defendant both be located in the same Zone, accusation thereof shall be made to the Grievance Committee of that Zone. The Chairman of the Grievance Committee shall thereupon call a meeting of said Committee to investigate and consider the case. If by majority vote they decide that the facts appear to warrant such action, they shall report their findings to the Regional Grievance Committee of the Region in which said Zone is located, for its review. The Regional Committee shall then consider the case and if by majority vote they find that the facts warrant such action they may report the facts to the proper government authority for prosecution.

(e) If any member in one Zone shall have cause of complaint for violation of this Code against a member of the industry in another Zone, and should both Zones be located within the same Region, accusation thereof shall be made to the Regional Grievance Committee of that Region. The Chairman of said Committee shall thereupon call a meeting of the Committee to investigate and consider the case. And if by majority vote said Regional Committee finds that the facts warrant such action, they may report the facts to the proper government authority for prosecution.

(f) In case of complainant and defendant hereunder being located in different Regions, accusation shall be made to the National Grievance Committee. The Chairman thereof shall thereupon call a meeting of the Committee to investigate and consider the case. If by majority vote they find that the facts warrant such action they may report the facts to the proper government authority for prosecution.

(g) No member of any Grievance Committee shall sit on a case in which he is involved. In such case he shall temporarily be replaced by a new Grievance Committee member, appointed by the authority delegated hereunder to appoint the members of such Grievance Committee.

12. Section 11 of this Article shall not apply to the Pillow Division. Complaints of violations within said Division shall be handled as follows:

(a) Each District Chairman of the Pillow Division shall appoint two members out of his district, who will serve with him as a committee of three to hear all complaints of violations of this Code and if a defendant against whom the complaint is made is deemed to be guilty of the offense charged, the matter shall be referred to the National Board of District Chairmen. If the National Board shall deem the accused guilty, they may report the facts to the proper government authority for prosecution.

(b) In case one of the members of the Committee is the accused, a substitute is to be appointed from the membership in that district.

This substitute shall be appointed by the two other members of the Committee.

13. The Code Authority shall have authority to review, disapprove, or modify if it so decide, the action of any board or committee provided for in this Code; and any action of the Code Authority shall be subject to the review and disapproval of the Administrator.

14. Blue Eagle or Other Insignia. Upon assenting to the provisions of this Code and becoming thereby a member of the Association, any member of the industry shall be entitled to display the Blue Eagle and such official emblem for use after December 31, 1933, as may be then authorized, and, subject to the approval of the Administrator, together with such official emblem, to display such authorized insignia of the Association as shall be promulgated and adopted by the Code Authority thereof. The privilege of using the Blue Eagle or such official emblem and approved insignia may be withdrawn and cease or may be suspended in respect of any such member of the Industry whose operations, after the hearings hereinabove provided for under terms of this Article before the proper grievance committee and approval by the Administrator, shall be found to be in substantial violation of this Code. The Code Authority may establish appropriate rules, regulations, and machinery for the issuance of labels or other methods of use of such emblem or insignia in accordance with the foregoing provisions, upon approval by the Administrator.

The charge made for such label or other insignia 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 rules set forth below in Part One of this Article shall apply from the effective date of this Code to all members of the industry and any infraction thereof shall constitute an unfair method of competition and may serve as the basis of complaint before the appropriate grievance committee as hereinbefore provided:

### PART ONE

1. *Second-Hand Material.*—No member of the industry shall use second-hand or previously used material in the manufacture of bedding. Renovate and repair work on bedding not for resale is permitted, but if on such work added material is needed, such added material shall not contain any previously used material.

The terms "second-hand" or "previously used" material as used herein mean (a) any material which has been used in the manufacture of another article or used for any other purpose; (b) any material made into thread, yarn, or fabric, and subsequently torn, shredded, picked apart, or otherwise disintegrated. (They do not include metals re-rolled under "white-heat" or byproducts obtained from the machining of new cotton.)

Any member of the industry who receives bedding for renovation or repair shall keep attached thereto from the time received, a tag on which is legibly written the date of receipt and the name and address of the owner thereof.

2. *Inspection.*—To insure proper labeling of products, every place where bedding is made, remade, renovated, or sold by a member of the industry shall be subject to inspection by inspectors authorized by the Code Authority, and each member of the industry shall freely permit such inspection.

When such inspector has evidence for belief that said bedding is not tagged as required hereunder, he shall have authority to open a seam of such bedding to examine the filling; and he shall have power to seize and hold for evidence any such bedding possessed or offered for sale which is improperly and untruthfully labelled.

3. *Tagging.*—No member of the industry shall sell a mattress, pillow, box spring, glider, or studio couch to which is not securely sewn by at least one edge a cloth or cloth-backed tag at least 2 x 3 inches in size; and upon said tag shall be legibly stamped or printed in English on the face of said tag (a) the name of the materials used to fill such bedding; (b) the name and address of the maker or vendor of the bedding; (c) in letters at least one eighth inch high, the words "Remade or Renovated Bedding" if such bedding has been remade, renovated, or repaired and is not to be resold; or the word "Second-hand" if such bedding has been used but not remade.

Nothing likely to mislead shall appear on said tag and it shall contain all statements required hereunder, and shall be sewed to the outside covering of every article of such bedding before the filling is inserted.

The name "felt" shall not be used unless the material described has been carded in layers by a garnett machine.

4. *Pillow Labelling Rules.*—The following description rules shall apply to the tagging of pillows, feathers, or down:

(a) Feather mixtures shall be designated by the name, character, and percentage by weight of each material used, or the entire mixture shall be designated by the name of the lowest grade of material used (for example—Filling is goose and duck feathers. This mixture shall be designated as goose and duck feathers and the percentage of each stated on the tag, or the entire mixture shall be designated as duck feathers). The term "goose feathers" or "duck feathers" does not include curled goose quills or curled duck quills. Duck- and chicken-feather or goose- and chicken-feather mixtures shall be so designated and the percentage by weight of each stated on the tag, or the entire mixture shall be designated as chicken feathers.

(b) Material other than down, separated from feathers without the whole or a part of the quill or stem attached, shall be designated "Feather Fiber" regardless of the fowl from which it came, except that down filaments separated from the down cluster shall be designated as "Down."

(c) Curled or chopped feathers shall be designated by the name of the fowl from which they came, preceded by the word "curled" or "chopped."

(d) The term "curled" may be used only when the name of the feather is stated. The term "curled feathers" shall not be used.

(e) The term "down" shall only be used to designate the soft undercoating of a waterfowl, consisting of the light, fluffy filaments grown from one quill point but without any quill shaft. The term may be used to indicate small natural feathers which blow over with the down in the process of separating the down from the feathers; provided that the proportion of small feathers does not exceed ten percent by weight. When feathers in excess of ten percent are present, the material shall be deemed to be a "mixture" and the name and percentage of each material in the mixture shall be stated on the tag. The term "down" includes all real downs and it shall not be necessary to indicate the kind of down but, if indicated on the tag as a particular kind of down, such as "Goose Down", "Duck Down", "Eider Down", etc., the material shall be as stated.

(f) The addition to down of feather fibre, "manufactured down", "fake down", or any other deliberate adulteration shall not be permitted unless the name and percentage of the adulterant material is stated on the tag.

(g) Except as otherwise provided, where there is more than one material in a mixture used for filling, the name and percentage of each material shall be stated on the tag, but to allow for unintentional variations in mixtures, a variation not in excess of ten percent from the amount stated on the tag shall not be considered as misleading.

(Wherein a provision of the foregoing Sections 1 to 4, inclusive, is irreconcilably in conflict with a State statute, such statute shall supersede within such State. It is the intent herein to preserve and supplement state bedding laws.)

5. *Glider Tagging*.—Each glider shipped shall bear a tag conspicuously placed on which shall be legibly printed: "Glider covers are not guaranteed by the manufacturer to be fade-proof, water-proof, or crack-proof." Provided, however, that if and when a glider manufacturer submits to the Code Authority reasonable proof that a particular covering is in fact fade-proof or water-proof or crack-proof, the aforesaid label may in such case be appropriately altered, upon approval of the Code Authority.

6. *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.

7. *Inaccurate References to Competitors*.—No member of the industry shall publish advertising or make any statement which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or service.

8. *Testimonials*.—The obtaining and using of false and misleading testimonials is an unfair trade practice. Any testimonial used must be used in the manner and form as prescribed by the Federal Trade Commission.

9. *Selling on Consignment*.—No member of the industry shall ship goods on consignment (or approval) except under circumstances to be hereafter defined by the Code Authority where peculiar circumstances of the industry require the practice.

10. *Commercial Espionage*.—Commercial espionage as defined and exemplified in the rulings and decisions of the Federal Trade Commission, in any form, is an unfair trade practice.

11. *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 such 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.

12. *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 harrassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

13. *False Invoicing*.—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.

All sales shall be invoiced at the time of shipment, and records pertaining to such sales shall clearly and accurately state all the essential elements of the sale. Failure to comply with these provisions is an unfair trade practice.

14. *Free Goods*.—No salable merchandise may be delivered or given to a customer or to a consumer (except to a bona fide charity) without full and proper charge for same, and such charitable gifts shall be reported to the Association Secretary within 48 hours. Such reports may be given to interested members of the industry.

15. *Spiffs (Commercial Bribery)*.—No member of the industry shall loan, give, permit to be given or loaned, or directly offer to loan or 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; nor shall such member permit such actions through or by his salesman. 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.

16. *Bonus to Promote Sale of Bedding*.—In order to promote the sale of better bedding, a bonus may be allowed on products of the industry by the manufacturer thereof to the dealer, provided such dealer contracts with the manufacturer in writing to pay such bonus as an extra incentive to his salesmen as heretofore practiced in the industry and until terms, regulations, and conditions shall be hereafter promulgated by the Code Authority with the approval of the Administrator.

17. *Comparison of Values*.—A bedding manufacturer may not attach to his product any label bearing a retail value, price, or dollar mark more than one hundred twenty-five percent above the price at which the manufacturer has sold the goods to the dealer, based on

the manufacturer's l.c.l. price f.o.b. factory or warehouse, as the case may be; and in case of sale to a jobber, before deducting jobber's discount. A value, price, or dollar comparison of over one hundred twenty-five percent above the manufacturer's price to the dealer may not be put on any display signs, advertising signs, or other material which is paid for by the manufacturer.

18. *Samples*.—Regular selling prices must be charged on full-sized (or standard-sized) finished products for display purposes. No credit can be given for the return of samples, including floor samples. This applies only to samples submitted by a manufacturer to a dealer in bedding, and not to samples submitted for contract sales.

19. *Returns and Allowances*.—No member of the industry, except in the exercise of right arising from breach of contract, will be permitted to accept the return of merchandise, for credit, exchange, or otherwise, except where claim has been made to the dealer, within six months after shipment by the dealer, and then only where a defect in material or workmanship, caused by the manufacturer, has been proved, except where permitted by clauses under "Guarantees", and only to the extent there permitted.

20. *Interference with Contract*.—No member of the industry shall knowingly 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.

21. *Breach of Contract*.—It shall be an unfair trade practice for a bedding manufacturer to repudiate any order or contract covering any of his purchases.

22. *Anticipation*.—Granting of extra discount or interest for anticipation of proper payment date shall not be allowed.

23. *Terms*.—Net terms are not to exceed 60 days from date of shipment.

24. *Cash Discount*.—Cash discount shall not exceed 2% and shall not be granted where payment is made after 30 days or 2% 10th prox. from date of invoice. Cash discount may only be earned by payment in cash, not in trade acceptances, notes, or otherwise.

25. *Retroactive Quantity Discounts*.—To grant a discount or rebate based on cumulative quantities purchased over a given period is an unfair-trade practice.

26. *Rebates*.—The giving, at any time, of any rebate or allowance other than as shown on a manufacturer's invoice is prohibited, whether in money or otherwise, except as otherwise specifically described and permitted in this Code.

27. *Postdating and Predating*.—Postdating or predating quotations, orders, invoices, statements, or other sales documents (usually done for the purpose of facilitating unfair competition) is an unfair trade practice, except that on gliders, April 1st dating, may be granted on shipments made in January, February, and March of the same year.

28. *Group Sales*.—To offer purchasers or prospective purchasers a group of products for a lump sum, but in which one or more of the items have ostensibly been reduced in price, while another item or

items have been increased in price, with the purpose or effect of deceiving prospective purchasers or injuring competitors, is an unfair-trade practice.

29. *Trade Acceptances and Notes.*—It will be considered unfair for a bedding manufacturer to accept a trade acceptance or a note in settlement of any account due, unless such acceptance or note bears a rate of interest of not less than 6% per annum.

30. *Guarantee Against Decline.*—Effective January 1, 1934, to guarantee merchandise against decline of price is an unfair-trade practice.

31. *Guarantee Against Advance.*—To guarantee any purchaser or prospective purchaser against advance in price is an unfair trade practice, provided, however, that this shall not apply against a bona fide order or contract covering a definite quantity and specifications for future delivery.

32. *Malfeasance by Jobbers.*—Since a substantial majority of the products of the industry are sold direct by the manufacturer to dealers, and since the purpose and effect of this Code of Fair Trade Practices would be otherwise defeated, it shall be an unfair method of competition for any member of the industry to sell his products to a middleman standing between the manufacturer and the dealer while sales practices condemned by this Code are used by such middleman with the knowledge of such manufacturer. This shall not be construed to require agreements to maintain resale prices.

#### PART TWO

The following rules set forth under Part Two of this Article shall apply to all members of the industry from the effective date of this Code and any infraction thereof shall constitute an unfair method of competition and may serve as the basis of complaint before the appropriate grievance committee as hereinbefore provided, but at any time subsequent to the approval of this Code, the following rules shall be subject to review by the Administrator, and after reasonable notice and opportunity for hearing given by him to the Code Authority, he may, at his discretion affirm, or disapprove any of said rules or may accept a modification thereof proposed by the Code Authority.

1. *Guarantees.*—No bedding manufacturer shall make any guarantee except that he may guarantee the contents to be as described by him, and he may guarantee the product against defects of material and workmanship for a period not to exceed six months from date of delivery to the ultimate consumer; except that the manufacturer may guarantee any mattress or boxspring sold on his l.c.l. or warehouse price list for not less than \$14.50, for a period of not more than two years, during which period the manufacturer may repair same without charge, but after which time a repair charge must be made at actual cost but not over the rate of 20% of the manufacturer's l.c.l. or warehouse price list for each year the article has been in use, and the manufacturer may guarantee any mattress or boxspring selling on his l.c.l. or warehouse price list for not less than \$19.00 for a period of not more than five years, during which period the manufacturer may repair same without charge; such article may be

replaced during the five-year period at actual cost but not over a charge of \$3.00 per year of usage.

Provided, however, that the Code Authority may change any of the aforesaid prices of products to which guarantees apply in the event that changing market conditions warrant such action in the discretion of the Code Authority. Nothing herein shall be construed to relieve any member of the industry from warranties implied by law.

2. *Advertising or Promotional Allowances.*—The giving of an allowance, rebate, or any credit or other remuneration to a customer for advertising or promoting in any way the sale of a manufacturer's goods is an unfair trade practice, unless the dealer shall spend at least an equal amount with the manufacturer, and no sum shall be paid by the manufacturer except upon the presentation of documentary proof of the expenditure by the dealer. The documentary proof submitted by the dealer shall, in all cases, be preserved by the manufacturer for inspection, as directed by the Code Authority.

Provided further that no allowance, rebate, credit, or other remuneration shall be given when, by deducting same from the billing price of the articles advertised or promoted, it shall bring the net price charged by the manufacturer below cost.

#### ARTICLE VIII—SALES BELOW COST

It is hereby declared to be the policy to be followed by all members of the industry to refrain from destructive price cutting. It is agreed to be to the best interests of the consumer, the individual manufacturer, and also that of his employees, and productive of the greatest possible economic recovery for all members of the industry to avoid carefully the destructive economic waste caused by selling below cost.

The Code Authority may adopt, as soon as practicable, either a uniform cost accounting system, a reasonable and appropriate system for the interchange of price lists among members of the industry, or a system for determining standard minimum costs. The system so adopted shall be binding on all members of the industry, when approved by the Administrator. Only a violation of such approved system shall be basis for complaint to any grievance committee under this Article.

#### 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. 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—SPECIAL AGREEMENTS

Reasonable notice of the submission of any agreement authorized to be submitted to the President by virtue and under authority of Section 4 (a) of the Act shall be given to the Code Authority by any member of the industry who proposes to make such agreement.

## ARTICLE XII—CODE CONFLICTS

Wherein this Code may be in conflict with a Code of another industry, the products of which are made by a bedding manufacturer, and should such conflict impose a hardship on such manufacturer, the latter shall report the matter to the Code Authority for such adjustment of this Code or such other action as the said Board may see fit, subject to the approval of the Administrator.

## ARTICLE XIII—NONPARTNERS

Nothing contained in this Code shall constitute the members of the Code Authority or of this Association partners for any purpose. 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.

## ARTICLE XIV—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 XV—EFFECTIVE DATE

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

Approved Code No. 219.  
Registry No. 1607-1-01.

BEDDING INDUSTRY CODE—EXHIBIT "A"

EXPLANATION OF ARTICLE VI, SECTION 5 (A) ZONES

(aa) These Zones, as established at present and subject to such later revision as the Code Authority may deem necessary, shall be:

The *New England Zone* shall include the States of Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, and Connecticut.

The *Metropolitan New York Zone* shall include Long Island and the cities of New York and Brooklyn and all territory in the area bounded on the east by Long Island Sound, on the North by a line drawn from Connecticut border at Golden's Bridge westward through Summitsville,, N.Y., to East Branch, N.Y., and on the west by a line drawn southward from East Branch along the Pennsylvania-New Jersey border to Stockton, N.J., and on the south by a line drawn from Stockton eastward through Spotswood, N.J., to the Atlantic Ocean at Seabright, N.J.

The *Eastern New York Zone* shall include all of the state of New York lying south of the Canadian border and east of a line drawn from Fair Haven, N.Y., southward through Ovid and Watkins to Elmira, N.Y., except that portion already included in the Metropolitan New York Zone.

The *Western New York Zone* shall include all of the state of New York not included in the Eastern New York Zone and the Metropolitan New York Zone.

The *Eastern Pennsylvania Zone* shall include the District of Columbia and the States of Maryland and Delaware and that portion of New Jersey lying south of the southern boundary of the Metropolitan New York Zone and that portion of Pennsylvania lying west of the western boundary of the Metropolitan New York Zone and east of a line drawn from Elmira, N.Y., southward through New Berlin, Pa., to the Maryland border at Round Top, Pa.

The *Western Pennsylvania Zone* shall include all the State of Pennsylvania not included in the Eastern Pennsylvania Zone and that portion of West Virginia lying north of a line drawn from the extreme southwest tip of Pennsylvania northwestward to Moundsville, W.Va.

The *North Carolina and Virginia Zones* shall include the states of North Carolina and Virginia.

The *Southeastern Zone* shall include the states of South Carolina, Georgia, Alabama, and Florida.

The *Memphis Zone* shall include the states of Louisiana, Mississippi, and that portion of the state of Tennessee lying west of a line drawn south from Cedar Hill, Tennessee, through Kleburne Junction to Prospect Station, Tennessee.

The *Southern Ohio Zone* shall include the state of Kentucky, that portion of the state of Tennessee which is not included in the Mississippi Zone and that portion of the state of Ohio lying east of the state of Indiana and south of a line from Lewisburg, Ohio, eastward to and including the city of Dayton, and west of a line drawn from Dayton, southward to Manchester, Ohio.

The *Northern Ohio Zone* shall include that portion of the State of Ohio not included in the Southern Ohio Zone and that portion of West Virginia not included in the Western Pennsylvania Zone.

The *Indiana Zone* shall include all of the state of Indiana except the extreme northwestern tip lying north and west of a line drawn from the Illinois border at Momence, Illinois, northeastward through Hobart to New Buffalo, Michigan.

The *Northern Illinois Zone* shall include that portion of the State of Indiana not included in the Indiana Zone and that portion of the State of Illinois lying east of a line drawn from Lake Michigan at the Illinois-Wisconsin border southwestward to West Chicago and southeastward to the Indiana border at Momence, Illinois.

The *Central Illinois Zone* shall include all of the State of Illinois lying north of a line drawn from the Mississippi River just below Quincy, eastward through Towersville and Marshall to the Indiana border, except that portion of Illinois included in the Northern Illinois Zone.

The *Detroit Zone* shall include the cities of Detroit and Hamtramck, Michigan.

The *Michigan Zone* shall include all of the state of Michigan except the cities of Detroit and Hamtramck and that portion of the Upper Peninsula lying west of a line drawn directly south from Grand Marais to Pt. Seul Choix.

The *Wisconsin Zone* shall include that portion of the Upper Peninsula of Michigan not included in the Michigan Zone and all of the state of Wisconsin except that portion lying west of a line drawn from Saxon, Wisconsin, southward through Ingram, Stanley, and White Hall to the Minnesota border at E. Winona, Wisconsin.

The *Minnesota Zone* shall include that portion of the State of Wisconsin not included in the Wisconsin Zone, the states of Minnesota, North Dakota, and South Dakota, that portion of the State of Montana lying east of a line drawn from Many Glaciers, Montana, southeastward through Simms and Leadboro to Bear Creek, Montana; and all of the State of Nebraska, except that portion lying east of a line drawn from the South Dakota-Nebraska border at Wynot, Nebraska, directly southward through Rogers to the Kansas border at Steele City, Nebraska.

The *Iowa Zone* shall include the State of Iowa and that portion of Nebraska not included in the Minnesota Zone.

The *Missouri Zone* shall include that portion of Illinois not included in the Central and Northern Illinois Zones and all of the State of Missouri lying east of a line drawn from the Iowa border at Howland, Missouri, southward through Booneville to the Arkansas border at Pontiac, Missouri.

The *Kansas Zone* shall include the State of Kansas and that portion of the State of Missouri not included in the Missouri Zone.

The *Arkansas Zone* shall include the State of Arkansas.

The *Oklahoma Zone* shall include the State of Oklahoma.

The *Texas Zone* shall include all of the State of Texas south of Oklahoma, east of Mexico, and east of a line drawn from the Mexican border at Del Rio northward through Robert Lee and Guthrie to the southwest tip of Oklahoma.

The *Denver Zone* shall include that portion of the State of Texas not included in the Texas Zone, the States of New Mexico and Colorado, and all of the State of Wyoming except the portion lying west of a line drawn from the Montana border at Chance, Montana, southward through Leekie, Wyoming, to the northwestern tip of the State of Colorado.

The *Utah Zone* shall include that portion of the State of Wyoming not included in the Denver Zone; that portion of the State of Idaho lying south of a line drawn from the northwest tip of Wyoming eastward through Gillmore and Cambridge, Idaho, to the Oregon border at Buchan, Oregon; the State of Utah; that portion of the State of Nevada lying south of Idaho and east of a line drawn from the southwest tip of Idaho southward through Nelson and Austin, Nevada, to the California border at Mud Spring; and all of the State of Arizona except the portion lying south and west of a line drawn from the southeastern tip of Arizona northwestward through Camp McDowell Indian Reservation to the southeastern tip of Nevada.

The *Northern Pacific Zone* shall include the States of Oregon and Washington, that portion of Idaho not included in the Utah Zone, and that portion of Montana not included in the Minnesota Zone.

The *Central Pacific Zone* shall include that portion of the State of Nevada not included in the Utah Zone and that portion of the State of California lying north of a line from the Nevada border at Mud Spring, Nevada, westward through Tarpey, California, and southwestward to the Pacific Ocean at Bryson, California.

The *Southern Pacific Zone* shall include that portion of the State of California not included in the Central Pacific Zone and that portion of the State of Arizona not included in the Utah Zone.

Approved Code No. 220

**CODE OF FAIR COMPETITION**

FOR THE

**ENVELOPE INDUSTRY**

As Approved on January 23, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**ENVELOPE INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Envelope Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

GEORGE L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

(331)

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Envelope Industry, conducted in Washington on October 10, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

#### HOURS AND WAGES

The Code provides a standard 35-hour week for factory workers with a weekly tolerance of five hours to be paid for as overtime. The usual exceptions are made in regard to nonproductive employees. Office employees are limited to an average of 40 hours per week over a thirteen-week period.

The minimum wage rate for hourly paid employees is 40¢ per hour in the North and 37¢ in the South, and for office employees \$16.00 per week in the North and \$15.00 in the South.

#### PLANT OPERATION

The productive capacity of the Industry exceeds the present demand by about 50%. To keep production within reasonable bounds a plant operation limit of 40 hours per week is provided. Exceptions are made in certain cases in order to permit small plants the necessary flexibility in operation. The right is reserved to the Administrator to modify, suspend, or remove all limitations on plant operation at any time.

#### OTHER PROVISIONS

Provision is made for furnishing the Administrator with any statistical data which he may require. An open price selling plan is provided, and selling below cost, except to meet competition, is prohibited.

#### ECONOMIC EFFECT OF THE CODE

The Industry employed about 11,600 persons at its peak in 1929. The number employed in May 1933 was about 9,000, who worked an average of 38 hours per week. The effect of the Code, without increase in volume, will be to employ about 1,000 additional persons which additional volume will further increase. Almost one fourth of the employees in the North have been receiving less than 30¢ per hour. The total increase in pay rolls as a result of the Code will be about 26%.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## ENVELOPE 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 envelopes (except envelopes for boxed papeteries and boxed stationery) from all materials except transparent cellulose.

*Member:* A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, or receiver engaged in such Industry.

*Productive machinery:* All machinery used for performing any process necessary to the manufacture of envelopes of any kind produced by this 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 Envelope Manufacturers 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.

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.

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.

### 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 schedules:

#### SCHEDULE OF WORKING HOURS

(a) Watchmen including those watchmen who incidentally tend fires: 112 hours in any period of two weeks and not more than 6 days in any one week.

(b) Chauffeurs and truckmen: 192 hours in any period of four consecutive weeks, provided, however, that time worked in excess of 9½ hours in any one day or 48 hours in any one week shall be paid for as not less than time and one third.

(c) Engineers and firemen: 168 hours in any period of four consecutive weeks, provided, however, that time worked in excess of 9 hours in any one day or 48 hours in any one week shall be paid for as 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: A basic work week of 35 hours with a tolerance of 5 hours additional, provided, however, that time worked in excess of 9 hours in any one day or 35 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 in 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 break-downs 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 provision of this Article shall be so construed as to require payment for the same time as time and one third more than once.

4. 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.

5. The manufacture or partial manufacture of any product of this Industry in the home of a worker is prohibited.

#### 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, 40 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, and Louisiana, 37 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:

(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, \$15.00 per week.

4. 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.

5. Persons learning an occupation shall be paid not less than 80% of the minimum prevailing wage for such occupation provided that the number of such learners employed by any member of the Industry shall not exceed 10% of the number of employees in such occupation but shall not be limited to less than 2 persons, and that learners shall not be employed as such for a period in excess of six weeks, irrespective of whether they are employed by one or more employers.

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 or other agency 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.

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 the number of persons paid as office boys and girls by any member of the Industry shall not exceed 5% of the number of employees designated in Section 3 hereof employed by such member, but shall not be limited to less than 1 person.

#### 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—PLANT OPERATION

1. Subject to the exceptions contained in Sections 2 and 3 hereof, no member shall operate any manufacturing plant in excess of 40 hours per week averaged over a period beginning with the effective date of this Code and ending on the 30th day of June 1934, and thereafter over each successive period of six months beginning on July first and January first of each year or more than 1,040 hours in any such period of six months.

2. For the purposes of the foregoing Section, the operating time of any unit of productive machinery in any plant shall be regarded as the operating time of the entire plant, provided, however, that the operating time of not more than one-third of the total number of envelope folding machines in the plant, but not in any case more than three envelope folding machines and/or their necessary complementary equipment, on emergency work, as the same may be defined by the Code Authority, shall not be counted as plant operating time.

3. If, for a period of one year prior to the 16th day of June 1933 or for the entire period of time prior to such date that any plant may have been in operation, such plant shall have been steadily operated with one or more extra shifts, employing thereon not less than one half the number of folding-machine operators employed on the day shift, then said plant may continue to be operated with such extra shift or shifts until May 1st, 1934.

4. The limitations on plant operation may be modified, suspended, or removed by the Administrator at any time if he shall determine that such limitations have reduced or will tend to reduce unduly the supply of envelopes or are for any other reason contrary to public interest.

#### ARTICLE VII—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 ten 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. An original schedule, 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 person concerned, whether member or non-member, requesting them, copies of any price schedules which have been filed with it. Such price schedules shall be made available to non-members 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. Every member filing a schedule or notice hereunder shall deliver to the Code Authority without expense such number of copies thereof as shall be necessary to enable the Code Authority to supply one copy thereof to each member of the Industry and no such schedule or notice shall be deemed to have been filed until such number of copies shall have been received by the Code Authority.

13. The Code Authority may at any time suspend the open price plan of selling either in its entirety or insofar as it applies to any specified product or products of the Industry.

14. For the purpose of determining whether Sections 7, 8, 10 and 11 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.

15. 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.

16. Nothing herein contained shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this Code. The Code Authority may require members of the Industry to file with its designated agency and in such manner as it shall prescribe such data as it may require in respect of contracts for future deliveries existing on the effective date of this Code.

#### ARTICLE VIII—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 hereof 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 for the publication currently to members of such statistics of the Industry as the Code Authority may determine to be necessary.

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 the Government Agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

#### ARTICLE IX—TRADE PRACTICES AND CUSTOMS

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 the Code:

a. *Inducing Breach of Contract.*—The wilful interference by any member, by any means or device whatsoever, with any existing contract or order between a seller and a purchaser, in or about the production, manufacture, transportation, purchase, or sale of any product handled or service rendered by the industry, or the performance of any contractual duty or service connected therewith, such interference being for the purpose or with the effect of dissipating, destroying, or appropriating, in whole or in part, the patronage, property, or business of another member, is an unfair trade practice.

b. *Defamation of Competitor or Disparagement of his Goods.*—The defamation of a competitor by words or acts, imputing to him dishonorable conduct, inability to perform contracts, or questionable credit standing, or the false disparagement of the substance, grade, or quality of his goods, is an unfair trade practice.

c. *Imitation of Trade-marks or Trade-names.*—Imitation of the trade-mark or trade-name of a competitor with the intent to deceive buyers and consumers is an unfair trade practice.

d. *Threats of Suit for Patent or Trade-mark infringement.*—The dissemination of threats of suit, not made in good faith, for

infringement of patents or trade-marks, and for the purpose of harassing and intimidating customers, prospective customers, or employees, is an unfair trade practice.

e. *Fraud or Misrepresentation*.—The sale or offer for sale of any product of the Industry with intent to deceive customers or prospective customers as to the quantity, quality, substance, or size of such product, is an unfair trade practice.

f. *Misbranding*.—The marking or branding of products of the Industry for the purpose or with the effect of misleading or deceiving purchasers or consumers with respect to the quantity, quality, grade, or substance of the goods purchased, is an unfair trade practice.

g. *Secret Rebates*.—The payment or allowance of secret rebates, refunds, credits, or unearned discounts, whether in the form of money, or allowances for advertising, or sales promotion, or otherwise, is an unfair trade practice.

h. *Commercial Bribery*.—To give, permit to be given, or directly to 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, is an unfair trade practice. 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 hereinabove defined.

i. *Prizes or Premiums*.—The giving or offering to give prizes or premiums in connection with the sale of envelopes is an unfair trade practice.

j. *Adherence to Postal Regulations*.—Intentional failure to conform to the United States Postal Laws and Regulations in the design of envelopes for mailing purposes and in the printing thereon is an unfair trade practice.

k. *Patent Protection*.—No provision in this Code shall be construed to prevent any member from seeking the redress to which he may be entitled under the patent laws of the United States.

l. *Seconds*.—No seconds, job lots, misprints of envelopes shall be sold or offered for sale.

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

n. *Trade Customs*.—The sale or offering for sale of any products of the Industry by any member of the Industry on any terms or conditions which fail to conform to the provisions of the following Code of Trade Customs is an unfair trade practice.

1. *Confirmation of Orders*.—Stenographic and clerical errors are subject to correction. All quotations made and all orders and contracts accepted by salesmen or selling agents are subject to the approval of an officer or authorized executive of the seller company.

2. *Date of Invoice*.—

(a) Invoices shall be dated with day of shipment except as otherwise provided in sections 17, 18, and 19 herein.

(b) Monthly statements rendered to a customer must include all invoices rendered to said customer during the preceding calendar month.

3. *Cancellation*.—Orders accepted by the seller may not be countermanded except with his consent.

4. *Return of Merchandise*.—No merchandise conforming to order may be returned without the consent of the seller.

5. *Unavoidable Delays in Delivery*.—The shipment or delivery of all orders accepted shall be contingent on strikes, fires, accidents, delays of carriers, and all other causes unavoidable or beyond the seller's control.

6. *Drawings and Plates*.—All sketches, drawings, engravings, and original cuts not specifically charged for in full are the property of the envelope manufacturer.

7. *Cutting Dies*.—All cutting dies are the property of the envelope manufacturer.

8. *Following Copy*.—If copy must be followed exactly for style, type, and arrangements, customers must furnish cut or plate; otherwise the envelope manufacturer will match copy as nearly as may be practicable.

9. *Proof Errors*.—When proof of printing has been sent for O.K., the envelope manufacturer shall not be responsible for any errors or mistakes customer fails to correct.

10. *Variation of Paper*.—The envelope manufacturer shall not guarantee against unavoidable variations in shade, finish, strength, weight, and cleanliness.

11. *Discoloration Due to Gum*.—On account of the variety of dyes and other materials used in the manufacture of paper, the envelope manufacturer assumes no liability for discoloration due to the application of adhesives on papers supplied by the customer or specified by him.

12. *Substance Basis*.—

(a) All paper for conversion into envelopes shall be purchased and sold only on the basis of substance numbers which represent the pounds weight per ream, sheet size 17 x 22, 500-sheet count.

(b) The following substance numbers are established for envelopes:

Grades of Paper:	<i>Basis 17 x 22</i>
Bonds and Writings-----	13, 16, 20, 24, 28, 32
Ledgers-----	20, 24, 28, 32, 36
White Wood and Rag-----	20, 24, 28, 32
Manila-----	16, 20, 24, 28, 32, 40
Jute and Rope-----	20, 28, 32, 36, 40
Kraft, Sulphite and Sulphate-----	13, 16, 20, 24, 28, 32, 36, 40

(c) When in-between weights are specified by the customer envelopes shall be sold at the price of the next higher substance number established herein.

(d) Heavier weights than the foregoing and other grades than those specified herein may be used to meet requirements of customers, if sold on standardized mill-basis weights.

13. *Overruns and Underruns on Manufacturing Orders*.—On orders to be manufactured, a variation in quantity either way, not to exceed 10%, shall be accepted as a fulfillment of the order and shall be paid for proportionally.

14. *Overruns and Underruns on Special Paper.*—Where orders require the special manufacture of paper, variation in quantity above or below the amounts specified shall be allowed in accordance with the trade custom as to variation of the material of the mill from whom the paper is purchased, but such tolerance shall not be less than 10%.

15. *Making Envelopes from Paper Furnished by Customers.*—The following conditions shall apply to orders accepted for making envelopes from paper furnished by the customer, whether such paper is lithographed, printed, or unprinted.

(a) The envelope manufacturer shall assume no responsibility for proper cutting of envelopes from sheets printed or lithographed according to any layout or press-proof not approved by him.

(b) Such paper shall be well jogged and packed by the customer and shall be free from damaged edges.

(c) The envelope manufacturer shall accept no responsibility for quantity of such paper except on special agreement with the customer and at his expense for counting.

(d) When such paper is received in poor condition, it shall not be cut without specific instructions from the customer to proceed with the work at his risk for spoilage.

(e) The envelope manufacturer shall not guarantee absolute conformity of location of printing or lithographing on envelopes cut from paper printed or lithographed in the flat sheet.

16. *Cash Discounts.*—The following shall be the terms of discount: To wholesale distributors, 3% for cash on the tenth day of the month following date of shipment, or average of thirty days. To retail distributors or consumers, 2% for cash payment not later than the tenth day of the month following date of shipment. Cash discounts shall not be allowed when trade acceptances or note settlements are accepted in lieu of cash.

17. *Split Billing and Split Delivery.*—

(a) Orders for 99M envelopes or less of one size, one style, and if printed, one printing copy (including permissible copy changes) shall be billed complete on first delivery.

(b) If any part of the billing is to be deferred at customer's request after the first delivery on orders of more than 99M and not exceeding 999M envelopes of one size, one style, and if printed one printing copy (including permissible copy changes), 10% shall be added to the price of the whole order.

(c) Billing on orders for less than 500M envelopes shall be completed within six months from date of first delivery.

(d) Billing on orders for 500M envelopes or more shall be completed within one year from date of first delivery.

18. *Split Delivery Only.*—

(a) Orders for 24M envelopes or less of one size, one style, and if printed, one printing copy (including permissible copy changes) shall be shipped complete in one delivery.

(b) When more than one delivery is required on an order for more than 24M and not exceeding 999M envelopes of one size, one style, and if printed, one printing copy (including permissible copy changes), 5% shall be added to the price of the whole order.

(c) Shipments on all orders shall be completed within twelve months from date of first delivery.

19. *Orders for Future Delivery and Billing.*—On all orders for 100M or more envelopes on which, at the customer's request, delivery and billing are deferred more than ninety days from date of placement of order, the price shall be either 10% over list, or price prevailing on date of shipment, at customer's option to be exercised when order is placed.

20. *Contract Items Excepted.*—A contract for one million envelopes or more of one size, one style, and if printed, one printing copy (including permissible copy changes) or items constituting any part of a contract for two million envelopes or more of assorted sizes and/or styles, or otherwise, shall be excepted from the provisions of sections 17, 18, and 19.

21. *Envelopes with Adhesive Stamps Affixed, Excepted.*—Orders for envelopes on which adhesive postage stamps are to be affixed by the seller shall be excepted from the provisions of sections 17, 18, 19 and 20 hereinabove.

#### ARTICLE X—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, or for the modification of rules, of trade practice and trade customs for the Industry, and the enforcement thereof.

(b) For the prevention of unsound, unfair, or destructive competitive practices or prices in the Industry.

(c) For the establishment of terms and conditions regarding sales to dealers and distributors by members of the Industry.

2. Recommendations of the Code Authority, when approved by the Administrator, shall have the same force and effect as other provisions of this Code.

#### ARTICLE XI—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. Articles VI, VII, IX, and such parts of Article VIII as are unnecessary to assure compliance with other applicable provisions of this Code shall not apply to the manufacturer of stamped envelopes and newspaper wrappers and the supply thereof to the United States Post Office Department.

4. Such of the provisions of this Code as are not required to be included therein by the Act, may, with the approval of the Administrator, be modified, or eliminated as changes in circumstances or experience may indicate.

5. 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.

6. 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. 220.  
Registry 403-1-01.



Approved Code No. 221

**CODE OF FAIR COMPETITION**

FOR THE

**METAL HAT DIE AND WOOD HAT BLOCK  
INDUSTRY**

As Approved on January 23, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**METAL HAT DIE AND WOOD HAT BLOCK  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Metal Hat Die and Wood Hat Block Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Metal Hat Die and Wood Hat Block Industry in the United States, the hearing being conducted in Washington, D.C., on December 8, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS ON HOURS AND WAGES

The maximum hours provided by the Code for all employees except traveling salesmen, and executives receiving \$35.00 or more per week is forty (40) hours per week and eight (8) hours per day. No peak season periods and no other exceptions than those mentioned above were requested or provided.

The minimum wage rate per hour for other than office employees is forty (40) cents, while office employees will not be paid less than \$14.00 to \$15.00 per week depending upon population. Equitable adjustments of wage rates above the minimum are provided and will be reported to the Code Authority and the Administrator.

#### CHILD LABOR

The minimum age provided in this Code is 16 years but in hazardous occupations this age limit is increased to 18 years.

#### ECONOMIC EFFECT OF THE CODE

Employment in this industry has not greatly declined during the recent years due to the fact that styles were changed more frequently in order to stimulate the millinery industry to which this industry is closely allied. The shortening of hours will adequately reabsorb the slight unemployment and the increased minimum wage rate accompanied by the equitable adjustments provided for in the Code should fully restore the purchasing power of the employees of this industry which has declined more than its production and which must be restored to accomplish the purposes of the Act.

In arriving at the terms expressed in the Code, the members of the industry have given every evidence of cooperation in complying with the spirit of the Act.

#### FINDINGS

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

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign

commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant associations are industrial associations truly representative of the aforesaid industry; and that said associations impose no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## METAL HAT DIE AND WOOD HAT BLOCK 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 Metal Hat Die and Wood Hat Block Industry and shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

### ARTICLE II—DEFINITIONS

#### SECTION 1. *Metal Hat Die and Wood Hat Block Industry.*

The term "industry" as used herein includes the manufacturing of wood and plaster blocks and metal dies for the hat, cap, and ladies', misses', and children's headwear industry and such related branches or subdivisions as may from time to time be included under the provisions of this Code by the President of the United States, after such notice and hearing as he may prescribe.

#### SEC. 2. *Member of the Industry.*

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

#### SEC. 3. *Employee.*

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

#### SEC. 4. *Act and Administrator.*

The terms "Act" and "Administrator" as used herein mean, respectively, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

#### SEC. 5. *Associations.*

The term "Associations" shall mean the Hat, Block and Die Makers' Association, Inc., and the Wood Hat Block Manufacturers' Association, Inc.

### ARTICLE III—HOURS

#### SECTION 1. *Maximum Hours.*

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 except as provided in Section 2.

SEC. 2. *Executive, Supervisory, or Administrative Employees.*

The provisions of Section 1 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 (\$35.00) per week.

SEC. 3. *Dual Employment.*

No member of the Industry shall knowingly permit any employee to work for any time which, when totalled 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 at less than the rate of forty (40) cents per hour except that:

(a) Accounting, clerical, office employees, and errand boys shall not be paid less than the rate of \$15.00 per week in any city of 500,000 population or over; or in the immediate trade area of such city, and not less than \$14.50 per week in any city between 100,000 and 500,000 population or in the immediate trade area of such city, and not less than \$14.00 per week in any city of less than 100,000 population or in the immediate trade area of such city. The census figures for the latest Federal census shall be the basis for this provision.

SEC. 2. *Female Employees.*

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

SEC. 3. *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. 4. *Equitable Adjustment of Wages.*

No employee whose normal full time weekly hours for the four weeks ending June 16, 1933, are reduced shall have his full time weekly wages reduced below the amount received by such employee prior to June 16, 1933, notwithstanding the reduction in hours of the normal week. Wages of those receiving more than the minimum shall be equitably adjusted so as to preserve differentials existing on June 16, 1933. The adjustment since that date shall be reported to the Code Authority and the Administrator within thirty days of the effective date of this Code.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Prohibited.*

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.

SEC. 2. *Employees' Right to Organize.*

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 of the United States.

SEC. 3. *Reclassifying Employees.*

No member of the industry 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. *Safety and Health.*

Every member of the industry shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

SEC. 5. *State Laws Prevail Where More Stringent Than Code.*

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 Code.*

All members of the industry shall post complete copies of this Code in conspicuous places accessible to employees.

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

SECTION 1. *Code Authority.*

There shall forthwith be constituted a Code Authority consisting of four (4) persons to be selected in the following manner:

(a) One member from the Hat-Block & Die Makers' Association, Inc., to be appointed by the Board of Directors.

(b) One member from the Wood Hat Block Manufacturers' Association, to be appointed by the Board of Directors.

(c) The Executive Chairman of the Associations, who represents both the Hat Block & Die Makers' Association, Inc., and the Wood Hat Block Manufacturers' Association.

(d) One member to be chosen by and from the nonmembers of the Associations. Within ten days after the effective date of this Code the Executive Chairman of the Associations shall notify such nonmembers of a time within twenty (20) days thereafter, and place for choosing their representative on the Code Authority.

(e) One to three members, without vote, to be appointed by the Administrator. If more than one such member is appointed the

terms shall be for from six months to one year and so arranged that they do not expire at the same time.

*SEC. 2. Trade Association Regulations.*

Each 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 effect the purposes of the Act.

*SEC. 3. Code Authority Must Be Representative.*

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. 4. Expenses of Code Authority.*

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. Members of the Code Authority Not Partners.*

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. 6. Powers and Duties of the Code Authority.*

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 subject to the approval of the Administrator.

(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 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 trades 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 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.

(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.

## ARTICLE VII—TRADE PRACTICE RULES

### RULE 1. *Terms and Discounts.*

The terms of credit extended by all persons engaged in this industry shall be net ten days end of the month, and payment may be anticipated at the date of 6% per annum, and all shipments made on and after the 25th day of any month may bear dating as of the 1st of the following month; but shipments made prior to the 25th of any month shall bear the actual date of billing.

### RULE 2. *Return of Merchandise.*

The unjust return of merchandise constitutes one of the evils in the industry. No member of the industry shall accept for credit from any purchaser or give credit to any purchaser for any merchandise returned if said merchandise was purchased and shipped in good faith in accordance with the buyer's order. If merchandise is returned by reason of defects then no credit shall be given for such return unless such merchandise is returned within three days from the date of the receipt of said merchandise by the purchaser if the member of the industry and the purchaser are in the same city or trade area, or within five days if the purchaser is in another trade area than that of the member of the industry.

### RULE 3. *Selling on Consignment.*

No merchandise shall be shipped on memorandum, loaned, or on consignment for sale and all sales shall be final and made with the intent that title shall pass.

**RULE 4. *Gratuities.***

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 5. *Advertising.***

Allowances of discounts for advertising or for payment for space in newspapers, magazines, guides, or directories on behalf of any customer to be used in promoting the sale of merchandise to the consumer is prohibited.

**RULE 6. *Assignments.***

No person shall, after the effective date of this Code, take or receive, directly or indirectly, from any customer 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 notifying the Code Authority that such assignment or security has been or is about to be received.

**RULE 7. *Eligibility for Credit.***

No person engaged in the industry shall extend credit to any customer who shall be in default for a period of forty-five (45) days after maturity on any previous invoice sold to said customer by a member of the industry except in such cases as exceptions may be granted by the Code Authority. Each member shall report to the Code Authority a complete statement of any disputes or reasons known to him of the failure to pay on behalf of the customer, and such statement shall contain a full and complete disclosure of any disputes which may exist between the member of the industry and the customer. The filing of false or misleading information in this respect shall be a violation of the Code.

**RULE 8. *Black List.***

No member of the industry shall join or participate with other members of the industry, in any transaction known in law as a black list, including any practice or device (such as a white list), which accomplishes the purpose of a black list.

**RULE 9. *F.O.B. Shipments.***

All shipments shall be f.o.b. city of manufacture.

**RULE 10. *Statistics and Trade Information.***

In order to carry out the declared policy of the Act, each person shall furnish such periodic reports as may be prescribed by the Code Authority, in such form and substance as they may direct. A wilfully false report to any such Code Authority shall be deemed a violation of this Code.

**RULE 11. *False Invoicing.***

No sale shall be made by any member upon any other terms, except as expressly set forth in the order, contract of sale, or the invoice pertaining to such sale.

## ARTICLE VIII—MODIFICATION

SECTION 1. *President May Modify Code.*

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. *Amendment of Code.*

This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances 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 Administrator.

## ARTICLE IX—MONOPOLIES

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 X—EFFECTIVE DATE

This Code shall become effective on the first Monday after its approval by the Administrator.

Approved Code No. 221.  
Registry No. 1637-14.



Approved Code No. 222

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**CARD CLOTHING INDUSTRY**  
**As Approved on January 23, 1934**

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**CARD CLOTHING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Card Clothing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Card Clothing Industry of the United States, as revised after a Public Hearing conducted in Washington on November 24, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS FOR HOURS AND WAGES

Factory employees are limited to 40 hours per week and 8 hours per day; except during periods of emergency production when 48 hours per week will be permitted in any 6 weeks of any 6-month period, when time and a half will be paid for hours worked in excess of the above maximum.

Exceptions to the above maximum hours apply to those engaged in care and maintenance work, stock clerks and delivery employees who are provided a tolerance of 10 percent over 40 hours in any 6 weeks of any 6-month period, and to watchmen who will be limited to 56 hours and 6 days per week. Office employees are limited to 40 hours per week on a monthly average, and 48 hours per week. The hour limitation will not apply to outside salesmen and those in an executive or supervisory capacity receiving more than 35 dollars per week.

The minimum wage to all factory employees will be 40 cents per hour, except to apprentice card setters who will receive not less than 80 percent of this minimum for the first 60 days of their employment, and to those mentally and physically handicapped. The minimum for office employees will be 15 dollars per week.

#### CHILD LABOR

The minimum age in the Industry will be 16 years, except in hazardous occupations where the minimum will be 18 years.

#### ECONOMIC EFFECT OF THE CODE

With the reduction in hours from approximately 50 per week to the 40 hours per week specified in the Code, the Industry estimates that both employment and purchasing power of employees will be increased approximately 20 percent with the return of normal business in the textile industry.

Until the passage of the National Industrial Recovery Act this Industry had not been organized as a unit. The 10 members of the Industry belong to the Card Clothing Manufacturing Association, the proponents of the Code.

While the total yearly sales are comparatively small, the Industry is an important one. Card clothing is the medium which in textile machinery does the actual work of carding or combing out the cotton, wool, and other textile fibers, and also of raising the nap on cloth in the finishing process. As working tools, the delicate wire teeth of card clothing are subject to constant strain and wear, and the material must be replaced at frequent intervals.

The aggregate number of employees in the Industry in 1929 was 500, while in 1932 they declined to approximately 400.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, this Code has been approved by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**CARD CLOTHING 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 Card Clothing 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 following terms are used herein with the meanings set forth below:

SECTION 1. "Card Clothing Industry" or the "Industry"—the manufacture for sale, and the sale by the manufacturer, of Card Clothing, which consists of wire teeth inserted into a foundation made of cotton, woolen, or linen cloth, felt, rubber, leather, or combinations thereof, used to cover or clothe parts of carding, napping, or brushing machines. Carding machines straighten and otherwise prepare textile or asbestos fibers for spinning into yarn, etc. Napping or brushing machines raise the ends of fibers in manufactured cloth.

SEC. 2. "Employee"—anyone engaged in the Industry in any capacity, receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

SEC. 3. "Employer"—anyone by whom any such employee is compensated or employed.

SEC. 4. "Member of the Industry"—anyone engaged in the Industry as above defined, either as an employer or on his own behalf.

SEC. 5. "Association"—the Card Clothing Manufacturers Association.

SEC. 6. "Effective date"—the fifth day after approval of this Code by the President.

SEC. 7. "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.

**ARTICLE III—HOURS**

SECTION 1. No employee, except as hereinafter provided, shall be permitted to work in excess of forty (40) hours per week, or in

excess of eight (8) hours per day; 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 forty-eight (48) hours per week in any six (6) weeks in any six (6) months' period. Time and one half shall be paid for all hours worked in excess of eight (8) hours per day or forty (40) hours per week.

SEC. 2. There shall be a tolerance of ten (10) percent additional hours for employees 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.

SEC. 3. The limitation as to hours of labor shall not apply to commercial traveling salesmen, or to persons in a managerial, executive, or supervisory capacity who receive more than thirty-five (35) dollars per week.

SEC. 4. No employer shall work any accounting, clerical, service, sales, or other office employee more than forty (40) hours per week on a monthly average, nor more than forty-eight (48) hours in any one week.

SEC. 5. Watchmen may be permitted to work not more than fifty-six (56) hours in any one week, nor more than six (6) days in any seven (7) day period.

SEC. 6. 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 week and day, whether employed by one or more employers.

#### ARTICLE IV—WAGES

SECTION 1. The minimum wage that shall be paid to any employee, except as hereinafter provided, shall be not less than forty (40) cents per hour.

SEC. 2. All employees mentioned in Section 4, Article III, shall be paid at the rate of not less than fifteen (15) dollars per week; provided, however, that office boys under eighteen (18) years of age may be paid at the rate of not less than eighty (80) percent of the minimum wage stipulated in this Section 2; provided further, that the number of office boys shall not exceed five (5) percent of the total number of employees of any employer, covered by this section; provided further, that where the total number of such employees is less than twenty (20), an employer shall be entitled to at least one (1) office boy.

SEC. 3. (a) 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 eighty (80) percent of the minimum prescribed by this Code, provided the State Authority or agency designated by the United States Department of Labor shall have issued a certificate authorizing his employment on such basis. Each member of the Industry shall file with the Code Authority a list of all such persons employed by him.

(b) Apprentice card setters, for the first sixty (60) days of their employment, shall be paid at a rate of not less than eighty (80) percent of the minimum wage provided in Section 1 of this Article IV. The total number of such apprentices shall not exceed five (5) percent of the total number of card setters of any one employer; provided, however, that each employer shall be entitled to at least one (1) such apprentice.

SEC. 4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. Each member of the Industry shall, within ninety (90) days after the effective date of this Code, file with the Code Authority a description of all occupations in which both men and women are employed.

SEC. 5. This Article establishes minimum rates of pay regardless of whether the employee's compensation is based on a time rate, piece-work performance, or otherwise.

SEC. 6. The hourly rate, base piece-work rate, or salary of all employees receiving more than the minimum rate or salary shall be equitably readjusted (but in no case reduced) unless such readjustment has already been made because of the operation of the President's Reemployment Agreement.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Industry and no one under eighteen (18) years of age shall be employed 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. Each member of the Industry shall submit to the Code Authority within thirty (30) days after the effective date of this Code a list of hazardous occupations.

SEC. 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.

SEC. 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.

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. 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. 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. 7. All employers shall post copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

SEC. 8. 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 to the Code Authority by each member of the Industry within six (6) months after the effective date of this Code.

SEC. 9. 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.

#### ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted:

##### SECTION 1. Organization and constitution of Code Authority:

(a) The Code Authority shall consist of three (3) 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 one to three additional members (without vote) to represent the Administrator or such groups or interests as may be agreed upon.

(b) The Code Authority shall consist of three (3) individuals to be elected in the following manner by the members of the Industry who have complied with the provisions of Section 4 of this Article VI:

One (1) by equal vote of each member of the Industry so entitled to vote.

Two (2) by weighted vote based on the number of card setting machines owned by each member of the Industry so entitled to vote, each member to have one vote for each card setting machine owned at the time of balloting.

Votes for electing members of the Code Authority, as above specified, may be cast in person or by proxy at a meeting assembled for such purpose or may be cast by letter ballot.

(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, 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.

(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 hear-

ings 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. 2. The Code Authority shall have the following duties and powers to the extent permitted by the Act; provided, however, that if the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action, which shall be taken only upon approval by the Administrator:

(a) 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 and the policy of the National Industrial Recovery Act. Such recommendations shall, upon approval by the President become operative as a part of this Code.

(b) 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.

(c) Investigate and inform the Administrator on behalf of the Industry as to the importation of competitive articles into the United States in substantial quantities or in increasing ratio to domestic production on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code, and as an agency for making complaint to the President on behalf of the Industry, under the provisions of the Act, with respect thereto.

(d) Hear and attempt to adjust complaints in accordance with law; approve standard forms of contracts which shall be subject to the approval of the Administrator; consider proposals for amendments to this Code and make recommendations to the Administrator thereon.

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

SEC. 3. In order to provide data necessary for the administration of this Code, all members of the Industry shall furnish to the Code Authority such information or reports as may be required, subject to the approval of the Administrator. Such information as may be submitted by a member shall not be revealed to anyone not a member of the Code Authority but shall at all times be available to the Administrator.

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. 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

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

**SECTION 1. False Marking or Branding:** 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.

**SEC. 2. Misrepresentation or False or Misleading Advertising:** Making, 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.

**SEC. 3. Commercial Bribery:** Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or 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; provided, however, that this 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. 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.

**SEC. 5. Secret Rebates:** Secretly paying or allowing 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 extended time beyond the regular established net payment period filed with his prices by each member of the Industry is to be construed as unearned discount, unless interest is charged at the rate of six (6) percent per annum.

**SEC. 6. Giving of Prizes, Premiums, or Gifts:** Giving or offering to give prizes, premiums, or gifts in connection with the sale of products of the Industry or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

**SEC. 7. Defamation:** Defaming 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.

**SEC. 8. Threats of Litigation:** Publishing or circulating threats of 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.

SEC. 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.

SEC. 10. Selling or offering to sell at variance from filed price lists: Selling or offering to sell at prices different from prices filed with the Code Authority as hereinafter provided in Section 11, Article VII.

SEC. 11. Publication of Prices: Failing to file with the Code Authority within ten (10) days after the effective date of this Code a complete schedule of prices and terms of sale, with sufficient copies for all members of the Industry. The schedule of prices filed by a member of the Industry shall not be changed except by filing, as above provided, a new complete schedule of prices and terms of sale, which shall become effective five (5) days after the date on which such new price schedule shall have been so filed. During the above five (5) day period, any competitor shall have the privilege of filing with the Code Authority, as above provided, new prices to become effective on the same date. The Code Authority shall cause a copy of all price lists filed to be promptly sent to all members of the Industry. For a period of ten (10) days beginning with the date on which the new prices become effective, the member of the Industry may accept orders upon quotations which were outstanding at the time of filing such prices.

SEC. 12. Selling Below Cost: Selling or offering to sell products of the Industry below individual's cost, except

(a) To meet competition of another member's lower cost, provided such competition is not instigated directly or indirectly by the member desiring to meet such competition, and

(b) 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.

Cost for the purpose of this Section 12 shall be determined by a method of cost accounting subject to the approval of the Administrator to be adopted by the Code Authority within sixty (60) days after the effective date of this Code and to be used by all members of the Industry in determining cost.

SECTION 13. Guarantees against price changes: Making or giving, or offering to make or give guarantees or protection in any form against changes in prices beyond a period of fifteen (15) days.

#### ARTICLE VIII—MODIFICATION

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

changes in circumstances, such modification to be based upon application by the Code Authority to the Administrator with such notice of hearing as he shall specify, and to become effective on approval by 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 INCREASE

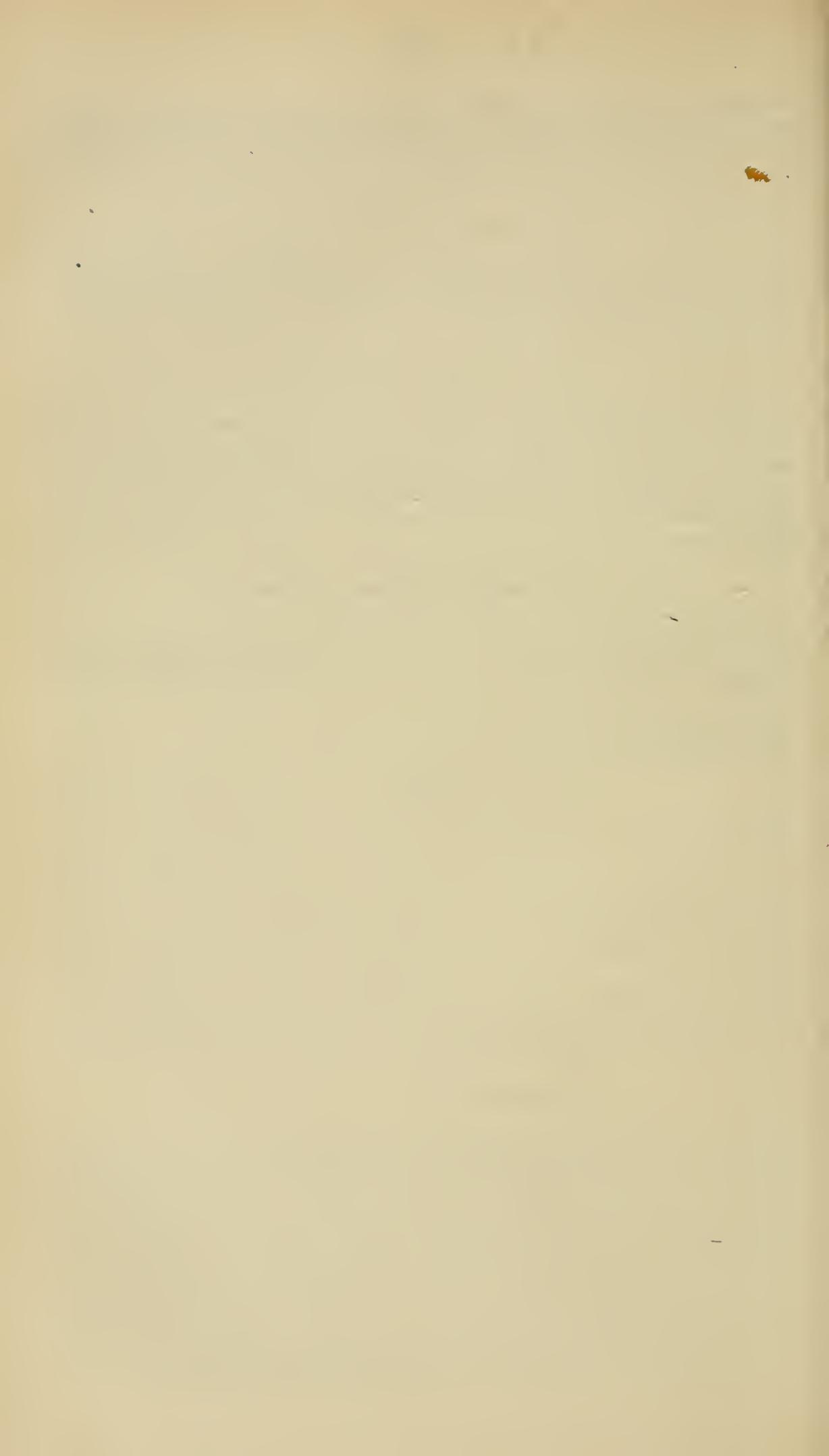
Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as reasonably possible, be limited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

#### ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the fifth day after its approval by the President and shall be binding upon every member of the Industry.

Approved Code No. 222.  
Registry No. 1333-11.





Approved Code No. 223

**CODE OF FAIR COMPETITION**

FOR THE

**CONSTRUCTION MACHINERY DISTRIBUTING  
TRADE**

As Approved on January 23, 1934

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ORDER

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**CONSTRUCTION MACHINERY DISTRIBUTING  
TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Construction Machinery Distributing Trade, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Construction Machinery Distributing Trade in the United States, as revised after a Public Hearing, conducted in Washington on October 9, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS FOR WAGES AND HOURS

A maximum work week of forty (40) hours, and not to exceed eight (8) hours per day is adopted under the Code, with provision for peak periods of forty-eight (48) hours per week for not more than three (3) weeks of any six (6) months' period. Executives receiving more than thirty-five (35) dollars per week and outside salesmen are excepted from the schedule of maximum hours, while outside service employees, those engaged in plant maintenance, and stock room employees may work a maximum of forty-eight (48) hours per week with payment of time and one-third for all hours worked in excess of forty (40) hours per week. Watchmen may 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.

The minimum wage for all hourly rated employees will be not less than forty (40) cents per hour, except that learners may be paid at the rate of not less than eighty (80) percent of this minimum wage for the first six (6) months of their employment. The number of such learners shall not exceed five (5) percent of the total employees.

Clerical employees will be paid at the rate of not less than fifteen (15) dollars per week, while office boys will be paid at not less than eighty (80) percent of this rate.

The Code has a provision for equitable adjustment of all pay schedules in excess of the minimum provided.

#### CHILD LABOR

The minimum age of employees will be sixteen (16) years, except in hazardous occupations, where the minimum is raised to eighteen (18) years.

#### ECONOMIC EFFECT OF THE CODE

The forty (40) hour week stipulated in the Code is a reduction from a former average of fifty (50) hours, and the Trade estimates that under the Code employment will be increased approximately fifteen (15) percent.

Minimum wage rates specified represent an increase of approximately twelve (12) percent over the wages prevailing before the adoption of the hourly schedule called for in this Code.

The three hundred and eighty (380) companies in the Trade employed five thousand (5,000) men in 1929; this number declined to

four thousand five hundred (4,500) in 1932, a drop of ten (10) per cent. Sales during this period declined to twenty-one (21) percent of the 1929 figure.

This Trade distributes road machinery and other classes of construction machinery and equipment. Activity in the Trade necessarily follows the building programs of the country and the Trade has suffered severely because of the lack of building during the last four years. A realization of the expected increase in construction activity will mean a rapid rise in employment in this Trade.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Trade normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is a trade association truly representative of the aforesaid Trade; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, this Code has been approved by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**CONSTRUCTION MACHINERY DISTRIBUTING TRADE**

**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 Construction Machinery Distributing Trade and upon approval by the President shall be the standard of fair competition for such Trade and shall be binding upon every member thereof.

**ARTICLE II—DEFINITIONS**

The term "Construction Machinery", or "Machinery", as used herein, shall include any machinery, equipment, or attachments used in the construction or maintenance of any project, but not becoming a permanent part of the structure or of its operation.

The term "Construction Machinery Distributor", or "Distributor", as used herein, shall include any person, other than a manufacturer, who warehouses, sells, or distributes construction machinery as herein above defined.

The term "Construction Machinery Distributing Trade", or "Trade", as used herein, includes distributors as herein above defined.

The term "Member of the Trade" as used herein includes anyone engaged in the Trade as above defined either as an employer or on his own behalf.

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.

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

The term "Learner" as used herein is a person having no previous experience in the Trade, and whose employment in the Trade as such shall not exceed six (6) months.

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 the said Act.

The term "Effective Date" as used herein means the second Monday after the Code shall have been approved by the President of the United States.

## ARTICLE III—HOURS

SECTION 1. No employee, except as hereinafter provided, shall be permitted to work in excess of eight (8) hours per day or in excess of forty (40) hours per week or in excess of six (6) days in any one week; provided, however, that during inventory and other peak periods, an employee may be permitted to work not in excess of forty-eight (48) hours per week in any three (3) weeks in any six (6) month's period.

SEC. 2. The limitation as to hours of work shall not apply to persons in a managerial, executive, or supervisory capacity, who receive more than thirty-five (35) dollars per week, and outside salesmen.

Watchmen shall not be permitted to work in excess of fifty-six (56) hours per week nor in excess of six (6) days in any seven (7) day period.

SEC. 3. The limitation as to hours of work shall not apply to persons engaged in outside delivery service, plant maintenance, outside repair, and/or installation service, nor to persons engaged in stock receiving and shipping service, who shall be permitted to work not in excess of forty-eight (48) hours in any one week, provided time and one-third is paid for all hours worked in excess of forty (40) hours per week.

SEC. 4. The total number of hours which shall be worked by any employee whether with one or more employers, shall not exceed the maximum as prescribed herein.

## ARTICLE IV—WAGES

SECTION 1. The minimum wage that may be paid by any employer to any employee, except as hereinafter provided, shall be not less than forty (40) cents per hour; provided, however, that learners may be paid at a rate of not less than eighty (80) percent of the above minimum rate;

Provided, further, that the number of learners receiving less than such minimum rate shall not exceed five (5) percent of the total number of employees of any one employer covered by this section; except in cases where the total number of such employees is less than twenty (20), not more than one such learner may be thus employed.

SEC. 2. The minimum wage that may be paid by any employer to all clerical employees and salesmen (whether employed on a salary or commission basis) shall be at a rate of not less than fifteen (15) dollars per week;

Provided, however, that office boys and girls may be paid at a rate of not less than eighty (80) percent of such minimum wage;

Provided, further, that the number of such office boys and girls shall not exceed five (5) percent of the total number of employees of any one employer covered by this section; except in cases where the total number of such employees is less than twenty (20), not more than one such office boy or girl may be thus employed.

SEC. 3. No employee whose normal full-time weekly hours for the four (4) weeks ending June 30, 1933, are reduced by less than twenty (20) percent, shall have his or her full-time weekly earnings re-

duced. Any employee whose said full-time weekly hours are reduced by fifty (50) percent shall not have his or her said earnings reduced by more than twenty-five (25) percent. All other employees whose hours are reduced in excess of the said twenty (20) percent shall have their earnings adjusted proportionately.

SEC. 4. No person who has worked as a learner in the trade for the period of time prescribed in Article II may thereafter be classified as a learner.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Trade, 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 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. 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. 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.

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 employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

SEC. 6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

SEC. 7. Each employer shall post in conspicuous places Articles III, IV, and V of this Code.

#### ARTICLE VI—ADMINISTRATION

SECTION 1. To further effectuate the policies of the Act, a Code Authority is hereby set up as a Supervisory Agency to cooperate with the Administrator in making investigations as to the functioning and 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.

SEC. 2. Such Code Authority shall consist of three members chosen by the Executive Committee of the Associated Equipment

Distributors; members of the Trade who assent to the Code but are not members of the Associated Equipment Distributors may, if they desire, elect two additional members of said Code Authority in any fair manner approved by the Administrator. The Administrator may also appoint one to three additional members, without vote, to serve as representatives of the Government. Such governmental representatives are to be appointed for terms of from six (6) months to one (1) year, and if more than one is appointed, their terms are to be arranged so that they do not expire at the same time. The Code Authority shall have authority to establish subcommittees and state, regional, or local committees, with such delegated powers as it may deem necessary.

SEC. 3. (a) Any member of the Trade may become a member of the Associated Equipment Distributors and there shall be no inequitable restriction on such membership.

(b) Any member of the Trade may participate in and share the benefits of the activities of the Code Authority and participate in the selection of the members thereof to the same extent as the members of the Associated Equipment Distributors by assenting to and complying with the requirements of this Code and sustaining his 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. 4. Each trade or 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.

SEC. 5. 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 other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SEC. 6. The Code Authority may require members of the Trade to make reports on such forms and in such manner as may be necessary properly to inform the President of the United States with respect to the observance of the Code, and to make recommendations to the Administrator for modification of the Code.

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 National Industrial Recovery Act.

SEC. 7. The Code Authority shall study the trade-practice provisions of 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.

SEC. 8. Any action taken by the Code Authority shall be subject to the right of the Administrator on review to approve or disapprove such action.

#### ARTICLE VII—TRADE PRACTICES

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

SECTION 1. Inducing or attempting to induce a breach of contract to which a member of the Trade is a party.

SEC. 2. Enticing or attempting to entice the officers or employees of a competitor to violate their contract of employment; provided, however, that nothing in this Section 2 shall prevent an employer from employing the employees of another employer.

SEC. 3. Paying or allowing secret rebates, refunds, unearned discounts or credits, either in the form of money or otherwise, or secretly extending to certain purchasers special services or privileges not extended to all purchasers on like terms or conditions.

SEC. 4. Paying or agreeing to pay, directly or indirectly, a commission or consideration of any kind, except to persons regularly employed in the seller's organization or to regularly established subdealers; provided, however, that nothing in this Section 4 shall be construed to prevent the allowance of discounts to customers as prescribed in the seller's published price lists and discount sheet.

SEC. 5. Accepting or offering to accept used machinery or attachments, used equipment, or other property in trade on the purchase price of new machinery or attachments, or allowing or granting credit, directly or indirectly, therefor; provided, however, that nothing herein contained shall be construed to prevent a member of the Trade from purchasing used machinery or equipment or other property as a separate and independent transaction.

SEC. 6. Selling below list price. No member of the Trade shall sell or offer to sell any new standard machinery, attachments, or equipment at a price lower or on terms more favorable than as stated in his published price lists, or price lists with discount sheets, if any, filed in accordance with Article IX; provided, however, that damaged, obsolete, noncurrent, and distress construction machinery, attachments, or equipment may be sold at such prices as are necessary to move the goods into buyers' hands, but only after filing with the Code Authority at least ten (10) days in advance of such sale a list showing the quantity and description of such machinery.

SEC. 7. Quoting a lump-sum price on two or more pieces of equipment which does not show unit prices, or making additions or deductions on any other basis than the unit prices shown.

SEC. 8. Making or offering to make any guarantee on machinery as to material and workmanship more liberal than the printed or written guarantee of the manufacturer of such machinery.

SEC. 9. Accepting orders for future delivery subject to cancellation, except such orders as are contingent upon conditions affecting the purchaser, which conditions shall be clearly stated in the order; provided, however, that after sixty (60) days from date of order no

competitor shall be estopped under Section 1 of this Article VII from attempting to sell the purchaser machinery in lieu of that covered by such contingent order.

SEC. 10. Misrepresenting the facts about a competitor or the goods which he sells.

SEC. 11. Misrepresenting the facts about one's own company or the goods which it sells.

SEC. 12. Quoting delivered prices or invoicing purchaser without adding, to the f.o.b. factory price, transportation and other charges, and failing to state in quotation, where freight is to be prepaid, that such prepaid freight will be charged as a separate item and billed net cash.

SEC. 13. Guaranteeing against advances and declines in prices of goods sold.

SEC. 14. Allowing more than ninety (90) percent of the net selling prices as credit on returned goods when the distributor or manufacturer is not at fault.

SEC. 15. Discriminating between purchasers by renting new machines or attachments at less than a reasonable rental price or by allowing any of the first two months' rental or more than eighty (80) percent of rentals thereafter paid or accrued to be applied as partial payment or reduction of the list or net selling price on like new equipment where the transaction is later converted into a sale.

SEC. 16. Selling a new machine or attachment subject to acceptance after trial; provided, however, that this shall not prevent making and completing a sale subject to performance in compliance with specific guarantees.

SEC. 17. Failing to require on installment sales at least twenty-five (25) percent cash payment before shipment or on delivery of the goods sold and the payment of the balance of the purchase price in monthly installments, the first installment to be payable in not more than sixty (60) days from date of shipment, the last installment to be payable in not more than twelve (12) months from date of shipment. All installments shall be evidenced by notes bearing date of shipment and bearing interest at the rate of not less than six (6) percent per annum from date of shipment until paid. No installment note shall be extended or renewed in whole or in part except for actual inability of the purchaser to make payments. No understanding for renewal or extension of any installment note shall be made prior to the sale of the goods to the purchaser. In the case of government or political subdivisions not less than twenty-five (25) percent cash payment shall be made not later than the first regular meeting of the purchasing body subsequent to the date of delivery; the balance of the purchase price may be spread over a period of not more than twelve (12) months from date of shipment and shall include interest at not less than six (6) percent per annum from date of shipment to date of payment.

#### ARTICLE VIII—SCOPE OF CODE

Any member of the Trade may elect to be governed by either the fair trade practices as set forth in Article VII of this Code or by the fair trade practices set forth in the Code of Fair Competition of the

manufacturer or manufacturers of the goods which are sold by such member of the Trade. Any member of the Trade shall be conclusively presumed to have elected to be governed by the fair trade practices of this Code unless he shall have filed notice of a contrary intention with the Code Authority of this Code and the Code Authority of the Code by the fair trade practices of which he elects to be governed. Such election may be changed at any time upon notice filed with the said Code Authorities. Provided, however, that the fair trade practice provisions of Article VII of this Code shall not be binding upon any member of the Trade with respect to the Goods sold by the ultimate purchaser in competition with other sellers not members of this Trade, unless and until such other sellers of said competitive machinery are brought within the scope of the trade practice provisions of this or some other Code of Fair Competition.

#### ARTICLE IX—PUBLICITY OF PRICES

SECTION 1. Each member of the Trade shall within thirty (30) days after the effective date of this Code file with the Code Authority copies of his price lists, with discount sheets, if any, showing prices for all machinery, attachments, and equipment which said member sells. Each member of the Trade shall at all times maintain and file with the Code Authority price lists, with discount sheets, if any, showing prices of all of said machinery, attachments, and equipment and shall not make any change in said prices except by filing notice of such price changes as hereinafter provided.

SEC. 2. None of the prices shown in any price lists, with discount sheets, if any, filed by any member of the Trade as herein provided, shall be changed except by filing by such member of the Trade of new price lists, with discount sheets, if any. When any member of the Trade has so filed changes in or revisions of his published price lists, with discount sheets, if any, any other member of the Trade may so file changes in or revisions of his published price lists, with discount sheets, if any, which, if filed prior to the date when the changes or revisions first filed become effective, shall become effective upon that date.

SEC. 3. Each price list, with discount sheet, if any, shall become effective ten (10) days after the filing of such price list, with discount sheet, if any, with the Code Authority; provided, however, that the first price lists, with discount sheets, if any, filed by any member of the Trade as above provided, shall become effective on the date of filing thereof.

SEC. 4. The operation of the foregoing shall at all times be subject to review and disapproval of the Administrator.

#### ARTICLE X—MODIFICATION

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

This Code shall become effective on the second Monday after its approval by the President and shall be binding upon every member of the Trade.

Approved Code No. 223.  
Registry No. 1399-17.





Approved Code No. 224

**CODE OF FAIR COMPETITION**

FOR THE

**FURNITURE AND FLOOR WAX AND POLISH  
INDUSTRY**

As Approved on January 23, 1934

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ORDER

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**FURNITURE AND FLOOR WAX AND POLISH  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Furniture and Floor Wax and Polish Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

THE PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Furniture and Floor Wax and Polish Industry, a hearing on which was conducted in accordance with the provisions of the National Industrial Recovery Act. The hearing was held in the Gridiron Room of the Hotel Willard in Washington on January 4, 1934.

#### PROVISIONS OF THE CODE AS TO WAGES AND HOURS

This Code specifies, with the exceptions indicated that no employee shall be permitted to work in excess of 8 hours per day or an average of 40 hours per week in any three-month period, but in no case, except that of watchmen, in excess of 48 hours in any one week. From these provisions there are exempted the following classes of employees:

(a) 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; employees on emergency, maintenance, and repair work; and outside salesmen.

(b) 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 44 hours per week in any three-month period.

(c) Engineers, firemen, water tenders, and oilers, who shall not be permitted to work in excess of 48 hours a week.

(d) Watchmen, who shall not be permitted to work in excess of 56 hours per week.

Provision is made for payment at the rate of time and one third for overtime with minor exemptions specified.

The Code provides for a minimum wage of 40 cents per hour except as follows:

(a) Employees engaged in the light tasks of wrapping, packaging, filling, and labelling, who shall be paid not less than 35¢ per hour.

(b) Office boys and office girls may be employed at a rate not less than \$12 per week, provided, however, that not more than 5% of the total number of office employees of each establishment may be so classified and further provided, that each establishment may be entitled to at least one such employee.

The minimum wage for employees engaged in the light packaging, wrapping, filling, and labelling operations above indicated, is not discriminatory against female employees. It has been stated that about as many men as women are employed in this operation in the Industry.

## ECONOMIC EFFECT OF THE CODE

The Code was presented by the National Polish and Mop Manufacturers Association and the National Association of Chemical Specialty Manufacturers. These groups, combined, are said to represent seventy-five percent of the sales volume of the industry. The presentation of the Code by the two groups reflects a desire upon the part of the Industry to cooperate under the terms of the Act and Code.

The Industry is reported to consist, essentially, of about 250 concerns which are engaged in the manufacture, including packaging, of products containing wax and/or oil compounds for use in the treatment of floors and furniture. There are about ten large concerns which employ upwards of 35 persons each, a few slightly smaller ones, and a large number of one or two-man establishments. These smallest establishments may be independent and owner-operated or they may represent a side-line or by-product activity of concerns whose chief products are paint, various kinds of polishes, soap, oils, chemical specialties, mops, etc. About 10% of manufacturers' sales are in bulk implying the use of five-gallon or larger containers and made either to large consumers or packaging concerns. The greater part of the products of the Industry is sold in small units through regular distributing channels of the hardware and grocery trades.

Since the products are chiefly semiluxuries, the demand for them is largely influenced by general business conditions, that is, by the amount of money that people have to spend for other than absolute necessities.

There are two seasonal peaks, spring and fall, in the demand. Although the larger firms make efforts to anticipate peak demands by building up stocks to some extent, there are practical difficulties that prevent storing for long periods. Limitations of working capital tend to restrict manufacture for stock especially by the small concerns.

Manufacture is so widespread and so relatively easy to start on a small scale that there is generally sharp competition for all available business both among nationally advertised brands and between these and purely local products.

From current data, the Industry may be said to employ about 2,500 persons. This figure indicates a drop in employment since 1928, when, it is estimated, 3,100 persons were employed.

The aggregate production capacity for the Industry is computed to be \$40,000,000. Aggregate annual sales in 1928 are stated to have dropped in 1933 to \$9,530,000 as compared with \$14,660,000 in 1928.

The Industry, working under a general 49-hour week, has restored employment practically to the 1928 figures. Further improvement in general business conditions invoking the overtime provision of the Code, as provided for peak periods, should result in additional employment.

The Code provides a minimum hourly rate of 35 cents per hour for employees engaged in light tasks of wrapping, packaging, etc., and a minimum of 40 cents for all other classes of employees except office boys and girls.

Operating on minimum hourly rates of 32.5 cents and 35 cents per hour, respectively, for the two classes of work, under the President's Reemployment Agreement, minimum weekly earnings were higher in October 1933 than in June 1928. Application of the Code provisions should increase minimum wages somewhat further.

Payrolls, it has been estimated, will be increased about 10% under the application of the Code's labor provisions. This should restore payrolls to a point somewhat above that of 1928.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by producing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant associations are industrial associations truly representative of the aforesaid Industry; and that said associations impose no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

CODE OF FAIR COMPETITION  
FOR THE  
FURNITURE AND FLOOR WAX AND POLISH 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 Furniture and Floor Wax and Polish 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, including packaging, of products containing wax and/or oil compounds as essential constituents, for use in the treatment of floors and furniture, and such related industries 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 employer or on his own behalf.

The term "Associations" as used herein means the National Polish and Mop Manufacturers Association and the National Association of Chemical Specialty Manufacturers.

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—HOURS

A. No employee shall be permitted to work in excess of 8 hours per day or an average of 40 hours per week in any three-month 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; employees on emergency maintenance and repair work; and outside salesmen.

2. 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 44 hours per week in any three-month period or in excess of 48 hours in any calendar week.

3. Engineers, firemen, water tenders, and oilers, who shall not be permitted to work in excess of 48 hours a week.

4. Watchmen, who shall not be permitted to work in excess of 56 hours per week.

B. If any employee, with the exception of those employees included in Section A (I) who receive \$35 or more per week, outside salesmen and watchmen—but not including employees on emergency maintenance and repair work—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 rate.

C. If any employee works for more than one employer, no such employer or employers shall knowingly permit any 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.

D. No employee shall be permitted to work more than six days in any calendar week.

#### ARTICLE IV—WAGES

A. No employees shall be paid less than 40¢ per hour, except as follows:

1. Employees engaged in the light tasks of wrapping, packaging, filling, and labeling, who shall be paid not less than 35¢ per hour.

2. Office boys and office girls may be employed at a rate not less than \$12 per week, provided, however, that not more than 5% of the total number of office employees of each establishment may be so classified and further provided, that each establishment may be entitled to at least one such employee.

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 rates of pay as male employees.

5. Employers shall adjust wage schedules in equitable relation to the minimum hourly rates provided in this Article, so far as such adjustments have not been made subsequent to June 16, 1933. In no case shall hourly rates be reduced. Each member of the Industry shall promptly report all such adjustments to the Code Authority.

6. An employee shall receive all money due for services rendered in the form of negotiable currency or checks without deduction therefrom except with his assent or as required by Federal or State laws.

## 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. A list of all such hazardous occupations shall be filed with the Code Authority within 90 days from the effective date. 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, 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 or engage in any other subterfuge so as to defeat the purposes of this Code, and in this connection employees engaged in two or more capacities or positions having different duties connected therewith, one or more of which being limited by maximum hours, shall be classified under the limited hour position which is limited to the fewer number of hours per week and shall not be permitted to work a total number of hours in excess of those prescribed for such position.

7. Employers shall make reasonable provision for the safety and health of their employees at the place and during the hours of their employment.

8. An employer shall, to the best of his ability, so administer work in his charge as to provide the maximum practical continuity of employment for his personnel. Each member of the Industry shall make a study and submit a plan for regularization and stabilization of employment in his plant and shall submit such plan to the Code Authority.

9. Each employer shall post in places accessible to employees 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 7 members of the industry, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth. The Administrator may appoint not more than 3 additional members without vote to represent the Administrator, without expense to the Industry.

(b) The members of the Code Authority shall be selected by the industry at a meeting of the members of the industry to be called by the Associations within 20 days after the approval of this Code. The method of selection of the Code Authority shall be fair and equitable and subject to the approval of the Administrator.

(c) Related industries, which may from time to time be included under the provisions of this Code with the approval of the Administrator, may establish their own subordinate Code Authorities which shall be independent and self-supporting, and may deal, under the supervision of the main Code Authority, with the Administrator in respect to conditions or problems relating exclusively to said related industries and may amend the application of the provisions of this Code to its members. The subordinate Code Authority of such related industries shall be entirely responsible for the Administration of this Code to such industry.

(d) The Association shall: (1) Impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of their 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 Code.

(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 Code, 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 Code, may require an appropriate modification in the composition and method of selection of the Code Authority.

2. The Code Authority shall have the following duties and powers to the extent permitted by the Code: If the Administrator shall determine that any action of the Code Authority, or any agency thereof, is unfair, unjust, 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 action and further consideration by such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

(a) With a view to informing the Administrator as to the observance of this Code, and as to whether the industry is taking appropriate steps to effectuate the policy of the Act, each member of the

industry shall furnish duly certified reports in the form and substance and as required for the proper administration of this Code. The Code Authority is hereby constituted as the agency for the collection and receipt of such reports and the forwarding of such reports to the Administrator. All such reports shall be held in strict confidence by the Code Authority, or any agency to which it may delegate this duty 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.

(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.

(e) To study, in cooperation with such recognized organizations as the Bureau of Standards, establishment of classifications and standards of quality for products of the industry, with the view to their recommendation to and adoption by the industry.

3. In addition to information required to be submitted to the Code Authority, all members of the Industry 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/or State agencies as he may designate; nor shall anything in this Code relieve any person of any existing obligation to furnish reports to any Government agencies.

#### ARTICLE VII—LABOR BOARD

A labor board to consist of two members selected by the Code Authority, two members selected by the Labor Advisory Board of the National Recovery Administration and a Chairman to be selected by the Administrator shall be formed to consider and pass upon any alleged violation, dispute, or nonobservance of the labor provisions of the Code. All decisions shall, if unanimous, be final. In the event that no agreement is reached, the matter shall be referred to the appropriate Governmental agency.

#### 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 grade,

quality, quantity, substance, character, nature, origin, size, finish, preparation, or otherwise.

2. *Misrepresentation or False or Misleading Advertising.*—The making, causing, or knowingly permitting to be made or published, any false, materially inaccurate, or deceptive statement by way of advertisement 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 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. These 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 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, Gifts, or Free Goods.*—The offering or giving of prizes, premiums, or gifts in connection with the sale of products. These provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising purposes.

7. *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, 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.

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 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 paying for such product less than

the cost thereof to the seller, determined in accordance with the aforesaid system of cost account, except to meet competition, not instigated directly or indirectly by the party desiring to meet such competition, but to meet the price of a competitor whose price does not violate the Code.

11. *Published Prices.*—Within ten (10) days after the approval of this Code each member of the Industry shall publish 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. Revised price lists, 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 ten days in advance of the effective date thereof. Copies of all price lists and revised price lists and discounts, with notice of 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.

No member of the Industry shall sell or offer for sale, any product of the Industry at prices lower than the prices noted in his price list or on more favorable terms or conditions of sale than the terms or conditions of the 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.

12. *False Invoices.*—The making of any false invoice with the intent or with the effect of misleading any interested party.

13. *Consignment.*—The sale or offering of any products of the Industry on consignment except by conditions as prescribed by the Code Authority.

14. *Standard Terms of Cash Discount.*—On and after the effective date of the terms for cash granted by manufacturers, excluding export trade, shall not exceed:

Trade Sales Accounts—2% for cash in 10 days—net 60 days  
Bulk Sales Accounts—1% for cash in 10 days—net 30 days

except that the discount to trade sales accounts may be extended to the 10th day of the month following purchase. It is provided, however, that exception may be made in sales to charitable and nontax-paying institutions, schools, hospitals, and religious institutions.

15. *Other Practices.*—Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission or 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 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 recommendation of the Code Authority to the President, and such notice and hearing as he shall specify, and to become effective upon his approval.

#### ARTICLE X—MONOPOLIES, ETC.

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

#### ARTICLE XI—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 XII—EFFECTIVE DATE

The provisions of this Code shall become effective ten (10) days after its approval by the President.

Approved Code No. 224.  
Registry No. 625-02.



Approved Code No. 225

**CODE OF FAIR COMPETITION**

FOR THE

**SMOKING PIPE MANUFACTURING INDUSTRY**

As Approved on January 23, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**SMOKING PIPE MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Smoking Pipe Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Smoking Pipe Manufacturing Industry, submitted by the Association of Smoking Pipe Manufacturers of the United States located in New York, was conducted in Washington on the 4th of October 1933 in accordance with the provisions of the National Industrial Recovery Administration. The association claims to represent 100 percent of the Industry.

The Code provides a maximum of forty hours per week. Office employees are permitted a maximum of 42½ hours per week. Persons employed in shipping and packing rooms, engineers and firemen are permitted to work 48 hours per week except during the months of June, July, August, and September, when engineers and fireman shall not be employed for more than 40 hours per week.

Employees in a managerial or executive capacity, receiving \$35.00 or more per week, emergency repair crews, outside salesmen, and highly skilled workers when engaged in work on continuous processes where the restriction of their hours of labor would reduce production, are excepted entirely from the hours of labor, provided time and one half is paid emergency repair crews and highly skilled workers for all hours worked in excess of forty per week.

Census reports for 1929 showed prevailing hours of labor to be between 45 and 48. The industry states that 54 hours has been the average work week during the busy seasons, with 48 hours the minimum at any period. Assuming 48 hours as the average work week prior to the signing of the Reemployment Agreement, it is estimated that the forty-hour week proposed in the Code would give employment to an additional 475 persons.

The industry states, and Census figures substantiate their claim that there is no unemployment in the industry at the present time, there being more workers employed now than in 1929. There has been a gradual decline in employment since 1923, which was the peak year for the industry, at which time 2,402 workers were employed in the industry. This decline has been consistent until 1933 when a gain is shown, due undoubtedly to the change in consumer demand which has recently been evidenced.

This Code provides a minimum rate of 35 cents per hour or \$14.00 per week, and this is established as a minimum rate of pay, regardless of whether an employee is compensated on time rate, piecework performance, or other basis. The Code also provides that employers shall endeavor to increase the pay of employees receiving wages above the minimum.

Information on earnings of individual workers is very meager. However, average annual wages can be computed from Census data. The average annual wage in 1929 was \$1,167.00 as compared with an average of \$1,315.00 for all industry combined. In 1931 the average annual wage declined ten percent to \$1,050.00 in this industry, as

compared with a 16 percent decline to \$1,102.00 for all industry combined.

The wage bill in this industry claims a large share of the total value of products. In 1929 the rates of wages paid to value of products were 35.3 percent and in 1931 were 32 percent. Wages for all manufacturing industries combined were 16 percent of the total value of product in 1929, and 17.4 percent in 1931.

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is a trade association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

This Industry has cooperated in a most satisfactory manner with the Administration in the preparation of this Code. From the evidence adduced during the hearing and from recommendations and reports of the various advisory boards it is believed that this Code in its present form as approved represents an effective, practical, and equitable solution for this industry and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**SMOKING PIPE 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 Smoking Pipe Manufacturing Industry and 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 "Smoking Pipe Manufacturing Industry" shall mean the manufacturing of any smoking pipe, cigar holder, and cigarette holder, produced from imported or domestic woods, or other materials. The manufacture of corn cob pipes is specifically excluded from 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 the 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 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 work or 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 such employees specifically excluded from the provisions hereof by Sections 2 and 3 post.

2. Office employees shall not be employed for more than forty-two and one half (42½) hours per week and employees engaged in shipping and in packing rooms, together with engineers and firemen, shall not be employed for more than forty-eight (48) hours per week except that during the months of June, July, August, and September engineers and firemen shall not be employed for more than forty (40) hours per week.

3. Employees in a managerial or executive capacity, who now receive thirty-five dollars (\$35.00) per week or more, outside salesmen, emergency repair crews, and highly skilled workers when engaged in work on continuous processes where the restriction of their hours of labor would reduce production, are hereby specifically exempted from the maximum hours set forth in paragraphs 1 and 2 ante; provided, however, that highly skilled workers and emergency repair crews shall be paid at least time and one half for all hours worked in excess of forty (40) hours per week.

4. Watchmen may be employed in pairs and shall not work more than 36 and 48 hours on alternate weeks, or an average of 42 hours per week.

5. No employee shall work or 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-five cents (35¢) per hour or fourteen dollars (\$14.00) per week except as herein otherwise provided.

(a) Employees engaged in wrapping and branding pipes and placing them on display cards may be paid at not less than the rate of thirty cents (30¢) per hour, provided that no such employee shall be engaged in any other productive or mechanical work unless paid at a rate not less than the minimum wage above provided. Such employees shall in no case exceed fifteen percent (15%) of the total number of employees of any one employer.

(b) Apprentices, having no previous employment in this industry, shall, for a period not to exceed six weeks, be paid not less than 80 percent of the minimum wage above provided. Such apprentices shall in no case exceed five percent of the total number of employees of any one employer.

2. This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time-rate, piece-work performance, 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.

#### 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 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. 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, and 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.

#### 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.

1. *Organization and Constitution of Code Authority.*—(a) The Code Authority shall consist of eight individuals, or such other number as may be approved from time to time by the Administrator, to be selected by a fair method of selection from and by the industry and appointed by the Administrator. In addition to these members the Administrator shall appoint a chairman, who is to vote only in the event of a tie, and, in his discretion, he may appoint not more than three additional members without vote to serve for such period of time as he may designate.

(b) The Association of Smoking Pipe Manufacturers of the United States shall be the agency, under the Code Authority, for administering the provisions of this Code, subject to the approval of the Administrator. This Association or any other 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. (2) Submit to the Administrator true copies of its articles of association, bylaws, regulations, together with any amendment or amendments when made thereto and such other information as to membership, organization, and activities as the Administrator may deem necessary and proper to effectuate the purposes of the National Industrial Recovery 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 and does not in other respects comply with the provisions of the Act, may take such action as may be proper in the premises.

(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.

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 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 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 PRACTICES

The following practices constitute unfair methods of competition for members of the industry and are prohibited:

1. The selling or offering for sale of any product of the industry below cost, as determined by a standard cost-accounting system to be approved by the Administrator.

2. The selling of dropped lines, surplus, and rejected merchandise and distress merchandise below cost except as approved by the Code Authority.

(a) Dropped lines are defined as those lines of merchandise which a particular manufacturer intends to discontinue but in no event shall any line be considered a dropped line unless it has been offered to the public for at least a period of six months.

3. *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.

4. *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.

5. *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, 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.

6. *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.

7. *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.

8. *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.

9. *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.

10. *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.

11. *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.

12. *Consigned Merchandise.*—No merchandise shall be sold on consignment.

13. *Trade Guarantees.*—Pipes priced for sale, at less than one dollar (\$1.00), shall not be sold upon any guarantee of replacement in the event that the same prove unsatisfactory; and no manufacturer shall accept the return of a used pipe or replace the same, except for defects of manufacture, such adjustments to be made only between the manufacturer and the ultimate consumer.

14. *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 the 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 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 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 Administrator, unless otherwise provided.

#### ARTICLE IX—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 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 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 XI--EFFECTIVE DATE

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

Approved Code No. 225.  
Registry No. 1651-02.



Approved Code No. 226

**CODE OF FAIR COMPETITION**

FOR THE

**LIGHT SEWING INDUSTRY EXCEPT GARMENTS**

As Approved on January 23, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**LIGHT SEWING INDUSTRY EXCEPT GARMENTS**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Light Sewing Industry Except Garments, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

THE PRESIDENT,  
*The White House.*

SIR: This is a report on the Hearing on the Code of Fair Competition for the Light Sewing Industry Except Garments, held in accordance with the provisions of the National Industrial Recovery Act, in the Chinese Room of the Mayflower Hotel, on November 28, 1933. The Code which is attached was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, said to represent 75 percent or more in volume of each division of 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.

This Code is a combination of a number of separate Codes originally submitted to the Administration. These separate Codes would have placed several divisions of this Industry under completely separate documents. Should these Codes have been put through separately, manufacturers of more than one of the articles now included within this Code would have been obliged to operate under several Codes. Furthermore, a large number of small sewn articles not listed specifically in any proposed Code might not have been brought under the jurisdiction of the Act.

The tendency of Industry Groups and Associations was to submit Codes for their principal items of manufacture, but to overlook or fail to include the many small items made by them. It would be almost impossible to enumerate these many small items in separate Codes. Had they been included in the definition of the larger separate sewing codes other than garments, manufacturers would have found themselves operating under a multiplicity of such codes. Accordingly, the Code submitted herewith is designed to coordinate all sewn articles other than garments that have not or are not being granted separate Codes.

#### THE INDUSTRY

The Industry as represented by the seven divisions now specifically included in the Code comprises about 232 concerns, having an investment in 1933 of \$16,323,400. In 1928 the Industry provided employment for 10,821 employees. This figure has declined to about 8,404 workers during 1933. The aggregate annual sales have fallen from \$42,553,270 in 1928 to \$30,534,100 in 1932.

#### PROVISIONS OF THE CODE

The Code provides for a minimum wage of 32½ cents per hour. Employees in the Fabric Auto Equipment Division, however, may be paid at the rate of 30 cents per hour in the South. The weekly

compensation for employment in excess of the minimum wages provided in this Code shall not be reduced although the hours of work have been reduced and provision is made for increasing the pay for such employment by an equitable readjustment of all pay schedules.

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 two months. Hours of work for factory employees are limited to 40 hours in any one week and 8 hours in any 24-hour period except that these employees are permitted to work 48 hours per week for not more than six weeks in any six months' period provided that the number of hours shall not be in excess of 40 hours per week averaged over a six months' period, and provided further that all hours worked in excess of 40 hours in any one week shall be paid for at not less than one and one third ( $1\frac{1}{3}$ ) times the normal rate. Employees in a supervisory capacity receiving \$35 per week or more, watchmen and outside salesmen are not limited as to hours. Employees on emergency repair work are excepted from the maximum hour provisions but are to be paid time and one third for overtime work. Maintenance employees are permitted to work 44 hours per week. Operations are limited to one shift of 40 hours in the Mattress Cover Division and two shifts of 40 hours each per week in all the other divisions.

Hours of work have been reduced from 47 to 40 by the application of this Code. According to the Division of Research and Planning, the actual number of hours that this Industry will operate under the provisions of the Code will be approximately 37 hours per week, so that the effect will be to reduce the hours of work between 15 and 20 percent and increase employment in the same proportion.

Average wages in this Industry will be increased from \$13.00 to approximately \$15.00 per week. This represents a substantial increase since the minimum wages must be raised considerably to account for this change in average wages.

Representation on the Code Authority is provided for all members of the Industry. The Code sets up Divisional Committees to administer the supplemental fair trade practices for the separate divisions of this Industry.

There are no highly restrictive provisions in the Code itself. Provision is made for prohibiting the sale of merchandise below cost in certain divisions when and if a uniform and standard system of cost accounting is approved by the Administrator. No such provision, however, will become effective without further approval of the Administrator.

#### FINDINGS

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and manage-

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

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant associations are industrial associations truly representative of the aforesaid Industry; and that said associations impose no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, this Code of Fair Competition for the Light Sewing Industry Except Garments has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**LIGHT SEWING INDUSTRY EXCEPT GARMENTS**

**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 Light Sewing Industry Except Garments, 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 "Light Sewing Industry Except Garments" or "Industry" as used herein includes the manufacture and original sale of all sewn textile articles and/or table pads and/or table mats except wearing apparel and excepting such articles as are governed by the provisions of other codes of fair competition, and shall include such related branches or subdivisions as may from time to time be included under the provisions of this code by the President of the United States after such notice and hearing as he may prescribe.

2. The terms "table pad" and "table mat" as used herein are defined to mean any mat manufactured for use in protecting the surface of tables against heat, liquids, or marring, composed of a water-proof surface and an insulating element such as asbestos, cork, pasteboard, felt paper, or corrugated paper.

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, and includes anyone who furnishes or contracts for labor as a part of a larger or further operation in the process of manufacturing any of the products of this Industry.

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

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

6. The term "productive machinery" as used herein and as applied to the divisions of this Industry is defined:

(a) For the Quilting Division: Quilting machines.

(b) For the Comfortable Division: Hand-guided sewing machines and hand-needle work equipment, and automatic quilting machines.

(c) For the Covered Carpet Padding Division: Carpet lining, sewing and quilting machines, garnetts, lappers, pickers, stitching and bending machines, and cloth-cutting machines.

7. 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—HOURS

1. No office employee shall work or be permitted to work in excess of forty (40) hours per week, averaged over a period of two months, or forty-eight (48) hours in any one week or eight (8) hours in any twenty-four (24) hour period.

2. No other employee, except as hereinafter provided, shall work or 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 such employees may be permitted to work forty-eight (48) hours per week for not more than six (6) weeks in any six-month period, provided that the number of hours shall not be in excess of forty (40) hours per week averaged over a six months' period. Work done in excess of forty (40) hours in any one week, however, shall be paid for at not less than one and one third ( $1\frac{1}{3}$ ) times the normal rate.

3. The maximum hours fixed in the foregoing sections shall not apply to:

(a) Executives and employees in a managerial or supervisory capacity who receive thirty-five dollars (\$35.00) or more per week, watchmen, and outside salesmen.

(b) Repair-shop crews, engineers, electricians, and firemen, who shall be permitted to work not in excess of forty-four (44) hours per week.

(c) Employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case overtime shall be paid for at not less than one and one third ( $1\frac{1}{3}$ ) times the normal rate.

At the end of each calendar month every employer shall report to the Code Authority hereinafter provided for, in such detail as may be required, the number of man-hours worked in that month in cases of emergency and the ratio which said emergency man-hours bear to the total number of man-hours of labor during said month.

4. Members of the Industry shall not operate for more than two (2) shifts of forty (40) hours each per week, except as provided hereafter in supplemental provisions.

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.

### ARTICLE IV—WAGES

1. No employee shall be paid at less than the rate of  $32\frac{1}{2}$  cents per hour except that employees in the Fabric Auto Equipment Division may be paid at the rate of not less than 30 cents per hour in the Southern States, which shall include only the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mis-

Mississippi, Tennessee, Kentucky, Louisiana, Arkansas, Oklahoma, Texas, and the District of Columbia.

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. The weekly rate of compensation for employment now in excess of the minimum wages herein provided shall not be reduced (notwithstanding that the hours worked in such employment may be hereby reduced), and the pay for such employment shall be increased by an equitable readjustment of all pay schedules.

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

5. 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

1. No person under sixteen (16) years of age shall be employed in this Industry. In any State any 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 members of the Industry shall comply with 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 accessible to employees full copies of this Code.

8. Until adoption of further provisions of this Code that may prove necessary in order to prevent any improper speeding up of the

work (stretch-outs) no manufacturing 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, or prior to the Share-The-Work movement, unless such increase is submitted to and approved by the Code Authority created by this Code, and by the Administrator.

9. No employer shall have work done or labor performed on any article produced in this Industry in the home of a worker, except hand work only as follows:

- (1) Candlewick bedspreads.
- (2) Hand quilted textiles for a period of six months, but thereafter only if specifically exempted by the Administrator.

#### ARTICLE VI—ADMINISTRATION

There shall forthwith be constituted a Code Authority.

1. Organization and constitution of Code Authority:

(a) The membership of the Code Authority shall include seven (7) members (which number may be increased to ten (10) members if and when necessity arises therefor by further inclusion of additional Divisions within this Code) to be selected in a manner approved by the Administrator from the following Divisions:

Quilting, 1 Member.

Mattress Covers, 1 Member.

Comfortables, 1 Member.

Fabric Auto Equipment, 2 Members.

Other Members of the Industry, 1 Member.

In addition to the membership as above provided, there may be three (3) additional members without vote appointed by the Administrator, one of whom may be appointed on the nomination of the Labor Advisory Board of the NRA.

(b) Divisional Committees consisting of not more than seven (7) members each shall be selected by each of the following divisions of this Industry in a manner approved or prescribed by the Administrator: Comfortable Division, Covered Carpet Padding Division, Fabric Auto Equipment Division, Mattress Cover Division, Table Pad Division, and Quilting Division. New divisions of the Industry may be established on the recommendation of the Code Authority with the approval of the Administrator. The Administrator may appoint up to three members, without vote, to each of the Divisional Committees.

(c) In order that the Code Authority and the Divisional 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 Code Authority or the Divisional Committees are not truly representative or do 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 of the Divisional Committees.

(d) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority or a Divisional Committee shall (1) impose no inequitable restric-

tions 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.

2. The Code Authority and the Divisional Committees shall have the following duties and powers:

(a) The Code Authority shall cooperate with the Administrator in the administration of the provisions of this Code. The Divisional Committees, subject to the general approval of the Code Authority, shall cooperate with the Administrator in the administration of the supplemental provisions applicable to their respective Divisions.

(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. The Divisional Committees may present to the Administrator recommendations concerning their respective supplemental provisions. Such recommendations, when approved by the Administrator, after notice to and after opportunity given to the Divisional Committees of all Divisions affected to be heard, shall have the same force and effect as any of the provisions of this Code. Such recommendations may include recommendations for use by all members of the Industry in their respective Divisions, of an N.R.A. label and for the establishment of the necessary machinery to manufacture and issue the same.

(c) The Code Authority shall collect statistics covering number of employees, wage rates, employee earnings, hours of work, and such other data as may be prescribed or approved by the Administrator and may designate the Divisional Committees as the agencies to collect such statistics.

(d) Members of the Industry shall be entitled to share in the selection of the members of the Code Authority and of their appropriate Divisional Committees by assenting to the requirements of this Code and of any supplemental provisions thereto, and by paying their reasonable share of the expenses of the administration of this Code and of such supplemental provisions.

The reasonable share of the expenses of the Code Authority shall be determined by the Code Authority on the basis of dollar volume of business, subject to review by the Administrator. Such expenses shall be collected by the appropriate Divisional Committee from members of the Industry who are members of the above-mentioned Divisions and by the Code Authority from members of the Industry not members of such Divisions.

The reasonable share of the expenses of the Divisional Committees shall be determined by the appropriate Divisional Committee on the basis of dollar volume of business, subject to review by the Administrator. Such expenses shall be collected by the appropriate Divisional Committee.

(e) Nothing contained in this Code shall constitute the members of the Code Authority or of the Divisional Committees partners for any purpose, nor shall any member of the Code Authority or of the Divisional Committees be liable in any manner to any one for any act of any other member, officer, agent, or employee of the Code

Authority, or of the Divisional Committees, nor shall any member of the Code Authority, or of the Divisional Committees, 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.

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. If the Administrator shall determine that any action of a Code Authority, Divisional Committee, or any agency thereof is unfair or unjust or contrary to 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 action, and further consideration by such Code Authority, Divisional Committee, or agency, pending final action which shall be taken only upon approval by the Administrator.

#### ARTICLE VII—TRADE PRACTICES

1. The violation of any provision of this Code or of any supplemental provisions thereto shall constitute an unfair trade practice.

#### 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 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 Administrator.

#### ARTICLE IX—MONOPOLIES

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

#### ARTICLE X—EFFECTIVE DATE

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

Approved Code No. 226.  
Registry No. 299-50.

## COMFORTABLE DIVISION

### Division No. 1

#### I—DEFINITION

The term "Comfortable Division" as used herein includes all members of the Industry producing comfortables and comforts.

#### II—TRADE PRACTICES

1. No member of the Division shall sell or exchange or offer to sell any product of the Division below his own cost, when and if same may be determined as herein provided, except to meet the competition of any member of the Division whose price for a product of equivalent quality is not less than his own cost. When a uniform and standard system of cost accounting, prescribed by the Divisional Committee, shall be approved by the Administrator, every member of the Division shall use a system of accounting which conforms to the principles of such system. The Divisional Committee shall, subject to the approval of the Administrator, determine the cost factors to be included in such system.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section and to make provision for the disposal of discontinued lines, seconds, and other sales to be excepted from the application of this Section.

2. Members of the Division shall file with the Divisional Committee a schedule of prices and terms of sale for the products of the Division, within thirty (30) days after the effective date of this Code. Such price lists may be revised only upon five (5) days' notice by registered mail to the Divisional Committee. The Divisional Committee shall immediately send copies of all price lists filed to all members of the Division.

Members of the Division shall not sell their products at lower prices or on more liberal terms than set forth in their own price list. When any member of the Division revises his price list, any other member of the Division may revise his price list accordingly, to become effective on the same date as the revised price list first filed.

The following may be sold without filing revised price lists therefor, but shall be reported to the Divisional Committee immediately after sale: dropped lines and seconds.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

3. The following Unfair Trade Practices are prohibited:

(a) Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or 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.

(b) Using or substituting any material inferior in quality to that specified by the purchaser of any product.

(c) 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.

(d) 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.

(e) The branding or marking of any product of the Division in any manner which tends to deceive or mislead purchasers, with respect to the grade, quality, quantity, origin, size, material content, or preparation of such product.

(f) Selling on more liberal terms than 3/10 E.O.M.

(g) The failure to plainly mark seconds.

(h) 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 Division, or the credit terms, values, policies, or services of any member of the Division, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

(i) Making sales upon any other terms than expressly set forth in the invoice pertaining to such sales.

4. The selling or offering for sale of any product of the Division on memorandum or on consignment or on conditional sale shall be an unfair trade practice.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

## MATTRESS COVER DIVISION

### Division No. 2

#### I—DEFINITION

The term "Mattress Cover Division" as used herein includes all members of the Industry producing mattress covers.

#### II—TRADE PRACTICES

1. No member of the Division shall sell or exchange or offer to sell any product of the Division below his own cost, when and if same may be determined as herein provided, except to meet the competition of any member of the Division whose price for a product of equivalent quality is not less than his own cost. When a uniform and standard system of cost accounting, prescribed by the Divisional Committee, shall be approved by the Administrator, every member of the Division shall use a system of accounting which conforms to the principles of such system. The Divisional Committee shall, subject to the approval of the Administrator, determine the cost factors to be included in such system.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section and to make provision for the disposal of discontinued lines, seconds, and other sales to be excepted from the application of this Section.

2. Members of the Division shall file with the Divisional Committee a schedule of prices and terms of sale for the products of the Division, within thirty (30) days after the effective date of this Code. Such price lists may be revised only upon five (5) days' notice by registered mail to the Divisional Committee. The Divisional Committee shall immediately send copies of all price lists filed to all members of the Division.

Members of the Division shall not sell their products at lower prices or on more liberal terms than set forth in their own price list. When any member of the Division revises his price list, any other member of the Division may revise his price list accordingly, to become effective on the same date as the revised price list first filed.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

3. The following Unfair Trade Practices are prohibited:

(a) Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or 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 con-

strued 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.

(b) Using or substituting any material inferior in quality to that specified by the purchaser of any product.

(c) 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.

(d) 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.

(e) The branding or marking of any product of the Division in any manner which tends to deceive or mislead purchasers, with respect to the grade, quality, quantity, origin, size, material content, or preparation of such product.

(f) Selling on more liberal terms than 3/10 E.O.M.

(g) The failure to plainly mark seconds.

(h) 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 Division, or the credit terms, values, policies, or services of any member of the Division, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

(i) Making sales upon any other terms than expressly set forth in the invoice pertaining to such sales.

4. The selling or offering for sale of any product of the Division on memorandum or on consignment or on conditional sale shall be an unfair-trade practice.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

### III—HOURS

1. Members of the Division shall not operate for more than one shift of forty (40) hours.

## TABLE PAD DIVISION

### Division No. 3

#### I—DEFINITION

The term "Table Pad Division" as used herein includes all members of the Industry producing table pads and/or table mats.

#### II—TRADE PRACTICES

1. No member of the Division shall sell or exchange or offer to sell any product of the Division, except small novelty mats, below his own cost of labor and raw materials except to meet the competition of any member of the Division whose price for a product of equivalent quality is not less than his own cost. When a uniform and standard system of cost accounting, prescribed by the Divisional Committee, shall be approved by the Administrator, every member of the Division shall use a system of accounting which conforms to the principles of such system. The Divisional Committee shall, subject to the approval of the Administrator, determine the cost factors to be included in such system.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section and to make provision for the disposal of discontinued lines, seconds, and other sales to be excepted from the application of this Section.

The Administrator may suspend the operation of the provisions of this Section after giving notice to the Division.

2. Members of the Division shall file with the Divisional Committee a schedule of prices and terms of sale for the products of the Division, except small novelty mats, within thirty (30) days after the effective date of this Code. Such price lists may be revised only upon five (5) days notice by registered mail to the Divisional Committee. The Divisional Committee shall immediately send copies of all price lists filed to all members of the Division.

Members of the Division shall not sell their products at lower prices or on more liberal terms than set forth in their own price list. When any member of the Division revises his price list, any other member of the Division may revise his price list accordingly, to become effective on the same date as the revised price list first filed.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

The Administrator may suspend the operation of the provisions of this Section after giving notice to the Division.

3. The following Unfair Trade Practices are prohibited:

(a) Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the

action of any employee, agent, or 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.

(b) Using or substituting any material inferior in quality to that specified by the purchaser of any product.

(c) 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.

(d) 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.

(e) The branding or marking of any product of the Division in any manner which tends to deceive or mislead purchasers, with respect to the grade, quality, quantity, origin, size, material content, or preparation of such product.

(f) Selling on more liberal terms than 2% 10 days, end of month, net 60 days.

(g) The failure to plainly mark seconds.

(h) 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 Division, or the credit terms, values, policies, or services of any member of the Division, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

(i) Making sales upon any other terms than expressly set forth in the invoice pertaining to such sales.

(j) Making any allowances 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 to the consumer. The supplying of cuts, matrices, or window cards shall, however, not be included in such prohibition. This provision shall not be circumvented by advertising directly for the benefit of any purchaser or particular group of purchasers. Nothing herein, however, shall be deemed to prohibit any member of the Division from nationally or generally advertising his merchandise so as to benefit all of his trade equally.

## QUILTING DIVISION

### Division No. 4

#### I—DEFINITION

The term "Quilting Division" as used herein includes all members of the Industry producing quilting and quilting products.

#### II—TRADE PRACTICES

1. No member of the Division shall sell or exchange or offer to sell any product of the Division below his own cost, when and if same may be determined as herein provided, except to meet the competition of any member of the Division whose price for a product of equivalent quality is not less than his own cost. When a uniform and standard system of cost accounting, prescribed by the Divisional Committee, shall be approved by the Administrator, every member of the Division shall use a system of accounting which conforms to the principles of such system. The Divisional Committee shall, subject to the approval of the Administrator, determine the cost factors to be included in such system.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section and to make provision for the disposal of discontinued lines, seconds, and other sales to be excepted from the application of this Section.

2. Members of the Division shall file with the Divisional Committee a schedule of prices and terms of sale for the products of the Division, within thirty (30) days after the effective date of this Code. Such price lists may be revised only upon five (5) days' notice by registered mail to the Divisional Committee. The Divisional Committee shall immediately send copies of all price lists filed to all members of the Division.

Members of the Division shall not sell their products at lower prices or on more liberal terms than set forth in their own price list. When any member of the Division revises his price list, any other member of the Division may revise his price list accordingly, to become effective on the same date as the revised price list first filed.

The following may be sold without filing revised price lists therefor, but shall be reported to the Divisional Committee immediately after sale: dropped lines and seconds.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

3. The following Unfair Trade Practices are prohibited:

(a) Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in rela-

tion 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.

(b) Using or substituting any material inferior in quality to that specified by the purchaser of any product.

(c) 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.

(d) 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.

(e) The branding or marking of any product of the Division in any manner which tends to deceive or mislead purchasers, with respect to the grade, quality, quantity, origin, size, material content, or preparation of such product.

(f) Selling on more liberal terms than 3/10 E.O.M.

(g) The failure to plainly stamp seconds.

(h) 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 Division, or the credit terms, values, policies, or services of any member of the Division, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

(i) Making sales upon any other terms than expressly set forth in the invoice pertaining to such sales.

4. The selling or offering for sale of any product of the Division on memorandum or on consignment or on conditional sale shall be an unfair trade practice.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

## FABRIC AUTO EQUIPMENT DIVISION

### Division No. 5

#### I—DEFINITION

The term "Fabric Auto Equipment Division" as used herein includes all members of the Industry producing auto seat and slip covers, tire covers, top covers, side curtains, auto awnings, and fabric accessories for automobiles.

#### II—TRADE PRACTICES

The following Unfair Trade Practices are prohibited:

(a) Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or 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.

(b) The branding or marking of any product of the Division in any manner which tends to deceive or mislead purchasers, with respect to the grade, quality, quantity, origin, size, material content, or preparation of such product.

(c) 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 Division, or the credit terms, values, policies, or services of any member of the Division, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

(d) The failure to plainly stamp seconds.

(e) Rendering a bill or statement of account which is inaccurate in any particular.

(f) Failure to show the present 2% excise tax on the invoice as a separate item, excepting in the case of those members of the Division who sell to the jobbing or wholesale trade, who shall include the excise tax in their selling price.

(g) The selling or offering for sale of any product of the Division on memorandum or on consignment or on conditional sale shall be an unfair trade practice.

The Divisional Committee shall have the power to suspend the operation of the provision of this Section.

(h) Selling on more liberal terms than 2% 10 days E.O.M. net 30.

(i) Failure to invoice samples of complete products.

## COVERED CARPET PADDING DIVISION

### Division No. 6

#### I—DEFINITION

The term "Covered Carpet Padding Division" as used herein includes all members of the Industry producing padded, quilted, paper, and/or cloth covered carpet and rug linings and stair pads.

#### II—TRADE PRACTICES

1. No member of the Division shall sell or exchange or offer to sell any product of the Division below his own cost, when and if same may be determined as herein provided, except to meet the competition of any member of the Division whose price for a product of equivalent quality is not less than his own cost. When a uniform and standard system of cost accounting, prescribed by the Divisional Committee, shall be approved by the Administrator, every member of the Division shall use a system of accounting which conforms to the principles of such system. The Divisional Committee shall, subject to the approval of the Administrator, determine the cost factors to be included in such system.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section and to make provision for the disposal of discontinued lines, seconds, and other sales to be excepted from the application of this Section.

2. Members of the Division shall file with the Divisional Committee a schedule of prices and terms of sale for the products of the Division, within thirty (30) days after the effective date of this Code. Such price lists may be revised only upon five (5) days notice by registered mail to the Divisional Committee. The Divisional Committee shall immediately send copies of all price lists filed to all members of the Division.

Members of the Division shall not sell their products at lower prices or on more liberal terms than set forth in their own price list. When any member of the Division revises his price list, any other member of the Division may revise his price list accordingly, to become effective on the same date as the revised price list first filed.

The following may be sold without filing revised price lists therefor, but shall be reported to the Divisional Committee immediately after sale: dropped lines.

The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

3. The following Unfair Trade Practices are prohibited:

(a) Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the

action of any employee, agent or 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.

(b) Using or substituting any material inferior in quality to that specified by the purchaser of any product.

(c) 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.

(d) 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.

(e) The branding or marking of any product of the Division in any manner which tends to deceive or mislead purchasers, with respect to the grade, quality, quantity, origin, size, material content, or preparation of such product.

(f) Selling on more liberal terms than 5/10 or 4/10/60 Ex.

(g) 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 Division, or the credit terms, values, policies, or services of any member of the Division, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

(h) Making sales upon any other terms than expressly set forth in the invoice pertaining to such sales.

## MOTOR ROBE DIVISION

### Division No. 7

#### I—DEFINITION

The term "Motor Robe Division" as used herein includes all members of the Industry producing motor robes exclusive of loom-finished, fringed steamer rugs.

#### II—TRADE PRACTICES

1. All deliveries shall be F.O.B. factory or within the Metropolitan District thereof.

2. The following Unfair Trade Practices are prohibited:

(a) Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or 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.

(b) 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.

(c) Selling on more liberal terms than 2% 10 days E.O.M. except that for shipments made to points west of the Rocky Mountains terms shall be 2% 10 days E.O.M. or 2% 10 days after receipt of goods. Goods invoiced on and after the twenty-fifth of any month may be dated as of the first day of the following month. No anticipation shall be allowed at a greater rate than 6% per annum.

(d) Making guarantees against price fluctuations.

Approved Code No. 227

**CODE OF FAIR COMPETITION**

FOR THE

**WET MOP MANUFACTURING INDUSTRY**

As Approved on January 23, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**WET MOP MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Wet Mop Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

The PRESIDENT,  
*The White House.*

#### INTRODUCTION

SIR: This is a report on the Hearing on the Code of Fair Competition for the Wet Mop Manufacturing Industry, submitted by the Wet Mop Manufacturers Association.

The Hearing was conducted in Washington on November 22, 1933. Every person who filed requests for Hearing 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 Industry, complying with the statutory requirements as representing 45.5 percent of the total number of producers in the Industry and 75 percent of the volume.

#### EVIDENCE SUBMITTED

Evidence presented showed a total of thirty-four concerns employing, in the first quarter of 1933, a total of 381 employees, while after the passage of the National Industrial Recovery Act and as a result of the President's Reemployment Agreement, employment jumped to 533 employees for the industry.

It was brought out that all members of the Industry had not only been invited to join the Association but all had been urged repeatedly to take their proper part in the formulation of the proposed Code. Notices were mailed to every known concern which was conceivably engaged in Wet Mop Manufacture. Likewise, every conceivably known manufacturer of wet mops was notified of the Public Hearing on this Code.

#### RÉSUMÉ OF PROVISIONS

The minimum wages established in this code of \$13.00 per week for the Northern section of the country and \$12.00 for the Southern section are identical with those established in the Code for the Cotton Textile Industry. Because of the fact that a number of wet mop manufacturers spin their own yarn, it is clearly evident that the labor conditions are substantially the same.

One Southern manufacturer protested against the proposed minimum wage established in the Code, in a statement that many of his employees are so-called marginal producers or substandard workers. This statement was that such substandard employees could not produce either the quality or the quantity of material as that produced by his competitors and that he, therefore, desired a lower minimum wage.

In the belief that there is ample productive machinery within the industry to produce all of the requirements in two shifts for forty hours each per week, there is a provision in this code limiting the operation of productive machinery to the above-stated hours per week, which is similar to that established for the Cotton Textile Industry.

It was further pointed out that there is certain competition in this Industry from the institutions for the blind. In view of the fact that there is a definite feeling among these institutions that they wish to be a part and parcel of the National movement for the betterment of the Industry, an amendment was added calling for cooperation between the Code Authority for the Wet Mop Manufacturing Industry and a committee established to represent the institutions for the blind. The committee to be made up as follows:

Chairman of the Code Committee of the American Association of Workers for the Blind.

President of this Association, or his representative.

A representative from the American Foundation for the Blind.

The minimum wage and maximum hour provisions of the Code are not to apply to institutions for the blind which comply with the rules and regulations of the above committee.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the

aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**WET MOP 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 Wet 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**

1. The term "industry" as used herein includes the manufacture or sale by the manufacturer, of wet, or scrub, mop heads and/or mops.

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 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 Title I of said Act.

**ARTICLE III—HOURS**

1. (a) No employee shall be permitted to work in excess of 40 hours in any one week or 8 hours in any twenty-four (24) hour period, except as hereinafter provided.

(b) Executives and employees in a managerial or supervisory capacity who receive \$35 or more per week are excepted from the maximum-hour provisions of this section.

(c) Repair-shop crews, firemen, engineers, electricians, outside crews and cleaners shall not be permitted to work in excess of 44 hours per week.

(d) Truckmen shall not be permitted to work in excess of 48 hours per week.

(e) Watchmen shall not be permitted to work in excess of 56 hours per week.

2. The maximum hours fixed in the foregoing section shall not apply to any employee 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 third times his normal rate shall be paid for hours worked in excess of the maximum hours herein provided. All such emergency time shall be reported monthly to the Code Authority hereinafter provided for.

3. No productive machinery in the industry shall be operated for more than two shifts of 40 hours each per week.

#### ARTICLE IV—WAGES

1. No employee shall be paid at less than the rate of 32½ cents per hour in the North, and 30 cents per hour in the South. The South shall include the section of the United States consisting of the States of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Texas, and Florida. The North shall mean the rest of the United States.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piece-work, or other basis.

3. Rates of pay in excess of the minimum hereinbefore prescribed shall be increased so as to preserve equitable differentials.

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 hazardous in nature or detrimental to health. In any State an employer shall be deemed to have complied with the age provisions of this section 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 Articles III, IV, and V of this Code in conspicuous places, accessible to all employees.

#### 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, at his discretion, may appoint not more than three (3) additional members (without vote) to represent the Administrator or such groups or interests as may be agreed upon.

(b) The Wet Mop Manufacturers Association shall call a meeting of the entire industry for the purpose of electing the five industry members of the Code Authority, said meeting to take place not less than 20 days after the approval of this Code by the President, unless such time shall be extended by the Administrator or his Deputy upon the request of the Association. Each member of the industry shall have one vote in electing these members of the Code Authority, subject to the provisions of subsection 2 (h) of this Article. Until such Code Authority shall have been selected, the duties and powers of the Code Authority shall be exercised by the Administrator or his Deputy.

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

(a) The Code Authority shall 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 and to report the same to the Administrator, or such agencies as he may designate.

(b) The Code Authority shall collect at such times and in such manner as may be prescribed, statistics covering number of employees, wage rates, employee earnings, hours of work, production, shipments, stock, prices, and such other data pertinent to the effectuation of the purposes of this Code as may be required by the Administrator.

(c) 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.

(d) The Code Authority shall, subject to the approval of the Administrator, make such rules and regulations as shall be necessary to make effective the power granted to it hereunder.

(e) The Code Authority 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 policies of the Act.

(f) The Code Authority may by regulations duly adopted from time to time appoint such subcommittees or designate such agencies and may delegate to any of them such of its powers and duties as it shall deem necessary or proper in order to carry out the provisions of this Code.

(g) 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.

(h) 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. If the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust 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 action and further consideration by such code authority or agency pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE VII—TRADE PRACTICES

1. The Wet Mop Manufacturing Industry recognizes the humane considerations 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 institutions 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 such rules and regulations are approved by the Administrator.

2. Within 30 days from the effective date of this Code each handled mop or mop head shall be plainly marked, indicating the size (actual weight of mopping material, i.e. yarns, fabrics, twines, or slasher), and shall bear a brand or mark to identify the manufacturer; the marking to be stamped on the handle or printed on the label attached to the handle, or on a tab attached to the mop head. All brands or marks shall be filed with the Code Authority for the purpose of identification of the product.

3. 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 industry, 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 industry, or the 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.

(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 a 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, 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.

(f) *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.

(g) *Threats of litigation*.—The publishing or circulating 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.

(h) *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—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 modification to be based upon application to the Administrator and such notice of hearing as he shall specify, and to become effective on approval of the Administrator.

#### ARTICLE IX—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 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 shall 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 XI—EFFECTIVE DATE

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

Approved Code No. 227.  
Registry No. 1609-03.

Approved Code No. 228

**CODE OF FAIR COMPETITION**

FOR THE

**COIN OPERATED MACHINE MANUFACTURING  
INDUSTRY**

As Approved on January 23, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**COIN OPERATED MACHINE MANUFACTURING  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Coin Operated Machine Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, in behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be, and it is hereby, approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Coin Operated Machine Manufacturing Industry, and on the hearing conducted thereon in Washington, D.C., on November 23, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS AS TO WAGES AND HOURS

The Code provides a minimum wage rate for production employees of 40¢ per hour in the North and 35¢ per hour in the South. Watchmen, a limited number of handicapped persons, and, for not to exceed 90 days, a limited number of beginners without experience, may be paid not less than 80% of the foregoing minima.

All other employees are to be paid not less than from \$14 to \$15 per week, according to population, except that a limited number of office boys or girls may be paid not less than 80% of these minima.

Equitable adjustment is to be made of wages above the minima to maintain differentials existing as of May 1, 1933.

An eight-hour day and a 40-hour week are provided, except that when necessitated by peak or breakdown demands, employees may work not to exceed 48 hours per week. Hours worked in excess of 40 hours per week without payment of overtime, shall not exceed, in any six months' period, 32 hours for production employees and 48 hours for all other employees, and in no case may any employees work in excess of 96 hours in any two weeks' period.

No detailed statistics relative to this Industry had been collected prior to the formation of the National Association of Coin Operated Machine Manufacturers in August 1933. This Association has attempted to get figures from every known manufacturer in the Industry and based on the returns received up to the time of preparing this report, plus a reasonable estimate for those concerns which had not at that time reported, the following figures are submitted as the best estimate possible under the conditions:

	Number of employees	Minimum wages	Hours per week		Weekly Payroll
			Range	Average	
1928.....	2,407	\$0.37	41-48	44	\$54,900
1930.....	2,501	.37	41-48	44	57,000
1932.....	2,390	.31	41-48	44	45,300
March 1933.....	2,501	.285	41-45	43	46,400
September 1933.....	3,192	.340	39-42	40	53,200
Estimated under Code.....	3,300	.400	-----	40	60,000

Practically all members of the Association signed the President's Reemployment Agreement in August, and the increase in employ-

ment resulting from reduced hours is indicated in the figures of the first twelve companies to report. These companies show a pay roll of 1,416 employees for the month of March 1933, and a pay roll of 1,892 employees for the month of September 1933, an increase of 33.6% over March 1933.

The total amount paid in wages to factory employees only by these same twelve companies increased from \$116,789.77 in March 1933 to \$133,174.77 in September 1933. Reports from several of these companies for the first half of November 1933 show further substantial increases in employment.

Based on these returns, it is estimated that the effect of operating under the Code Provisions will be an increase in the annual pay roll of at least \$300,000 over the annual rate of pay roll as shown in March 1933.

I believe that the Code as proposed is fair to Industry, to Labor, and to the Consumer, and is in accordance with the intent and purpose of the National Industrial Recovery Act.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**COIN OPERATED MACHINE 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 Coin Operated Machine 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**

**SECTION 1.** The term "Industry" as used herein shall mean and include the coin operated machine manufacturing industry consisting of manufacturers of all types of coin operated machines and devices which vend amusement, service, or commodities, including manufacturers of coin actuated devices for use in such machines, or such related branches or subdivisions thereof 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, but shall not include manufacturers of coin operated telephone or gas-meter equipment.

**SEC. 2.** The term "member of the industry" as used herein means and includes any individual, partnership, association, corporation, receiver, trustee, or other person, without limitation, engaged in the Industry, either as an employer or on his or its own behalf.

**SEC. 3.** The term "employee" as used herein, includes any and all persons engaged in the Industry except a member of the Industry, however compensated.

**SEC. 4.** 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.

**SEC. 5. (a)** The term "South" as used herein shall mean the States of North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, and Texas.

**(b)** The term "North" as used herein shall mean the remaining States of the United States.

**SEC. 6.** Population, for the purposes of this Code, shall be determined by reference to the latest Federal census.

SEC. 7. The words "export trade" as used herein shall mean solely trade or commerce in goods, wares, or merchandise exported or in the course of being exported from the United States to any foreign nation.

### ARTICLE III—LABOR PROVISIONS

#### WAGES

SECTION 1. 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.

SEC. 2. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator for approval within sixty (60) days after approval of this Code a list of such 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.

SEC. 3. (a) On and after the effective date the minimum wage which shall be paid by any employer to any employee engaged in the processing of products in the Industry and any labor incident thereto shall be forty (40¢) cents per hour in the North.

(b) On and after the effective date 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 incident thereto shall be thirty-five cents (35¢) per hour in the South.

(c) Provided that for a period of not to exceed ninety (90) days, beginners without experience may be paid not less than eighty percent (80%) of the minimum wages of forty cents (40¢) per hour in the North, and thirty-five cents (35¢) per hour in the South; the total number of such beginners shall not exceed five percent (5%) of the total number of employees employed by any such employer in any calendar month; and

(d) Provided further, that where any State Law requires any higher minimum wages than those specified in this section, such higher minimum wages shall apply in all cases.

(e) Equitable adjustments to maintain differentials existing as of May 1, 1933, in all pay schedules of factory employees (and other employees receiving less than Thirty-five (\$35.00) Dollars per week) above the minimums shall be made on or before fifteen days subsequent to the effective date of this Code by any employers who have not heretofore made such adjustments, or who have not maintained rates comparable with such equitable adjustments. The first reports of wages required to be filed under this Code shall contain all wage increases made since May 1, 1933.

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

SEC. 4. On and after the effective date the minimum wage that shall be paid by any employer to all other employees, except commission sales people and all employees covered by Section 3 of Article III hereof, shall be not less than at the rate of Fifteen Dollars (\$15.00) per week in any city of over Five Hundred Thousand (500,000) population, or in the immediate trade area of such city; nor less than at the rate of Fourteen Dollars and fifty cents (\$14.50) per week in any city between Two Hundred and Fifty Thousand (250,000) and Five Hundred Thousand (500,000) population, or in the immediate trade area of such city; nor less than at the rate of Fourteen Dollars (\$14.00) per week in any city of Two Hundred and Fifty Thousand (250,000) population or less.

Office boys and girls shall be exempt from the provisions of this section, provided they are paid at a rate of not less than eighty percent (80%) of the above minimum wages, and provided further that the number of such office boys and girls under this section shall not exceed one for companies with twenty (20) or less office employees nor five percent (5%) of the total number of office employees for companies with more than twenty (20) office employees.

#### HOURS

SEC. 5. (a) No employee shall be permitted to work in excess of forty (40) hours in any one week. The normal working day shall not be in excess of eight (8) hours in any twenty-four (24) hour period beginning at midnight. There may be the following exceptions to this weekly-hour provision:

1. Executives, administrative or supervisory employees who receive thirty-five dollars (\$35.00) or more per week, and outside salesmen and commission salesmen, shall be exempt from all hour limitations.

2. Employees engaged in the processing of products in the Industry and work incident thereto in branches of the Industry on which seasonal or peak demands place an unusual and temporary burden, and employees working in emergency periods resulting from breakdowns, may be permitted to work not more than thirty-two (32) additional hours in any six (6) months' period, but not more than

forty-eight (48) hours in any one week, without the payment of overtime as provided in Section 5 (a) 4.

3. Also under like conditions to those described in Section 5 (a) 2 all other employees, except those mentioned in Section 5 (a) 2, may be permitted to work not more than forty-eight (48) additional hours in any six (6) months' period, but not more than forty-eight (48) hours in any one week, without the payment of overtime as provided in Section 5 (a) 4.

4. All employees may be permitted to work hours in addition to those specified in Section 5 (a), 5 (a) 2, and 5 (a) 3, provided that overtime at the rate of one and one half times the normal rate of pay is paid for such additional hours. Under no circumstances may any employee be permitted to work in excess of ninety-six (96) hours in any two consecutive weeks.

5. All hours worked in excess of forty (40) hours in any one week after the date of the approval of the Code shall be reported to the Administrator through the Code Authority.

6. No employee shall knowingly be permitted to work in the aggregate in excess of the above-prescribed number of hours irrespective of whether such employee be on the pay roll of more than one employer.

#### GENERAL LABOR PROVISIONS

SECTION 1. (a) It is understood, however, that old and partially disabled employees are not included in the above wage provisions, except that they shall in no case be paid less than eighty (80) percent of the above minimums, and provided that the total number of such employees shall not exceed two (2) employees in plants having less than one hundred (100) employees, nor more than two (2) percent of the total number of employees in such plants employing one hundred (100) or more.

(b) It is further understood that watchmen are not included in the labor provisions of this Article, except that they shall in no case be paid less than eighty (80) percent of the minimum wages herein specified and in no case shall they be permitted to work longer than fifty-six (56) hours in any one week unless they are paid time and one half for any hours in excess of fifty-six (56) hours per week.

SEC. 2. Employers shall not reclassify employees, or duties, or occupations of employees, nor engage in any other subterfuge, so as to defeat the purposes of this Act.

SEC. 3. Complete copies of this Code shall be posted in conspicuous places accessible to all employees.

#### ARTICLE IV—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. 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 not less than five or more than seven members, to be elected by the members of the Industry who assent to by compliance with the requirements of this Code, and who assume their reasonable share of the expenses of the administration as hereinafter set forth, the method of election and

voting to be determined by the Code Committee of the National Association of Coin Operated Machine Manufacturers, subject to the approval of the Administrator, and in addition thereto, there may be from one to three representatives to be appointed by the Administrator. The representatives who may be appointed by the Administrator shall be without vote and together with the Administrator shall be given notice of and may sit at all meetings of the Code Authority.

SEC. 3. The National Association of Coin Operated Machine Manufacturers may be designated as the agency under the Code Authority for administering provisions of this Code.

SEC. 4. The National Association of Coin Operated Machine Manufacturers and/or other associations 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. 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.

#### POWERS AND DUTIES

SEC. 6. The Code Authority shall have the following powers and duties to the extent permitted by the Act. Any action taken by the Code Authority or its delegated agents relative to the administration of this Code, except where made subject to the approval of the Administrator, may, in the discretion of the Code Authority, be submitted to the Administrator for approval and in any case shall be subject to the disapproval of the Administrator.

(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, except that a majority of the voting members shall be required for a quorum and a vote by a like number shall be required to make effective any formal action by the Code Authority. The Code Authority shall submit its bylaws and rules and regulations for procedure, administration, and enforcement 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 as soon as the necessary readjustments within the Industry can be made, reports based on periods of one, two, or four weeks, or multiples thereof, for use of the Code Authority and the Administrator in the administration

and enforcement of the Code, and for the information of the President, and to give assistance to members of the Industry in improving methods, or in prescribing a uniform system of accounting and reporting. All individual reports shall be kept confidential and only general summaries thereof may be published.

(c) 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.

(d) To secure an equitable and proportionate payment of the expenses of maintaining the Code Authority and its activities from those members of the Industry who accept the benefits of the activities of the Code Authority and indicate their desire to participate in this Code and their assent to the provisions thereof and to the payment of their reasonable share of the expenses of the administration of the Code as hereinafter set forth.

(e) In the event of dispute arising as to the rights under this Code, any member shall have the right to appeal to the Code Authority, and the decision of said Code Authority on said appeal shall be final, subject only to appeal to the President or his duly authorized representative.

SEC. 7. 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.

SEC. 8. Each member of the Industry participating in and sharing the benefits of the Code and assenting to liability for his share of the cost of administering same shall pay to the Code Authority or to the agent duly established by the Code Authority his reasonable share of the expenses of the Code administration, such reasonable share of said expenses to 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 just or 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 exercising reasonable diligence in the conduct of his duties hereunder, nor be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or nonfeasance.

## ARTICLE V

SECTION 1. Every employer shall use a cost-accounting system which will conform 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 subject to the approval of the Administrator. The Code Authority shall specify those items of cost determined pursuant to this Article hereof which shall be included in allowable cost.

SEC. 2. (a) No manufacturer of the Industry shall sell any product of the Industry at a price below his own individual cost. Provided,

that this shall not apply to merchandise vending machines sold, leased, or supplied by a manufacturer for the sole purpose of vending some commodity on which the manufacturer of the machine is to make a profit. Provided further, that any member of the Industry may meet the price competition of anyone whose costs under this Code provision are lower.

(b) Provided that obsolete patterns, discontinued models or surplus stock may be sold at such prices as are necessary to effect a sale subject to rules as established or modified from time to time by the Code Authority. All such proposed sales must be reported to the Code Authority prior to making the sale. Any sale made under this provision which is made for the purpose of evading paragraph (a) of this Section, is an unfair method of competition.

SEC. 3. No provision of this Code relating to prices and/or terms of selling, shipping, and/or marketing shall apply to export trade and/or to trade and/or to sales and/or shipments for export trade.

#### ARTICLE VI—TRADE PRACTICE RULES

For all purposes of the Code the following acts described in this Article shall constitute unfair practices, and 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) The intentional misrepresentation of the products sold, or the making, or causing or permitting to be made or published, of any false, misleading, or deceptive statements by way of advertisement, invoice, or otherwise, concerning the size, quantity, character, and nature of any coin operated machine or kindred products, bought or sold.

(b) Withholding from, or inserting in any invoice, words or figures which make or tend to make such invoice a false record, wholly or in part, of the transaction represented on the face thereof, and of the secret payment or allowances of rebates, refunds, credits, unearned discounts, whether in the form of money or otherwise.

(c) The making of, or causing or permitting to be made, any false or deceptive statements, either written or oral, concerning installations or sales previously made, or the claiming by any manufacturer that equipment actually supplied and installed by others was supplied and installed by him, or the making of any other misleading or deceptive statements.

(d) To imitate or simulate the trade mark, trade name, package, wrapper, or label of a competitor's product to such a degree as to deceive or have a tendency to deceive customers.

(e) Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and a customer during the term of such contract.

(f) The copying or imitation of the design or construction of a machine or device containing new or novel features or any material parts thereof, in which the owner or manufacturer has property rights, which can be protected by legal proceedings, by competitors

for their own use prior to the end of the year following that in which they were originated.

(g) Securing information from competitors concerning their businesses by false or misleading statements or representations, or by false impersonation of one in authority, and the wrongful use thereof to unduly hinder or stifle the competition of such competitors.

#### ARTICLE VII

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

#### ARTICLE VIII

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 the business which is a part of the Coin Operated Machine Manufacturing Industry.

#### ARTICLE IX

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

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

Approved Code No. 228.

Registry No. 1334-01.



Approved Code No. 229

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**VENETIAN BLIND INDUSTRY**

As Approved on January 24, 1934

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**VENETIAN BLIND INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Venetian Blind Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 24, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Venetian Blind Industry in the United States, as revised after the hearing conducted in Washington on November 27, 1933, in accordance with the provisions of the National Industrial Recovery Act.

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

This Code provides for a maximum work week of forty hours averaged over a period of twelve weeks and a maximum of forty-eight hours in any one week, except as follows:

(a) Office, accounting, and clerical employees who shall not be permitted to work in excess of forty hours averaged over a period of four weeks or forty-six hours in any one week;

(b) Engineers, firemen, and watchmen who shall be permitted to work not in excess of eighty-four hours in any two weeks;

(c) Managerial, executive, or supervisory employees receiving not less than \$35.00 per week and employees engaged in emergency maintenance and emergency repair work involving breakdowns or protection of life or property.

This Code establishes minimum rates of pay of thirty-five cents per hour for male employees and thirty-two and one-half cents an hour for female employees, regardless of whether the compensation is on a time-rate, piece-rate, or other basis; provided, however, that female employees performing substantially the same work as male employees shall receive the same rate of pay and that where women displace men they shall receive the same rate of earnings as the men they displace.

Provision is made for equitable adjustment of wages above the minimum and for overtime for all hours worked in excess of forty hours per week. No person under sixteen years of age shall be employed in this Industry and no person under eighteen years of age shall be employed in hazardous occupations.

#### ECONOMIC EFFECTS OF THE CODE

According to the statistical analysis of the Division of Research and Planning, the total sales of the products of this Industry have declined from \$3,000,000 in 1929 to \$1,100,000 estimated for 1933, a decrease of approximately sixty-three per cent.

Lack of accurate data as to wages and number of employees in the Industry prevents a forecast of the economic effect of the Code. However, the minimum wage rates and the maximum hour provisions established by this Code should increase the purchasing power of the employees of the Industry.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 24, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**VENETIAN BLIND INDUSTRY**

**ARTICLE I—PURPOSES**

To affect the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Venetian Blind Industry, and 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 "Venetian Blind Industry" or "industry" as used herein is defined to mean and include the manufacturing, and the selling, installing, repairing, and servicing by the manufacturers, of Venetian Blinds. The term "Venetian Blind" is defined as any covering for a window, skylight, transom, or glass door which is made up of slats spaced an equal distance apart, strung on tapes, and either fixed or capable of being raised, lowered, or tilted by means of cords or other devices, said product being designed to regulate and deflect sunlight without loss of ventilation.

SEC. 2. The term "member of the industry" includes any individual, partnership, association, corporation, or other person or form of enterprise engaged in the industry, either as an employer or on his own behalf.

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

SEC. 4. The term "Association" means the "National Venetian Blind Association."

SEC. 5. The term "Act" and "Administrator" as used herein shall mean, respectively, Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.

SEC. 6. Population for the purposes of this Code shall be determined by reference to the latest Federal census.

**ARTICLE III—HOURS**

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty (40) hours per week averaged over a period of twelve (12) weeks, or eight (8) hours in any day in such period

or forty-eight (48) hours in any week, except as herein otherwise specified, provided that all hours worked in excess of forty (40) hours in any week shall be compensated for at the rate of time and one half.

SEC. 2. *Hours for Clerical and Office Employees.*—No employee engaged in office, accounting and/or clerical work shall be permitted to work in excess of forty (40) hours per week averaged over a period of four (4) weeks, or forty-six (46) hours in any week or nine (9) hours in any day in such four (4) week period, provided that all hours in excess of forty (40) worked in any week shall be compensated for at the rate of time and one half.

SEC. 3. *Hours for Engineers, Firemen, and Watchmen.*—The provisions of Section 1 of the Article shall not apply to engineers, firemen, or watchmen employed at any employer's plant or plants who may be permitted to work not in excess of eighty-four (84) hours in any two (2) weeks, or in excess of forty-eight (48) hours in any one (1) week.

SEC. 4. *Exceptions as to Hours.*—The limitations provided in Sections 1 to 3 inclusive of this Article shall not apply to:

(a) persons employed in a managerial, executive or supervisory capacity who earn not less than thirty-five (\$35.00) dollars per week or to traveling salesmen; or to

(b) employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, provided that such employees shall receive time and one half for all hours worked in excess of forty (40) hours in any week or eight (8) hours in any one day.

SEC. 5. *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—WAGES

SECTION 1. *Minimum Wages.*—Except as herein otherwise provided, no male employee shall be paid less than at the rate of thirty-five cents (35¢) per hour and no female employee less than thirty-two and one half cents (32½¢) per hour. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees; and where they displace men, they shall receive the same rate of earnings as the men they displace. 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 and also in which women are exclusively employed.

SEC. 2. No clerical or office employee shall be paid in any pay period less than at the rate of fifteen (\$15.00) dollars per week in any city of 500,000 population or over, or in the immediate trade area of such city; or less than at the rate of 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; or less than

at the rate of fourteen (\$14.00) dollars per week in any city or town of 250,000 or less population.

SEC. 3. Office boys or office girls shall be paid not less than twelve (\$12.00) dollars per week; provided, however, that the total number of all such employees employed by any one employer shall not exceed in any calendar month five percent (5%) of the total number of all employees classified as clerical or office employees. Irrespective of this percentage each employer may retain at least one such office boy or girl.

SEC. 4. *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 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 State Authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons.

SEC. 5. *Piecework Compensation—Minimum Wages*.—This article establishes a minimum compensation which shall apply irrespective of whether an employee is actually compensated on a time-rate, piece-work, or other basis.

SEC. 6. *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. All such adjustments made shall be reported by the Code Authority to the Administrator for his approval within sixty (60) days from effective date of this Code. This provision shall be interpreted in the same manner that paragraph seven (7) of the President's Reemployment Agreement has been interpreted by the Administrator in Interpretations Nos. 1 and 20.

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 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 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 any persons employed in clerical or office work, who shall be paid at the end of pay periods not to exceed bimonthly periods.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor.*—No person under sixteen (16) years of age shall be employed in the Industry and 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 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 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 that:

(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.

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 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 for approval within six 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 more stringent requirements on employers as to the 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. An employee shall be paid at least his normal rate of pay for all time required to be spent at the place of employment or in connection with the discharge of duties of such employment.

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

ORGANIZATION AND CONSTITUTION

SECTION 1. 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 six (6) members, eligible under the provisions of Section 8 of this Article, five (5) of whom may be members of the Association and one (1) of whom shall be a nonmember of the Association, if any, all six (6) of whom shall be elected by majority vote of members of the Industry participating in the elections provided for in Section 3 of this Article.

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 a vacancy in the membership of the Code Authority, a special meeting of the members of the Industry for an election to fill the incomplete term of such member shall be called and held within thirty (30) days. Notice of the time and place of each election shall be sent by registered mail to all members of the Industry known to the Association, whether by virtue of registration as provided in Article XII hereof, or otherwise, 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.

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 without expense to the Industry 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. 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.

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 to the extent permitted by the Act:

(a) To execute 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. 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 the Association 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 Association 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 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.

SEC. 11. If the Administrator shall determine that any action of the Code Authority or any agency thereof is unfair or unjust 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 action and further consideration by the Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

## 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.*—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 in any way misrepresent any commodity (including its use, trade mark, grade, quality, quantity, origin, size, material content, or preparation) or credit terms, value, policies, services, or the nature or form of the business conducted.

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

*Rule 4.*—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, material content, or preparation of such commodity.

*Rule 5.*—No member of the Industry shall use advertising or make any other representation which refers inaccurately in any material particular to any competitors or their commodities, prices, values, credit terms, policies, or services.

*Rule 6.*—No member of the Industry shall sell below his cost, as determined by standard methods hereinafter provided in this Rule 6, except to meet the lower price of a competing member of the Industry whose costs are lower as determined by such standard methods. This Rule shall not be construed as granting an exception in any case to the procedure provided in Article VIII concerning publicity of prices, terms, and conditions of sale.

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, 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 conform to and 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.*—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.

*Rule 8.*—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 secretly extend to any customer any special service or privilege not extended to all customers of the same class.

*Rule 9.*—No member of the Industry shall ship commodities on consignment except under contract or bona fide orders.

*Rule 10.*—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.*—No member of the Industry shall knowingly 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.*—No member of the Industry shall repudiate a contract entered into in good faith when the purpose of such repudiation is to create for such member an unfair price advantage.

*Rule 13.*—No member of the Industry shall combine quotations for any product 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 the products of this Industry.

*Rule 14.*—No member of the Industry shall guarantee against price decline except as the same may be limited to the decline in his own prices, and such guarantee shall then apply only to goods contracted for but not delivered.

*Rule 15.*—No guarantee of products of the Industry shall cover damages for other than those due to defective material and workmanship and no such guarantee shall exceed ninety (90) days from date of delivery. This provision shall not supersede any implied warranties.

#### ARTICLE VIII—PUBLICITY OF PRICES, TERMS, AND CONDITIONS OF SALE

SECTION 1. Within fifteen (15) days after the effective date of this Code each member of the Industry shall publish his prices, terms, and conditions of sale on all standard products to his trade, such class of trade being furnished with the prices, terms, and conditions of sale affecting each such class of trade. Coincident with such publication, each member of the Industry shall file with the Code Authority, and the Code Authority shall immediately distribute to all

members of the Industry, a complete schedule of such prices, terms, and conditions of sale.

SEC. 2. In the event of any change by any member of the Industry in any price, term, or condition of sale, he shall file full and complete copies of every such change with the Code Authority within such periods as may have been designated by the Code Authority but not exceeding seven (7) days in advance of the effective date of any such change. Copies thereof shall be immediately distributed by the Code Authority to the members of the Industry. On the effective date of any such change, the Industry member shall publish the same to the trade concerned.

SEC. 3. 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, terms, and conditions of sale then in effect and published in the manner described herein, except that changes made to meet any competitive reductions may be made effective on or at any time after the date such competitive reductions become effective. Each member of the Industry shall have the right, individually, to publish new prices, terms, and conditions of sale, from time to time, as herein provided.

#### 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.

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 his approval. Any such application may be made by the Code Authority.

#### 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—REPORTS

In addition to the information required to be submitted to the Code Authority, members of the Industry shall furnish to the Administrator such statistical information as may be deemed 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 XII—REGISTRATION OF MEMBERS OF THE INDUSTRY**

Each member of the Industry shall, within thirty (30) days after 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—EFFECTIVE DATE**

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

Approved Code No. 229.  
Registry No. 1629-05.





Approved Code No. 230

**CODE OF FAIR COMPETITION**

FOR THE

**PAPER BAG MANUFACTURING INDUSTRY**

As Approved on January 26, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**PAPER BAG MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Paper Bag Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

**HUGH S. JOHNSON,**  
*Administrator for Industrial Recovery.*

Approval recommended:

**GEORGE L. BERRY,**  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 26, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Paper Bag Manufacturing Industry, conducted in Washington on November 2, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

#### HOURS AND WAGES

For factory workers, this Code provides a forty-hour week averaged over thirteen weeks, but not more than forty-eight hours in any one week, with overtime payment for hours worked in excess of eight per day. For office workers, the Code specifies a forty-hour week averaged over one year and an average of not more than forty-eight hours per week in any period of thirteen weeks. Slightly longer hours are permitted for additional nonproductive employees.

The minimum wage for factory workers in the Northern and Central zones are 38 and 35 cents per hour respectively for males, with a 5-cent differential for female workers in each case. In the Southern zone the minimum wage for this class is 30 cents for both men and women. Provision is made that men and women doing the same work shall receive the same pay. An exception is made of work which on July 15, 1929, paid less than the prescribed rates. In such cases the 1929 rate, or ninety percent of the basic Code rate, whichever is higher, is prescribed. The minimum wages of office workers range from \$12.00 to \$15.00 per week, as in the President's Reemployment Agreement.

This industry is closely allied with the Paper and Pulp Industry, and about 60 percent of the total production of bags is carried on in plants which manufacture their own paper. For this reason, this Code prescribes the same minimum wages and maximum hours as the Paper and Pulp Code. Provision is made that when a rehearing is held on the Paper and Pulp Code, as directed in your Executive Order of November 17, 1933, approving said Code, the wage and hour provisions of the Paper and Pulp Code, as determined after such rehearing, shall apply to this Industry.

#### OTHER CODE PROVISIONS

Nine divisions of this Industry are established under subordinate Codes. Provisions are made for an open price plan, for the filing of reports with the Administrator and for a cost accounting system which will equalize the differential in transportation costs between self-contained and converting mills. Trade practices are established for the Industry.

#### ECONOMIC EFFECT OF THE CODE

In 1929 the Paper Bag Manufacturing Industry employed about 3,600 workers. In May 1933 employment had increased to about

23 percent over the 1929 level as a result of increased production. Under the President's Reemployment Agreement, the total was raised 46 percent over the 1929 figure. The effect of the hour limitations of this Code will be to give employment to about 5 percent more workers, bringing the total for the industry to more than 6,000.

The increase in employment under the President's Reemployment Agreement has already brought about increases in pay rolls, so that the wage provisions of this Code will add only about 5 percent to present pay rolls. Compared with annual pay rolls as of April 1933, however, the increases under the Code will be about \$922,500 annually.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees, and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of Title I of the Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 26, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## PAPER BAG MANUFACTURING INDUSTRY

To effectuate the policy of Title I of the National Industrial Recovery Act, the following is hereby established as a Code of Fair Competition for the Paper Bag Manufacturing Industry and shall be binding on every member thereof.

### ARTICLE I—DEFINITIONS

The following words are used in this Code and in all Codes subordinate hereto with the meanings herein set forth:

*Industry.*—The manufacture of all pasted open mouth bags and sacks from paper, except shipping sacks as defined in the subordinate Code for the Paper Shipping Sack Division of the Paper and Pulp Industry approved November 17, 1933.

*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.

*Division.*—A division or section of the Industry recognized as such by this Code.

### ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. A Board consisting of the Chairman of the Executive Authority, of each division of the Industry as established by the respective divisional Codes pursuant to the provisions of Section 4 of Article III hereof, together with such members of the Executive Committee of the Paper Bag Manufacturers Institute as are not themselves Chairmen of such Executive Authorities, is hereby designated as the agency for administering this Code and is hereinafter referred to as the Code Authority. The Administrator may designate one or more persons members thereof without vote.

2. The said Institute and all divisional associations hereunder shall file with the Administrator certified copies of any amendments of their by-laws relating to eligibility or admission to membership in such Institute or divisional association, or relating to the method of selection of the members of their Executive Committees, and of the Executive Authority of each division, which such Institute or divisional Associations may hereafter adopt.

3. The Administrator may at any time prescribe a different method for selecting the Industry members of the Code Authority

and of the Executive Authority of each division, 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 and of the Executive Authority of each division 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 expense 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 the Industry who accept the benefit of the services of the Code Authority and/or of the Executive Authorities of any division of this Industry, 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 Industry is hereby divided into divisions as set forth in Schedule A hereto attached. Any question as to the division into which any particular grade, class, or kind of bags may fall, shall be determined by the Code Authority.

8. In the event that the jurisdiction of the Code shall be extended to cover the manufacture of products which do not fall within any such division, the Code Authority may create new divisions to include such products and the members of such divisions may then adopt and submit divisional Codes as provided in Article III hereof.

9. The Code Authority may create new divisions by the subdivision of any such divisions or by the consolidation of any two or more of such divisions, provided, however, that no such subdivision or consolidation shall be made without the consent of the divisional association of each division affected thereby.

10. In each division there may be one divisional association to which every member of the industry engaged in the manufacture of any product included in such division shall be eligible for membership.

### ARTICLE III—DIVISIONAL CODES

1. Each such divisional association may adopt a divisional Code and may either submit the same as a supplement to this Code or submit the same subsequently through the Code Authority to the President of the United States for his approval. Such divisional Codes, when so approved, shall have the same force and effect as to the divisions of the Industry affected thereby as this Code.

2. Such divisional Codes shall be subordinate to this Code and shall specifically recognize this Code as applicable to all members of the Industry engaged in manufacturing products falling within the division for which such divisional Code is submitted.

3. Pending action by the Code Authority, each division shall include such grades, classes, and kinds of bags as are generally recognized by custom as falling within the classifications indicated by the name of such division.

4. Each such divisional Code shall designate an agency for the purpose of administering such divisional Code which shall be denominated "The Executive Authority" of such division.

5. Such divisional Codes may contain such provisions relating to said division as may be appropriate for inclusion in a Code of Fair Competition under the Act, provided that no such Code shall contain any provision contrary to or inconsistent with the provisions of this Code.

#### ARTICLE IV—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 schedules:

##### 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, switching crews, engineers, firemen, and electric and hydroelectric operators:

One hundred and sixty-eight (168) hours in any period of four (4) consecutive weeks, but no 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 any such plant, mill, or factory:

An average of not more than 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; 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 regularly engaged in a supervisory capacity, receiving thirty-five (\$35) dollars or more per week, and outside salesmen:

No limitations.

(e) All other employees:

An average of forty (40) hours per week in any calendar year and an average of not to exceed forty-eight (48) hours per week in any period of thirteen (13) consecutive weeks.

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.

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. At such intervals as the Code Authority shall prescribe, every member shall furnish to the Code Authority such information as it may require, in order to enable it to determine whether the limitations contained in said Schedule have been exceeded.

## ARTICLE V—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 of the United States except the States named in subdivisions (b) and (c):

Male labor: thirty-eight (38) cents per hour.

Female labor: thirty-three (33) cents per hour.

(b) Central Zone, which shall consist of the States of Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, and North Carolina, and the District of Columbia:

Male labor: thirty-five (35) cents per hour.

Female labor: thirty (30) cents per hour.

(c) Southern Zone, which shall consist of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas:

Thirty (30) cents per hour.

Provided, however, that in case the rate per hour for any class of labor was, on July 15, 1929, less than the minimum rate above specified for the same class of labor, then the minimum rate for such class of labor shall be the rate paid on July 15, 1929, but in no event less than ninety (90) percent of the rate above specified.

2. The Code Authority shall obtain statistical data concerning the effect of the above proviso on wage rates in the Industry, and shall within ninety (90) days after the effective date of this Code make a report thereon to the Administrator.

3. Pieceworkers shall be paid at rates which will yield a worker for an hour's work not less than the minimum rates prescribed.

4. The minimum rates of wages for all other employees, except commission salesmen, shall be as follows:

Not less than \$15.00 per week in any city of over 500,000 population, nor less than \$14.50 per week in any city between 250,000 and 500,000 population, nor less than \$14.00 per week in any city between 2,500 and 250,000 population, nor less than \$12.00 per week in towns of less than 2,500 population.

5. 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.

6. 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.

## ARTICLE VI—GENERAL LABOR PROVISIONS

1. There shall be a rehearing by the Administrator on all of the provisions of Articles IV and V of this Code. Such hearing shall

be held at the same time and place, and on the same notice as the hearing for the purpose of determining the adequacy of the minimum wages established in the Code of Fair Competition for the Paper and Pulp Industry, directed to be held by the Executive Order approving said Code, dated November 17, 1933. In the event that any of the provisions of the said Paper and Pulp Code relating to wages and hours of labor shall be amended in accordance with recommendations made by the Administrator and approved by the President as provided in such Executive Order, then and in that event such amended provisions shall apply also to this Industry and this Code shall be deemed to have been amended so as to conform thereto and the Administrator may direct that this Code be reprinted and republished, as so amended.

2. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The 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.

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. 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.

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. 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 IV, V, and VI, 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 VII—ACCOUNTING AND SELLING

1. The Code Authority shall, as soon as practicable, prescribe a standard method of costing and accounting 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 within twenty-four (24) hours after the effective date of this Code, file with the Executive Authority of his division, in such form as such Executive Authority shall prescribe, complete lists or schedules of prices, terms, and conditions of sale (including all differentials, discounts, trade allowances, printing charges, and special charges) of all products offered for sale by such member, and shall so file all subsequent changes therein or revisions thereof. Each such schedule of prices shall conform to all trade practices and other provisions established in and by this Code or any subordinate Code applicable thereto or any amendment or supplement to this Code or to such subordinate Code.

3. All such lists or schedules of prices, terms, and conditions of sale and all changes therein or revisions thereof shall become effective immediately on filing.

4. The Executive Authority of any division which shall include the manufacture of made-to-order bags may suspend the provisions of Section 2 hereof as to any of such bags.

5. The Executive Authority of each division shall provide each member of its division with copies of all schedules so filed, and shall upon request furnish copies thereof at cost to nonmembers at the same time that they are sent to members.

6. No such schedule of prices and conditions of sale filed by any member, or in effect at any time in any calendar month, 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 two consecutive months, or two accounting periods of four weeks each, ending not less than thirty (30) days prior to the first day of such month, 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 prescribe with the approval of the Administrator.

(b) The lowest price filed for such product under the provisions of this Article by any other member and then in effect.

7. Each schedule filed under this Article shall state whether the prices and conditions therein specified are justified under subdivision (a) or under subdivision (b) of Section 6 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 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.

8. Except in fulfillment of bona fide contracts existing on the effective date of this Code, no member of the industry 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 schedule then on file, provided, however, that discontinued lines or damaged goods or seconds of any product may be disposed of in such manner and on such terms and conditions as the Executive Authority of the division into which such products fall may approve. Within ten (10) days after the effective date of this Code, each member shall file with the Executive Authority of the interested division complete details of all such bona fide contracts and this information shall be available to the Code Authority.

9. Any accounting or costing system which may be used for the purposes of this Article shall include as paper cost the current published delivered market price of bag paper, the member's individual conversion cost, and each division's transportation cost of shipping bags. The current published delivered market price of bag paper and each division's transportation cost of shipping bags shall be determined and made available to all members of such division at all times by the Code Authority. Such transportation cost shall be the total transportation charges chargeable against the shipments made by all members of a division during the preceding calendar quarter year, ending not less than thirty (30) days prior to the first day of the month in which such transportation cost shall apply, divided by the total number of tons of bags shipped by all members of such division during such period. The Executive Authority of any division with the approval of the Administrator may modify this paragraph as to such division.

10. The preceding Section hereof shall remain in force only for a period beginning with the effective date of this Code, and ending on the last day of the sixth calendar month thereafter, unless such period shall be extended by the Administrator. At any time during such period the Administrator, on thirty (30) days' notice to the Code Authority, may declare said Section void and of no effect. During such period, the members of the Industry shall furnish to a disinterested accountant, or other disinterested qualified person, to be selected by the Code Authority, such information as the Administrator may require regarding production costs, freight charges, and such other matters as the Administrator may specify. Such accountant, or other qualified person, shall be instructed by the Code

Authority to combine such information in such manner as the Administrator may require, and to submit the same on behalf of the Code Authority to the Administrator.

All information furnished in accordance with the provisions of this Section shall be confidential except as to the Administrator and his assistants, and no information furnished by one member shall be revealed to another, nor be published except in combination with other similar data and in such manner as to avoid the disclosure of confidential information.

11. Each member shall file with the Executive Authority of the interested divisions, the names of his Agents and Brokers at least one (1) week before such Agents and Brokers shall be entitled to the status of Agent or Broker. Each member shall be responsible for the activities of his Agents and Brokers pertaining to the sale of his products.

#### ARTICLE VIII—REPORTS AND STATISTICS

1. Each member shall prepare and file with the 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 except for the purpose of enforcing the provisions of this Code. 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.

#### ARTICLE IX—TRADE PRACTICES

No member shall:

- (a) Induce or attempt to induce the breach of a contract between a competitor and his customer.
- (b) Neglect to enforce in letter or in spirit, business obligations in the form of written contracts.
- (c) Imitate the trade marks or the trade names of a competitor.

(d) Defame a competitor by falsely implying to him inability to perform contracts or questionable credit standing, or by spreading false reports concerning his transactions with others.

(e) Falsely disparage the weight, substance, strength, grade or quality of a competitor's goods.

(f) Misrepresent his product.

(g) Make or permit his agent to make contracts which do not cover the quantity, price, and time for delivery, except that any division may modify this paragraph as applied to such division.

(h) Pay or allow secret rebates, refunds, credits, or unearned discounts, whether in the form of money, advertising allowances, or otherwise, or extend to certain purchasers special prices, concessions, or privileges not extended to all purchasers under like terms and conditions.

(i) 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.

(j) Allow a discount for cash payment of more than 2%.

(k) Pay or allow any Agent's or Broker's commission or discount or other consideration which would operate as a reduction of the member's published price to any buying syndicate or to any person other than an actual Agent or Broker as defined by the respective divisional Codes.

(l) Permit his Agent or Broker to vary from the published price schedule or schedules of such member.

(m) Exceed a tolerance of 5% beyond the schedule of basis weights which may be prescribed by the Code Authority and approved by the Administrator for any standard grade of bag in any division.

#### ARTICLE X—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 practices for the Industry and for the codification of its trade customs and the enforcement thereof.

Such recommendations, when approved by the Administrator, shall have the same force and effect as other provisions of this Code.

#### ARTICLE XI—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 hereof.

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. 230.  
Registry No. 401-1-01.

SCHEDULE "A"

DIVISIONS UNDER THIS CODE

Banana & Dry Cleaner or Garment Delivery Bag Division  
Coffee Bag Division  
Glassine Bag Division  
Grocery Bag Division  
Millinery & Notion Bag Division  
Moth Proof Paper Products Division  
Shopping Bag Division  
Window Face Bag Division  
Wholly or Semi-Hand Made Bag Division

(474)

## SUBORDINATE CODE OF FAIR COMPETITION FOR THE BANANA AND DRY CLEANER OR GARMENT DELIVERY BAG DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY

The following is hereby established as the Subordinate Code of Fair Competition of the Banana & Dry Cleaner or Garment Delivery Bag Division of the Paper Bag Manufacturing Industry.

### ARTICLE I—DEFINITIONS

Words used herein are hereby defined as follows:

1. *General Code*.—The general Code of the Paper Bag Manufacturing Industry.

2. *This Division*.—The Banana and Dry Cleaner or Garment Delivery Bag Division of such industry consisting of the manufacturers of bags as defined in Section 3 of Article III of the General Code.

3. *Executive Authority*.—The body created by Section 1 of Article III hereof. The definitions contained in Article I of the General Code apply also to this Code.

### ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to the provisions of Article III of the General Code.

2. The General Code is hereby recognized as binding in this Division and on all members of the industry included within this Division.

3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

### ARTICLE III—ADMINISTRATION

1. There shall forthwith be constituted an Executive Authority of this division consisting of persons to be selected by the members of such division in such manner and under such regulations as the Administrator may approve. In addition to membership as above provided, the member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.

2. The Executive Authority is charged generally with the administration of this Code and shall have such other powers and duties as are prescribed herein or in the General Code.

3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code and in obtaining from members within this Division such reports, statistics, and other data as the Code Authority may require.

4. Subject to restrictions and safeguards similar to those provided in Article VIII of the General Code, members shall furnish such additional information as may from time to time be required by the Executive Authority.

### ARTICLE IV—TRADE CUSTOMS

The Executive Authority shall formulate the recognized Trade Customs and Fair Trade Practices of this Division, and may from time to time submit any such Trade Customs or Fair Trade Practices through the Code Authority to the Administrator for approval, and the same when approved shall have the same force and effect as if incorporated in this Code.

### ARTICLE V—PRODUCTION

The Executive Authority shall, with a view to effectuating the policy of the Act, make studies and in its discretion formulate plans with a view to equalizing

production in this Division with demand for its products; and through the Code Authority may from time to time make recommendations in relation thereto, and may propose agreements or amendments to this Code designed to carry such recommendations into effect.

#### ARTICLE VI—EFFECTIVE DATE

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.

### SUBORDINATE CODE OF FAIR COMPETITION FOR THE COFFEE BAG DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY

The following is hereby established as the subordinate Code of Fair Competition of the Coffee Bag Division of the Paper Bag Manufacturing Industry.

#### ARTICLE I—DEFINITIONS

1. *General Code*.—The General Code of Fair Competition for the Paper Bag Manufacturing Industry.

2. *Division*.—The Coffee Bag Division of the Industry, which is the branch manufacturing Coffee Bags, as defined in Definition No. 5.

3. *Executive Authority*.—The body created by Article III, Section 1, hereof.

4. *Association*.—The Coffee Bag Manufacturers' Association.

5. *Coffee Bags*.—Standard sizes or special sizes of the following paper bags used as retail containers for coffee, tea, cocoa, rice, beans, etc., shall be considered as Coffee Bags:

Fancy and Kraft Duplex Coffee Bags.

Fancy and Kraft Unlined Coffee Bags.

Fancy and Kraft Triplex Coffee Bags.

Cellulose Triplex Coffee Bags.

Foil (or Aluminum) Lined Coffee Bags.

The definitions contained in Article I of the General Code apply also in this Code.

#### ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to the provisions of Article III of the General Code.

2. The General Code is hereby recognized as binding in this Division and on all members of the industry included within this Division.

3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

#### ARTICLE III—ADMINISTRATION

1. The members of the Executive Committee of the Coffee Bag Mfrs. Association, together with the member or members of the Code Authority designated by the Administrator, are hereby constituted the Executive Authority of this division. The member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.

2. The Executive Authority is charged generally with the administration of this Code and shall have such other powers and duties as are prescribed herein or in the General Code.

3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code, and in obtaining from members within this Division such reports, statistics, and other data as the Code Authority may require.

4. Subject to restrictions and safeguards similar to those provided in Article VIII of the General Code, members shall furnish such additional information as may from time to time be required by the Executive Authority.

## ARTICLE IV.—TRADE CUSTOMS

The Executive Authority shall formulate the recognized Trade Customs and Fair Trade Practices of this Division, and may from time to time submit any such Trade Customs or Fair Trade Practices through the Code Authority to the Administrator for approval, and the same when approved shall have the same force and effect as if incorporated in this Code.

## ARTICLE V—EFFECTIVE DATE

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.

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**SUBORDINATE CODE OF FAIR COMPETITION FOR THE GLASSINE BAG DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY**

The following is hereby established as the Subordinate Code of Fair Competition of the Glassine Bag Division of the Paper Bag Manufacturing Industry.

## ARTICLE I—DEFINITIONS

Words used herein are hereby defined as follows:

1. *General Code.*—The General Code of Fair Competition for the Paper Bag Manufacturing Industry.

2. *Division.*—The Glassine Bag Division of the Industry, which is the branch manufacturing Glassine Bags, as defined in Definition No. 5.

3. *Executive Authority.*—The body created by Article III, Section 1. hereof.

4. *Association.*—The Glassine Bag Association.

5. *Glassine Bags.*—Bags made from plain, embossed, or printed glassine paper or other allied specialty papers which have always been included in the Paper Schedule of the Glassine Bag Association, such as: bleached glassine, amber or unbleached glassine, yellow or colored glassine, Riegeline, Riegelite, waxed one side and waxed two sides Riegelite, Lucent, or Hammerzine, waxed Hammerzine, white dry wax, laminated glassine, pure white vegetable parchment (excluding lard bags), and other papers which may be added by the Executive Authority.

The definitions contained in Article I of the General Code apply also in this Code.

## ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to the provisions of Article III of the General Code.

2. The General Code is hereby recognized as binding in this Division and on all members of the industry included within this Division.

3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

## ARTICLE III—ADMINISTRATION

1. The members of the Executive Committee of the Glassine Bag Association, together with the member or members of the Code Authority designated by the Administrator, are hereby constituted the Executive Authority of this division. The member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.

2. The Executive Authority is charged generally with the administration of this Code and shall have such other powers and duties as are prescribed herein or in the General Code.

3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code, and in obtaining from members within this Division such reports, statistics, and other data as the Code Authority may require.

4. Subject to restrictions and safeguards similar to those provided in Article VIII of the General Code, members shall furnish such additional information as may from time to time be required by the Executive Authority.

#### ARTICLE IV—TRADE CUSTOMS

The Executive Authority shall formulate the recognized Trade Customs and Fair Trade Practices of this Division, and may from time to time submit any such Trade Customs or Fair Trade Practices through the Code Authority to the Administrator for approval, and the same when approved shall have the same force and effect as if incorporated in this Code.

#### ARTICLE V—EFFECTIVE DATE

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.

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### SUBORDINATE CODE OF FAIR COMPETITION FOR THE GROCERY BAG DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY

The following is hereby established as the Subordinate Code of Fair Competition of the Grocery Bag Division of the Paper Bag Manufacturing Industry.

#### ARTICLE I—DEFINITIONS

Words used herein are hereby defined as follows:

1. *General Code*.—The General Code of Fair Competition for the Paper Bag Manufacturing Industry.
2. *Code*.—The subordinate Code of Fair Competition for the Grocery Bag Division of the Paper Bag Manufacturing Industry.
3. *This Division*.—The Grocery Bag Division of such Industry comprising the manufacture of products as listed under "5" hereof.
4. *Executive Authority*.—The body created by Section 1 of Article III hereof.
5. *Grocery Bags*.—The following products manufactured by the members of this Division from Paper:

Grocery Bags, Nail Bags, Sugar Bags, Shot Bags, Standard Sacks, Poultry Sacks, Bundle Sacks.

The definitions contained in Article I of the General Code apply also to this Code.

#### ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to provisions of Article III of the General Code.
2. The General Code is hereby recognized as binding in this Division and on all members of the industry engaged in manufacturing products falling within this Division.
3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

#### ARTICLE III—ADMINISTRATION

1. There shall forthwith be constituted an Executive Authority of this division consisting of persons to be selected by the members of such division in such manner and under such regulations as the Administrator may approve. In addition to membership as above provided, the member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.
2. The Executive Authority is charged generally with the administration of this Code and shall have such other powers and duties as are prescribed herein, or in the General Code.

3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code and in obtaining from members within this Division such reports, statistics, and other data as the Code Authority may require.

4. Subject to the same restrictions and safeguards as provided in Article VIII of the General Code, members shall furnish such information and statistics as may, from time to time, be required by the Executive Authority.

#### ARTICLE IV—FAIR TRADE PRACTICES AND TRADE CUSTOMS

The Executive Authority of this Division shall confer with the members of the Industry in respect to the stabilization of the Industry and the elimination of unfair competitive practices and shall formulate the recognized fair trade practices and trade customs of this Division and shall, from time to time, submit fair trade practices, and any such trade customs through the Code Authority to the Administrator for approval, and the same, when approved, shall have the same force and effect as if incorporated in this Code.

#### ARTICLE V—EFFECTIVE DATE

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.

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### SUBORDINATE CODE OF FAIR COMPETITION FOR THE MILLINERY AND NOTION BAG DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY

The following is hereby established as the Subordinate Code of Fair Competition of the Millinery and Notion Bag Division of the Paper Bag Manufacturing Industry.

#### ARTICLE I—DEFINITIONS

Words used herein are hereby defined as follows:

1. *General Code*.—The general Code of the Paper Bag Manufacturing Industry.
2. *This Division*.—The Millinery and Notion Bag Division of such industry consisting of the manufacturers of bags as defined in Section 3 of Article III of the General Code.
3. *Executive Authority*.—The body created by Section 1 of Article III hereof. The definitions contained in Article I of the General Code apply also to this Code.

#### ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to the provisions of Article III of the General Code.
2. The General Code is hereby recognized as binding in this Division and on all members of the industry included within this Division.
3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

#### ARTICLE III—ADMINISTRATION

1. There shall forthwith be constituted an Executive Authority of this division consisting of persons to be selected by the members of such division in such manner and under such regulations as the Administrator may approve. In addition to membership as above provided, the member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.
2. The Executive Authority is charged generally with the administration of this Code and shall have such other powers and duties as are prescribed herein or in the General Code.
3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code and in obtaining from members within this

Division such reports, statistics, and other data as the Code Authority may require.

4. Subject to restrictions and safeguards similar to those provided in Article VIII of the General Code, members shall furnish such additional information as may from time to time be required by the Executive Authority.

#### ARTICLE IV—TRADE CUSTOMS

The Executive Authority shall formulate the recognized Trade Customs and Fair Trade Practices of this Division, and may from time to time submit any such Trade Customs or Fair Trade Practices through the Code Authority to the Administrator for approval, and the same when approved shall have the same force and effect as if incorporated in this Code.

#### ARTICLE V—EFFECTIVE DATE

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.

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### SUBORDINATE CODE OF FAIR COMPETITION FOR THE MOTH PROOF PAPER PRODUCTS DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY

The following is hereby established as the Subordinate Code of Fair Competition of the Moth Proof Paper Products Division of the Paper Bag Manufacturing Industry.

#### ARTICLE I—DEFINITIONS

Words used herein are hereby defined as follows:

1. *General Code*.—The General Code of the Paper Bag Manufacturing Industry.

2. *This Division*.—The Moth Proof Paper Products Division of such industry consisting of the manufacturers of bags and paper as defined in Section 3 of Article III of the General Code.

3. *Executive Authority*.—The body created by Section 1 of Article III hereof. The definitions contained in Article I of the General Code apply also to this Code.

#### ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to the provisions of Article III of the General Code.

2. The General Code is hereby recognized as binding in this Division and on all members of the industry included within this Division.

3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

#### ARTICLE III—ADMINISTRATION

1. There shall forthwith be constituted an Executive Authority of this division consisting of persons to be selected by the members of such division in such manner and under such regulations as the Administrator may approve. In addition to membership as above provided, the member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.

2. The Executive Authority is charged generally with the administration of this Code and shall have such other powers and duties as are prescribed herein or in the General Code.

3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code and in obtaining from members within this Division such reports, statistics, and other data as the Code Authority may require.

4. Subject to restrictions and safeguards similar to those provided in Article VIII of the General Code, members shall furnish such additional information as may from time to time be required by the Executive Authority.

#### ARTICLE IV—TRADE CUSTOMS

The Executive Authority shall formulate the recognized Trade Customs and Fair Trade Practices of this Division, and may from time to time submit any such Trade Customs or Fair Trade Practices through the Code Authority to the Administrator for approval, and the same when approved shall have the same force and effect as if incorporated in this Code.

#### ARTICLE V—EFFECTIVE DATE

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.

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### SUBORDINATE CODE OF FAIR COMPETITION FOR THE SHOPPING BAG DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY

The following is hereby established as the Subordinate Code of Fair Competition of the Shopping Bag Division of the Paper Bag Manufacturing Industry.

#### ARTICLE I—DEFINITIONS

Words used herein are hereby defined as follows:

1. *General Code*.—The general Code of the Paper Bag Manufacturing Industry.

2. *This Division*.—The Shopping Bag Division of such industry consisting of the manufacturers of bags as defined in Section 3 of Article III of the General Code.

3. *Executive Authority*.—The body created by Section 1 of Article III hereof.

The definitions contained in Article I of the General Code apply also to this Code.

#### ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to the provisions of Article III of the General Code.

2. The General Code is hereby recognized as binding in this Division and on all members of the industry included within this Division.

3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

#### ARTICLE III—ADMINISTRATION

1. There shall forthwith be constituted an Executive Authority of this division consisting of persons to be selected by the members of such division in such manner and under such regulations as the Administrator may approve. In addition to membership as above provided, the member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.

2. The Executive Authority is charged generally with the administration of this Code and shall have such other powers and duties as are prescribed herein or in the General Code.

3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code and in obtaining from members within this Division such reports, statistics, and other data as the Code Authority may require.

4. Subject to restrictions and safeguards similar to those provided in Article VIII of the General Code, members shall furnish such additional information as may from time to time be required by the Executive Authority.

## ARTICLE IV—TRADE CUSTOMS

The Executive Authority shall formulate the recognized Trade Customs and Fair Trade Practices of this Division, and may from time to time submit any such Trade Customs or Fair Trade Practices through the Code Authority to the Administrator for approval, and the same when approval shall have the same force and effect as if incorporated in this Code.

## ARTICLE V—PRODUCTION

The Executive Authority shall, with a view to effectuating the policy of the Act, make studies and in its discretion formulate plans with a view to equalizing production in this Division with demand for its products; and through the Code Authority may from time to time make recommendations in relation thereto, and may propose agreements or amendments to this Code designed to carry such recommendations into effect.

## ARTICLE VI—EFFECTIVE DATE

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.

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**SUBORDINATE CODE OF FAIR COMPETITION FOR THE WINDOW FACE BAG DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY**

The following is hereby established as the Subordinate Code of Fair Competition of the Window Face Bag Division of the Paper Bag Manufacturing Industry.

## ARTICLE I—DEFINITIONS

Words used herein are hereby defined as follows:

1. *General Code*.—The General Code of Fair Competition for the Paper Bag Manufacturing Industry.
2. *Division*.—The Window Face Bag Division of the Industry, which is the branch manufacturing Window Face Bags as defined in Definition No. 5.
3. *Executive Authority*.—The body created by Article III, Section 1, hereof.
4. *Association*.—The Window Face Bag Association.
5. *Window Face Bags*.—Bags composed in part of transparent material and in part of relatively opaque material, used as retail containers for many kinds of textiles, foods, novelties, etc.

The definitions contained in Article I of the General Code also apply in this Code.

## ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to the provisions of Article III of the General Code.
2. The General Code is hereby recognized as binding in this Division and on all members of the industry included within this Division.
3. In the event that any provision of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

## ARTICLE III—ADMINISTRATION

1. There shall forthwith be constituted an Executive Authority of this division consisting of persons to be selected by the members of such division in such manner and under such regulations as the Administrator may approve. In addition to membership as above provided, the member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.

2. The Executive Authority is charged generally with the administration of this Code and shall have such other powers and duties as are prescribed herein or in the General Code.

3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code, and in obtaining from members within this Division such reports, statistics, and other data as the Code Authority may require.

4. Subject to restrictions and safeguards similar to those provided in Article VIII of the General Code, members shall furnish such additional information as may from time to time be required by the Executive Authority.

#### ARTICLE IV—TRADE CUSTOMS

The Executive Authority shall formulate the recognized Trade Customs and Fair Trade Practices of this Division, and may from time to time submit any such Trade Customs or Fair Trade Practices through the Code Authority to the Administrator for approval, and the same when approved shall have the same force and effect as if incorporated in this Code.

#### ARTICLE V—EFFECTIVE DATE

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.

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### SUBORDINATE CODE OF FAIR COMPETITION FOR THE WHOLLY OR SEMI-HAND-MADE PAPER BAG MANUFACTURING DIVISION OF THE PAPER BAG MANUFACTURING INDUSTRY

The following is hereby established as the Subordinate Code of Fair Competition of the Wholly or Semi-Hand-Made Paper Bag Manufacturers Division of the Paper Bag Manufacturing Industry.

#### ARTICLE I—DEFINITIONS

Words used herein are defined as follows:

1. *General Code*.—The general Code of the Paper Bag Manufacturing Industry.

2. *This Division*.—The Wholly or Semi-Hand-Made Paper Bag Manufacturers Division of such industry as defined in Section 3 of Article III of the General Code.

3. *Executive Authority*.—The body created by Section 1 of Article III hereof.

The definitions contained in Article I of the General Code apply also to this Code.

#### ARTICLE II—SUBORDINATION

1. This Code is subordinate to the General Code and is submitted pursuant to the provisions of Article III of the General Code.

2. The General Code is hereby recognized as binding in this Division and on all members of the Industry included within this Division.

3. In the event that any provisions of this Code shall be found to be inconsistent with the provisions of the General Code, the provisions of the General Code shall prevail.

#### ARTICLE III—ADMINISTRATION

1. There shall forthwith be constituted an Executive Authority of this division consisting of persons to be selected by the members of the division in such manner and under such regulations as the Administrator may approve. In addition to membership as above provided, the member or members of the Code Authority designated by the Administrator shall be advisory members of such Executive Authority without vote.

2. The Executive Authority is charged with the Administration of this Code and shall have such other powers and duties as are prescribed herein or in the General Code.

3. The Executive Authority shall cooperate with and assist the Code Authority in administering the General Code and in obtaining from members within this Division such reports, statistics, and other data as the Code Authority may require.

#### ARTICLE IV—TRADE CUSTOMS

The Executive Authority shall formulate recognized Trade Customs and Fair Trade Practices of this Division, and may from time to time submit any such Trade Customs or Fair Trade Practices through the Code Authority to the Administrator for approval, and the same when approved shall have the same force and effect as if incorporated in this Code.

#### ARTICLE V—EFFECTIVE DATE

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. 231

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**SURGICAL DRESSINGS INDUSTRY**

As Approved on January 27, 1934

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**SURGICAL DRESSINGS INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Surgical Dressings Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved, provided, however, that continued participation of the Association of Surgical Dressings Manufacturers of the United States shall be contingent upon the amendment of the Constitution and By-Laws of such Association to the satisfaction of the Administrator on or before February 15, 1934.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.

*January 27, 1934.*

The PRESIDENT,  
*The White House.*

#### INTRODUCTION

SIR: This is the report of the Administrator on the application for, and public hearing on, a Code of Fair Competition for the Surgical Dressings Industry, as proposed by the Association of Surgical Dressings Manufacturers of the United States. The public hearing was conducted in Washington on November 2, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

There are fifteen known firms in this Industry, of which ten are members of the Association and account for 95% of all surgical dressings produced. The five nonmembers, representing 5% or less of the total production, are, with two possible exceptions, more closely identified with other industries.

#### DEFINITION

The definition of the Industry, as stated in Article II, Section 1, of the Code appended hereto, has been so drawn as to exclude the manufacture of gauze. Absorbent surgical gauze, from which a high percentage of surgical dressings derives, is the staple of this Industry; it is manufactured from a light-weight, open weave cloth, made from standard print-cloth yarns and woven on standard looms, known in the cotton mill business as "tobacco cloth." Only four of the members of the Surgical Dressings Industry are known to own or control mills for the production of gauze, and it was the contention of two of these manufacturers that the Surgical Dressings Industry should properly include the manufacture of gauze, now conducted under the Code of Fair Competition for the Cotton Textile Industry as approved by you on July 9, 1933. Whereas it is apparent that advantages might conceivably accrue to those who manufacture both gauze and surgical dressings, any such advantages would be more than counterbalanced by the disrupting effect on the cotton textile industry and might work a competitive hardship on those manufacturers of surgical dressings who have to seek the open market for their gauze requirements.

#### ECONOMIC AND STATISTICAL MATERIAL

Sales volume for the peak years of 1929 and 1930 is estimated at \$40,000,000 and employment at about 3,750. Whereas sales for 1933 will probably be in the vicinity of only \$25,000,000, employment at August 1, 1933 was approximately 4,000, an all-time high. Thus it would not appear that the Industry can reasonably be expected to do a great deal more in the direction of increased employment, al-

though there is room for improvement in the matter of increased purchasing power. In the first six months of 1933 average hours worked were in excess of forty and six of the members reported fifty hours or more. Rates of pay were as low as 20¢ per hour for unskilled female workers, although a weighted average would doubtless be very much more satisfactory.

In this connection, it is pertinent to remark that something like 75% of the total production of surgical dressings is in the hands of two manufacturers. This unusual concentration of production has had to be a constant consideration in respect of all provisions in this Code because what might seem eminently fair for the large concern would constitute an inequitable competitive disadvantage for the small.

#### RÉSUMÉ OF CODE PROVISIONS

The Code establishes 40 hours as the basic week for production and 32½¢ per hour as the minimum rate of pay. Owing in part to the application of the President's Reemployment Agreement, it is safe to say that a substantial part of the industry is already on a basis more favorable than that imposed by the Code provisions, but these provisions will, none the less, require a real contribution toward recovery from the balance of the industry and particularly from the small units, amounting in some cases to at least a 20% reduction in time and a 40% gain in wages. I believe that any more stringent limitations at the present time would endanger the existence of the smaller units and disrupt the competitive situation in the industry.

The Code is unique in that there are no trade practice regulations.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limi-

tation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 27, 1934.

CODE OF FAIR COMPETITION  
FOR THE  
SURGICAL DRESSINGS 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 Surgical Dressings 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 "Surgical Dressings Industry", hereinafter called "the Industry", as used herein, includes the manufacture of surgical cotton, adhesive and medicated plasters, and the conversion of unbleached gauze to absorbent surgical gauze, gauze bandages, gauze sponges and pads, and related gauze or gauze and cotton dressings and/or those products made of other absorbent materials, such as cellulose wadding, but does not include sanitary napkins and cleansing tissue.

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 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.

The term "Code Authority" as used herein means the body constituted by Article VI, Sections 1 and 2.

Population for the purpose of this Code shall be determined by reference to the 1930 Federal Census.

ARTICLE III—HOURS

1. No office employee, repair man, engineer, coal passer, electrician, or cleaner shall be permitted to work in excess of forty (40) hours per week averaged over a consecutive eight-week period and in no event in excess of forty-eight (48) hours in any one week, provided

that any such employee, with the exception of an office employee, shall be paid at one and one third times the normal rate for any time worked in excess of forty (40) hours in any one week.

2. No watchman shall be permitted to work in excess of fifty-six (56) hours per week averaged over a two weeks' period and in no event shall be permitted to work in excess of six days in any seven-day period.

3. No fireman shall be permitted to work in excess of forty-two (42) hours in any one week.

4. No other employee, except employees engaged in a managerial capacity, receiving at least thirty-five (\$35.00) dollars a week and outside salesmen shall be permitted to work in excess of forty (40) hours in any one week or ten (10) hours in any twenty-four-hour period.

5. The maximum hours fixed in the foregoing section shall not apply to any employee 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 third times his normal rate shall be paid for hours worked in excess of the maximum hours herein provided.

6. No employee shall be permitted to work more than twenty-four (24) days in any twenty-eight (28) day period.

7. In the event of an emergency due to war, epidemic, catastrophe, or Act of God wherein the public health is threatened, the stipulation regarding maximum hours of employment shall be temporarily suspended, and such suspension shall be forthwith reported to the Administrator.

#### ARTICLE IV—WAGES

1. No office employee shall be paid at less than 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; 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; nor less than fourteen (\$14.00) dollars per week in any City of less than 250,000 population, or in the immediate trade area of such City.

2. No other employee shall be paid at less than the rate of thirty-two and one half cents ( $32\frac{1}{2}\text{¢}$ ) per hour, except that a learner during a period of six weeks may be paid a rate of not less than eighty (80%) percent of the foregoing minimum rate provided, however, that such classification of learners shall not exceed five (5%) percent of the total number of employees of any employer.

No employee shall be classed as a learner who has worked for any employer in the Industry a total of eight (8) weeks within the preceding two (2) years.

3. 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.

4. Rates of pay in excess of the minimum established by this Code shall be adjusted so as to preserve equitable differentials between the various occupations in the Industry. A definite plan for the adjustment of those wages above the minimum herein prescribed shall be

presented to the Administrator for his approval within thirty (30) days of the effective date of this Code.

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

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on special 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.

7. No employee shall be dismissed by reason of making a complaint or giving evidence with respect to a violation of this Code.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. *Child Labor Provision.*—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 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. *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.

3. *Reclassification of Employees.*—Employers shall not reclassify employees or duties or occupations, or engage in any other subterfuge so as to defeat the purposes of the Act or of this Code.

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.

5. *State Laws.*—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 under this Code.

6. *Posting.*—Employers shall post in ten-point type or larger in conspicuous places readily accessible to the employees Articles III, IV, and V of this Code.

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

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

2. The Code Authority shall consist of not more than five individuals or such other number as may be approved from time to time by the Administrator, to be selected by the Industry as hereinafter set forth, and of such additional members without vote as the Administrator, in his discretion, may appoint to represent such groups or interests or such governmental agencies as he may designate.

The Code Authority members to be selected by the Industry shall be elected as follows:

Any member of the Industry who has qualified as provided in Section 5 of this Article shall be entitled to one vote in the nomination and election of the members of the Code Authority. The proponents of the Code shall arrange for such nomination and election within fourteen (14) days of the effective date of this Code. In the interim, the Code Committee of the Association of Surgical Dressings Manufacturers of the United States shall fulfill the functions of the Code Authority.\*

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.

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 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. 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 and to use the N.R.A. Insignia 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 ex-

\* See paragraph 2 of order approving this Code.

penses 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 exercising reasonable diligence in the conduct of his duties hereunder nor be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or nonfeasance.

7. *Powers and Duties.*—The Code Authority shall have the following duties and powers to the extent permitted by the Act:

(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 for use of the Code Authority, the Administrator and the President, at such time and in such manner as may be prescribed by the Code Authority, statistics covering number of employees, wage rates, employee earnings, hours of work, and such other data as may be required by the Administrator. All such individual reports and statistics shall be kept confidential as to members of the Industry, including such members serving on the Code Authority, and only general summaries thereof, prepared by a confidential agent chosen by the Code Authority, may be published.

(c) To receive complaints of violations of this Code, make investigations thereof, and bring to the attention of the Administrator recommendations and information relative to violations.

(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 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.

(e) To secure an equitable and proportionate payment of the expenses of maintaining the Code Authority and its activities from members of the Industry.

(f) To cooperate with the Administrator in regulating the use of the N.R.A. Insignia solely by those employers who have assented to, and are complying with, this Code.

(g) To initiate, consider, and make recommendations for the modification or amendment of this Code.

8. If the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust 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 action and further consideration by such code authority or agency pending final action, which shall be taken only upon approval by the Administrator.

9. *General Administrative Provision.*—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—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 VIII—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 IX—PRICE INCREASES

Whereas, the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed. But when made such increases should, so far as possible, be limited to actual additional increase in the seller's costs.

#### ARTICLE X—EFFECTIVE DATE

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

Approved Code No. 231.  
Registry No. 1628-06.



Approved Code No. 232

**CODE OF FAIR COMPETITION**

FOR THE

**MERCHANDISE WAREHOUSING TRADE**

As Approved on January 27, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**MERCHANDISE WAREHOUSING TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Merchandise Warehousing Trade, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the continued participation of the Merchandise Division of the American Warehousemen's Association shall be contingent upon the amendment of the constitution and bylaws of such association to the satisfaction of the Administrator on or before February 15, 1934.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,

*Division Administrator.*

WASHINGTON, D.C.,

*January 27, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report of the Hearing on the Code of Fair Competition for the Merchandising Warehousing Industry, conducted in the Willard Hotel, on October 27th, 1933. The Code which is attached was presented by duly qualified and authorized representatives of the Industry, complying with the statutory requirements, said to represent 80 percent of the space available for merchandise warehousing purposes.

#### THE INDUSTRY

The number of firms in this business aggregate 1,420. These firms utilize approximately 45,000,000 square feet out of a capacity of 75,000,000 square feet. Approximately 30,000 employees are affected by this Code.

It is estimated that employment of warehouse labor will be increased 14 percent by the establishment of the uniform 45 maximum hour week proposed by the Code. It is stated that the increase in weekly pay rolls under the proposed minimum wage will be 7 percent.

#### PROVISIONS OF THE CODE

The Code provides for a basic work week of 45 hours. The Code proposes wage rates with differentials established on the basis of size of city and region. The proposed minimum hourly wage rates vary from 27.5 to 40 cents. The minimum weekly wage rates proposed for clerical employees range from \$13.00 to \$15.00.

Under Article IV, Administration, the Code provides for a Code Authority of 12 members from the Trade and, at the discretion of the Administrator, three additional members from the government.

The Trade Practice Section of this Code is for the most part a codification of rules and regulations which have been well established by the association serving this Trade.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under

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

(b) Said Trade normally employs not more than 50,000 employees; and is not classified by me as a major Industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is a trade association truly representative of the aforesaid Trade; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 27, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**MERCHANDISE WAREHOUSING TRADE**

**ARTICLE I—PURPOSES**

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Merchandise Warehousing Trade, and shall be the standard of Fair Competition for such trade, and shall be binding upon every member thereof.

**ARTICLE II**

The term "Merchandise Warehousing Trade", or "Trade", as used herein, includes the furnishing, for a consideration, of warehousing services for goods, wares and/or merchandise, except:

- (a) Grain in bulk (grain elevators).
- (b) Used household goods and/or used personal effects (household goods warehouses, parcel rooms, and safe deposit vaults).
- (c) Used vehicles (public garages).
- (d) Such goods, wares, and/or merchandise as require for their preservation artificial refrigeration below 45 degrees Fahrenheit (cold-storage warehouse).
- (e) Warehousing services performed by those who are engaged in warehousing only agricultural commodities that are grown in their immediate area.
- (f) Such warehousing services as may be required by the Interstate Commerce Act to be furnished by common carriers.

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

The terms "employer", "warehouseman", or "merchandise warehouseman", as used herein include anyone by whom any such employee is compensated or employed.

The term "member of the Trade" includes anyone engaged in the Merchandise Warehousing Trade as above defined, either as an employer or on his own behalf.

The term "Code Authority" as used herein means the Merchandise Warehousing Trade Code Authority, as provided for in Article VI of this Code.

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.

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 be permitted to work in excess of forty-five (45) hours in any one week or eight (8) hours in any twenty-four (24) hour period, except as otherwise provided in this Article.

SEC. 2. The maximum hours fixed in the foregoing section shall not apply to: (a) Any employee in a managerial or executive capacity who receives more than thirty-five dollars (\$35.00) per week; (b) any employee on emergency work, but in any such special case one and one half (1½) times his hourly rate shall be paid for each hour worked in excess of eight (8) hours per day or forty-five (45) hours per week; (c) watchmen, who shall not be permitted to work in excess of fifty-four (54) hours in any one week or more than six (6) days in any consecutive seven (7) days.

### ARTICLE IV—WAGES

SECTION 1. (a) No warehouse labor shall be paid at less than the following hourly rates, regardless of whether an employee is compensated on a time rate, piecework or other basis:

*Regions (as established in Article VI)*

	In regions 3 and 7	In all other regions
In cities of more than 500,000 population.....	\$0.325	\$0.40
In cities of 50,000 to 500,000 population.....	.30	.375
In cities of less than 50,000 population.....	.275	.35

(b) No office or clerical employee shall be paid at less than the following weekly rates except office boys (16 to 18 years of age) who may be compensated at not less than 80% of that amount, provided that the total number of those so compensated shall not exceed 10% of the total number of office employees, with a minimum of one:

In cities of more than 500,000 population.....	\$15.00
In cities from 50,000 to 500,000 population.....	14.50
In cities of less than 50,000 population.....	13.50

(c) No office or clerical employee engaged on other than a weekly or longer employment basis shall be paid at less than forty (40) cents per hour in any of the Regions established in Article VI.

(d) No employee whose full-time weekly hours, as of July 1, 1933, are reduced, by reason of the provisions of Article III of this Code, by less than twenty percent (20%) shall have his full-time weekly earnings, as of July 1, 1933, reduced. No employee whose

full-time weekly hours, as of July 1, 1933, are reduced, by reason of the provisions of Article III of this Code, in excess of twenty per cent (20%) shall have his said earnings as of July 1, 1933, reduced by more than fifty per cent (50%) of the amount calculated by multiplying the reduction in hours by the Code hourly rate.

SEC. 2. Each member of the Trade shall, within thirty (30) days after the effective date of this Code, effect an equitable adjustment of all wages above the minimum herein prescribed.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. Each member of the Trade shall comply with the following requirements of the National Industrial Recovery Act:

(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 employer shall employ any person under sixteen (16) years of age.

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 than under this Code.

SEC. 4. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

SEC. 5. Each employer shall post in conspicuous places full copies of this Code.

## ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Merchandise Warehousing Trade Code Authority is hereby constituted 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 twelve (12) individuals from the Trade, ten (10) of whom shall be elected by members of the Trade and two of whom shall be the President and Vice President of the American Warehouseman's Association, Merchandise Division, or such other number as may be approved from time to time by the Administrator, to be elected as hereinafter provided, and of such additional members without vote, not to exceed three (3), as the Administrator, in his discretion, may appoint to represent such groups or governmental agencies as he may designate.

The Executive Committee of the American Warehousemen's Association, Merchandise Division, shall arrange for the nomination and election of the Trade members of the Code Authority to be completed not later than sixty (60) days after the effective date of this code. Due and timely notice of such election shall be given to all members of the Trade who have complied with the terms of Section 3 of this Article. Each such member of the Trade shall be entitled to one vote in person or by proxy in the nomination and election of the member of the Code Authority for his region. Nominations and election for each region shall be made in open meeting by plurality vote of the members of the Trade from the region.<sup>1</sup>

(b) The regions from which the ten (10) members of the Trade shall be elected are hereby established as follows:

*Region No. 1.*—Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

*Region No. 2.*—New York, Pennsylvania, New Jersey, Delaware, Maryland, and District of Columbia.

*Region No. 3.*—Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, and West Virginia.

*Region No. 4.*—Ohio, Indiana, Illinois, Wisconsin (excluding Superior), and Michigan.

*Region No. 5.*—Minnesota; Superior, Wisconsin; North Dakota; South Dakota; and Montana.

*Region No. 6.*—Missouri, Iowa, Nebraska, and Kansas.

*Region No. 7.*—Texas, Louisiana, Arkansas, Oklahoma, and New Mexico.

*Region No. 8.*—Colorado, Utah, and Wyoming.

*Region No. 9.*—Washington, Oregon, and Idaho.

*Region No. 10.*—California, Nevada, and Arizona.

The Chairman shall represent the territorial possessions of the United States.

(c) The President and Vice-President of the American Warehousemen's Association, Merchandise Division, shall be Chairman and Vice-Chairman respectively of the Code Authority. Pending election of the other members of the Code Authority as provided for in (a) of this Section, the President of the American Warehousemen's Association, Merchandise Division, shall appoint the other ten members of the Authority, with the approval of the majority of the members of the Executive Committee of the American Warehousemen's Association, Merchandise Division, and with due regard for representation of Warehousemen's Associations in each respective region.

The ten (10) members appointed from the Trade shall serve for not more than sixty (60) days from the effective date of this Code. The elected members shall serve for a period of one year. Election of such members shall be held annually.

(d) 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

<sup>1</sup> See paragraph 2 of order approving this Code.

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 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 other respects comply with the provisions of the Act, he may require an appropriate modification in the method of selection of the Code Authority.

(f) The Chairman, Vice Chairman, and Secretary of the Code Authority shall constitute the Administrative Committee, which shall exercise such authority and perform such duties as may be delegated to it by the Code Authority.

(g) The Treasurer of the American Warehousemen's Association, Merchandise Division, shall serve as the Treasurer of the Code Authority.

(h) The Executive Secretary of the American Warehousemen's Association, Merchandise Division, shall serve as the Secretary of the Code Authority.

SEC. 2. (a) The Code Authority shall have the following duties and powers to the extent permitted by the Act: to make such rules and regulations; procure such reports and other information; appoint such committees; and employ or designate such agents and delegate to them such duties and authority, as may be necessary.

(b) If the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust 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 action and further consideration by such code authority or agency pending final action, which shall be taken only upon approval by the Administrator.

(c) 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. 3. 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 formulation and administration. The Code Authority shall establish, assess and collect from each subscriber to this Code an initial annual fee, which shall become applicable and due upon the effective date of this Code, as follows: \$24.00, plus \$12.00 for each 10,000 square feet or fraction thereof, devoted to the conduct of the merchandise warehousing business as

defined in Article II, subject to a maximum annual fee of \$264.00 for any one merchandise warehouseman.

Due and timely notice shall be sent to every member of the Trade whose name can be ascertained after diligent search that the requirements of this section must be complied with before such member will be entitled to a vote in the nomination and election of his Trade member of the Code Authority.

Adjustments in the amount of fees may be made from time to time by the Code Authority, subject to review by the Administrator, on the basis of capacity, volume of business, and/or such other factors as may be equitable to be taken into consideration.

#### ARTICLE VII—CERTIFICATE OF PARTICIPATION

SECTION 1. Upon payment of the fee prescribed in Article VI, Section 3, each member of the Trade, shall receive from the Code Authority a Certificate of Participation, serially numbered, showing that he is a subscriber to this Code.

SEC. 2. Commencing thirty (30) days after the effective date of this Code, every warehouse receipt issued by each member of the Trade shall bear a notation showing his certificate number and reading: "Subscribed to Merchandise Warehousing Trade Code. Certificate No. —."

SEC. 3. To further the purposes of Title I of the Act, each member of the Trade may otherwise display similar evidence of his participation in this Code.

#### ARTICLE VIII—STANDARDIZATION OF WAREHOUSING TRADE PRACTICES

Each member of the Trade shall post in a conspicuous place, accessible to view, the following section:

SECTION 1. The following, the Standard Contract Terms and Conditions, are hereby made a part of this Code of Fair Competition:

"As adopted by unanimous vote by representatives of the shippers, bankers, railway men, and warehousemen at a general conference, April 30, 1926, at the Department of Commerce, Washington, D.C., and indorsed October 30, 1926, by the Department of Commerce.

SECTION 1. *Tender for Storage.*—(a) All goods for storage shall be delivered at the warehouse properly marked and packed for handling. The storer shall furnish, at or prior to such delivery, a manifest showing marks, brands, or sizes to be kept and accounted for separately, and the class of storage desired; otherwise the goods may be stored in bulk or assorted lots, in freezer, cooler, or general storage, at the discretion of the warehousemen, and will be charged for accordingly.

(b) The word "lot" as used herein means the unit or units of goods for which a separate account is to be kept by the warehouseman. Delivery of all or any units of a lot shall be made without subsequent sorting except by special arrangement and subject to a charge.

(c) The warehouseman undertakes to store and deliver goods only in the packages in which they are originally received.

**SEC. 2. *Storage period.***—(a) All goods are stored on a month-to-month basis, unless otherwise provided. A storage month shall extend from a date in one calendar month to, but not including, the same date of the next and all succeeding calendar months, but if there be no corresponding date in the next succeeding calendar month, it shall extend to and include the last day of that month. When the last day of a final storage month falls on Sunday or a legal holiday, the storage month shall be deemed to expire on the next succeeding business day.

(b) Except where other procedure is provided by the warehouse receipts act, the warehouseman may, upon written notice to the storer of record and to any other person known by the warehouseman to claim an interest in the goods, require the removal of any goods by the end of the next succeeding month. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified.

**SEC. 3. *Insurance, Storage Rates, Expiration, and Transfers.***—(a) All charges for storage are on a month-to-month basis unless otherwise provided. Charges for any particular lot shall begin at the receipt of the first unit of that particular lot in store and shall continue and include the storage month during which the last unit of the particular lot is delivered. Charges shall be made on the basis of the maximum number of units in any particular lot in store during a storage month. All charges for storage are due on the first day of a storage month, and all other charges are due when incurred.

(b) Instructions to transfer goods on the books of the warehouseman are not effective until delivered to and accepted by him, and all charges up to the time transfer is made are chargeable to the storer of record. If a transfer involves rehandling the goods, it will be subject to a charge.

(c) The warehouseman reserves the right to move, at his own expense of transfer, and upon notice sent by registered mail to the storer of record and to the last known holder of the negotiable warehouse receipt, any goods in storage from any room of the warehouse in which they may be stored to any other of his rooms or warehouses, but if such storer or holder takes delivery of his goods in lieu of transfer, no storage charges shall be made for the current storage month.

(d) When rates are quoted by weight, they will, unless otherwise specified, be computed on gross weight, and 2,000 pounds shall constitute a ton.

(e) Goods are not insured nor do storage rates include insurance unless so specified in writing. (Adopted with the understanding that in any State requiring insurance by statute the words "or required by statute" would be considered a part of the standard terms and conditions.)

**SEC. 4. *Handling.***—(a) Handling charges cover the ordinary labor and duties incidental to receiving goods at warehouse door, storing and delivering to warehouse door, but do not include unloading or loading of cars, vehicles, or vessels, unless so specified. Handling charges will be billed with the storage for the first month.

(b) Goods, at the request of a storer, received or delivered during other than usual business hours will be subject to an additional charge.

SEC. 5. *Car Loading and Unloading.*—(a) Charges for unloading or loading of cars include use of switch track, labor required to or from warehouse door, and billing of car.

(b) Dunnage and fastenings supplied by the warehouseman and used in loading out cars are chargeable to the storer.

(c) Any additional costs incurred by the warehouseman in unloading cars containing damaged goods are chargeable to the storer.

(d) The warehouseman, unless he has failed to exercise due care and diligence, shall not be responsible for demurrage, nor for delays in unloading inbound cars, nor for delays in obtaining cars for outbound shipments.

SEC. 6. *Delivery Requirements.*—(a) No goods shall be delivered or transferred except upon receipt by the warehouseman of complete instructions properly signed by the storer.

(b) When a negotiable receipt has been issued, no goods covered by that receipt shall be delivered or transferred on the books of the warehouseman unless the receipt, properly indorsed, is surrendered for cancellation or for indorsement of partial delivery thereon.

(c) When goods are ordered out, a reasonable time shall be given the warehouseman to carry out instructions; and if he is unable, due to causes beyond his control, to effect delivery before expiring storage dates, the goods will be subject to charges for another storage month; except when the warehouseman has given notice in accordance with the provisions of section 2 (b), or because of fire, acts of God, war, public enemies, seizure under legal process, strikes or lockouts, riots and civil commotions, if he is unable, due to causes beyond his control, to effect delivery before the expiring storage date, the goods shall be subject to storage charges only for that part of the month during which the goods remain in store.

SEC. 7. *Bonded Stores.*—A charge in addition to regular rates will be made for merchandise in bond.

SEC. 8. *Minimum Charges.*—A minimum charge will be assessed for storage, handling, and other services.

SEC. 9. *Extra Service* (a) Extra services in the interest of the storer, such as special warehouse space, material, drayage, repairing, coopering, sampling, weighing, repiling, inspection, physical warehouse checking, compiling stock statements, collections, revenue stamps, reporting marked weights or numbers, handling railroad expense bills, etc., are chargeable to the storer.

(b) Stock statements submitted in duplicate by the storer will be checked with the books of the warehouseman without charge.

(c) Shipping includes marking, tagging, billing, procuring, and forwarding bills of lading, and is chargeable to the storer.

(d) Freight and other disbursements made on behalf of the storer are due and payable on demand and subject to interest from date billed by the warehouseman.

(e) Storers, including holders of negotiable receipts, may, subject to insurance regulations and reasonable limitations, have access to their goods in store when accompanied by a warehouse employee whose time is chargeable to the storer.

SEC. 10. *Liability*.—(a) The responsibility of a warehouseman, in the absence of written provisions, is the reasonable care and diligence required by law.

(b) Perishable goods, or goods which are susceptible to damage through temperature changes or other causes incident to general storage, are accepted in general storage only at owner's risk for such damages as might result from general storage conditions.

SEC. 11. *Schedule of Charges*.—Whenever provision is made in these standard contract terms and conditions for a charge or charges by the warehouseman, such charge or charges will conform to the warehousemen's tariff in effect at the time the charge accrues or the service is performed, except that no increase in charges within the direct control of the warehouseman will be made on goods that are in storage without a 30-day notice mailed to the storer of record or the last-known holder of a negotiable warehouse receipt.

SEC. 12. (a) The Standard Contract Terms and Conditions designate each of the following as a separate and distinct warehousing service:

- Handling
- Storage
- Providing special warehouse space
- Supplying material
- Repairing or cooping
- Sampling
- Weighing
- Repling
- Inspection
- Special physical warehouse checking
- Compiling special stock statements
- Making collections of money in behalf of customer
- Furnishing revenue stamps
- Reporting marked weights or numbers
- Payment of freight charges in behalf of customer
- Shipping

(b) Other separate and distinct warehousing services are:

- Drayage
- Distribution of "pool" cars
- Providing office space
- Providing office service; special telephone service, invoicing for customers, etc.
- Providing extra labor

(c) Not to name an adequate and separate rate or charge for each of the services listed in subsection (a) of this Section 12 when making quotations, or not assess an adequate rate or charge (whether or not there is an existing rate or charge) for each of the services listed in subsections (a) and (b) of this Section 12 when performed, shall be deemed a violation of this code.

Such adequate rate or charge shall not be less than the lowest reasonable cost of the most efficient and lowest cost operator in the locality for the type of service for which the rate or charge is operative. Such reasonable cost shall comprehend fair and reasonable rates of pay to labor and include all other items of expense and overhead as determined by cost-accounting methods recognized in

the Trade and approved by the Code Authority, subject to the approval of the Administrator. Such reasonable cost may be approved or modified in conformity with the meaning of this Section by the Code Authority after due notice to and hearing for the members of the Trade in the locality, subject to review and modification by the Administrator.

#### ARTICLE IX—TARIFFS

Within thirty (30) days after the effective date of this Code, each member of the Trade shall publish, post in a conspicuous place open to public inspection, and file with the Code Authority a tariff containing all rates, charges, terms and conditions covering his warehousing families and services, which rates, charges, terms, or conditions shall not be changed except upon the publication, posting, and filing of a new or supplemental tariff, to become effective ten (10) days thereafter.

#### ARTICLE X—INFORMATION AND REPORTS

SECTION 1. Each member of Trade shall keep his records and books of account in such form as to facilitate furnishing the information that the Code Authority may require, subject to the approval of the Administrator.

SEC. 2. 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.

SEC. 3. Information determined by the Code Authority to be of a confidential nature shall be strictly treated as such by any member of the Code Authority to whose attention such information may come.

#### ARTICLE XI—UNFAIR TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Trade and are prohibited:

1. To describe the merchandise warehousing business, the method used, facilities furnished or services rendered, or to quote rates or charges, or to state terms or conditions, in a manner that is misrepresentative or that has a tendency or capacity to deceive customers or prospective customers as the true character thereof in any particular.

2. To offer or make confidential or secret rates, charges, terms, or conditions, or to offer or make in any manner or by any device whatever, more advantageous rates, charges, terms, or conditions, to certain favored customers or prospective customers than are offered or made to all customers or prospective customers.

3. To 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 service.

4. To subsidize directly or indirectly, or offer to subsidize, customers, or prospective customers, or those representing them, by

contributions or subsidies of money, services, or other gratuities or things of value in the form of rebates, special concessions, payment of claims for loss or damage known to be fraudulent, or in any form, for the purpose or with the effect of inducing them to patronize or deal, or contract to patronize or deal, with the donor or of causing them to refrain from patronizing or dealing, or contracting to patronize or deal, with the donor's competitors.

5. To issue or aid in issuing a warehouse receipt when the products for which such receipt is issued have not been actually received by, or are not under the actual control of, the one issuing such receipt at the time of the issuance thereof.

6. To issue or aid in issuing a negotiable warehouse receipt for stored products of which the one issuing such receipt is owner, either solely or jointly or in common with others, without stating in said receipt the fact of such ownership.

7. To deliver part or all of any lot of stored products for which a negotiable warehouse receipt, the negotiation of which would transfer the right to the possession of such products, has been issued and is outstanding and uncanceled, without obtaining the possession of such receipt, or taking up and canceling the same, or placing a statement plainly upon it of what products have been delivered, at or before the time of the delivery of such products, except where delivery thereof is made pursuant to an order of a court of competent jurisdiction or in compliance with a sale made to satisfy a lien thereon.

8. To issue fraudulently or aid in fraudulently issuing a warehouse receipt for stored products which contains any false statement.

9. To quote or charge a rate that is a departure from his tariff as provided in Article IX.

10. To use any subterfuge to evade any provisions of this Code, such as (but without limitation) renting or offering to rent warehouse space under such terms or conditions as would defeat the purposes of this Code.

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 provisions of the Act or of this Code.

## ARTICLE XII—MODIFICATION OF THIS CODE

SECTION 1. 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, 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. It is contemplated that certain specialized branches of the Trade, by reason of their peculiar characteristics, may require separate subdivisions of this Code, or subsidiary codes, and that

such subdivisions or subsidiary codes not inconsistent with the general provisions and intent of this Code may, with the approval of the Code Authority and of the Administrator, be made a part of this Code.

SEC. 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 Administrator.

#### 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, or to permit or encourage unfair competition.

#### ARTICLE XIV—EFFECTIVE DATE

This Code shall become effective on the fourteenth day after its approval by the President.

Approved Code No. 232.  
Registry No. 1715-01.





Approved Code No. 233

**CODE OF FAIR COMPETITION**

FOR THE

**RAILWAY BRASS CAR AND LOCOMOTIVE  
JOURNAL BEARINGS AND CASTINGS  
MANUFACTURING INDUSTRY**

As Approved on January 29, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**RAILWAY BRASS CAR AND LOCOMOTIVE  
JOURNAL BEARINGS AND CASTINGS  
MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Railway Brass Car and Locomotive Journal Bearings and Castings Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved, subject to the following condition:

(1) That the By-Laws of the Association of Manufacturers of Railway Brass Car and Locomotive Journal Bearings and Castings shall be changed in accordance with the report of the Legal Division dated December 20, 1933, within thirty (30) days of approval.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR.

*Division Administrator.*

WASHINGTON, D.C.,

*January 29, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition proposed for the Railway Brass Car and Locomotive Journal Bearings and Castings Manufacturing Industry, and on the hearing conducted thereon in Washington, D.C., on December 6, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### RÉSUMÉ OF LABOR PROVISIONS

The Code provides a normal work day of eight (8) hours for all employees and no employee shall work in excess of forty (40) hours per week, except that during peak production periods employees may work not to exceed forty-eight (48) hours per week for not more than four (4) weeks in any six (6) months' period. Time and one half shall be paid for work in excess of eight (8) hours per day or forty (40) hours per week.

No employee shall be paid less than at the rate of forty (40) cents per hour in the North and thirty-two (32) cents per hour in the South. These minimum wages shall apply to common labor; other classes of labor, including piece workers, shall be compensated at rates above these minima. Office employees shall be paid not less than fifteen dollars (\$15.00) per week, except that a limited number of office boys or girls may be paid not less than twelve dollars (\$12.00) per week.

There are no female production employees, and no person under eighteen (18) years of age may be employed in the Industry.

#### GENERAL STATEMENT

This Industry is engaged in the manufacture of brass and bronze steam and electric locomotive and railway car journal bearings and castings. It includes the relining of worn journal bearings and castings. The members of the Association of Manufacturers of Railway Brass Car and Locomotive Journal Bearings and Castings, the applicant group, manufacture ninety-seven percent (97%) of the products of the Industry which are sold to customers.

The following statistics indicate the magnitude and the condition of the Industry:

	1929	1932	August 1933
Invested capital.....	\$20,828,328	\$18,226,763	\$19,862,640
Sales.....	\$37,161,761	\$7,307,159	\$1,642,021
Sales..... tonnage.....	186,246,882	85,252,360	13,100,000
Number employees.....	2,609	1,672	2,100
Average monthly pay roll.....	\$312,490	\$159,344	\$215,816
Minimum wage, North.....	0.40	0.35	0.40
Minimum wage, South.....	0.25	0.20	0.30
Maximum hours.....	52	52	40

It is estimated that operations under the Code will effect an increase over the figures for 1932 of approximately twenty-three percent (23%) in the number of employees and of eighteen percent (18%) in the total pay rolls.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code, subject to the following condition:

(1) That the By-Laws of the Association of Manufacturers of Railway Brass Car and Locomotive Journal Bearings and Castings shall be changed in accordance with the report of the Legal Division dated December 20, 1933, within thirty (30) days of approval.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 29, 1934.

## CODE OF FAIR COMPETITION

FOR THE

# RAILWAY BRASS CAR AND LOCOMOTIVE JOURNAL BEARINGS AND CASTINGS 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 Railway Brass Car and Locomotive Journal Bearings and Castings 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

The term "Industry" as used herein means and includes the business of producing in the United States,

(1) Brass and/or bronze

(a) wearing metal castings

(b) steam metal castings

(c) journal bearings, lined or unlined

all for steam and electric railroad cars and locomotives (except as produced by a company engaged in building locomotives in plants where such locomotives are built, and except rough castings for street railways); the term shall include such related 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. The production of such castings consists principally of the conversion of scrap metals of the railroads' own accumulation supplied to the "members of the industry" for conversion into castings as above defined and the relining of wearing metal castings removed from service by the railroads and supplied to the "members of the industry" for that purpose.

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 word "Association" as hereinafter used, means the Association of Manufacturers of Railway Brass Car and Locomotive Journal Bearings and Castings, Room 721, 80 East Jackson Boulevard, Chicago, Illinois.\*

\* See section 1 of paragraph 2 of order approving this Code.

The term "Employee" as used herein, means and 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 by whom such employee is compensated or employed.

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

SECTION 1. *Maximum hours.*—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, except as herein otherwise provided. A normal work day shall not exceed eight (8) hours.

SEC. 2. 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 \$35.00 per week.

SEC. 3. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with any other employer or employers in the Industry, exceeds the maximum permitted herein.

SEC. 4. The maximum hours fixed in Section 1 of this Article shall not apply to any employee on emergency maintenance or emergency repair work involving break-downs or protection of life or property, but in any such special case, at least one and one half ( $1\frac{1}{2}$ ) times the regular rate shall be paid for hours worked in excess of the maximum provided in Section 1.

SEC. 5. The maximum hours fixed in Section 1 of this Article shall not apply for four (4) weeks in any twenty-six (26) weeks' period, during which overtime shall not exceed eight (8) hours in any one week. In any such special case, at least one and one half ( $1\frac{1}{2}$ ) times the regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period, or in excess of forty (40) hours in any seven (7) day period.

SEC. 6. Watchmen shall not be permitted to work in excess of fifty-six (56) hours per week.

SEC. 7. The maximum hours fixed in Section 1 of this Article shall not apply to melters, engineers, and firemen who may be permitted to work not in excess of one (1) hour per day above the maximum hours fixed in Section 1 of this Article, provided that at least one and one half ( $1\frac{1}{2}$ ) times the regular rate shall be paid for hours worked in excess of the maximum provided in Section 1.

### 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 in the North and thirty-two cents (32¢) per hour in the South, except as otherwise herein provided. These minimum wages shall apply to common labor; other classes of labor, including piece workers, shall

be compensated at rates above these minima. The South is defined to mean the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Arkansas, Mississippi, and Louisiana. In the States of Virginia, Texas, and Oklahoma the minimum rate shall be thirty-five cents (35¢) per hour. The North comprises all of the United States not named above.

SEC. 2. No person employed in clerical or office work shall be paid less than \$15.00 per week.

(a) Provided, however, that office boys or girls may be paid not less than 80% of such minimum wage, but the total number of such office boys or girls at such reduced rate shall not exceed in any calendar month five (5) percent of the total number of all employees covered by the provisions of Section 2 of this Article, provided that each such employer may employ one office boy or girl.

SEC. 3. 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. 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. Based upon changes in minimum pay necessitated by the foregoing paragraphs of this Article, each employer shall in each establishment make fair and equitable readjustment of all pay schedules. Members of the Industry shall report to the Code Authority, within ninety (90) days, all such readjustments whether made prior to or subsequent to the approval of this Code.

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. Each employer shall file with the Code Authority a list of all such persons employed by him.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under eighteen (18) years of age shall be employed in the Industry.

SEC. 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 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. 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. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment in accordance with State and/or Federal Regulations.

SEC. 5. 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.

SEC. 6. All employers shall post complete copies of this Code in conspicuous places accessible to all employees.

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

SECTION 1. *Organization.*—There shall forthwith be established a Code Authority consisting of five (5) members to be elected by the members of the Industry who assent to this Code, the method of election to be determined by the Code Committee of the Association, subject to the approval of the Administrator. In addition the Administrator may appoint not to exceed three (3) members to the Code Authority, without vote, who shall serve for terms of from six (6) months to one (1) year, and whose terms of appointment shall be so arranged that they do not expire at the same time.

The representatives appointed by the Administrator shall be given notice together with the Administrator and may sit at all meetings of the Code Authority.

SEC. 2. 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 subcode authority.

SEC. 3. 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 (30) 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.

SEC. 4. 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 exercising reasonable diligence in the conduct of his duties hereunder, nor be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or nonfeasance.

SEC. 5. Any action taken by the Code Authority relative to the administration of this Code, except where made subject to the approval of the Administrator, may, in the discretion of the Code Authority, be submitted to the Administrator for approval and shall in any case be subject to the disapproval of the Administrator.

SEC. 6. Each trade or industrial association, directly or indirectly participating in the selection or activities of the Code Authority, may 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.

SEC. 7. *Powers and Duties.*—The Code Authority shall have the following powers and duties in addition to those elsewhere provided in this Code.

(a) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(b) 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.

(c) 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; but in no event shall the Code Authority proceed to prosecute without notice to and approval by the Administrator.

(d) To use such trade groups and other agencies as it deems proper for the carrying out of any of its activities provided for herein, and to pay such trade groups 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 groups 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 cooperate with the Administrator in regulating the use of the NRA Code insignia solely by those employers who have assented to and are complying with this Code.

(g) To initiate, consider, and make recommendations for the modification or amendment of this Code.

#### ARTICLE VII—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 VIII—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 IX—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases, except such as may be required to meet individual cost, should be delayed. But when made, such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

#### 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 in Section 1 of the Act has ended.

#### ARTICLE XI—EFFECTIVE DATE

This Code shall become effective at 12:01 o'clock A.M. on the second Monday after its approval by the President.

Approved Code No. 233.

Registry No. 1414-03.

Approved Code No. 234

**CODE OF FAIR COMPETITION**

FOR THE

**MACARONI INDUSTRY**

As Approved on January 29, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**MACARONI INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Macaroni Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved, provided, however, that provisions thereof shall not become effective and they are hereby stayed for a period of 10 days in order to afford consideration of the objections of any interested parties, and at the expiration of which period the said Code shall become effective unless I shall by my further Order otherwise determine or extend such stay, and provided

further that the provisions of Section 6 of Articles VII, relating to open price schedules, are stayed and shall not become effective for 60 days after the date of approval hereof.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended: ·

WALTER WHITE,  
*Deputy Administrator,*

WASHINGTON, D.C.,  
*January 29, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Macaroni Industry, and on the public hearing held in Washington, D.C., on October 5, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### HOURS AND WAGES

All labor, clerical and otherwise, is placed on a basis of 40 hours per week and 8 hours per day, with an exemption for peak periods not to exceed eight weeks in any one calendar year, during which time 48 hours may be worked with a penalty of time and one third for all time worked in excess of 40 hours.

Maintenance men, engineers, firemen, mixers, kneadersmen, and dryers are placed on a 44-hour week since their normal duties require a somewhat longer day in order that the production of a plant run on an eight-hour basis.

Watchmen are limited to 56 hours, delivery men to 48 hours and the supervisory force is exempted in the cases of salaries above \$35.00 per week.

Office employees are placed on a \$16.00 per week basis with a differential of \$2.00 for office boys and messengers.

For plant labor there are three basing rates of pay which were recognized in the P.R.A., Substitution and whose presence in the code are deemed necessary for the protection of employees.

Female employees performing the same functions as males shall be paid under the male minimum for that classification.

Piecework and maintenance of fair differentials are dealt with in the usual manner.

No geographic wage differential is written into this Code, but specific permission is granted any regional group to submit data to the Code Authority showing competitive disadvantage. If the Code Authority, upon investigation, finds that the data submitted justifies a wage differential, the Code Authority may petition the Administrator for an adjustment.

#### ECONOMIC EFFECTS OF THE CODE

The Macaroni Industry is distributed over the entire country, centering largely in metropolitan districts. Individual units vary from small family establishments catering to local trade only to large up-to-date factories having a substantial output and competing through the channels of interstate commerce.

The gross volume of business was in excess of \$47,000,000.00 in 1929, dropped to \$36,225,000.00 in 1931, and probably will show a further decline when 1933 figures are available.

The principal ingredient of macaroni is flour used in three forms; namely, Semolina, Farina, and ordinary flour. All three are wholesome and permissible ingredients, but first quality macaroni is derived from Semolina, which is the purified middlings made from durum wheat, and does not command as wide a market as the other two forms of flour from which macaroni may be made. It is, therefore, of interest to observe that the standards of quality provided for in this Code will substantially increase the use of Semolina. These standards are deemed to be of value to the consumer in guaranteeing him a high quality product when sold under the name of macaroni and further protect the consumer by stringent label requirements. In addition, these quality standards will tend to stabilize the Industry, which has suffered from destructive price-cutting by members of the Industry engaged in distributing an inferior product under claims of equal quality with better merchandise.

The Code also contains a provision on destructive price-cutting which will tend to stabilize the Industry and enable it to support the wage scales which have been written into the Code.

The Code Authority will be selected by a method which is deemed to assure its representative nature, and its powers and duties have been limited to those generally accorded to Code Authorities under the policy of this Administration.

This Code was heard at a public hearing called by the Secretary of Agriculture. Under Executive Order of January 8, 1934, those provisions of the Code which were under jurisdiction of the Secretary of Agriculture pursuant to your Executive Order of June 26, 1933, were transferred to this Administration, whose representatives have made certain revisions in the Code, as is customary after public hearing. These changes are not in conflict with the testimony in the record of the public hearing, and have been assented to by the Industry. The representatives of the Agricultural Adjustment Administration, under whose jurisdiction all provisions of this Code, with the exception of labor provisions, were prepared and heard at public hearing, have endorsed these provisions in their present form with special reference to the standards of quality provided and the Fair Trade Practices.

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and

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

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For the above reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 29, 1934.

CODE OF FAIR COMPETITION  
FOR THE  
MACARONI INDUSTRY

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 Macaroni Industry, and its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. As used in this Code:

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

(b) The terms "Administrator" and "Act" as used herein mean respectively, the Administrator for Industrial Recovery and Title I of the National Industrial Recovery Act.

(c) The term "Person" means individual, partnership, corporation, association, and any other business unit.

(d) The term "Macaroni Industry" includes the manufacture and sale by manufacturers of macaroni products for use or consumption off the premises.

(e) The term "Employee" means any person engaged in the macaroni industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

(g) The term "Member of the Industry" or "Member" means any person engaged in the industry, either as an employer or on his own behalf.

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

(i) The term "Macaroni Products" means and includes all doughs which have as their base farina, semolina, flour, and/or other permitted ingredients, and which are pressed, rolled, cut, or stamped in various forms. Macaroni, spaghetti, vermicelli, and egg noodles are types of macaroni products.

(j) The term "Outside Salesmen" means persons engaged exclusively outside the shop and employed substantially all of their time in selling.

(k) The term "Distributor" means a wholesale dealer in macaroni products.

(l) The term "Code" means this Code of Fair Competition or as amended.

(m) The term "Bulk Goods" means macaroni products which are normally bought by retailers in original packages and distributed to consumers in smaller lots than the original package.

(n) The term "Package Goods" means macaroni products which are sold in original packages.

### ARTICLE III—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 interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in such 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. On and after the effective date of this Code, no person under 16 years of age shall work or be permitted to work in the Macaroni industry.

SEC. 5. No person under 18 years of age shall work or be permitted to work at operations and/or occupations deemed to be hazardous and/or detrimental to health. The Code Authority shall submit to the Administrator for approval before February 1, 1934, a list of such occupations.

SEC. 6. No provision in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

### ARTICLE IV—HOURS

SECTION 1. No employee shall work or be permitted to work in excess of forty hours in any one week, or more than eight hours in any one day, with the following exceptions:

(a) When seasonal demand places unforeseen burdens on productive capacity of a plant, employees may work up to but not in excess of forty-eight hours per week provided such periods do not total more than eight weeks in any one calendar year and providing further that at least time and one third is paid for all time worked over forty hours per week.

(b) Executive, supervisory, technical, and administrative employees, provided that they receive over thirty-five (\$35.00) dollars per week, and outside salesmen.

(c) Chauffeurs and delivery men, provided they are not employed more than forty-eight hours in any one week.

(d) Watchmen not performing any operating functions provided they are not employed more than fifty-six hours in any one week.

(e) Maintenance men, engineers, firemen, mixers, kneadermen, and dryers, provided they are not employed more than forty-four hours in any one week.

SEC. 2. The maximum hours fixed in Section 1 shall not apply to employees on emergency, maintenance, and repair work, but in any such special case at least time and one third shall be paid for hours worked in excess of the maximum hours, and reports shall be made monthly to the Code Authority stating number of hours so worked in excess of the maximum.

SEC. 3. No employer shall engage any employee for any time which when totalled with that performed with another employer or employers exceeds the maximum permitted herein for one day or one week.

## ARTICLE V—WAGES

SECTION 1. No clerical, accounting, or other office employee shall be paid at a rate of less than sixteen (\$16.00) dollars per week, except that office boys and messengers may be employed at a rate of not less than fourteen (\$14.00) dollars per week, provided that such office boys and/or messengers shall not constitute more than ten (10%) percent of all clerical and office employees, but each employer shall be entitled to one.

SEC. 2. Other employees shall be paid at not less than the following minima respectively:

(a) Mixers, kneadermen, press and dough-break operators shall receive not less than fifty-five (55¢) cents per hour.

(b) Other male employees shall receive not less than forty-five (45¢) cents per hour, except that—

1. Unskilled men, not to exceed ten (10%) percent of the total factory employees, employed in light occupations shall receive not less than thirty-five (35¢) cents per hour. It is provided, however, that any factory with ten or less employees may employ one unskilled man at the foregoing rate.

2. Watchmen not performing any operating function shall receive not less than thirty-five (35¢) cents per hour.

(c) Female employees shall receive not less than thirty-five (35¢) cents per hour, except that where female workers do substantially the same work or perform substantially the same duties as male employees, they shall be paid the same rate of pay as male employees are paid for doing such work or performing such duties.

SEC. 3. It is agreed that this Code establishes a minimum rate of pay regardless of whether the employee is compensated on the basis of time rate or piecework performance.

SEC. 4. It is agreed that equitable adjustments will be made in the cases of those employees now receiving more than the minimum, to maintain fair differentials now existing between employees. In no case shall hourly wages be reduced. It shall be the function of the Code Authority to supervise the observance of these provisions and to make recommendations to the Administrator for further provisions appropriate to carry out the purposes of this Section.

SEC. 5. Each employer shall post in a conspicuous place of easy and continuous access to employees, the labor provisions of this Code. The notice shall be printed in English and at least three notices shall be posted in any shop employing more than ten employees, and one in any smaller shop. Notices shall be posted in such other language as may be necessary to the understanding of all employees. All changes in the labor provisions of this Code shall be posted within one week after such changes have been incorporated.

SEC. 6. Any Regional Group (as provided in Article VIII) may submit data tending to prove that such Regional Group is placed at a competitive disadvantage with, or is subject to different economic conditions from those of other Regional Groups; and if the Code Authority decides, after investigation, that the facts submitted justify special labor provisions for that Group, the Code Authority shall petition and recommend to the Administrator that changes be made in the provisions for Labor in this Code, and upon his approval after such notice and hearing as he may specify, such new provisions shall become effective for that Regional Group.

SEC. 7. The provisions of this Code governing hours of labor, rates of pay, and other conditions of employment shall apply to employers and others, while performing the duties of employees.

SEC. 8. No employer shall change the method of payment of compensation of employees for the purpose of evading the provisions of this Code or by other subterfuge evade the provisions of this Code or of the Act.

## ARTICLE VI—ORGANIZATION AND CONSTITUTION

SECTION 1. For the purposes of administering this Code and effectuating the policies and purposes of the Act, there shall be forthwith established a Code Authority to be composed of nine persons who shall be elected by members of the industry. The number elected from the membership of the National Macaroni Manufacturers' Association shall bear the same relation to the members of the Code Authority that the production represented by the membership of the National Macaroni Manufacturers' Association bears to the total production of the members of the industry. At least one member of the Code Authority shall be a member of the industry whose annual production is less than the total annual production of the industry divided by the total number of members of the industry.

(a) The terms of office of the Code Authority shall be for one year beginning on July 1 of each year, except that the term of the first Code Authority shall begin on the effective date of this Code and expire on June 30, 1934.

(b) Vacancies caused by death, resignation, or otherwise shall be filled by the remaining members of the Code Authority with the approval of the Administrator.

SEC. 2. In addition to members as above provided, there may be two members, without vote, appointed by the Administrator to serve for a term of from six months to one year.

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, 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. 4. In order that the Code Authority shall at all times be truly representative of the macaroni 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 macaroni 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. 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. *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 macaroni 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 macaroni 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 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 obligation to furnish reports to any Government agent. All such reports shall be considered confidential and not to be disclosed to any other member of the macaroni 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 elect a representative to serve on any coordinating or advisory committee which may subsequently be established for the entire grocery manufacturing industry, and to cooperate with any such committee with respect to any functions that may be delegated to it by the Administrator.

(f) To secure from members of the macaroni industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities, and to incur expenses and to make disbursements of such moneys as may be necessary for the administration of this Code.

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the macaroni 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 macaroni industry in their relations to each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(i) Whenever the Code Authority has reason to believe that any person is violating any of the provisions of this Code, it may investigate whether such violation is occurring and may call upon members of the industry whose transactions are under investigation, to furnish sworn statements of the facts concerning any specific alleged violation. If necessary, after due investigation, and upon authority granted by the Administrator, the Code Authority may employ a Certified Public Accountant or an accountant having the equivalent in qualifications and ability of a Certified Public Accountant to examine, during usual business hours, the books and records of any members of the industry whose practices are under investigation. Instructions to the accountant, pursuant to authority granted by the Administrator, must specifically set forth the matter upon which report to the Code Authority is required, and specify that said accountant shall not reveal to the Code Authority or any person, any other matter disclosed by said examination. If, in the opinion of the Code Authority, the alleged violation exists and is not immediately corrected, the record of the case and all the accumulated evidence shall be sent to the Administrator with recommendations for prosecution under the Act.

(j) To require members of the industry to use accounting systems which shall conform to the principles of and are at least as detailed and complete as the standard and uniform method of accounting to be formulated by the Code Authority subject to the approval of the Administrator, with such variations therefrom as may be required by the individual conditions affecting any member of the industry as may be approved by the Code Authority.

(k) To establish proper facilities including laboratory facilities for the enforcement of this Code, which shall be placed at the disposal of the Administrator at all times.

## ARTICLE VII—UNFAIR METHODS OF COMPETITION

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

SECTION 1. *False Advertising.*—To publish or disseminate in any manner any false advertisement of any macaroni product. An advertisement shall be deemed to be false if it is untrue in any particular.

SEC. 2. *Misbranding.*—To sell or otherwise introduce into commerce any macaroni product that is misbranded. A macaroni product shall be deemed to be misbranded if it fails to conform to the following standards and requirements:

(a) *Standards of Identity.*—If it purports to be or is represented as a macaroni product for which a definition of identity has been prescribed by this Code and fails to comply therewith.

(b) *Standards of Quality.*—If it purports to be or is represented as a macaroni product for which standards of quality have been prescribed by this Code, and (1) fails to state on the label, if so required by the regulations prescribed by this Code, its standard of quality in terms as such regulations specify, or (2) falls below the standard stated on the label.

(c) *Label Requirements.*—1. If in package form including the original bulk goods package, and it fails to bear a label containing (1a) the net weight of the contents of the package, (1b) the name of the product (macaroni, spaghetti, etc.), (1c) the name and address of the manufacturer or distributor, and in the event the manufacturer is not the distributor, an appropriate identifying mark of the manufacturer shall appear on the shipping container.

2. Commencing on the effective date of this Code, except as provided in Article VII, Section 3 (c), if its label fails to bear a true statement of the names of the farinaceous ingredients used in order of predominance by weight.

3. If any word, statement, or other information required on the label to avoid misbranding under any provision of this section, is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily intelligible to the purchasers and users of such articles under customary conditions of purchase and use.

SEC. 3. *Standards.*—To manufacture or sell, or otherwise introduce into commerce any macaroni product in violation of the provisions that:

(a) Macaroni products made from semolina, or durum wheat flour containing more than 0.75% ash, exclusive of salt, shall bear a statement on the principal label as follows: "This product is below standard but not illegal."

(b) Macaroni products made from farina or hard wheat flour other than durum containing more than 0.48% ash, exclusive of salt, shall bear a statement on the principal label as follows: "This product is below standard but not illegal."

(c) Macaroni products except water noodles or noodles (egg noodles) made from semolina, farina, flour, or mixtures thereof, shall bear a true statement of the names of the farinaceous ingredients used, except that all labels, wrappers, cartons, or other printed packaging materials on hand or in stock on the effective date of this Code will be exempt from this provision, provided that the manufacturer files with the Code Authority within ten (10) days from the effective date a complete certified inventory of such supplies, with subsequent inventories every sixty (60) days; and further provided that such labels, wrappers, cartons, or other printed packaging materials do not bear statements which are false or misleading; and further provided that the names of the farinaceous ingredients appear on the shipping containers.

(d) Macaroni products in the form of noodles shall contain not less than 5.5 percent of egg or egg yolk solids by weight on a dry basis.

(e) No macaroni product shall contain any added ingredients except as specified under the standards, provided, however, that no wholesome food ingredient is excluded, if its presence is declared on the label in such manner as may be prescribed by the Code Authority.

(f) Macaroni products shall not be packed for sale in colored wrappers or containers which give the product the appearance of containing more egg yolk solids than are present in the product.

(g) No artificial color or any other substance shall be used which imparts to a macaroni product a shade of yellow color which makes the product appear to contain more egg yolk solids than are present in such product.

SEC. 4. The submission to the Code Authority of false or misleading reports or representations by a member of the industry or his representatives, with knowledge that such reports are false, misleading, or a misrepresentation, with respect to hours of labor, employment conditions, wages paid, raw materials used, capacity, production, sales, orders, or shipments, or any other information needed to accomplish the objectives of the Code, except that nothing in this paragraph shall require any member of the industry to disclose any trade secret or formulae or process except as required by the Pure Food Laws. Nothing herein shall be construed to prevent the Administrator, or his official representatives from securing any information which may be necessary to the investigation of a specified alleged violation of this Code. Such information to be kept confidential by the Administrator or his representatives, except where it may be necessary to disclose such information in the prosecution of an alleged offender.

SEC. 5. *Sales Below Cost.*—No member of the industry shall sell below a fair and reasonable cost, except that any member may sell below his individual cost to meet the price of a competitor which is not in violation of this Code. If, in the opinion of the Code Authority, any price list indicates sales below such cost which would prevent in this industry the effectuation of the declared policy of the Act, the Code Authority shall so notify the member whose price list is under investigation. If, after due notice and hearing in such manner as the Code Authority may prescribe, the Code Authority shall find that any such member has engaged in selling below a fair and

reasonable cost, it shall notify the Administrator, who shall approve or disapprove such finding.

(a) For the determination of the above clause, the elements of cost which enter into the determination of a fair and reasonable cost shall forthwith be developed by the Code Authority for the approval of the Administrator, and when approved by the Administrator, shall be made known to all members of the Industry. Provided, however, that until such time as the fair and reasonable cost basis is approved and made known to the members, any sales made at prices filed to conform with the open price provisions of this Code shall not be declared in violation of this Code except that nothing herein shall deprive the Administrator of the right at any time to order withdrawal of any price which he shall decide is below a fair and reasonable cost.

SEC. 6. *Open Prices.*—No member of the industry shall sell any macaroni product to a trade buyer except on the basis of an open price which is strictly adhered to, while effective. The term "open price" as used in this section means a price list which declares all of the member's prevailing prices, allowances, and terms of sale for his macaroni products.

(a) Each member of the industry shall file his price list with the Code Authority within ten (10) days after the effective date of this Code, and any member desiring to change his price list shall file a revised price list with the Code Authority which shall become effective not less than five (5) days after and exclusive of the date of filing thereof, Sundays and holidays excluded.

(b) Price lists shall be available to all members of the industry, to the Administrator, and to all trade buyers in the same competitive market. The term "trade buyer" as used herein means any commercial buyer as distinguished from an ultimate consumer buyer.

(c) The Code Authority shall not veto nor modify any price list.

(d) No member of the industry shall make any direct or indirect price concession to a trade buyer. The term "direct or indirect price concession" means any variation from the member's open price, whether by means of rebate, allowance, payment, free deal, gift, or by any other means whatsoever.

(e) No member of the industry shall knowingly permit his agent or sales representative to make a price concession prohibited by this section, whether by gift or allowance of any part of his compensation, or by any other means whatsoever.

(f) No member of the industry shall offer or make a quantity price unless it is based upon and reasonably measured by a substantial difference in the quantity sold and delivered.

(g) No member of the industry shall allow a discount for cash which is not earned by payment in accordance with the cash discount terms specified in his open price list.<sup>1</sup>

SEC. 7. *Unearned Service Payment.*—No member of the industry shall pay a trade buyer for a special advertising or other distribution service by such buyer (a) except in pursuance of a written contract made in good faith and explicitly defining the service to be rendered and the payment for it; and (b) unless such service is rendered and

<sup>1</sup> See paragraph 2 of order approving this Code.

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 to all competitive trade buyers who are members of the same distribution class as to service required from the seller and/or rendered by the trade buyer; and (e) unless a copy of each such contract is retained on file for a period of one year. In order to investigate an alleged violation of this Code, the Administrator may require a member of the industry to report any such contract made by him and/or to produce a copy thereof for inspection.

SEC. 8. *Prizes and Premiums.*—No member of the industry shall offer any prize or premiums or gift in pursuance of a plan which involves fraud or deception or lottery, or which is an indirect price concession.

SEC. 9. *Credit for Spoils.*—Giving credit for spoiled bulk macaroni products after thirty (30) days from date of shipment.

SEC. 10. *Shipping on Consignment.*—No member shall ship macaroni products to any customer, dealer, or agent of a customer, upon consignment.

SEC. 11. *Unfair Substitution.*—No member of the industry shall substitute without due notice and consent of a trade buyer another product for that ordered from him.

SEC. 12. *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.

SEC. 13. *Interference with Competitor's Business.*—No member of the industry shall interfere with a competitor's business, by uttering false statements about his business or by disparaging his business or products or by inducing a breach of his contracts.

SEC. 14. *Imitation.*—No member of the industry shall imitate 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, and the tendency to injuriously affect the business of such competitors.

SEC. 15. *Unsanitary Conditions.*—No member of the industry shall keep his plant or premises in an unsanitary condition in violation of local ordinances, State laws, or Federal regulations.

SEC. 16. *Violence, Intimidation or Unlawful Coercion.*—(a) Any use of violence to persons or property, intimidation, or unlawful coercion, by a member of the industry against a member of the industry.

(b) Any threat by a member of the industry to use such violence, intimidation, or unlawful coercion.

(c) Any conspiracy among members of the industry, or among members of the industry and others, to use or to threaten to use such violence, intimidation, or unlawful coercion.

(d) Any combining or cooperating by a member of the industry with any one who is using or threatening to use such violence, intimidation, or coercion.

SEC. 17. *Coordination with Other Codes.*—The Macaroni Industry, recognizing the value of uniform basic trade practice provisions for all food and grocery manufacturing codes, pledges cooperation in securing the amendment of any trade practice provisions in this Code which may be in conflict with trade practice provisions approved by the President or suggested by the Administrator for the entire food and grocery manufacturing industry.

#### ARTICLE VIII—REGIONAL GROUPS

SECTION 1. As soon as is practicable after this Code becomes effective, the Code Authority may divide the United States into geographical subdivisions for administrative purposes, to be known as "Regional Groups", such regional groups to be defined and organized according to a plan to be submitted to the Administrator and subject to the approval of the Administrator.

#### 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.

(a) Nothing in this section shall be construed to deprive any member of the industry of his rights to petition the Administrator with regard to amendments or any other matter, provided such petition is first submitted to the Code Authority and is not forwarded to the Administrator by it.

(b) Whenever any dispute may arise under this Code as to the construction and meaning of any portion thereof, the Code Authority may issue such interpretations as may be necessary to effectuate the operation of and compliance with the policy of the Act, subject at all times to the approval of the Administrator and after approval by Administrator such interpretation shall have the same force and effect as if it were a provision of the Code.

## 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—EFFECTIVE DATE

SECTION 1. This Code shall become effective on the date specified in Order of Approval.

Approved Code No. 234.

Registry No. 129-01.





Approved Code No. 235

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**TEXTILE PROCESSING INDUSTRY**

As Approved on January 30, 1934

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**ORDER**

**Approving Code of Fair Competition**

**FOR THE**  
**TEXTILE PROCESSING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Textile Processing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

**HUGH S. JOHNSON,**  
*Administrator for Industrial Recovery.*

Approval Recommended:

**A. D. WHITESIDE,**  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 30, 1934.*

The PRESIDENT,  
*The White House.*

SIR:

#### INTRODUCTION

This is a report on the hearing of the Code of Fair Competition for the Textile Processing Industry.

The hearing was conducted in accordance with the provisions of the National Industrial Recovery Act, in the Rose Room of the Washington Hotel in Washington, D.C., on November 15, 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 83.6 percent of the industry.

#### EVIDENCE SUBMITTED

The industry consists of 208 firms with an invested capital of approximately \$31,750,000. The volume of business for 1932 was \$25,000,000 as compared with an average for the past five years of approximately \$39,000,000. It is estimated that the pay roll for 1932 was \$8,800,000 compared with an average pay roll of \$13,000,000 for the past five years. There were 7,758 employees on the pay roll on May 1, 1933. The estimated average number of employees during 1929 was 10,458. The industry is made up of a large number of small concerns and not dominated by a few outstanding establishments.

#### RÉSUMÉ OF PROVISIONS OF THE CODE

The Code provides for a minimum wage of \$13.00 per week for forty hours of labor for employees for cotton and rayon yarn processing and \$14.00 for 40 hours of labor for all other processing. For employees in the South the minimum rate of pay may be lower than the above by not to exceed two and one half cents per hour. With respect to commission dyeing and/or finishing of hosiery provision is made that the minimum wage for 40 hours of labor for each class of worker shall be that provided in this Code, or that provided in Sections 1 and 2 of Article V of the Code of Fair Competition for the Hosiery Industry, whichever, in any case, may be higher. Certain employees receiving \$35.00 or more per week are excepted from the maximum of forty hours per week. Watchmen are limited to 56 hours per week. Provisions have been made to prevent the reduction of wages for the shorter weeks.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of inter-state and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**TEXTILE PROCESSING INDUSTRY**

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 Textile Processing Industry and shall be binding upon every member thereof.

**ARTICLE I—DEFINITIONS**

1. The term "Textile Processing Industry" or "Industry" as used herein means and includes the following:

(a) The commission bleaching and/or dyeing of cotton and wool raw stock and worsted tops;

(b) The commission scouring, dyeing, bleaching, and/or other processing of yarns made of wool and/or other animal fibres (not including silk), wool, and/or other animal fibres (not including silk) in combination with other fibres, cotton, rayon, and/or other synthetic fibres or combinations thereof; but shall not include the commission scouring, dyeing, bleaching, and/or other processing of yarns made of rayon and/or other synthetic fibres or combinations thereof by persons who are members of the Institute of Dyers and Printers, but such persons, as to such rayon yarn processing, shall be governed as to competitive practices by any code of fair practice to be approved for this industry;

(c) The commission dyeing and/or finishing of knitted textile fabrics;

(d) The commission dyeing and/or finishing of hosiery; provided, however, that any member of the Industry engaged in such dyeing and/or finishing of hosiery, whether for his own account or for the account of another, shall also be governed by Article VIII of the Code of Fair Competition for the Hosiery Industry as to the merchandising and/or marking of hosiery;

(e) The commission mercerizing of cotton yarns;

(f) The commission winding, warping, slashing, and/or beaming of yarns made of cotton, wool, rayon, and/or other synthetic fibres or combinations thereof;

(g) The commission dyeing and/or finishing of woolen and/or worsted woven fabrics;

(h) The commission glazing of cotton yarns and/or sewing thread and/or twine;

(i) The novelty or fancy twisting of yarns of two or more ends made of wool and/or other animal fibres, rayon, and/or other synthetic fibres, and/or combinations thereof with other yarns, pro-

duced on twisting frames having two or more lines of controlled rollers, including the primary distribution thereof; but shall not include such novelty or fancy twisting of yarns as described herein made by persons who are members of the National Association of Wool Manufacturers, but such persons as to such novelty or fancy twisting of yarns as described herein shall be governed as to competitive practices by the supplementary codes of fair practice to be approved for this Industry;

(j) The dyeing, glazing, converting, and primary distribution of glazed cotton yarns, not including sewing thread and/or twine;

(k) The processing and primary distribution of dyed and/or converted sales yarns made of rayon and/or other synthetic fibres, not including such yarns, natural or bleached, singles, with seven turns twist to the inch or less put up in skeins, spools, tubes, and/or cones;

(l) The scouring, dyeing and/or bleaching of sales yarns made of cotton, wool and/or other animal fibres (not including silk) when so processed as yarns; provided, however, that provisions in this code governing labor and plant operations shall not apply to the processing of such sales yarns by spinners thereof. The term "sales yarns" as used herein shall mean yarns produced for sale to others as distinguished from yarns produced for conversion, by the producers thereof, into fabrics and/or garments.

2. The term "Guild" as used herein means the National Textile Processors Guild, Inc., a membership corporation organized under the laws of the State of New York.

3. The term "Code Authority" as used herein means the Textile Processing Code Authority as designated in Article III of this Code.

4. The term "Act" as used herein means the National Industrial Recovery Act approved by the President of the United States June 16th, 1933.

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

7. The term "Administrator" as used herein means the Administrator for Industrial Recovery duly appointed under the Act.

8. The term "South" as used herein means the territory of the following States: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

## ARTICLE II—LABOR PROVISIONS

1. *Maximum Hours.*—Employees shall not be permitted to work in excess of forty hours per week, subject to the flexible provision that because of the exigencies of the Industry it may be necessary to work employees more than forty hours per week on occasion, provided that no such employee shall work more than an average of forty hours per week during any twelve months and, provided further that no such employee shall be permitted to work in excess of forty hours for more than twenty weeks during any twelve months

and not more than forty-eight-hours in any one week. Supervisors, receiving and shipping crews and truckmen may be employed with a tolerance of four hours in excess of the standard maximum hours stated herein. Firemen and watchmen may be employed up to fifty-six hours per week.

These restrictions do not apply to executives, supervisory, laboratory and office employees, engineers, and electricians who receive \$35 or more per week (but such employees who receive less than \$35 per week shall be subject to the maximum hours provided herein), nor outside sales employees.

The hours in each week during which any employee shall have worked in other establishments or in other industries, shall be included in the total number of hours such employee is permitted to work under this Code.

2. *Minimum Wage*.—(a) No employee shall be paid for cotton and rayon yarn processing less than thirty-two and one half cents per hour or thirteen dollars for forty hours of labor; and for all processing less than thirty-five cents per hour or fourteen dollars for forty hours of labor; provided, however, with respect to commission dyeing and/or finishing of hosiery, that the minimum wage for forty hours of labor for each class of worker shall be that provided in this paragraph, or that provided in Sections 1 and 2 of Article V of the Code of Fair Competition for the Hosiery Industry, whichever, in any case, may be higher.

Employees in the South may be paid not more than two and one half cents per hour less than the minimum rates prescribed in the foregoing paragraph.

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 otherwise based on a time rate or piecework performance.

(b) No employee shall receive for forty hours of labor less compensation than he received or would have received as of May 1st, 1933, for not exceeding fifty-two hours per week, and the wage differentials for all operations shall be equitably readjusted.

Within thirty (30) days after the effective date every member of the industry shall report to the Code Authority action taken by him with respect to adjustment of wages above the minimum.

3. *Minors*.—No employee under sixteen years of age shall be employed in the Industry and no employee under eighteen years of age shall be employed in any wet processing operation.

4. *Machine Hours*.—Cone winding machines, reels, through tube cop machines and parallel tube winding machines used in the production of cotton mercerized yarn only shall be subject to the limitation of hours of operation provided for similar machinery in the Code of Fair Competition for the Cotton Textile Industry.

5. 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.

6. 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.

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

8. Within each State, members of the Industry shall comply with any State laws, imposing more stringent requirements regulating licensing, the age, wages, or hours of labor of employees, than under this Code.

9. *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupation performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this code.

### ARTICLE III—ADMINISTRATION

1. (a) To effectuate further the policies of the Act, a Textile Processing Code Authority is hereby designated to cooperate with the Administrator as a Planning and Fair Practice Agency for the Industry. This Code Authority shall consist of seven representatives of the Industry elected by a fair method of selection, to be approved by the Administrator, and up to three 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 the 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 provision of this Code.

(b) Such agency 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 by any person affected, and to report the same to the Administrator.

(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, he may require an appropriate modification in the method of selection of the Code Authority.

(d) It shall be the duty of the Code Authority for this Industry 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 or 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.

(e) 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 in such form as the Code Authority may require to the Code Authority hereinbefore provided, or to such agency or agencies as the Code Authority may designate. These reports shall contain such information as the Code Authority may require, subject to the approval of the Administrator. Such reports shall be deemed confidential and shall not be divulged except as part of general statistics for the Industry or a general part thereof, except where a violation of the Code is suspected.

(f) Every member of the Industry shall furnish to any government agency or agencies designated by the Administrator such statistical information as the Administrator may, from time to time, deem necessary for the purpose recited in Section 3 (a) of the National Industrial Recovery Act, and any reports and other information collected and compiled by a Code Authority as heretofore provided shall be transmitted to such government agencies as the Administrator may direct.

2. All employers engaged in the Industry and coming under the operation of this Code shall bear their proportionate share of the expense of administering this Code of Fair Competition.

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. These funds shall be paid to the Code Authority or its duly constituted agency for that purpose.

3. If the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust 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 action and further consideration by such code authority or agency pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE IV—GENERAL PROVISIONS

1. No provision of this Code shall be permitted to operate in such manner as to promote monopolies or monopolistic practices or to eliminate or oppress small enterprises or to discriminate against them.

2. The labor provisions of this Code and of other applicable Codes shall be posted in each plant in the Industry, as directed by the Code Authority.

3. 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 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.

4. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the Administrator, 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 Administrator 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 V—EFFECTIVE DATE

This Code shall become effective the first Monday after date.

Approved Code No. 235.  
Registry No. 299-1-13.





Approved Code No. 236

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**COOKING AND HEATING APPLIANCE**  
**MANUFACTURING INDUSTRY**  
**As Approved on January 30, 1934**

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**COOKING AND HEATING APPLIANCE**  
**MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Cooking and Heating Appliance Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VIII, (Section 2), insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised

terms and conditions of sale be and they are hereby stayed pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

W. A. HARRIMAN,  
*Division Administrator.*  
WASHINGTON, D.C.,  
*January 30, 1934*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Cooking and Heating Appliance Manufacturing Industry, and on the hearing conducted thereon in Washington, D.C., on October 25, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS REGARDING HOURS AND WAGES

Employees are permitted to work forty (40) hours per week and eight (8) hours per day and, during ten (10) weeks during a twelve (12) months' period, they are permitted to work forty-eight (48) hours per week.

Exceptions are provided that permit longer hours for watchmen, shipping crews, foundry service men, office employees during inventory periods, executives and supervisory employees receiving more than \$35.00 per week, and outside demonstrators, service crews, and salesmen and for all workers during emergencies. The wage rate for hours worked overtime shall be one and one half the normal rate.

The minimum rate of pay shall be forty (40) cents per hour for male workers and thirty-five (35) cents per hour for female workers, excepting the States of Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, where the minimum rate shall be twenty-seven and one half (27½) cents per hour. Female employees doing substantially the same work as male employees shall receive the same wage.

The minimum rate for office workers shall be \$15.00 per week in cities of over 500,000 population with lesser rates for smaller cities with the limit of \$12.00 per week in towns of less than 2,500 population. Office boys and girls, incapacitated employees, and learners, shall be paid not less than eighty (80) percent of the minimum wage, but the number of such employees is limited.

The wage rates of those receiving more than the minimum rates are to be adjusted equitably and in no case shall the rates be decreased. No employees are to be reclassified so as to defeat the purpose of the Act.

Persons under sixteen (16) years of age shall not be employed and none under eighteen (18) years at hazardous occupations.

#### PROVISIONS FOR SUPPLEMENTAL CODES

It is provided that subdivisions of the industry may formulate supplementary codes but the employment provisions shall conform with this basic code.

## ECONOMIC AND STATISTICAL MATERIAL

The industry is widely distributed over the country although it is estimated that three fourths of it is located in the Northern wage district and one fourth in the Southern wage district.

The industry has furnished statistical information showing that in June 1933 wage rates for common labor had been reduced twelve (12) cents per hour in both the Northern and Southern districts, from forty-six (46) cents and twenty-seven (27) cents per hour respectively, from the wage rates of 1929. Under the code, one half of the reduction in the Northern wage district will be regained and the increase in the Southern wage district will more than compensate the reduction.

There are no data on the number of workers employed prior to June 1933, but it is estimated that under the code employment will be increased from 14,000 to 15,500, an improvement of ten percent. It is also estimated that the weekly pay roll of the industry will increase sixteen percent under the code.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code. For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**COOKING AND HEATING APPLIANCE 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 Cooking and Heating Appliance 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 Cooking and Heating Appliance Manufacturing Industry as used herein includes the manufacture and sale of all designs of cooking and heating stoves and ranges and parts thereof, using coal and wood or combinations of various fuels.

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 "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a Member of the Industry.

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

5. "Population" for the purposes of this code shall be determined by reference to the latest Federal census.

**ARTICLE III—HOURS**

1. *Maximum Hours.*—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 as herein otherwise provided, but with the right to work a maximum of forty-eight (48) hours per week for any ten (10) weeks during a twelve (12) months period.

2. *Exceptions as to Hours.*—(a) Provided, however, that employees working on emergency maintenance or emergency repair work involving breakdown or protection of life or property may work ten percent (10%) additional hours.

(b) Provided further, that shipping crews and foundry service men whose duties are servicing the cupola and changing flasks and patterns for moulders are to have a tolerance of one hour per day, when necessary.

(c) Outside demonstrators and outside service crews whose traveling expenses are paid by the employer, and outside salesmen, are exempt from the above hour provisions.

(d) Office employees during the annual inventory period may work an additional thirty-six hours in any two weeks period at the discretion of the employer, provided that it shall not exceed three hours per day.

(e) Watchmen may not work more than fifty-six (56) hours in every seven (7) days nor more than six (6) days out of every seven (7) days.

3. All classes of workers are exempt from the foregoing hour provisions when an emergency arises such as a fire, flood, or cyclone, or other unpredictable emergencies, which cause operations to cease; such exemptions may cover the actual number of hours lost as a result of such emergency.

4. Any employee at the request of the employer may work additional hours beyond those specified above, provided such additional hours are paid for at the rate of time and one half.

5. Executives and their staffs, supervisors, and office employees, making thirty-five dollars (\$35.00) per week or more, are exempt from the maximum hours fixed in this code.

6. No employer shall knowingly permit any employee to work for any time which, when totalled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

#### ARTICLE IV—WAGES

1. No employees shall be paid less than the rate of forty cents (40¢) per hour for male workers and thirty-five cents (35¢) per hour for female workers except employees employed in the States of Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, who shall be paid not less than twenty-seven and one half cents (27½¢) per hour for male and female workers.

2. Provided that office workers shall not be paid 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 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; nor less than \$12.00 per week in towns of less than 2,500 population, except that office boys, girls, and messengers shall not be paid less than eighty per cent (80%) of the minimum rate specified herein. The number of office boys, girls, and messengers shall not exceed one for every ten office employees.

3. Provided, further, that learners and superannuated or "physically incapacitated employees shall not exceed in any calendar month five percent (5%) of the total number of employees and shall be paid at least eighty percent (80%) of the minimum wage. A learner shall be defined as one who has had no previous experience in the class of work for which he is employed and may be so classed for one period of ninety (90) days.

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. The hourly wage rates, base piecework rates, or salaries of employees receiving more than the minimum rates herein prescribed shall be equitably adjusted, if this has not already been done, and in no case shall the rates be decreased. Action taken shall be reported to the Code Authority not later than fifteen (15) days after the effective date of this Code and to the Administrator at his request.

#### ARTICLE V—STATE LAW REQUIREMENTS

Within each State this Code shall not supersede any laws of such State imposing more stringent requirements than those under this Code with reference to regulating the age of employees, wages, hours of work, fire, or general working conditions.

#### ARTICLE VI—GENERAL LABOR PROVISIONS

1. Employers shall not employ or permit to be employed any person under the age of sixteen (16) years, provided that no person under the age of eighteen (18) years shall be employed in a hazardous occupation. The Code Authority shall report within ninety (90) days such hazardous occupations 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 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 for this industry in its approved code.

5. The Code Authority shall require that the pay rolls of all employers of the industry contain the names of all employees, showing the number of hours and compensation paid therefor, regardless of whether the wages of any employee be paid by the employer or by another employee for services rendered in connection with the task or production of another employee or employees.

6. No employer shall reclassify employees or duties or occupations of employees for the purpose of defeating the purposes or provisions 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 employers shall post copies of the labor provisions of this code in a conspicuous place accessible to employees.

#### ARTICLE VII—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

1. *Organization and Constitution.*—There shall forthwith be constituted a Code Authority consisting of three (3) members of the Board of Trustees of the Institute of Cooking and Heating Appliance Manufacturers, Inc., who shall be elected by said Board.

2. In addition to membership as above provided, there may be from one to three members without vote, to be appointed by the Administrator, to serve for a term of from six months to one year from the date of appointment.

3. The Institute of Cooking and Heating Appliance Manufacturers, Inc., shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of incorporation, 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 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 formulating, putting into effect, and administering this code. Such reasonable share of the expenses of formulating, putting into effect, and administering this code shall be determined by the Code Authority subject to disapproval by the Administrator, on the basis of volume of business and/or such other facts as may be deemed equitable. Failure of any employer to pay his proportionate share fixed by the Code Authority will deprive him of his participation in the benefits of the code but will not remove his obligation to pay his due and unpaid assessments.

6. Nothing in this code shall constitute the members of the Code Authority partners for any purpose.

7. *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 subject to the approval of the Board of Trustees.

(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 the Institute of Cooking and Heating Appliance Manufacturers, Inc., 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 the Institute of Cooking and Heating Appliance Manufacturers, Inc., 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 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 VIII—COSTS AND PRICES

1. No member of the industry shall sell any commodity at a price below his own allowable cost except that any member of the industry may meet the price competition of any one whose allowable costs under this provision are lower. Permission to exercise this option of selling below allowable cost shall be presumed to be granted when a manufacturer has reported to the Code Authority the fact that he must sell below cost and shall cite the specific competition. Allowable cost shall be determined in accordance with the standard cost principles formulated by the Code Authority with the approval of the Administrator.

2. Within ten days after the effective date of this code, every member of the industry shall file with the confidential agent designated by the Code Authority his sales prices, discounts, and terms then in effect; such sales prices, discounts, and terms must provide rea-

sonable differences for each class of buyer. Every member of the industry must file with the confidential agent any reductions made such sales prices, and any changes in discounts, terms, or classifications, ten days prior to the date on which they become effective.<sup>1</sup>

#### ARTICLE IX—TRADE PRACTICES

The practices and methods set forth in the following paragraphs in this Article IX are hereby designated as unfair methods of competition and the indulgence by any member of the industry in any of the same shall be a violation of this code:

1. *Consignment*.—Making any agreement or contract after the effective date of this code, the effect of which will amount to the sale and/or delivery of cooking and heating appliances on consignment and to discontinue forthwith any consignment arrangements now in effect.

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. *Underselling reported prices, discounts, and terms*.—Offering any product of the industry for sale at less than his sales prices, discounts, and terms, as filed with the confidential agent designated by the Code Authority.

4. *Redating*.—Allowing terms of payment more liberal than those stated in the original sales terms of each member of the industry as filed with the confidential agent designated by the Code Authority. This applies to deliberate action on the part of a member of the industry who allows a purchaser to keep goods to be paid for when sold, and does not apply to a manufacturer who makes an actual effort to collect on same.

5. *Repurchase Agreements*.—Selling or offering to sell any merchandise with a repurchase agreement.

6. *Allowance for Returned Goods*.—Acceptance of returns of obsolete goods or overstock from a customer in exchange for new stocks or other values.

7. *Excessive Allowance for Second-hand Goods*.—Purchasing or allowing credit for second-hand merchandise at an amount greater than its fair wholesale market value, except when merchandise of his own manufacture is returned because of defect in design or operation.

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

9. *Premiums*.—Giving premiums in the sale of merchandise.

10. *False Description*.—The false description of any product of the industry which has the tendency to mislead or deceive customers or prospective customers, whether as to grade, quality, type, origin, size, capacity, finish, or preparation of any product of the industry, or otherwise.

11. *Commercial Bribery*.—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for

<sup>1</sup> See paragraph 2 of order approving this Code.

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.

12. *Excessive Inducements.*—To extend excessive inducements or entertainment to customers, or prospective customers, which tend to add unduly to sales costs.

13. *Defamation.*—The defamation of competitors by falsely imputing to them inability to perform contracts, questionable credit standing, or by other false representation or by the false disparagement of the grade or quality of their goods.

14. *Threat of Litigation.*—The publishing or circularizing of unfounded threats of suits for infringement of patents or trade marks or of any legal proceedings without cause which tend to have the effect of harassing competitors or intimidating their customers.

15. *Misrepresentation or False or Misleading Advertising.*—The making or causing or permitting to be made or published any false, materially inaccurate or deceptive statement by way of advertising or otherwise, whether concerning the grade, quality, type, origin, size, capacity, finish, or preparation of any products of the industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency and capacity to mislead or deceive customers or prospective customers.

16. *Piracy of Trade Marks and Trade Names.*—The imitation of a trade mark, trade name, slogan, or the other marks of identification of competitors having the tendency to mislead or deceive.

17. *Imitation of Stoves or Parts.*—So long as the maker of any trade-marked cooking and heating stoves or ranges (or his successor in business) continues to make and supply repair parts therefor, it shall be an unfair method of competition for any other person to make and supply stoves or ranges or parts therefor unless (a) the name of the maker of such stoves or ranges or repair parts therefor is plainly marked on each part (or if this is impracticable, on the package or tag) and unless (b) said stoves or ranges or parts are otherwise marked, packaged, and sold without imitative labels, and in such manner as to clearly indicate to the ultimate user that they are not made by the maker of the original cooking and heating stove or range.

18. *Disposal of Distress Merchandise.*—There shall be no disposal of dropped lines, seconds, excess inventories, or distress merchandise except in accordance with the procedure to be outlined by the Code Authority subject to disapproval by the Administrator for the protection of the owners and to promote sound and stable business conditions.

19. *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.

20. *Splitting Commissions.*—Every employer using salesmen who are compensated wholly or partially on a commission basis shall by contract require each such salesman to agree that no part of the commission earned by him in connection with the sale of any product of the cooking and heating appliance manufacturing industry shall be paid or allowed to any purchaser.

21. *Excessive Allowance of Literature.*—To furnish literature to customers without charge, except in modest quantities for distribution.

#### ARTICLE X—SUPPLEMENTAL CODE OPTION

It is understood that trade groups or groups of manufacturers representing a substantial part of any specific subdivision of this industry, may formulate supplementary codes of fair competition defining specifically the subdivision and covering such regulations as are considered advisable by them. However, all employment provisions of such supplementary codes shall conform with this basic code. Such codes when approved by the President shall have the same force and effect as this basic code.

#### ARTICLE XI—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 by the President.

#### ARTICLE XII—MONOPOLIES, ETC.

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

#### ARTICLE XIII—EFFECTIVE DATE

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

#### ARTICLE XIV—EXPIRATION DATE

The expiration date of this code shall be June 16, 1935, or the earliest date prior thereto on which the President or the Congress shall by joint resolution declare that the emergency recognized by Title I of the Act has ended.

Approved Code No. 236.  
Registry No. 1629-1-02.



Approved Code No. 237

**CODE OF FAIR COMPETITION**

FOR THE

**ALLOY CASTING INDUSTRY**

As Approved on January 30, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**ALLOY CASTING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Alloy Casting Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided that the continued participation of the Alloy Casting Association in the Code Authority after thirty days from the effective date of this Code shall be contingent upon its amending its constitution and by-laws to the satisfaction of the Administrator; and further provided that the provisions of Article VII, (Section 1), insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale be

and they are hereby stayed pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended.

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 30, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Alloy Casting Industry as revised after the hearing conducted thereon in Washington, D.C., on November 2, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS REGARDING HOURS AND WAGES

This Code provides for a maximum work week of forty (40) hours, with permission for forty-eight (48) hours per week during peak periods, not to exceed twelve (12) weeks in any year. A tolerance of ten (10) percent longer hours is provided for repair work employees during emergencies.

Those who are exempted from the provision for maximum hours are managers, executives, and research technicians, receiving more than thirty-five dollars (\$35.00) per week, outside salesmen and service men and watchmen. The watchmen are limited to fifty-six (56) hours per week.

The minimum wage rate provided is forty (40) cents per hour, regardless of the basis upon which workers are compensated. Exceptions are made for partially incapacitated workers. Office workers are to be paid not less than fifteen dollars (\$15.00) per week, and office boys and girls are to be paid at not less than eighty (80) percent of the minimum weekly wage.

Equitable adjustments of wages above the minimum are provided for and employers are prohibited from reclassifying employees so as to defeat the purpose of the Act.

#### ECONOMIC AND STATISTICAL MATERIAL

The industry is small and comparatively new. The invested capital amounts to \$4,000,000 and the annual sales volume, calculated on the rate of operations during November, was \$1,700,000 although the annual capacity of the industry, expressed in dollar volume, is \$16,000,000.

The number of employees in 1929 was 900, in 1932 it was 500, in October 1933, 600, and under the Code it is estimated that 650 persons will be employed, an increase of about nine (9) percent. It is estimated that the pay roll of the industry will be increased about \$1,000 per week.

#### FINDINGS

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

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code subject to the following condition: that the continued participation of the Alloy Casting Association in the Code Authority after thirty days from the effective date of this Code shall be contingent upon its amending its constitution and bylaws to the satisfaction of the Administrator.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**ALLOY CASTING 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 Alloy Casting Industry, which shall be the standard of fair competition for the industry, and shall be binding upon every member thereof.

**ARTICLE I—DEFINITIONS**

The term "alloy castings" as used herein includes only castings containing nickel and/or chromium in excess of 16% and substantially free from copper, zinc, lead, or tin, except that this Code shall not apply to alloy castings produced and/or sold as a part of the products, including finished and semifinished parts thereof, of an owning or affiliated company but not sold in the open market as rough alloy castings (as distinguished from finished and/or semifinished parts) in competition with similar rough castings produced by other manufacturers.

The term "affiliated company" means a company whose relations to another company are such that either one has directly or indirectly more than 50% stock interest in the other, or that a third company has directly or indirectly more than 50% stock interest in both.

The term "member of the industry" as used herein means and includes any manufacturer of products subject to this code.

The term "association" as used herein means the Alloy Casting Association, Inc., a nonprofit corporation devoted to the betterment of the industry and the effectuation of the National Industrial Recovery Act.

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.

**ARTICLE II—HOURS**

**SECTION 1:** Except as hereinafter stated no employer shall employ any employee for more than forty (40) hours in any week, provided, however, that in order to meet increased demands over which the employers have no control, the said hours of employment may

be increased to meet such contingencies, but in no event shall such employees work more than a total of forty-eight (48) hours per week for not to exceed twelve (12) weeks in any year. Repair-work employees, to the extent required by emergencies may be employed up to 10% longer hours than other factory employees.

SEC. 2. All employees of every kind and character of every employer are included in this Article II, except executives, those employed in a managerial or executive or supervisory capacity, or as research technicians, who receive more than \$35 per week, traveling and outside salesmen, and outside service men, when expenses are paid by the company; and watchmen, provided that such watchmen are not employed in excess of 56 hours per week, or six days out of seven.

SEC. 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, exceeds the maximum permitted herein.

SEC. 4. The industry recognizes the desirability and accepts the principle of the eight hour working day for labor and, insofar as it reasonably can, the industry will endeavor to employ its labor on that basis.

### ARTICLE III—WAGES

SECTION 1. No employee of an employer shall be paid less than forty (40) cents per hour, except as hereinafter provided.

SEC. 2. 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. 3. No employee engaged in office or clerical work and no salaried employees shall be paid less than at the rate of \$15.00 per week excepting office or messenger boys or girls who shall be paid at the rate of not less than 80% of the above minimum salary. One such messenger or office boy or girl may be employed in any office regardless of the number of employees and additional such messenger or office boys or girls may be employed not to exceed one to each twenty other office employees.

SEC. 4. Not later than ninety (90) days after the effective date of this Code, each employer in the industry shall report to the Administrator, through the Code Authority hereinafter provided for, the action taken by such employer in adjusting the hourly wage rates for all employees receiving more than the minimum rates provided in Sections 1 and 3 of this Article III. Such adjustment shall not reduce the hourly wage rate of any such employee.

SEC. 5. 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 IV—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within ninety (90) days a list of such operations or occupations.

SEC. 2. In compliance with Section 7 (a) of the Act, it is provided that:

(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.

SEC. 3. No employer shall reclassify employees or duties or occupations for the purpose of defeating the purposes or provisions of the Act or of this Code or engage in any subterfuge for such purpose.

SEC. 4. No employer or employee shall contract his work to any person except when such person is subject to the provisions of this Code.

SEC. 5. Every employer shall make reasonable provision to the extent required by existing law for the safety and health of his employees at the place and during the hours of their employment.

SEC. 6. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on an employer regulating age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

SEC. 7. Each employer shall post in conspicuous places Articles II, III, and IV, the Labor Provisions of this Code.

## ARTICLE V—ADMINISTRATION

SECTION 1. To further effectuate the policies of the National Industrial Recovery Act, the 7 members of the Executive Committee of the Association then in office are set up to cooperate with the Administrator of the National Industrial Recovery Act as the "Code Authority" to administer the provisions of this Code. If the Administrator hereafter shall find that the Code Authority is not truly representative of the industry or does not in other respects comply with the provisions of the Act, he may require an appropriate modification in the method of selecting the Code Authority. The Administrator may appoint from one to three representatives without vote to serve on the Code Authority whose terms of office shall be so arranged that the services of not more than one expires in any one year.

These appointees shall be persons not having or representing interests selfish or antagonistic to the interest of members of the Alloy Casting Industry. Absence of such representatives from any meeting of this Committee shall not prevent its complete functioning.<sup>1</sup>

SEC. 2. Members of the industry shall be entitled to 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 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. 3. The manufacturers engaged in the industry will furnish such information and make such reports to the Code Authority as may be necessary in order to enable the Code Authority to collect and furnish to the Government the information required under the terms of the National Industrial Recovery Act. 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 National Industrial Recovery Act. The manufacturers shall keep their accounts in such form as may be necessary to enable them to furnish information desired by the Government.

SEC. 4. Members of the Industry having a common interest and common problems may group themselves for administrative purposes in various subdivisions or product classifications, subject to the approval of the Code Authority. The majority of members in each subdivision or product classification may appoint its agency, with supervisory and/or administrative powers, subject to the Code Authority. In the event that no such agency is so appointed, then the Code Authority may appoint such agency. If formal complaint is made to the Code Authority that the provisions of this Code have been violated by any member or members of the Industry, the agency for the subdivision or product classification to which the complaint refers, shall institute such inquiry as may be necessary to develop the facts and shall report the results of such inquiry to the Code Authority.

SEC. 5. The Code Authority may act by or through any committee or representative or representatives to which or to whom it may from time to time delegate authority. Except as otherwise provided in the National Industrial Recovery Act, all statistics, data, and information filed or obtained in accordance with any of the provisions of this Code shall be confidential. The statistics, data, and information of one manufacturer engaged in the Industry shall not be revealed to any other manufacturer engaged in the Industry except that for the purpose of enforcing or administering the provisions of this Code, the Code Authority by its duly authorized representatives (who shall not be connected with or in the employ of any manufacturer engaged in the Industry affected by this Code) shall have access to any and all statistics, data, and information that may be

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<sup>1</sup> See par. 2 of order approving this Code.

furnished or obtained in accordance with any of the provisions of this Code.

SEC. 6. The Jurisdiction of this Code and of the Code Authority over any manufacturer engaged in the Industry is expressly limited to that portion of the business and employment of such manufacturer which is within the Industry.

SEC. 7. Any alleged violation of the provisions of this Code shall be investigated by an unbiased authorized representative or representatives of the Code Authority as provided for in Article V, Section 5, and members of the Industry shall facilitate such investigations by opening their pertinent correspondence, books and accounts for examination and by furnishing relevant information. Upon the disclosure of any violation of any provision of this Code, the Code Authority shall present evidence thereof to the Administrator.

SEC. 8. Recognizing that violation of any provision of this Code will disrupt the normal course of fair competition in the Industry and cause serious damage and that it will be impossible fairly to assess the amount of such damage, each member of the association who shall violate any such provision shall pay to the association, in trust as and for liquidated damages, a sum equal to 25% of the invoice value of any alloy casting sold in violation of any such provision, such funds to be applied to the administration of this Code. The Code Authority by the affirmative vote of two-thirds may waive any liability for such liquidated damages as may be imposed by or pursuant to this provision of this Code, if in its discretion it so decides that such violation was innocently made and that the collection of such damages is not necessary in order to effectuate the policy of Title I of the National Industrial Recovery Act.

SEC. 9. The Code Authority shall make a careful study of the question of limitation of alloy melting capacity and shall submit to the Administrator for his approval such plan or plans as are deemed necessary and which will further effectuate the policies of the National Industrial Recovery Act.

SEC. 10. If the Administrator shall determine that any action of a Code Authority or any agency thereof is unfair or unjust 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 action and further consideration by such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE VI—TRADE PRACTICE RULES

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 use, employ, or permit to be employed, any of such unfair practices shall be guilty of a violation of the Code.

(a) The use of other than actual shipping weights as a basis for billing except for machined products specifically classified by the Code Authority.

(b) Assuming transportation expense on pattern equipment either to or from manufacturer's plant.

(c) Assumption of responsibility for machine work, labor charges, or other expenses incurred by the customer on castings which are rejected as defective.

(d) Assumption of any cost for inspection of castings by outside individuals or agents when done at the request of the purchaser.

(e) The selling or advertising for sale and/or marking of products with the intent to mislead or deceive a purchaser or prospective purchaser regarding their quality, substance, or service features.

(f) The fictitious invoicing of products.

(g) Permitting a customer to make any deduction from the invoice not covered by the terms of sale.

(h) The shipping or other delivering of free goods of any kind to any customer for resale or consumer's commercial use.

(i) 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.

(j) To purchase from customers any commodity at a price in excess of the published prevailing open-market price for the commodity in question; to purchase scrap materials of another manufacturer from customers at a price in excess of the published prevailing market price for such materials; to pay more for his own scrap than 2¢ per pound premium over prevailing market prices. This provision shall not be construed as abrogating any existing contract whereby a manufacturer is obligated to take back scrap from castings of his own manufacture at a fixed price.

(k) The giving of terms more favorable than net thirty days from date of shipment. A discount of  $\frac{1}{2}$  of 1% may be allowed, providing payment is made within ten days from date of shipment.

(l) Absorb all or any part of the machining cost of castings sold as machined castings.

(m) The selling of products other than alloy castings at prices below the prevailing market to influence a sale of alloy castings.

## ARTICLE VII—OPEN PRICE PROVISION

SECTION 1. Each member of the Industry manufacturing products falling within any subdivision or product classification, as described in Article V, Section 4, shall, within ten (10) days after notice of the establishment of any subdivision or product classification, file with the agency for such subdivision or product classification a price list prepared by such member of the Industry, showing his current prices and the agency shall immediately send copies thereof to all members of the Industry engaged in the manufacture of such specified product. Revised price lists may be filed from time to time thereafter with the agency by any such member of the Industry to become effective upon the date specified therein but such revised price list shall be filed with the agency not less than eight

(8) nor more than ten (10) days in advance of the effective date. Copies of such revised price lists with notice of the effective date specified shall be immediately sent to all members of the Industry manufacturing such product who thereupon may file, if they so desire, revisions of their price lists specifying the effective date which may be on or after the date when the revised price list first filed shall go into effect. No member of the Industry shall sell directly or indirectly by any means whatsoever any product of the Industry at a price less than the price shown for such product in the list filed by such member.<sup>2</sup>

#### ARTICLE VIII—AMENDMENTS AND SUPPLEMENTS

SECTION 1. This Code, except as to provisions required by the Act, may be modified and supplemented on the basis of experience or changes in circumstances, such modifications and supplements to be based upon application to the Administrator and such notice and hearing as he shall specify, in compliance with Section 3 (a) of the Act and to become effective on approval of the Administrator.

SEC. 2. The President of the United States 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 IX

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

This Code shall be effective at 12:01 A.M. on the fifth calendar day after its approval by the President of the United States, and shall continue in effect until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by Joint Resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended.

Approved Code No. 237.  
Registry No. 1201-1-02.

<sup>2</sup> See par. 2 of order approving this Code.





Approved Code No. 238

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**FAN AND BLOWER INDUSTRY**

As Approved on January 30, 1934

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**FAN AND BLOWER INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Fan and Blower Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval Recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 30, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Fan and Blower Industry as revised after a public hearing, conducted in Washington, D.C., on December 28, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS AS TO WAGES AND HOURS

All, except office employees, shall be paid a minimum rate of forty cents per hour. Apprentices shall not exceed in number five percent of the total number of wage earners. Office employees shall be paid a minimum wage of fifteen dollars per week. Office boys and girls shall be paid not less than eighty percent of this rate and shall not exceed in number five percent of an employer's total number of office employees.

Handicapped workers may be employed at wages below the minimum. Female employees performing substantially the same work as male employees shall receive equal pay. Adjustment of wage rates above the minimum will be made within thirty days after the approval of this Code.

Forty hours shall be the maximum number of working hours for any week and eight hours for any day except during any six weeks in a six months' period forty-eight hours in one week shall be permissible. Executives, their staffs, and supervisors, who regularly receive thirty-five dollars or more per week, and outside salesmen are excepted from this provision. Employees engaged solely at maintenance and repair work, truckmen, firemen, and engineers may work nine hours a day or forty-four hours a week, except during any six weeks in a six months' period forty-eight hours in one week is permissible. Watchmen shall not be employed in excess of fifty-six hours in any one week. Office employees, except those receiving thirty-five dollars per week or more, shall not be employed in excess of an average of forty hours per week over each period of five weeks, nor more than forty-eight hours in any one week.

All employees, except office employees, shall be paid at the rate of time and one half for time worked in excess of forty hours per week.

#### ECONOMIC EFFECTS OF THE CODE

Annual sales of the products of this industry declined about sixty-four percent from 1929 to 1933 and invested capital declined thirty-one percent over the same period. Employment declined forty-six percent from 1929 to 1933. Thirty-nine hundred wage earners were employed by the industry in 1929 according to the Research and Planning Division's report.

The maximum hours established by this Code will increase employment approximately twelve percent if the average volume of production for the years 1930 and 1931 is continued. The Code provision that wages above the minimum shall be equitably adjusted is expected to cause material increase in purchasing power. Trade practice provisions of the Code are expected to remedy many of the evils that have been prevalent in the past. This Industry depends chiefly on new building.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**FAN AND BLOWER INDUSTRY**

**ARTICLE I—PURPOSES**

1. 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 Fan and Blower 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 "Fan and Blower Industry" as used herein is defined to mean the manufacture and the sale by the manufacturers of fans, blowers, and air washers with their accessory equipment as used in the heating and ventilating business and as applied to drying, mechanical draft or air conditioning for both industrial and human comfort purposes. Electric ventilating fans other than desk, wall, or ceiling fans (commonly termed "buzz fans") shall be classified as coming within the scope of this definition.

2. The term "President" as used herein means the President of the United States of America.

3. The term "Administrator" means the Administrator of Title I of the National Industrial Recovery Act.

4. The term "Association" as used herein means the National Association of Fan Manufacturers, a trade association.

5. The term "Act" as used herein means the National Industrial Recovery Act.

6. The term "Employee" as used herein includes any person engaged in the Industry, in any capacity, receiving compensation for his services, irrespective of the nature or method of payment of his compensation.

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

8. The term "Member of the Industry" or "Member" 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.

**ARTICLE III—HOURS**

SECTION 1. No employee, excluding accounting, clerical, and office employees, shall be employed in excess of forty (40) hours in one

week, or eight (8) hours in any twenty-four (24) hour period, except that during any six (6) weeks in any six (6) months' period employees may be employed not more than forty-eight (48) hours per week, providing one and one half times the normal rate of pay shall be paid for hours worked in excess of eight (8) hours per day and forty (40) hours per week. The foregoing limitations shall not apply to—

(a) Those employed in executive and managerial capacity, and service engineers when and as long as their expenses are paid by their employer, who regularly receive thirty-five (\$35.00) dollars or more per week.

(b) Outside salesmen.

(c) Employees engaged solely at maintenance and repair work, truckmen, firemen, and engineers, who may be permitted to work not more than nine (9) hours in any one day, or forty-four (44) hours in any one week. These employees may also be permitted to work forty-eight (48) hours per week during any six (6) weeks in any six (6) months period. One and one half times the normal rate of pay shall be paid for hours worked in excess of eight (8) hours per day and forty (40) hours per week.

(d) Watchmen, who may be employed not more than fifty-six (56) hours in any one (1) week, except watchmen in closed plants to whom this limitation shall not apply.

(e) Cases of emergency such as the production of equipment or repairs for breakdown service, or where the restriction of hours of skilled workers would unavoidably reduce production or limit the work available to other workers.

SEC. 2. No accounting, clerical, or office employee shall be employed in excess of an average of forty (40) hours a week over a calendar five (5) weeks period, nor more than forty-eight (48) hours in any one week.

SEC. 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 exceeds the maximum permitted herein.

SEC. 4. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid at less than the rate of forty (40) cents per hour, except that:

(a) Accounting, clerical, and office employees may be paid at not less than fifteen (\$15.00) dollars per week.

(b) Office boys and office girls may be paid at not less than eighty (80) percent of the above provided minimum wage for accounting, clerical, and office employees, provided that the total number of such office boys and girls receiving less than such minimum wage shall not exceed, in any calendar month more than five (5) percent of the total number of office employees of the employer, except that any employer may employ at least two (2) such persons as above provided.

(c) Nothing in this Article IV shall apply to or affect a bona fide apprentice employed under a system or course of training which, when completed, will make the apprentice a skilled mechanic. At no time shall new apprentices be admitted to apprenticeship by any employer when such action will bring their total number to more than five (5) percent of the total number of factory employees of such employer.

SEC. 2. 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.

SEC. 3. The Code Authority may present for approval of the Administrator, after notice and hearing, recommendations as to upward adjustments in minimum wages for specific localities.

SEC. 4. Equitable adjustment of compensation of employees receiving more than the minimum rates of pay herein prescribed shall be made by all employers who have not heretofore made such adjustments, and all employers shall within sixty (60) days after approval of this Code, report in full to the Code Authority concerning such adjustments whether made prior to or subsequent to such approval, provided, however, that in no event shall hourly rates of pay be reduced.

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

SEC. 6. A person whose earning capacity is limited because of age or physical or other 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 maintain on file with the Code Authority a list of all such persons employed by him.

SEC. 7. 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 State laws. Wages shall be paid at least at the end of every two-week period, and salaries at least at the end of every month.

SEC. 8. The employer or his agent 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.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator 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 as to age if he shall have on file a certificate or permit duly signed by the authority in any State em-

powered to issue employment or age certificates or permits showing that the employee is of the required age.

SEC. 2. In compliance with Section 7 (a) of the Act it is provided that:

(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 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. 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.

SEC. 4. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment.

SEC. 5. 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, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SEC. 6. All employers shall post complete copies of the labor provisions of this Code in conspicuous places accessible to employees.

## ARTICLE VI—ADMINISTRATION

To effectuate the policies of the Act a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION. 1. (a) During the sixty (60) day period following the effective date, the Code Committee of the National Association of Fan Manufacturers shall constitute a temporary Code Authority, to serve until the permanent Code Authority hereinafter referred to shall have been elected.

(b) During such period the Association shall set up a permanent Code Authority consisting of three (3) or more members of the Industry as determined by the Code Authority, elected by the members of the Industry by a fair method of selection, approved by the Administrator. To the temporary and to the permanent Code Authority so provided for, the Administrator in his discretion may appoint not more than three additional members (without vote) to represent the Administrator. Such additional members shall serve without expense to the Industry.

(c) The Code Authority (including the temporary Code Authority herein above referred to) shall have the following powers and duties, to the extent permitted by the Act:

1. To obtain from the members of the Industry such statistical data and information as may be required under the Act (in such form and manner as not to disclose the individual figures and data of the respective members of the Industry), whether requested by the Administrator or as may be otherwise necessary to enforce and effectuate the provisions of this Code and the policy of the Act.

2. To make available to the Administrator such reports, data, and information as may be required by the Administrator and which will assist in keeping the Administrator or any representative designated by him fully advised concerning such matters and confer with the Administrator or his representative from time to time to consider and study any recommendations presented by such persons on behalf of the National Recovery Administration or any member of the Industry regarding the operation, observance, and administration of this Code.

3. 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.

4. 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.

5. 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.

6. To delegate any of its duties to such agencies as it may appoint which would not involve the disclosure of the individual data or information of any member of the Industry, except as otherwise herein permitted or required to be disclosed, provided, that such agencies shall be under the supervision of the Code Authority and responsible to it.

SEC. 2. The Association is hereby constituted an agency of the Code Authority to receive reports as hereinabove provided. The Association shall provide for the receiving and holding of such reports in confidence. Such reports shall be in such form, and shall be furnished at such intervals as shall be prescribed by the Code Authority and shall contain such information relevant to the purposes of this Code as shall be prescribed by the Code Authority from time to time including information with respect to the following subjects:

- (a) Employment, hours, wages, and wage rates.
- (b) Production and billing.
- (c) Financial and cost data.
- (d) Activity, purchases, and sales.

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, 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. 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. 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.

#### ARTICLE VII—RULES COVERING INDUSTRY

SECTION 1. There shall be uniformity in bookkeeping methods. Each member shall subscribe to, adopt, and put into effect a method of cost accounting which recognizes and includes all items entering into costs as prescribed by the Statistical Committee of the Association and approved by the Code Authority and by the Administrator.

SEC. 2. Where a manufacturer produces other lines of products not falling under the definition of the "Fan and Blower Industry", each such business shall be considered a separate unit for the purpose of ascertaining costs, and costs not specifically attributable to one specific business shall be properly and fairly allocated to the several businesses so that the cost of the products of the Fan and Blower Industry can be fairly and accurately determined.

#### ARTICLE VIII—TRADE PRACTICE RULES

SECTION 1. *Unfair Competition.*—(a) No member shall sell or exchange any product of his manufacture at a price which results in his receiving less than his total cost of production, determined pursuant to the provisions of Article VII, except that any member of the industry may meet the price competition of any other member who is not violating this Code on products of equivalent design, size, capacity, character, quality, or specifications.

(b) No member shall entice away any employee of any other member with the purpose and effect of unduly hampering, injuring, or embarrassing such other member in his business.

(c) No member shall withhold from or insert in the invoice, facts which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof, and shall not make payment or give allowances of secret rebates, refunds, credits, unearned discounts, whether in the form of money or otherwise.

(d) No member shall falsely disparage the weight, substance, strength, grade, quality, or efficiency of the goods of competitors.

(e) No member shall defame competitors with the purpose and/or tendency to mislead or deceive any prospective purchaser or purchasers by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other misrepresentation.

(f) No member shall in selling or offering to sell any product, make any materially inaccurate or false representations as to the quality, quantity, grade, substance, or efficiency of such product, for the purpose or with the effect of deceiving purchasers or prospective purchasers.

(g) No guarantee against defects of workmanship and material shall be given on standard products beyond the customary one-year period.

(h) No member of the industry shall knowingly offer a proposal after a contract has been awarded to another member, provided that the award has been approved by all parties having rights therein and the contract has been duly and regularly accepted by such other member.

(i) No member of the industry shall attempt to induce the breach of any contract between a manufacturer and a customer or his source of supply.

(j) 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. 2. Nothing in these rules shall be interpreted to prevent the sale of dropped lines or obsolete stock at such prices as are necessary to move such merchandise; provided, however, that all such stocks are first reported in writing to the Code Authority, or its authorized agent, and that any such report contains an accurate inventory of the material in question and the price asked.

SEC. 3. Any representations, whether by advertising or otherwise, as to performance of equipment shall be in accordance with the Test Codes adopted by the Association and the American Society of Heating and Ventilating Engineers where applicable.

## ARTICLE IX—GENERAL PROVISIONS

SECTION 1. By presenting this Code, the applicants for its approval shall not be deemed to have assented to any modifications thereof and each reserves the right to object to any modification thereof.

SEC. 2. (a) Amendments to or revisions of this Code may be proposed by the Code Authority, which will become effective as part of the Code upon approval by the Administrator after such notice and hearing as he may specify.

(b) 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 provision 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, without limitation, to the right of the President of the United States to cancel or modify his approval of

this Code or any conditions imposed by him, upon his approval thereof.

(c) Members of the Industry shall be entitled to participate in and share the benefits of the Code and to participate in the election of the permanent Code Authority, 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 expense 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.

SEC. 3. None of the provisions of this Code shall be construed or applied in such a way as to promote a monopoly or monopolistic practices or to eliminate or oppress small enterprises, or discriminate against them.

SEC. 4. If the Administrator shall determine that any action of the Code Authority or any agency thereof is unfair or unjust 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 action and further consideration by such code authority or agency pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE X—EFFECTIVE DATE

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

Approved Code No. 238.  
Registry No. 1304-03.





Approved Code No. 239

**CODE OF FAIR COMPETITION**

FOR THE

**PORCELAIN BREAKFAST FURNITURE  
ASSEMBLING INDUSTRY**

As Approved on January 30, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**PORCELAIN BREAKFAST FURNITURE  
ASSEMBLING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Porcelain Breakfast Furniture Assembling Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of article 7-B, section 11, insofar as they prescribe a waiting period between the filing with the Code Authority and the

effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 30, 1934.*

THE PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Porcelain Breakfast Furniture Assembling Industry, the public hearing having been held in Washington, on November 16, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS FOR HOURS AND WAGES

A basic forty (40) hour week is established by this Code. A tolerance of five (5) hours a week averaged over each eight (8) weeks' period is allowed for office employees, while an eight (8) hour tolerance is permitted for factory employees, but all factory overtime in excess of eight (8) hours a day must be paid for at not less than one and one half ( $1\frac{1}{2}$ ) times the regular hourly rate. No employee is permitted to work more than six (6) days in any seven (7) day period.

This Code establishes a minimum rate of pay of forty (40) cents per hour in the North and thirty-six (36) cents in the South, but practically the entire production of this Industry is in the North. Apprentices not to exceed five (5) percent of the total number of factory workers may be paid eighty (80) percent of the minimum rate for a period not to exceed four (4) months.

#### CHILD LABOR

No person under sixteen (16) years of age shall be employed in the Industry nor anyone under eighteen (18) years of age at occupations or operations hazardous in nature or detrimental to health.

#### ECONOMIC EFFECTS OF THE CODE

The report prepared by the Division of Economic Research and Planning, based upon data obtained from the Industry by questionnaires, presents the following facts:

(a) Since 1928 the volume of sales of Porcelain Breakfast Furniture declined approximately seventy-two (72) percent.

(b) Factory employment declined nearly thirty (30) percent from June 1929, to June 1933.

(c) In June 1929, the average hours worked by factory employees were 53.7 per week.

(d) Average weekly wages of factory wage earners declined from \$21.47 in 1929 to \$14.74 for the first quarter of 1933.

(e) Under this Code, factory employment will approach the 1929 level. An increase of approximately twenty (20) percent occurred from June to October 1933, under the President's Reemployment Agreement, and a further increase is assured when all the members of this Industry become bound by this Code.

(f) The Code provision limiting the work-week to an average of forty (40) hours will effect a reduction of twenty (20) percent or more from the average hours worked prior to the President's Reemployment Agreement.

(g) Average weekly wages of factory employees increased approximately fifteen (15) per cent in the third quarter of 1933 over the first quarter under the President's Reemployment Agreement, and a further increase may be expected under this Code. The hourly wage rates paid to seventy-five (75) per cent of the workers in this Industry will be increased by the Code.

(h) The total payroll of this Industry was increased thirty-five (35) percent by the President's Reemployment Agreement.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

## CODE OF FAIR COMPETITION

### FOR THE

## PORCELAIN BREAKFAST FURNITURE ASSEMBLING 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 by the Porcelain Breakfast Furniture Assembling Industry, and upon approval by the President, shall be the standard of fair competition for the Porcelain Breakfast Furniture Assembling Industry and shall be binding upon every member thereof.

### ARTICLE II—DEFINITIONS

SECTION 1. *Porcelain Breakfast Furniture Assembling Industry.*—The term “Porcelain Breakfast Furniture Assembling Industry” as defined herein, means the assembling and finishing of wholly manufactured wood parts consisting of turned legs, stretchers, table bases and their parts, porcelain enamelled tops, and chairs. These parts are assembled, finished, and processed to complete a porcelain breakfast furniture set.

SEC. 2. *Employees.*—The term “employee” as used herein includes anyone, except a member of the industry, engaged in the Porcelain Breakfast Furniture Assembling Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

SEC. 3. *Employer.*—The term “employer” as used herein includes anyone by whom any such employee is compensated or employed.

SEC. 4. *Members of the Industry.*—The term “member of the Industry” includes anyone engaged in the Porcelain Breakfast Furniture Assembling Industry as above defined, either as an employer or on his own behalf.

SEC. 5. *President, Act, and 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 for Industrial Recovery.

SEC. 6. *Pull-backs.*—The term “pull-backs” as used herein includes such furniture manufactured by members as is returned by the consumer to the retailer after being in use.

SEC. 7. *Code Authority.*—The term “Code Authority” as used herein is the Agency hereinafter set up to administer the provisions of this Code, with the approval of the Administrator.

SEC. 8. *Association.*—The term “Association”, as used herein, means National Breakfast Furniture Manufacturers Association, Inc., a trade association.

SEC. 9. *Executive secretary.*—The term “Executive Secretary”, as used herein, means the Executive Secretary of the Association.

SEC. 10. *Effective date.*—The term “effective date” as used herein means the second Monday after this Code shall have been approved by the President.

### ARTICLE III—HOURS

SECTION 1. No office employees shall be permitted to work in excess of an average of forty (40) hours per week during each eight (8) weeks' period, but not more than forty-five (45) hours in any one week.

SEC. 2. No other worker 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 otherwise provided.

SEC. 3. Employees engaged in the capacity of designers, executives, or supervisors who receive \$35.00 per week or more, and outside salesmen, are excepted from the provisions of Sections 1 and 2 of this Article.

SEC. 4. A tolerance of 10% in the hours specified above shall be permitted for firemen, engineers, emergency maintenance and repair crews, and shipping and delivery department crews.

SEC. 5. The hours of work for night watchmen and night firemen shall not exceed a total of eighty-five (85) hours in each two weeks period, or an average of forty-two and one half (42½) hours per week in each two weeks period.

SEC. 6. Truck drivers operating on trips normally requiring more than eight (8) hours, except in cases of unavoidable delay due to breakdown or accident, shall be subject to hours of labor of a code hereafter to be adopted for the trucking industry.

SEC. 7. The maximum hours prescribed in Section 2 of this Article shall not apply in cases of seasonal or peak operations, provided, however, that no employee engaged in such operations shall be permitted to work in excess of forty-eight (48) hours in any one week, nor in excess of forty (40) hours per week averaged over an eight (8) consecutive week period.

SEC. 8. All over-time work in excess of eight (8) hours per day or forty (40) hours per week shall be paid for at not less than one and one half (1½) times the regular hourly rate.

SEC. 9. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

### ARTICLE IV—WAGES

SECTION 1. No employees shall be paid less than the rate of 40¢ per hour, except as provided in Section 3 of this Article, and except in the States of Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, where no employee shall be paid at less than the rate of 36¢ per hour. The minimum rates herein specified are

guaranteed whether compensation is based on time, piecework, or incentive basis.

SEC. 2. Hourly wage rates for employees receiving more than the minimum herein perscribed shall be adjusted to preserve differentials existing on June 16, 1933, and in no case shall wages be reduced notwithstanding any reduction in hours.

Within thirty (30) days after this Code becomes effective, employers shall report to the Code Authority action taken by them since July 1, 1933, with respect to adjustment of wages above the minimum.

SEC. 3. An apprentice may be paid not less than 80% of the minimum wages specified in Section 1 of this Article for a period not exceeding a total of four (4) months. This apprenticeship period may be served only once during his lifetime. The number of such apprentices shall not exceed 5% of the total number of factory workers, provided that each employer may employ one such apprentice.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 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 before March 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 duly issued by the Authority empowered to issue employment certificates showing that the employee is of the required age.

SEC. 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.

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

SEC. 3. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purpose of the Act or of this Code.

SEC. 4. *Posting Code.*—Each employer shall post in conspicuous places available to employees full copies of this Code.

## ARTICLE VI—LABELS

SECTION 1. All furniture manufactured or sold by “members of the Industry” shall bear and have affixed thereto an “NRA Label” which should remain attached to each piece of breakfast furniture when it leaves the factory. Such labels shall bear the registration number specially assigned to each manufacturer in the Industry by the Code Authority. The privilege of using such labels shall be granted and such labels shall be issued to any manufacturer 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 this Code.

“Members of the Industry” shall be entitled to obtain and use such labels if they comply with the provisions of this Code.

## ARTICLE VII—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

## A. ORGANIZATION

SECTION 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.

SEC. 2. The Code Authority shall consist of ten (10) individuals or such other number as may be approved from time to time by the Administrator, including seven (7) members of the Board of Directors, and the Executive Secretary, all of the National Breakfast Furniture Manufacturers Association, Inc., and two (2) other breakfast furniture assemblers who are nonmembers of the National Breakfast Furniture Manufacturers Association, Inc., all to be selected by a fair method of election subject to the approval of the Administrator. The Government shall be represented on the Code Authority by not more than three (3) members without vote to be appointed by the Administrator, for terms of from six months to one year arranged so that the terms do not expire at the same time.

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.

SEC. 4. Each trade or industrial association 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. 5. Members of the Industry shall be entitled to participate in the benefits of the activities of the Code Authority and to partici-

pate 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.

SEC. 6. 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 adjust 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 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 Industrial 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.

#### B. POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. The Code Authority shall have the following duties and powers to the extent permitted by the Act. If the Administrator shall determine that any action of the Code Authority or any agency thereof is unfair or unjust 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 action and further consideration by such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

SEC. 2. To establish appropriate machinery for the issuance of labels in accordance with Article VI of this Code, with the approval of the Administrator.

SEC. 3. To prescribe and approve a standard system of cost accounting, which, when approved by the Administrator, shall become the uniform system of cost accounting for the Industry, and all members of the Industry shall thereafter use a system of cost accounting which conforms to the principles of and is at least as detailed and complete as such uniform system. The Code Authority, however, may permit such exceptions or variations as it deems necessary to meet the requirements of a particular situation.

SEC. 4. To investigate and inform the Administrator, on behalf of the Industry, 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 seriously to endanger the maintenance of this Code and as an agency for making complaint to the President on behalf of the Industry under the provisions of the Act, with respect thereto.

SEC. 5. 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 effect the operation of the provisions of this Code and the policy of the Act and in particular along the following lines:

(a) *Reports to administrator.*—Recommendations as to the requirements by the Administrator of such further reports of persons engaged in the Industry of statistical information and keeping of uniform accounts as may be required to secure the proper observances of the Code and promote the proper balancing of production and consumption and the stabilization of the Industry and employment.

(b) *Service bureau.*—Recommendations for the setting up of a Service Bureau for the Industry for accounting, credit, and other purposes, to aid members of the Industry in meeting the conditions of the emergency and the requirements of this Code.

(c) *Promote stabilization.*—Recommendations for the making of requirements as to trade practices by persons engaged in the Industry as to methods and conditions of trading, and the naming and publication of prices which may be appropriate to avoid discrimination, to promote the stabilization of the Industry.

(d) *Distress merchandise.*—Recommendations for regulating the disposal of distress merchandise in a way to secure the protection of the owners and to promote sound and stable conditions in the Industry.

(e) *Dealing with inequalities that endanger industry and employment.*—Recommendations for dealing with any inequalities that may otherwise arise to endanger the stability of the Industry and of production and employment.

(f) *Investigation of violations.*—The Code Authority is hereby appointed as an emergency committee for this Code of Fair Competition and subject to review and disapproval of the Administrator is empowered to investigate whether the provisions of this Code are being observed, to make complaints concerning alleged violations, to cooperate with the Administrator of the Act; to propose additions, modifications, or revisions of this Code and generally to perform such other acts as may be reasonably necessary and proper to put the provisions into effect and accomplish the objects and purposes of the Act. In the event such committee shall find the Rules of Fair Competition, or any provisions of this Code, have been violated, the violation shall be reported to the Code Authority for such action as they deem proper in accordance with this Code, including in appropriate cases, report to the National Recovery Administration, or take appropriate steps to institute license proceedings in accordance with law or any other appropriate legal proceedings provided for in the Act.

SEC. 6. 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 other provisions of this Code.

SEC. 7. The Code Authority is also set up to cooperate with the Administrator in making investigations as to the functioning and observance of any of the provisions of this Code at its own instance

or on complaint by any person affected, subject to review and disapproval of the Administrator.

SEC. 8. 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 shall furnish duly certified reports in substance as follows, and in such form as may be provided and at such intervals as the Code Authority may prescribe, subject to review and disapproval of the Administrator.

(a) *Wages and hours of labor.*—Returns every 4 weeks showing actual hours worked by the various occupational groups of employees and minimum weekly rates of wages.

(b) *Machinery data.*—Returns every 4 weeks showing number of machines operating each week, the number of shifts and the total number of machine hours each week.

(c) *Reports of production, sales, stocks, and orders.*—Monthly reports showing production in terms of the commonly used unit (i.e.) breakfast furniture, stocks on hand, both sold and unsold, stated in the same terms.

SEC. 9. The Executive Secretary and/or the Association is hereby constituted the agency to collect and receive, as confidential information, such individual members' reports. Such reports shall be filed by the Secretary for reference in such form as to eliminate identification of any individual member, and shall be available for the inspection only by the Secretary or the Administrator or their duly authorized representatives. The Executive Secretary shall furnish the Code Authority with the summaries of the data and statistics he compiles from the members' individual reports.

SEC. 10. In addition to the information required to be submitted by 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 to such Federal and State agencies as the Administrator may designate; nor shall anything in any code, agreement, or license relieve any person of any existing obligation to furnish reports to Government agencies.

SEC. 11. Each member shall, within ten (10) days after the effective date of this Code, publish to its customers and file with the Secretary and/or the Association each and every price list, duly certified by a proper executive, showing all prices of their respective merchandise assembled or processed in the Industry, and all terms. Each of the first lists of prices and terms of sale filed by any members, as above provided, shall take effect on the date of filing thereof. None of the prices and terms in any list filed by any members shall be changed except by the filing of such member with the Secretary and/or the Association of a new list of prices and terms, which shall become effective five (5) days after the date on which such new price list and terms of sale shall have been filed. The failure of any manufacturer to adhere to his prices and terms of sales filed, as herein provided, and any other deviation from the provisions of this Section shall be an unfair method of competition.\*

\* See paragraph 2 of order approving this Code.

SEC. 12. Members of the Industry shall report on the tenth (10th) day of each month to the Code Authority a list of close-outs and seconds accumulated in the preceding month, and shall file with the Code Authority its price list and terms of such seconds and close-outs in accordance with the provisions as herein provided in Section 10 of Article VII. The member may sell such seconds or close-outs at any time at his own price as filed with the Code Authority, provided, he shall distinctly mark his products as Close-Outs or Seconds, and shall thereafter furnish the name and addresses of the purchaser of close-outs or seconds to the Code Authority.

#### ARTICLE VIII—TRADE PRACTICE RULES

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

RULE 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.

RULE 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 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.

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 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.

RULE 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.

RULE 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, or selling any furniture product

or any article whatsoever, included in the purchase of breakfast furniture, at an unreasonable price, for the purpose of evading or defeating the terms of this Code.

**RULE 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 disparagement of the grade or quality of their goods.

**RULE 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 and without bringing such suits or proceedings within a reasonable time, with the tendency or effect of harassing competitors or intimidating their customers.

**RULE 9. *Espionage of Competitors.***—Securing confidential information about a competitor's business by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method or any other secret means where the effect may be to hinder or stifle competition.

**RULE 10. *Piracy of trade marks and trade names.***—The imitation of a trade mark, trade name, slogan, or the other marks of identification of competitors, having the tendency and capacity to mislead or deceive.

**RULE 11. *Terms of settlement.***—Selling on more favorable terms than two (2%) percent in thirty (30) days, net sixty (60) days from date of shipment; provided, however, that where the purchaser because of departmental accounting practices requires a cash discount of five (5%) percent and the member consents to it, invoices shall be increased sufficiently to permit such discount, and in every such case the net return of the member shall not be less than it would have been had the cash discount been two (2%) percent instead of five (5%) percent. Where it is the practice of a buyer to make monthly settlement of all invoices, a member may allow the deduction of the cash discount if payment is made not later than the fifteenth (15) of the calendar month following dates of shipment. Credit terms shall be included in the statement and billhead of each member of the Industry.

**RULE 12. *Consignment.***—The shipping of goods on consignment or memorandum either directly or indirectly, except under circumstances to be defined by the Code Authority where peculiar circumstances in the Industry require the practice.

**RULE 13. *Returns.***—(a) There shall be no returns of porcelain breakfast furniture except for factory defects, and except for such merchandise not shipped within the specified time in full compliance with the specifications and terms of the order. The above exception shall apply only to claims and returns by customers made within fifteen (15) days from the receipt of goods by them.

(b) Merchandise defective in manufacturing or assembling not discovered or readily ascertainable within the period of fifteen (15) days from the receipt of goods by customers may be returned and accepted for credit by members, providing, however, the member of the Code Authority appointed by the Administrator shall specify the time and place for a hearing between member of the Industry and customer to determine whether such defect was due to faulty manufacturing or assembling.

**RULE 14. *Pull-backs.***—There shall be no allowances on “Pull-Backs” of breakfast furniture, nor shall they be accepted for credit by any member of the Industry, except as provided for in Rule 13 of this Article.

**RULE 15. *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.

## ARTICLE IX—MODIFICATIONS

**SECTION 1.** (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 his 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 of hearing as he shall specify, and to become effective on approval of the Administrator.

**SEC. 2.** Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the Administrator, be modified or eliminated if it appears that the public needs are not being served thereby and as changes in circumstances or any experience may indicate. They shall remain in effect unless and until so modified or eliminated until the expiration of the Act. 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 purposes and to promote the policies of Title I of the Act and which shall not conflict with the provisions thereof.

## 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—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be 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.

Approved Code No. 239.

Registry No. 312-04.

**CODE OF FAIR COMPETITION**

FOR THE

**ADVERTISING DISPLAY INSTALLATION TRADE**

As Approved on January 30, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**ADVERTISING DISPLAY INSTALLATION TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Advertising Display Installation Trade, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VIII, Section 2, insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further order either within a period of 60 days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 30, 1934.*

THE PRESIDENT,  
*The White House.*

#### INTRODUCTION

SIR: This is the report of the Administrator to the President on the application for, and public hearing on, a Code of Fair Competition for the Advertising Display Installation Trade as proposed by the National Display Installation Association representative of that business. The Code presented herewith was revised by the Executive Committee of the National Display Installation Association following the public hearing, which was held Tuesday, November 21, 1933.

The hearing was conducted in Washington on November 21, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

There is one national trade association, namely, the National Display Installation Association with offices at 1209 Sycamore Street, Cincinnati, Ohio. There is no evident reason why the truly representative character of said Association should be questioned.

#### DEFINITION

Advertising display installation is a small item in national economy, for the services rendered by installation concerns require the employment of but fifteen hundred (1,500) employees and approximate \$2,500,000 in gross business. The definition embraces no productive functions, in the generally accepted meaning; it is purely a service available to anyone who wishes to have his advertisements placed in or on windows of retail stores or in interiors of retail stores. To supplement the explanation of the service involved, it might be stated that these advertising displays are standard set forms furnished to the installation concerns by national advertisers.

#### ECONOMIC AND STATISTICAL MATERIAL

The Advertising Display Installation Trade in 1932 furnished employment to 1,500 employees. In 1929 employees numbered 2,000. There are approximately 300 concerns in the Trade, the number remaining unchanged since 1928. It can be seen that there has been noticeably less employees since 1929—in fact, a decrease of 25%. This service of display installation seems to be a Trade comprised in the main of “trimmers” who do the actual installing in retail store windows. The Code does not permit anyone under 18 years of age to be engaged as a “trimmer.”

## RÉSUMÉ OF THE CODE

The proponents of the Code have established forty hours in any one week or 8 hours in any twenty-four hour period for all employees other than trimmers. No trimmer shall be permitted to work in excess of 40 hours or install more than 45 displays in any one week averaged over any consecutive 12 weeks' period. Sufficient latitude is thus allowed the employers so that the hours of trimmers can be adjusted to meet the irregular demand for service for those on whom the members of the display installation trade are dependent for their business.

Evidence was presented at the public hearing to indicate that more stringent regulation of the hours of trimmers would work hardship on members of the Trade, as well as on employees.

A minimum hourly wage of 35 cents is established for all employees except trimmers. Trimmers, the majority of whom are paid on a piece work basis if compensated on an hourly basis, are paid 85 cents per hour as a minimum, if on a piece work basis a minimum of 90 cents per window installation, or 50 cents per interior installation. There is established for trimmers a minimum daily wage which will allow the employee additional protection.

The administration of the Code closely follows the lines recommended by the N.R.A. Legal Division.

The proponents of the Code are arranging for the nomination and election of the Trade members of the Code Authority, such arrangements to be completed not later than 90 days after the effective date of the Code. In the interim, the regularly constituted Board of Directors of the National Display Installation Association are serving in this capacity.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Trade normally employs not more than 50,000 employees; and is not classified by me as a major trade.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is a trade association truly representative of the aforesaid Trade; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**ADVERTISING DISPLAY INSTALLATION 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 Advertising Display Installation Trade, and shall be the standard of fair competition for such Trade and shall be binding upon every member thereof.

**ARTICLE II—DEFINITIONS**

The term "Advertising Display Installation Trade" as used herein includes the service of installation, for others, of display advertising material in or on the windows or interiors of retail stores, 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 Trade in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

The term "trimmer" as used herein includes any employee whose principal work is the installation of Advertising Display.

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

The term "member of the Trade" includes anyone engaged in the Trade as above defined, either as an employer or on his own behalf.

The term "window installation" as used herein includes the placing of the advertiser's display material in a window of a store in such manner as to make practically a complete window trim, including the placing of a counter card or small counter display on the counter.

The term "interior installation" as used herein includes the placing of the advertiser's display material in the interior of a store with decorative treatment, regardless of location.

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 trimmer shall be permitted to work in excess of forty (40) hours or to install more than forty-five (45) window installations per week averaged over any consecutive twelve (12) weeks in any one (1) year.

2. No other employee shall be permitted to work in excess of forty (40) hours in any one (1) week or eight (8) hours in any twenty-four (24) hour period.

3. The maximum hours hereinabove set forth shall not apply to outside salesmen or employees engaged in a managerial or executive capacity receiving thirty-five dollars (\$35.00) a week or more.

4. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

## ARTICLE IV—WAGES

1. Except as hereinafter expressly stipulated otherwise, no employee shall be paid at less than the rate of thirty-five cents (\$0.35) per hour.

2. No trimmer compensated on an hourly basis shall be paid at less than the rate of eighty-five cents (\$0.85) per hour.

3. No trimmer compensated on a piecework basis shall be paid at less than the rate of ninety cents (\$0.90) per window installation or fifty cents (\$0.50) per interior installation.

4. No trimmer shall be paid less in any twenty-four (24) hour period than a wage equivalent to that which such trimmer would be entitled to receive for three (3) working hours.

5. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

6. No employee whose full time weekly hours for the four (4) weeks ended June 17, 1933, are reduced by the provisions of this Code by twenty percent (20%) or less, shall have his or her full time weekly earnings reduced.

No employee whose full time weekly hours are reduced by the provisions of this Code, in excess of twenty percent (20%), shall have his or her said earnings reduced by more than fifty percent (50%) of the amount calculated by multiplying the reduction in hours in excess of twenty percent (20%) by the hourly rate.

7. Female employees performing substantially the same work as male employees shall receive the same rates of pay as a male employee.

## ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Trade nor anyone under eighteen (18) years of age as a trimmer. 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 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 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 so as to defeat the purposes of the Act.

7. Each employer shall post in conspicuous places accessible to employees full copies of this Code.

#### ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to administer this Code.

Organization, powers, and duties of Code Authority:

1. 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, and of such additional members, without vote, as the Administrator, in his discretion, may appoint to represent such groups or governmental agencies as he may designate.

2. Every member of the Trade who qualifies as provided in Section 10 of this Article shall be entitled to one (1) vote in the nomination and election of the Trade members of the Code Authority. The proponents of this Code shall arrange for such nomination and election not later than ninety (90) days after the effective date of this Code. In the interim, the regularly constituted Board of Directors of the National Display Installation Association shall exercise all the rights, powers, and prerogatives of the Code Authority as herein determined.

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.

4. 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 other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

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 of act under the Code, except for his own willful misfeasance or nonfeasance.

6. The Code Authority may utilize the facilities of and cooperate with any and all trade and labor associations or organizations, national, regional, or local, in the Advertising Display Installation Trade in such manner as it deems most useful to its work, with the consent of such organizations.

7. The Code Authority may coordinate the administration of this Code with such other Codes, if any, as may be related to the Trade, or any subdivision thereof and may assist in promoting joint action upon matters of common interest by establishing a joint Advisory Board to which one (1) or more of its members shall be delegated.

8. The Code Authority may appoint and remove and fix the compensation of such employees, accountants, attorneys, and officers as it shall deem necessary or proper for the purpose of administering the Code.

9. The Code Authority shall obtain from members of the Trade, as soon as the necessary readjustments within the Trade can be made, reports based on periods of one (1), two (2), or four (4) weeks, or multiples thereof, for use of the Code Authority and the Administrator in the administration and enforcement of the Code, and for the information of the President, and to give assistance to members of the Trade in improving methods, or in prescribing uniform system of accounting and reporting.

10. Members of the Trade shall be entitled to participate in and share the benefits of the activities of the Code Authority, to participate in the selection of the members thereof and to use the N.R.A. Code Insignia, by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expense of preparation, presentation, and administration of this Code. The reasonable share of such expense 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.

11. 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.

12. If the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust 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 action and further consideration by such code authority or agency pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE VII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Trade and are prohibited:

1. *Inaccurate Advertising.*—No member of the Trade shall use advertising 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.

2. *Commercial Bribery.*—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 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. *Selling Below Cost.*—No member of the Trade shall sell any commodity or service at a price below cost. However, any member may meet the price competition of anyone whose costs under this Code provision are lower. Cost shall be determined in accordance with the principles enumerated in any standard cost system formulated by the Code Authority with the approval of the Administrator.

4. *Secret Rebate.*—No member of the Trade shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, excess allowance, free or extra service, 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.

5. *Inaccurate Reference to Competitors.*—No member of the Trade shall use advertising or other representation which refers inaccurately in any material particular to any competitors or their commodities, prices, values, credit terms, policies, or services.

6. *Interferences with Contractual Relations.*—No member of the Trade 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.

7. No member of the Trade shall allow any discount; all work shall be billed at least weekly and shall be payable net ten (10) days.

8. No member of the Trade shall make a window installation which does not bear clearly the exact date of such installation, in accordance with the regulation of the Code Authority.

9. No member of the Trade shall remove or interfere with an installation within seven (7) days of the date shown thereon.

10. No member of the Trade shall place a poster or in any way mar or obstruct the view of an installation within seven (7) days of the date shown thereon.

11. No member of the Trade shall give, permit to be given, or offer to give anything of value for the purpose of influencing or rewarding the action of any retailer in granting to said member of the Trade exclusive display privileges.

#### ARTICLE VIII—OPEN PRICE AGREEMENT

1. The Code Authority shall prepare and complete as soon as possible a basic classification of the services of the Trade together with a scale of extras and deductions that shall be added to or deducted from the base prices. This classification may be amended from time to time by the Code Authority.

2. This classification of services shall be made available by the Code Authority to every member of the Trade. Within thirty (30) days thereafter each member of the Trade shall file with the Code Authority, or otherwise as it may require, a list showing the minimum base prices for all services. Any subsequent change in a price list shall be filed as provided herein to become effective not earlier than ten (10) days from the date of filing, except that the first price list so filed shall become effective immediately.<sup>1</sup>

3. No member of the Trade shall contract for the sale of or sell any service at less than such current minimum prices and terms as he shall have established by filing with the Code Authority as hereinabove provided.

#### 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. 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 Administrator.

#### 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.

<sup>1</sup> See paragraph 2 of order approving this Code.

## ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if price of 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 10th day after date of approval by the President.

Approved Code No. 240  
Registry No. 1702-32





**CODE OF FAIR COMPETITION**

FOR THE

**CHEWING GUM MANUFACTURING INDUSTRY**

As Approved on January 30, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**CHEWING GUM MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Chewing Gum Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, Section 1, insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further order either within a period of 60 days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,

*Division Administrator.*

WASHINGTON, D.C.,

*January 30, 1934.*

THE PRESIDENT,  
*The White House.*

SIR: This is a report of the Code of Fair Competition for the Chewing Gum Manufacturing Industry as revised after a public hearing conducted in Washington on December 4, 1933, in accordance with the provisions of the National Industrial Recovery Act.

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**CHEWING GUM MANUFACTURING INDUSTRY**

**ARTICLE I—PURPOSES**

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Chewing Gum Manufacturing 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 "the Industry" as used herein includes, within the United States, the manufacturing and primary distributions of chewing gum and/or chewing gum base, and such related branches or subdivisions as may from time to time be included under the provisions of this Code by the President of the United States, after such notice and hearing as he may prescribe.

2. The term "primary distribution" as used herein means the distribution by a manufacturer of his own production or distribution by a distributor for whom is manufactured a product not identified by the manufacturer's brand or name to—

- (a) Other manufacturers
- (b) Wholesalers or jobbers
- (c) Retailers direct

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.

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

4-a. The term "supervisory employee" as used herein means a foreman or forelady in charge of a department.

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

6. 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.

7. The term "the United States" as used herein means and includes the states and territories comprising the United States of America.

8. The term "Association" as used herein means National Association of Chewing Gum Manufacturers, a trade association having its offices at Pier 23, Rosebank, Staten Island, New York.

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

### ARTICLE III—HOURS

1. *Maximum Hours.*—No employee, except as herein otherwise provided in this Article, shall be permitted to work in excess of 10 hours in any one day or in excess of 40 hours in any one week.

2. No fireman, engineer, chauffeur, or employee engaged in the preparation, care and maintenance of plant, machinery, and equipment, except as herein otherwise provided in this Article, shall be permitted to work more than 44 hours in any one week.

3. Any employee shall be permitted to work up to 8 hours in excess of the weekly hours provided in Sections 1 and 2 of this Article in each of any 8 weeks during any January 1st to June 30th and July 1st to December 31st six-month period provided the weekly average for any such period shall not exceed the weekly number of hours mentioned in Sections 1 and 2 of this Article; but in the event the employment of any employee, except an office employee, is terminated by any employer before said employee has been continuously employed by said employer for six months immediately prior thereto, the average number of weekly hours worked by said employee shall be computed from the date of beginning of his employment to the date of termination thereof and if such computation shows a weekly hour average in excess of the weekly hours hereinabove in Sections 1 and 2 of this Article permitted, said employee shall be paid time and one third for such excess.

4. *Exemptions from Maximum Hour Provisions.*—The following employees shall be exempt from maximum hour provisions—

(a) Employees in managerial or executive capacities, or supervisory employees, who earn not less than \$35.00 per week.

(b) Outside salesmen.

(c) Watchmen, provided, however, that watchmen shall not be permitted to work in excess of 60 hours in any one week.

5. *Standard Week.*—No employee shall be permitted to work more than 6 days in any 7-day period.

6. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for a time which, when totaled with that already performed with another employer or employers in this Industry, exceeds the maximum permitted herein.

7. *Overtime.*—For any employment in excess of the maximum hours permitted hereinabove in this Article employees shall be compensated at the rate of time and one third.

8. No employee whose normal full time weekly hours prior to July 1, 1933, are reduced by less than 20% shall have his or her full time weekly earnings reduced. No employee whose full time weekly hours are reduced 20% or more shall have his or her full time weekly earnings reduced by more than 10%; provided, however, that this

section shall not apply to any employee whose normal full time weekly earnings were more than \$35.00 per week prior to July 1, 1933, and whose normal full time weekly earnings were not reduced to less than \$35.00 per week between July 1, 1933, and the effective date of this Code.

#### ARTICLE IV—MINIMUM WAGES

1. *Office Employees.*—No office employee or outside salesman shall be paid at less than the rate of \$15.00 per week in cities of over 500,000 population or their metropolitan districts, or less than at the rate of \$14.50 per week in cities having less than 500,000 population but more than 250,000 population, or their metropolitan districts, or less than at the rate of \$14.00 per week in cities, towns, villages, or other places with less than 250,000 population or their metropolitan districts.

2. *Male Employees.*—No male employee not otherwise provided for in this Article shall be paid at less than the rate of 40 cents per hour in cities of over 500,000 population or their metropolitan districts, nor less than at the rate of  $38\frac{3}{4}$  cents per hour in cities having less than 500,000 population but more than 250,000 population or their metropolitan districts, or less than at the rate of  $37\frac{1}{2}$  cents per hour in cities, towns, villages, or other places with less than 250,000 population or their metropolitan districts.

3. *Female Employees.*—No female employee not otherwise provided for in this Article shall be paid at less than the rate of 35 cents per hour in cities of over 500,000 population or their metropolitan districts, or less than at the rate of  $33\frac{3}{4}$  cents per hour in cities having less than 500,000 but more than 250,000 population or their metropolitan districts, or less than at the rate of  $32\frac{1}{2}$  cents per hour in cities, towns, villages, or other places with less than 250,000 population or their metropolitan districts.

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

4. *Apprentices.*—No apprentice shall be paid at less than 80% of the applicable hourly rate set forth in this Article. The period of apprenticeship shall be limited to 30 working days after entering the employment of an employer. No more than 5% of any employer's total employees may be classed as apprentices.

5. *Physically Handicapped.*—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 under such hours as shall be stated in the certificate. Each employer shall file with the Code Authority Committee a list of all such persons employed by him.

6. *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.

## ARTICLE V—GENERAL LABOR PROVISIONS

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. 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. *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 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.

3. *Reclassification of Employees.*—No employer shall reclassify employees or duties or 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. *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.

5. *State Laws.*—Within each State no provision in this Code shall supersede a 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.

6. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

7. *Posting of Hours Worked.*—All employers shall post at the end of each 4-week period in a conspicuous place or places available to all employees a schedule stating for each employee (except office employees and outside salesmen)—

(a) The Hours worked in each of the preceding 4 weeks.

(b) The cumulative average of hours worked from the next preceding January 1st or July 1st.

## ARTICLE VI—ADMINISTRATIVE PROVISIONS

1. A Code Authority is hereby constituted to administer this Code.

*Organization.*—The Code Authority shall consist of six or more members selected in the following manner:

(a) Two members shall be elected by those Members of the Industry whose annual sales are less than \$1,000,000.

(b) Three members shall be elected by those Members of the Industry whose annual sales exceed \$1,000,000.

(c) The Secretary of the Association shall be a member ex-officio.

(d) The Administrator, in his discretion, may appoint additional members without vote to represent such groups or governmental agencies as he may designate. Such members shall serve without expense to the Association.

2. Each elective member of the Code Authority shall be a Member of the Industry, or an officer or executive who is an accredited delegate of a Member of the Industry, and, except as provided below in this paragraph, shall serve for one year or for the remaining duration of the Act, whichever is shorter. Upon the expiration of the term or the resignation of a member of the Code Authority or upon the termination of association with the employer of whom a member of the Code Authority was a delegate at the time of his election, or upon the vacancy in any membership on the Code Authority caused by a member's severance from the industry or unwillingness or inability to act, or death, or otherwise, a successor member of the Code Authority shall be elected by those members of the industry, or the survivors of them, who elected his predecessor. Any successor member so elected shall serve for one year or for the remaining duration of the Act, whichever is shorter, unless said term be terminated prior thereto for any of the reasons given above for the termination of a member's term of office.

3. The method of election of the members of the Code Authority shall be as follows:

(a) Each member of the industry shall have one vote, and shall be termed hereinafter as an elector.

(b) All electors included in Section 2 (a) of article VI shall belong to Group #1. All other electors shall belong to Group #2.

(c) Nominations and elections shall take place under the auspices of the Secretary of the National Association of Chewing Gum Manufacturers.

(d) Each elector in a group from which a vacancy is to be filled may nominate a sufficient number of eligible individuals to fill whatever vacancy or vacancies exist. Ten (10) days after the Secretary has notified electors of an election and that nominations are in order, he shall tally all nominations received. Those individuals receiving the greatest number of nominations shall be the nominees, and there shall be twice as many nominees as there are vacancies to be filled.

(e) Within two (2) days after the tallying of nominations the Secretary shall mail ballots to each elector, listing the nominees, nominated by the group to which such elector belongs. Each elector may vote for a sufficient number of nominees on the ballot received, to fill existing vacancies. Ten (10) days after mailing of ballots the Secretary shall tally all ballots received from electors. The nominee or nominees, respectively, receiving the highest number of votes shall be elected to fill a vacancy or vacancies. Within two

(2) days after the tallying of votes the Secretary shall mail written notification to all electors setting forth the result of the election.

(f) The Secretary shall call for nominations—

- (1) Within three (3) days after the approval of the Code.
- (2) Not later than thirty (30) days prior to the expiration of term of any member of the Code Authority.
- (3) Within three (3) days after having received notice of any vacancy.

(g) Until such time as an election as hereinbefore provided for shall have taken place, the members of the Committee submitting this Code shall serve as the Industry representatives on the Code Authority.

4. Each trade association directly or indirectly participating in the selection or activities of the Code Authority or agencies thereof 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 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.

6. Members of the Industry shall be entitled to make use of the insignia approved by the Administrator for the Chewing Gum Industry and 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 either by becoming a member of the Association or by paying to the Association an amount equal to the dues from time to time provided to be paid by a member in like situation of the Association. The amount of any such payment or payments shall be subject to review and approval by the Administrator.

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

8. *Powers and Duties.*—The Code Authority shall have the following further powers and duties, to the extent permitted by the Act:

(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 designate a Confidential Agency who shall be a Certified Public Accountant not regularly employed as auditor or otherwise by any member of the industry. The Code Authority shall effectuate the collection by the Confidential Agency from Members of the Industry of such information and reports as are required for the administration of the Code, inclusive of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, and which information and reports shall also be submitted by Members of the Industry 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 of any Member of the Industry other than information required by the Administrator and other than information with respect to violations of this Code shall be disclosed by the Confidential Agency to any other Member of the Industry or to any other party except with the permission of the Code Authority and with the permission of the Member of the Industry furnishing such information. The Code Authority shall obtain from the Confidential Agency and disseminate among Members of the Industry such summaries of information collected as per this paragraph which the Code Authority deems vital and pertinent to the Industry.

(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, whenever such recommendations, in the discretion of the Code Authority, appear desirable.

(f) 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.

(g) To recommend to the Administrator, whenever the Code Authority considers such recommendations desirable, 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, whenever the Code Authority considers such recommendations desirable, measures for industrial planning, including stabilization of employment, and upon approval by the Administrator after such notice and hearing as he may deem necessary, such recommendations shall become effective as part of this Code.

9. The Chairman of the Code Authority shall be the Secretary of the Association. In the absence of the Chairman, or in his inability or unwillingness to act, the Code Authority shall select an acting Chairman who shall then have the full powers of the Chairman.

10. If the Administrator shall determine that any action of a Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

## ARTICLE VII—TRADE PRACTICES

1. *Established Prices.*—(a) Each member of the Industry, except for branded chewing gum sold thru coin-operated vending machines and except for the original sale of chewing gum not identified by the manufacturer's brand or name, shall establish a price and sales terms for each of his products: such prices and terms shall be established thru lists filed with the Confidential Agency, and list of prices and sales terms established by each Member of the Industry shall be so filed not later than ten (10) days after the approval of the Code by the President and shall become effective ten (10) days after the date of such filing.

(b) Any Member of the Industry may amend the list or make a substitution thereof at any time and such amendments and substitutions shall become effective three (3) days after filing with the Confidential Agency.

(c) The Code Authority may prescribe rules for the publication of such prices and sales terms.

(d) No Member of the Industry shall sell or offer to sell any product at prices or sales terms other than those filed with the Confidential Agency as above provided.<sup>1</sup>

2. *Advertising or Distribution Allowances.*—A Member of the Industry may pay or allow a credit to a trade buyer thru a special advertising or distribution allowance for definite advertising or distribution services provided that—

(a) Such services are performed in pursuance of a written contract made in good faith explicitly defining the service and the payment for it.

(b) Such services are duly rendered and such payment is reasonable and not excessive in amount.

Copies of all contracts of each Member of the Industry as to service, distribution, or advertising allowances and/or payments to trade buyers shall be filed with the Confidential Agency for such review and audit as may be prescribed by the Code Authority.

3. *Sales Below Cost.*—No member of the Industry shall offer or sell a product below its cost to him without a legitimate business reason justifying such action and which shall have been reported to the Confidential Agency. This shall not apply to any sale made in closing out in good faith a Member of the Industry's stock or any part thereof for the purpose of discontinuing his trade in any stock or commodity or in disposing of seasonal or damaged goods or merchandise requiring immediate movement in consumption to prevent loss.

<sup>1</sup> See paragraph 2 of order approving this Code.

Subject to the approval of the Administrator and the Code Authority, the Confidential Agency shall prescribe and receive reports necessary in the determination of fair practice as to costs.

4. *Goods on Consignment.*—Except to the extent necessary to carry out arrangements existing on the effective date of the Code and which shall have been reported to the Code Authority, from and after such date, no Member of the Industry shall deliver products on consignment.

All arrangements for the delivery by any Member of the Industry, of products on consignment existing on the effective date of the Code shall be terminated on or before six months thereafter, and all stock held on consignment on that date shall either be sold to the consignee or possession thereof shall be taken by the consignor.

5. *Cash Discount.*—No Member of the Industry shall allow a cash discount in excess of 2% for prompt payment of its invoices.

6. *Credit for Competitors' Goods.*—No Member of the Industry shall give credit or replacement for any product produced by a competitor.

7. *Misdating Invoices.*—No Member of the Industry shall state in the invoice of any product as the date thereof a date later than the date of shipment of such product, or include in any invoice any product shipped on a date earlier than the date of such invoice.

8. *Guaranteed Sales.*—No Member of the Industry shall guarantee the sale of his product by the purchaser thereof.

9. *Unauthorized Substitution.*—No Member of the Industry manufacturing chewing gum which is in accordance with a written agreement to be manufactured according to a specified formula shall use or substitute any material different in quality to that so specified.

#### ARTICLE VIII—EXPORT TRADE

None of the provisions of Article VII of this Code shall apply to sales in export trade outside the United States.

#### 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 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 Administrator.

#### 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—EFFECTIVE DATE

1. This Code shall become effective not later than ten (10) days after date.

2. The expiration date of this Code shall be the expiration date of the Act 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 the Act has ended.

Approved Code No. 241.  
Registry No. 109-1-01.



Approved Code No. 242

**CODE OF FAIR COMPETITION**

FOR THE

**MARINE AUXILIARY MACHINERY INDUSTRY**

As Approved on January 30, 1934

---

**ORDER**

**APPROVING CODE OF FAIR COMPETITION**

FOR THE

**MARINE AUXILIARY MACHINERY INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Marine Auxiliary Machinery Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 30, 1934.*

THE PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Marine Auxiliary Machinery Industry of the United States, conducted in Washington on the 27th of November 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: All employees, except executive, administrative, supervisory, and technical employees who are paid at the rate of \$35.00 or more per week, and traveling salesmen and service employees—40 hours per week, or 8 hours in any one 24-hour period. Watchmen and firemen—48 hours per week. These maximum hour provisions do not apply to any emergency condition which cannot be adequately met by hiring additional employees, but in all such cases at least one and one half his regular rate shall be paid to each employee for all time work on Sundays and legal holidays, or beyond the regular 8 hours per day or 40 hours per week maximum as stipulated above.

Minimum wages for employees are established as follows: All employees, except learners, engaged in production and in labor operations directly incident thereto—40 cents per hour. Learners, other than apprentices—80% of such minimum hourly wage, the number of learners of any employer not to exceed 5% of the total number of employees covered by such minimum hourly wage. All other employees, except office boys and girls and those whose earning capacity is limited because of age or physical or mental handicap—\$15.00 per week. Office boys and girls—80% of such minimum weekly wage, the number of such office boys and girls of any employer not to exceed 5% of the total number of employees covered by such minimum weekly wage. Incapacitated employees may be paid less than the established minimum hourly wage based on provisions of certificate obtained from state authority designated by the U.S. Department of Labor.

Employment of any person under 16 years of age and anyone under 18 years of age at occupations hazardous in nature or dangerous to health is prohibited.

The right of employees to organize and bargain collectively through representatives of their own choosing is recognized. No employee 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.

#### ECONOMIC EFFECT OF THE CODE

The Marine Auxiliary Machinery Industry ranks among those industries experiencing the greatest loss of business due to the depression, the annual sales of the industry falling from \$3,500,000

in 1929 to \$1,000,000 in 1932 and 1933, a decline of 71% from the 1929-1930 peak; and employment declining from 1,200 in 1929 to 500 in June 1933, a decrease of 58%. The average hours actually worked per week declined from 49.5 in 1929 to 45.5 in July 1933, a decrease of 8.1%. It is estimated that more than half the employees were working 35 hours or less during the week of October 21, 1933. The average weekly earnings for June 1933, were \$19.24 and for October 1933 they were \$22.88, representing an increase of approximately 19%.

It is believed that the provisions in this Code permit adequate control and at the same time insure development and sound expansion.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

CODE OF FAIR COMPETITION  
FOR THE  
MARINE AUXILIARY MACHINERY INDUSTRY

ARTICLE I

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 Marine Auxiliary Machinery 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 "Marine Auxiliary Machinery Industry" as used herein includes the manufacture for sale of machinery of the classes of steering gears, windlasses, warping and cargo handling machinery, towing machinery, airplane and boat cranes, and all other marine deck machinery.

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 behalf.

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 Title I of said Act.

The term "Code Authority" as used herein means the body provided for in Article VI of this Code.

The term "effective date" as used herein means the tenth day after the Code is approved by the President.

The term "learner" means an employee without previous experience on the class of work for which he is engaged, being trained to become competent on one or more machine operations but who shall not be so classified after ninety (90) days' experience.

ARTICLE III—HOURS

1. No employee except executive, administrative, supervisory, and technical employees who are paid at the rate of \$35.00 or more per

week, traveling salesmen and outside service employees, shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any one twenty-four-hour period.

2. No watchmen or firemen shall be permitted to work in excess of forty-eight (48) hours per week.

3. The maximum hours fixed in Section 1 of this Article shall not apply to any employee engaged in repair or break-down, or the protection of life and property, or any emergency condition which can not be adequately met by hiring additional employees, provided that in all such cases at least one and one-half his regular rate shall be paid to each employee for all time worked on Sundays and legal holidays, or beyond the regular eight (8) hour per day or forty (40) hour per week maximum stipulated in Section 1 of this Article. No employer shall knowingly engage an employee for a time which totaled with that already performed with another employer or employers exceeds the maximum permitted herein.

#### ARTICLE IV—WAGES

1. The minimum wage that shall be paid by any employer to any employee engaged in production and in labor operations directly incident thereto shall be not less than 40¢ per hour; provided, however, that learners (other than apprentices as defined in Section 4 of this Article) may be paid not less than 80% of such minimum wage, but the total number of learners employed by any employer shall not exceed 5% of the total number of employees employed by such employer covered by the provision of this Section 1, and provided further that after three months of work in this Industry learners shall be paid not less than the minimum wage herein provided.

2. A person whose earning capacity is limited because of age or physical or mental handicap, may be paid at a rate not less than 80% of the minimum established by Sections 1 and 3 of this Article, if the employer obtains from the state authority designated by the U.S. Department of Labor, a certificate authorizing his employment at such wages and for such hours as shall be stated in this certificate. Each employer shall file with the Code Authority a list of all such persons employed by him, which number of persons shall not exceed 5% of the total number of employees employed by such employer.

3. The minimum wage that shall be paid by an employer to all employees other than those described in Sections 1 and 2, Article IV, shall be at the rate of \$15.00 per week whether calculated on an hourly, weekly, monthly, piecework, or any other basis in accordance with the usual custom of the employer; provided, however, that office boys or girls may be paid at not less than 80% of such minimum wage rate, but the total number of such office boys or girls employed by any employer shall not exceed 5% of the total number of employees employed by such employer covered by the provisions of this section.

4. Subject to the right of the Administrator upon review to disapprove any such system or course of training, nothing in this Article IV shall apply to or effect a bona fide apprentice employed

under a system or course of training and which when completed will make the apprentice a skilled mechanic. Provided the total number of apprentices shall not exceed one apprentice to each five qualified skilled mechanics in the particular trade or occupation for which such apprentice is being trained. These apprentices shall be paid not less than 80% of the minimum wage per Article IV, Section 1, and for a period not to exceed two years from date of employment.

5. Not later than ninety days after the effective date of this Code each employer shall report to the Administrator through the Code Authority the action taken by such employer in adjusting wage rates for all employees receiving more than the minimum wages provided in Sections 1 and 3 of this Article IV, except executive, administrative, supervisory, and technical employees receiving \$35.00 a week or more, and salesmen.

6. This Article establishes a minimum compensation, irrespective of whether an employee is actually compensated on a time rate, piece-work, or other basis.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen 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. The Code Authority shall submit to the Administrator within ninety days from date of approval of Code a list of such operations and 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.

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 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 as to defeat the purposes of the Act.

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

8. Labor agreements now in force between members of the Industry and their employees shall be affected only by such provisions in this Code as may prescribe higher wages and shorter hours than are provided for in such agreements.

#### ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to administer this Code; all acts of said Code Authority are subject to the disapproval of the Administrator.

##### 1. Organization and constitution of Code Authority.

(a) The Code Authority shall consist of not more than six individuals, five of whom shall be elected from among the members, or officers of members of the Marine Auxiliary Machinery Manufacturers Association, and one of whom shall be elected from among the nonmembers or officers of nonmembers of said association, if there be such nonmembers.

Each member of the Industry who has conformed with the provisions for participation established in Section 3 of this Article VI shall have equal vote in electing the members of the Code Authority. The Administrator may, at his discretion, appoint not to exceed one additional member without vote.

(b) The Marine Auxiliary Machinery Manufacturers Association shall impose no inequitable restriction on membership and shall submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto.

(c) The Code Authority shall elect its officers and engage such agencies and assign to each such duties as it may deem advisable subject to review by the Administrator. The Code Authority shall provide its own rules of procedure and shall have full power and authority for the administration of this Code to the extent permitted by the Act and provided by the Code.

2. (a) The Code Authority 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 purposes of this Code.

(b) The Code Authority shall conduct investigations as to the functioning and observance of any provisions of this Code at its own instance or upon complaint by any person to the extent permitted by the Act.

(c) Members of the Industry shall file with the Code Authority at such time and in such manner as may be prescribed, statistics covering number of employees, wage rates, employee earnings, hours of work, and such other data as may be required for the administration of this Code.

3. Any member of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of the Code and sustaining his reasonable share of the expenses of administration. The said reasonable share of the expense of the administration shall be determined by the Code Authority, subject to review by the Administra-

tor, on the basis of volume of business and such other factors as may be deemed equitable to be taken into consideration.

4. 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

The following practices are declared to be unfair methods of competition and are prohibited:

1. 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 service.

2. The publishing or circulating 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.

3. 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.

4. 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 service, or privileges not extended to all purchasers on like terms and conditions.

5. Extending guarantees other than those due to defective material or inferior workmanship, which guarantees in such excepted cases shall not cover a greater period than one year after date of installation.

6. The making, or causing, or knowingly permitting to be made, or publishing 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.

7. Directly or indirectly giving or permitting to be given or offering 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 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. 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.

8. Selling under contracts which fail to specify the size and price of the machine and equipment and any freight allowances, with terms of payment.

9. 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 an adjudication or holding is not inconsistent with any provision of the Act or of this Code.

#### ARTICLE VIII—MODIFICATION

1. 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 Codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive and competitive practices and to effect the other purposes and policies of the Act.

2. The Code Authority shall, from time to time, make such recommendations including amendments of the Code as in its judgment will aid the effective administration of this Code or may be necessary to effect the purpose of the Act. Such amendments, when approved by the President, shall become part of this Code.

3. Violation of any provision of this Code is an unfair method of competition and shall come within the scope of the penalties prescribed by the law.

#### ARTICLE IX—STATISTICS

Except as otherwise provided in the Act all statistics, data, and information filed in accordance with the provisions of Article VI shall be confidential, provided, however, that nothing herein shall prevent the publication of general summaries of such statistics, data, and information. The statistics, data, and information of one employer shall not be revealed to any other employer except that for the purpose of facilitating the administration of the provisions of this Code, the Code Authority, by its duly authorized representatives and the Administrator, shall have access to any or all statistics, data, or information that may be furnished in accordance with the provisions of this Code.

#### ARTICLE X—ACCOUNTING AND COSTING

Every member of the Industry shall use an accounting system which conforms to the principles of and is at least as detailed and complete as the uniform and standard method of accounting and the uniform and standard method of costing to be formulated or approved by the Code Authority subject to the right of the Administrator upon review to approve or disapprove such method of accounting and costing, with such variations therefrom as may be required by the individual conditions affecting any member of the Industry and as may be approved by the Code Authority subject to the right of the Administrator upon review to approve or dis-

approve such method of accounting and costing, and made supplementary to said formulated or approved methods of accounting and costing.

#### ARTICLE XI—SALES BELOW COST

(a) No member of the Industry shall sell or exchange any product of his manufacture at a price or upon terms or conditions that will result in the customer paying for the goods received less than the cost to the seller determined in accordance with the uniform and standard method of costing herein above described in Article X with the following exceptions:

1. Slow-moving and/or obsolete stock on hand on June 16, 1933, which must be sold at reduced prices to be moved. Members of the Industry shall within thirty days after approval of Code make full report of such stock on hand to the Code Authority, and shall also report all sales of this material within thirty days after date of sale.

2. Obsolete stock not on hand June 16, 1933, subject to the approval of the Code Authority.

(b) Provided, further, that the Code Authority, upon application to it, may grant permission to any employer in the industry to sell below his allowable cost in order to meet competitive prices filed in accordance with the provisions of Article XI of this Code or to meet competition on products of equivalent design, character, quality, or specification.

#### ARTICLE XII—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 or oppress small enterprises, (d) discriminate against small enterprises.

#### ARTICLE XIII—SEGREGATION OF INDUSTRY

If any member of the Industry is also a member of any other industry, the provisions of this Code shall apply to and affect only that part of his business and employment which is included in this Industry.

#### ARTICLE XIV—RIGHTS OF PRESIDENT

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.

#### ARTICLE XV—EFFECTIVE DATE

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

Approved Code No. 242.

Registry No. 1340-01.

Approved Code No. 243

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**SLIDE FASTENER INDUSTRY**

As Approved on January 31, 1934

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**ORDER**  
**APPROVING CODE OF FAIR COMPETITION**  
**FOR THE**  
**SLIDE FASTENER INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Slide Fastener Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided that the continued participation of the Slide Fastener Manufacturers Association of America in the Code Authority after thirty days from the effective date of this Code shall be contingent upon its amending its constitution and bylaws to the satisfaction of the Administrator; and further provided that the provisions of Article VII (Rule 2), insofar

as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 31, 1934.*

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Slide Fastener Industry, and on the hearing conducted thereon in Washington, D.C., on December 13, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### RÉSUMÉ OF LABOR PROVISIONS

Office employees shall not be permitted to work in excess of a four-week average of 40 hours per week, nor in excess of 48 hours in any one week.

A limited number of employees engaged in emergency maintenance or repair work, and highly skilled employees, the restriction of whose working hours would necessarily restrict production or the employment of others, may work not to exceed 40 hours per week averaged over a period of 26 weeks, but time and one half shall be paid for such work in excess of 40 hours per week, except that during periods of peak or breakdown demand, necessary overtime may be worked, but not to exceed 48 hours in any one week or 96 hours in any six months' period. Time and one half shall be paid for work in excess of 8 hours per day or 40 hours per week.

These provisions shall not apply to outside salesmen or to persons employed in a managerial, executive, or advisory capacity, or in a capacity of sole responsibility, who receive more than \$35 per week; nor shall they apply to watchmen, who may be employed not to exceed 42 hours per week averaged over any period of 13 consecutive weeks.

The minimum wage for all employees shall be 40¢ per hour for males and 37½¢ per hour for females, except that a limited number of learners and apprentices may, for a limited period of time, be paid at the rate of 32½¢ per hour. Female employees performing substantially the same work as male employees are performing under substantially the same conditions shall receive the same rate of pay; provided, however, that where any law prohibits the employment of females during night hours, work performed at night shall be considered to be performed under substantially different conditions from the same work during the day.

Equitable adjustments in all pay schedules of all employees above the minimum shall be made on or before the effective date of the Code by employers who have not heretofore made such adjustments.

No person under 16 years of age shall be employed in the Industry and no person under 18 years of age shall be employed in operations or occupations which are hazardous in nature or dangerous to health.

#### · GENERAL STATEMENT

This Industry is engaged in the manufacture of slide fasteners, more popularly known as "zippers." Practically the entire produc-

tion of the Industry is sold as manufactured material to a trade consisting of concerns which, themselves, are manufacturers in a wide variety of lines, among which are included manufacturers of clothing of a great variety, the leather products industry, the ladies' handbag industry, and the footwear industry. In such industries as the clothing and the leather manufacturing industry, there are literally hundreds of different articles of merchandise in which slide fasteners are employed.

The following statistics are submitted by the Slide Fastener Manufacturers Association of America, to which all known members of the Industry belong.

	Number of employees	Minimum hourly wage	Maximum weekly hours	Weekly pay roll	Invested capital	Dollar sales
1928.....	671	\$0. 256	61. 6	\$18, 200	\$2, 478, 167	\$2, 565, 092
1929.....	924	. 238	67. 5	23, 350	3, 273, 758	4, 237, 837
1930.....	1, 034	. 238	66. 3	24, 050	4, 365, 136	4, 997, 211
1931.....	1, 220	. 223	67. 7	29, 850	5, 758, 482	5, 355, 384
1932.....	1, 309	. 217	68. 6	30, 100	6, 064, 564	4, 948, 097
1933.....					6, 812, 396	7, 360, 025
January.....	1, 182	. 220	67. 0	28, 500		
March.....	1, 262	. 211	65. 4	28, 700		
November.....	1, 726	. 343	44. 2			

#### FINDINGS

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

I find that:

(a) The Code will promote the policies and purposes of Title I of the Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of Title I of the Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code, subject to the following condition: that the continued participation of the Slide Fastener Manufacturers Association of America in the Code Authority after thirty days from the effective date of this Code shall be contingent upon its amending its constitution and bylaws to the satisfaction of the Administrator.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 31, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## SLIDE FASTENER 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 Slide Fastener Industry, and 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 and means the manufacture and sale of slide fasteners in the United States or its possessions, and such branches or subdivisions thereof 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.

The term "slide fastener" as used herein is defined to mean that form of fastening device which includes a pair of rows of inter-engageable fastening elements which may be engaged or disengaged by a member slidable along the rows.

The term "member of the Industry" means and includes, but without limitation, any individual, partnership, association, corporation, receiver, or other person engaged in the Industry, either as an employer or on his own behalf.

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

The term "employer" as used herein means and includes but without limitation all individuals, partnerships, associations, trusts, corporations, and receivers in the Industry by whom such employees are employed.

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.

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

### ARTICLE III—HOURS

SECTION 1. No accounting, clerical, or office employees shall work or be permitted to work more than forty (40) hours per week averaged over any period of four (4) consecutive weeks nor more than forty-eight (48) hours in any one week.

SEC. 2. No employee, except accounting, clerical, or office employees, shall work or be permitted to work in excess of forty (40)

hours per week, provided however, that this limitation of maximum weekly hours shall not apply under temporary conditions where seasonal or peak demand or break-down imposes an unusual and temporary burden, in which case such number of hours may be worked as are required by the necessity of the situation not to exceed forty-eight (48) hours in any one week nor overtime in any six (6) months' period in excess of ninety-six (96) hours, provided further, that time and one half or rate and one half, as the case may be, shall be paid for all time worked in excess of eight (8) hours in any one day of forty (40) hours in any one week.

SEC. 3. The maximum hours fixed in Section 2 of this Article shall not apply to employees engaged in emergency, maintenance, or repair work, nor to highly skilled employees, the restriction of whose working hours would necessarily restrict production or the employment of others, but the number of employees subject to this Section shall not at any time exceed fifteen (15) per cent of the total number of employees of any employer, and in any such case at least time and one half or rate and one half, as the case may be, shall be paid for hours worked in excess of forty (40) hours in any one week; provided however, the number of hours of actual employment of any such employee shall not exceed an average of forty (40) hours per week over a period of twenty-six (26) consecutive weeks.

SEC. 4. The foregoing provisions of this Article shall not apply to outside salesmen or to persons employed in a managerial, executive or supervisory capacity, or in a capacity of sole responsibility, receiving more than thirty-five dollars (\$35.00) per week, nor shall they apply to watchmen, provided, however, that watchmen shall not be employed in excess of forty-two hours per week, averaged over any period of thirteen (13) consecutive weeks.

SEC. 5. No employee shall work, or shall knowingly be permitted by an employer to work, for a total number of hours in excess of the number of hours prescribed for each week or day, whether employed by one or more employers.

#### ARTICLE IV—WAGES

SECTION 1. *Office Employees.*—No accounting, clerical or office employee shall be paid less than at the rate of fifteen dollars (\$15.00) per week in any city of over five hundred thousand (500,000) population, or in the immediate trade area of such city; nor less than at the rate of fourteen dollars and fifty cents (\$14.50) per week in any city of between two hundred fifty thousand (250,000) and five hundred thousand (500,000) population, or in the immediate trade area of such city; nor less than at the rate of fourteen dollars (\$14.00) per week for cities or towns of less than two hundred fifty thousand (250,000) population.

SEC. 2. *Factory and Other Employees.*—The minimum wage of any employee, excepting accounting, clerical or office employees and learners and apprentices, shall be forty cents (40¢) per hour for males and thirty-seven and one half cents (37½¢) per hour for females. Female employees performing substantially the same work as male employees are performing under substantially the same conditions shall receive the same rate of pay; provided, however, that where any law prohibits the employment of females during night hours, work per-

formed at night shall be considered to be performed under substantially different conditions from the same work performed during the day. When during periods of slump production male employees are transferred temporarily from work carrying a higher rate of pay to work carrying a lower rate of pay and ordinarily performed only by females, the above specified differentials in minimum rates may apply as between males and females who may thus as a consequence be temporarily performing substantially the same work under substantially the same conditions. The Code Authority shall within ninety days after the effective date of this Code file with the Administrator a description of all operations in the Industry in which both men and women are employed.

SEC. 3. The minimum wage for learners and apprentices shall be thirty-two and one half ( $32\frac{1}{2}\text{¢}$ ) cents per hour; provided, however, that learners on piece-rate operations whose earnings exceed the above minimum shall be paid the full amount they actually earn, and provided, further, that learners and apprentices employed by any individual employer shall not collectively exceed ten percent (10%) of the total number of employees of such employer. No employee shall be considered a learner after eight weeks of employment by any employer, and no employee who has been employed for eight weeks or longer shall be reengaged by the same employer as a learner.

SEC. 4. All apprentices receiving less than the minimum wage of forty cents (40¢) per hour must be under the age of twenty-one (21) years and under written contract with an employer covering a definite period of instruction in any specific craft recognized by the American Federation of Labor.

SEC. 5. Any 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. Such Authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file with the Code Authority a list of all such persons employed by him.

SEC. 6. *Guaranteed Minimum.*—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. 7. *Wage Adjustments.*—Equitable adjustments in all pay schedules of all employees above the minimum shall be made on or before the effective date of the Code by employers who have not heretofore made such adjustments and the first monthly reports of wages required to be filed under the Code shall contain all wage increases since June 16, 1933.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Provisions.*—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. Within ninety (90) days from the effective date of this Code each

member of the Industry shall furnish to the Code Authority, herein provided, a list of the hazardous occupations, operations, and machines in its plants.

SEC. 2. *Provisions from the Act.*—(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.

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 provisions of the Act or of this Code.

SEC. 4. *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. 5. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to all employees.

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

SECTION 1. *Organization.*—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 appointed by the President of the Slide Fastener Manufacturers' Association of America, subject to the approval of the Board of Directors of the Association, but no more than one member shall be appointed from one member of the Industry. Each duly appointed member of the Code Authority may designate, with the approval of the Code Authority, an alternate member who may act as a member of the Code Authority in the absence of the appointed member designating him.

In addition, the Administrator may appoint not to exceed three (3) members of the Code Authority without vote who shall serve for terms of from six months to one year and whose terms of appointment shall be so arranged that they do not expire at the same time.

The representatives who may be appointed by the Administrator shall be given notice of and may sit at all meetings of the Code Authority.<sup>1</sup>

<sup>1</sup> See paragraph 2 of order approving this Code.

SEC. 3. The Slide Fastener Manufacturers' 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. 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 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.

SEC. 5. Members of the Industry 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 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 such factors as may be deemed equitable.

SEC. 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose.

SEC. 7. *Powers and Duties.*—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. POWERS

(a) 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.

(b) To coordinate the administration of this Code with such other codes, if any, as may be related to the Industry, or any subdivision thereof, and to delegate to any other administrative authority, with the approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

(c) To secure an equitable and proportionate payment of the expenses of maintaining the Code Authority and its activities from those members of the Industry who accept the benefits of the activities of the Code Authority or otherwise assent to this Code.

(d) To make recommendations for fair trade practices, including provisions against selling below cost, and otherwise to assist the Administrator in effecting the purpose of this Code and Act. Any such recommendation upon the approval of the Administrator, after such hearing and notice as he shall prescribe, shall become part of this Code.

(e) To initiate, consider and make recommendations for the modification or amendment of this Code.

## B. DUTIES

(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 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 an accountant or firm of accountants of national reputation and all reports received by such confidential agency shall be held as secret and confidential and disclosed to no person, except that they shall be made available to the Administrator on request to the Code Authority. Such agency shall analyze, digest, and consolidate such reports and except as provided above shall disclose, but only to the Code Authority, general findings based thereon and necessary to the administration of the Code. Where a specific investigation is required by the Code Authority of any member of the Industry to determine whether or not such member has violated Trade Practice Rule 1 of this Code, the agency for such investigation shall be one of not less than three accountants or firms of accountants nominated by such member of the Industry, but in the absence of such nomination after notice from the Code Authority, the Code Authority may select such agency on its own initiative. Any accountant or firm of accountants selected or nominated to act under the provisions of this section shall be a certified public accountant or firm of certified public accountants or an accountant or firm of accountants 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 or firm of accountants in any event shall have qualifications required by law in such State or Governmental subdivision of the United States for the performance of such service.

(c) 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.

(d) To cooperate with the Administrator in regulating the use of the N.R.A. Code Insignia solely by those employers who have agreed to, and are complying with this Code.

SEC. 8. *General Administrative Provision.*—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—TRADE PRACTICE RULES

*General Definitions.*—For all purposes of the Code, violation of the following rules 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. *Selling Below Cost.*—No member of the Industry shall sell or exchange any slide fastener or part thereof below the cost thereof to that individual member. Such cost shall include all labor charges at rates provided for under this Code, whether such slide fastener in whole or in part is produced in the United States or elsewhere. However, any member may meet the price competition of any competitor in this Industry whose costs under this Code provision are lower than his own. Cost shall be determined in accordance with the principles enumerated in any standard cost system formulated by the Code Authority with the approval of the Administrator.

RULE 2. *Price Lists.*—Each member of the Industry shall print and shall publish a list showing its own sale prices of first-quality slide fasteners and parts thereof. Each such list shall bear the date of issue thereof and/or the effective date thereof and shall include a schedule of terms of payment and of all discounts which may be offered to the trade by the member publishing the list. As respects any slide fasteners sold or delivered by any member of the Industry for use or consumption in the United States, no quotation or grant of prices lower or terms of payment or discounts more favorable shall be made than those set forth in such member's price list then in effect for first-quality slide fasteners. No member of the Industry shall make any change or alteration in any item or detail of its own published price list including prices, terms of payment and discounts, without having given the Code Authority ten days' advance notice in writing of any such change or alteration and without having delivered to the Code Authority at the time of filing such notice a supply of such member's new printed price lists or a supply of correction or alteration memoranda setting forth such change and the effective date thereof, which supply shall be in number sufficient to enable the Code Authority to deliver a copy thereof to each member of the Industry. The Code Authority shall so deliver a copy to each member of the Industry immediately upon receipt thereof, and each member of the Industry may thereupon alter or change its own price list effective not earlier than the effective date of the change as to which notice was given to the Code Authority as above provided, but in each such case copies of the new printed price list or of the memorandum of change or alteration in the old price list shall forthwith be furnished to the Code Authority in quantities sufficient for supply-

ing copies thereof to each member of the Industry. Nothing in this Rule 2 shall apply to sales of slide fasteners by one member of the Industry to another member of the Industry.<sup>2</sup>

**RULE 3. *False Billing.***—No member of the Industry shall deliver to any customer a greater number of complete slide-fastener units or parts thereof than are billed and charged to such customer in the transaction under which such delivery is made. No member of the Industry shall grant any rebate on the price billed and charged to a customer or deliver to a customer at a price lower than the regular price thereof, or free of charge, any other kind of merchandise other than slide fasteners, or parts thereof, as an inducement to purchase slide fasteners.

#### ARTICLE VIII—MODIFICATION

**SECTION 1.** This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act, and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him 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 Administrator.

#### ARTICLE IX—MONOPOLIES, ETC.

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

#### ARTICLE X—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made 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 additional increases in the seller's costs.

#### ARTICLE XI—EFFECTIVE DATE

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

This Code shall cease to be in effect when the Act ceases to be in effect.

Approved Code No. 243.  
Registry No. 1122-1-05.

<sup>2</sup> See paragraph 2 of order approving this Code.



Approved Code No. 244

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**CONSTRUCTION INDUSTRY**

As Approved on January 31, 1934

BY

**PRESIDENT ROOSEVELT**

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**Executive Order**

**CODE OF FAIR COMPETITION FOR THE CONSTRUCTION INDUSTRY**

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Construction 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,**  
*January 31, 1934.*

The PRESIDENT,  
*The White House.*

SIR:

A proposed Code of Fair Competition for the Construction Industry was submitted to the Administrator on August 7, 1933, by The Construction League of the United States. The hearing was conducted in Washington on September 6, 1933. The Code was revised during the recess of this hearing and a reconvened hearing was held November 20, 1933.

At the conclusion of the reconvened hearing, I appointed a committee to report on this Code. This committee was composed of representatives from this Administration and from the interested employer and employee groups and associations.

The deliberations of this committee were very helpful, but certain controversial points were not satisfactorily adjusted. The controversial points in the Code have now been satisfactorily adjusted and the Code, as now submitted to you, has the approval of both employer and employee groups.

In addition to the establishment of a Construction Code Authority to administer the Code generally, the Code provides for the establishment of Construction Planning and Adjustment Boards. The National Construction Planning and Adjustment Board will consist of ten persons to be selected by the Construction Code Authority and ten persons will be selected by the Labor Advisory Board from nominations of the Construction employee organizations, and a disinterested chairman will be selected by the President upon the recommendation of the Administrator.

This Board will have the authority to establish subsidiary regional boards to be known as Regional Construction Planning and Adjustment Boards providing equal representation of employer and employee groups. Such actions as they may see fit to take are subject to final determination by the National Construction Planning and Adjustment Board.

The establishment of these Boards is of prime importance as they provide a method by which Industry and Labor may meet on common ground for the purpose of planning for the entire industry and for the adjustment of such disputes as may be submitted to them. They will make possible the cooperation of employers and employees in all matters pertaining to their relations, and to all matters pertinent to the Industry.

The provisions of the Code providing for these Boards do not, however, make it mandatory upon the part of anyone to submit their problems to these Boards nor mandatory upon the part of the Boards to accept for adjustment such problems.

*Provisions of code as to wages and hours.*—To effectuate the policy of Title I of the Act, this Code provides for collective bargaining between truly representative groups or associations of em-

employers and employees for a specifically defined region or locality. The entire United States may be defined as a region. Mutual agreements so reached as to hours of labor, rates of pay, and other conditions relating to occupations or types of operations, when approved by the President, become the standard of hours of labor, rates of pay, and other conditions of employment. After the President's approval of such mutual agreements, it becomes prima facie unfair competition for an employer to fail to comply with these agreements, arrived at through collective bargaining. The Administrator will establish such boards (composed of employers and employees) as are necessary to investigate all complaints as to such unfair practice arising under such agreements.

In regions or localities where no such mutual agreement has been approved, the following maximum hours and minimum rates of pay will prevail: The maximum hours are limited to 40 hours per week for laborers, accounting, clerical, and office employees. Upon the approval by the National Planning and Adjustment Board, working hours not exceeding 48 hours per week may be allowed on projects so remote and inaccessible that camps and floating plants are necessary for housing or boarding of the majority of the labor employed, or on such projects when working time has been lost because of inclement weather or unavoidable delays, or on projects in localities where a sufficient amount of qualified labor is not available in the immediate vicinity of the work. Hours for accounting, clerical, or office employees are flexible during a four-week period.

The following classes of employees are exempted from the maximum hourly provisions of the Code:

(a) Employees engaged in professional, executive, or supervisory work.

(b) Employees in establishments employing not more than two (2) persons in towns of less than 2,500 population, which towns are not part of a larger trade area.

(c) Employees engaged in emergency work, involving breakdowns or protection of life or property.

(d) Watchmen.

(e) Other employees who may be exempted in chapters of this Code specifically applicable only to the divisions or subdivisions of the industry therein defined.

No evasion of this Code by reclassifications of workers can be permitted.

The minimum wage rate, varying from \$15.00 to \$12.00 for accounting, office, and clerical employees, is based on population differentials. For laborers, the minimum rate is 40¢ per hour and shall not be construed as establishing a minimum rate of pay for other than common or unskilled labor and shall not be construed to authorize reductions in existing rates of pay.

No minor under the age of 16 years of age shall be employed.

#### ECONOMIC EFFECT OF THE CODE

Very great potential economic benefits for the Construction Industry are assured by this Code for the Construction Industry especially in view of its proposed supplementary chapters for the several functional divisions of the industry.

The Code gives to the Construction Industry, for the first time, the power of coordinated action, which may be used to check the violent fluctuations in volume of construction, ranging from 100% above to 50% below normal requirements, and work toward stabilization based upon demand; to unify the Industry, locally, regionally, and nationally for self-government; and to provide unity of action in meeting national emergencies.

The provisions of the Code designed to prevent practices known as "bid shopping" and "bid peddling" will be productive of fair competition in contracting for construction work. These provisions, in conjunction with the provisions as to area agreements concerning labor conditions, should greatly facilitate strict adherence by all members of the Industry to such Code provisions as those intended to prevent "bid shopping" and "bid peddling" and thus tend to create equally the same conditions for labor and members of the Industry.

Return to normal volume in the Industry can result only through investment of private capital in construction. The increased cost of construction, due to an immediate increase in wage rates, will not be productive of private construction work at the present time. Such work is optional and depends to a large extent on the relationship of current construction cost to anticipated net income or future increment in value. In these circumstances, further limitation on hours will have little effect on increasing employment as construction volume has sunk to such low levels that it is impossible to spread the small amount of work among a greater number of people without reducing all wage payments below a living minimum wage.

The second largest industry in the nation has as yet shown no signs of recovery under the National Recovery Program although capable of putting more than half of the remaining unemployed back to work. This Code for the Construction Industry with its main and proposed supplementary chapters provides, for the first time, machinery which could operate according to an unified plan both to aid immediately in the recovery movement and to begin the long-term stabilization of the Construction Industry.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be

temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant associations are industrial associations truly representative of the aforesaid Industry; and that said associations impose no inequitable restrictions on admission to membership therein.

(c) The Code is not designed to and will not permit monopolies or monopolistic practices.

(d) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I recommend approval of this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

*January 31, 1934.*

# CODE OF FAIR COMPETITION

FOR THE

## CONSTRUCTION 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 Construction Industry, and shall be the standard of fair competition for this industry and shall be binding upon every member thereof.

### CHAPTER I—GENERAL PROVISIONS

#### ARTICLE I—APPLICATION

The provisions of this Code shall apply to the entire industry as hereinafter defined, excluding operations therein undertaken in accordance with bona fide bids made not more than sixty (60) days prior to the effective date, or contracts entered into prior to the effective date; except that the provisions of each chapter incorporated in this Code shall apply only to the division or subdivision of the Industry defined in such chapter. In the case of conflict between such chapter provisions and the general provisions of this Code, the chapter provisions shall govern. If any other code of fair competition or a provision thereof, heretofore or hereafter approved by the President, shall conflict with this Code or with any provisions thereof, the Administrator may hold such hearings as he may deem necessary and thereafter may, if in his judgment justice requires, grant such stay, exception, or exemption or make such other determination as he may deem advisable to effectuate the policies of the Act.

#### ARTICLE II—DEFINITIONS

SECTION 1. The term "construction industry" or "the industry" as used herein shall include the designing and the constructing of (and the installing and the applying, including the assembling at the site, of manufactured parts and products incorporated in and to):

(a) building structures, including modifications thereof and fixed construction accessory thereto, intended for use as shelter; and other

(b) fixed structures and other fixed improvements and modifications thereof, intended for use in industry, commerce, sanitation, transportation, communication, flood control, power development, reclamation, and other similar projects or services; and such related divisions or subdivisions thereof as may be defined in chapters hereof and included hereunder with the approval of the President.

SEC. 2. The term "division of the industry" or "division" as used herein shall mean a branch of the industry which has been or may hereafter be defined in a particular chapter of this Code. The term "subdivision of the industry" or "subdivision" shall mean a defined section of a division.

SEC. 3. The term "member of the industry", as used herein, includes any individual or form of organization or enterprise engaged in any phase, or undertaking to perform any of the functions of the industry as defined in Section 1 hereof, either as an employer or on his own behalf, including also but without limitation, architects, engineers, contractors, and subcontractors.

SEC. 4. The term "member of the division" or "member of the subdivision" includes any member of the industry engaged in one of the divisions or subdivisions of the industry now or hereafter established.

SEC. 5. The term "employee", as used herein, shall include any person engaged in any phase of the industry, however compensated, but excluding members of the industry.

SEC. 6. The term "employer", as used herein, includes anyone by whom any such employee is compensated or employed.

SEC. 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.

SEC. 8. The term "effective date", as used herein, shall mean the thirtieth (30th) day after the approval of this Code by the President, provided that in respect of a particular division an earlier effective date may be specified in the Chapter applicable to such division.

SEC. 9. The term "sponsors of the Code" as used herein means the following national associations of members of the industry, which have applied for the approval of this Code and signified their assent thereto:

1. Construction League of the United States.
2. American Institute of Architects.
3. American Society of Civil Engineers.
4. Associated General Contractors of America.
5. International Society of Master Painters and Decorators, Inc.
6. Heating, Piping and Air Conditioning Contractors National Association.
7. Cement-Gun Contractors Association.
8. National Building Granite Quarries Association.
9. Contracting Plasterers International Association.
10. Tile and Mantel Contractors Association of America.
11. National Association of Master Plumbers of the U.S.
12. National Elevator Manufacturing Industry.
13. Roofing and Sheet Metal Industries Conference.
14. Mason Contractors Association of the U.S. and Canada.
15. American Road Builders Association.
16. National Association of Metal Furring and Lathing Contractors.
17. Asbestos Contractors National Association.
18. National Association of Building Trades Employers.

19. National Association of Builders Exchanges.

20. American Construction Council.

and such other national associations of members of the industry as shall in like fashion hereafter sponsor additional chapters of this Code.

SEC. 10. The term "this Code" as used herein shall mean and include, unless the context clearly indicates otherwise, all chapters from time to time included herein, together with any modifications or amendments thereto.

SEC. 11. Population, for purposes of this Code, shall be determined by reference to the 1930 Federal Census.

### ARTICLE III—HOURS, WAGES, AND CONDITIONS OF EMPLOYMENT

SECTION 1. In each division or subdivision of the industry, as defined in the chapter incorporated in this Code relating thereto, truly representative associations or groups of employers and employees respectively concerned, after proper notice and hearing and as a result of bona fide collective bargaining, may establish by mutual agreement (when approved by the President as provided in Section 7 (b) of the Act), for a specifically defined region or locality the standards of hours of labor, rates of pay, and such other conditions of employment, relating to occupations or types of operations in such division or subdivision, as may be necessary to effectuate the policy of Title I of the Act. For the purposes of this Section, the entire United States may be defined as a region. The terms of such an agreement between the employers and employees of a division or subdivision of the industry shall not be binding upon the employers and employees of any other division or subdivision of the industry.

After the President has approved any such agreement arrived at within any such division or subdivision, and after proper notice of such approval, it shall be deemed prima facie unfair competition for any employer in such division or subdivision to fail to comply with the standards of maximum hours of labor, minimum rates of pay, or other conditions of employment so approved and prescribed by the President, in respect of the performance within the defined region or locality of the types of operations concerned; and the failure of such an employer to desist from such unfair competition after being given due notice and opportunity to be heard, shall constitute a violation of the requirements of this Code.

The Administrator shall establish one or more Boards for each division or subdivision of the industry concerned to investigate any complaints of unfair competition as defined in this Section. Each such Board shall consist of two representatives each of employers and employees of the division or subdivision affected, selected by the Administrator from nominations made by such employers and employees respectively in such manner as the Administrator may approve or prescribe, and an impartial chairman named by the Administrator from nominations made by the employer and employee representatives selected to the Board. Each Board shall give notice and opportunity to be heard to each complainant and respondent and thereafter notify said parties of its findings and report them to the Administrator, as a basis for appropriate action to en-

force the requirements of this Code. The provisions of this Section shall not be construed to limit the power of the President, in the absence of such a mutual agreement, to exercise any authority conferred upon him under Section 7 (c) of the Act.

SEC. 2. Where no applicable mutual agreement, as provided in Section 1 of this Article, shall have been approved, employers shall comply with the following provisions as to minimum rates of pay and maximum hours of labor.

A. No employee, excluding accounting, office, and clerical employees, shall be paid at less than the rate of forty (40) cents per hour, provided, however, that the provisions of this paragraph A shall not be construed as establishing a minimum rate of pay for other than common or unskilled labor; and provided further that such provisions shall not be construed to authorize reductions in existing rates of pay.

No accounting, office, or clerical employees shall be paid at less than the rate of \$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; and \$12.00 per week in towns of less than 2,500 population.

The foregoing provisions of this paragraph A establish a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

B. No employee shall be permitted to work in excess of forty (40) hours per week or in excess of eight (8) hours in any twenty-four (24) hour period, with the following exceptions and limitations:

1. On application of the interested parties and after approval of the National Construction Planning and Adjustment Board of Regional Boards established by it, an employee may be permitted to work forty-eight (48) hours in any one week when the following conditions obtain:

(a) On projects located at points so remote and inaccessible that camps or floating plants are necessary for the housing or boarding of a majority of the labor employed.

(b) On such remote projects, when working time has been lost because of inclement weather or unavoidable delays in any one week, it may be made up in the following four weeks.

(c) On projects in localities where a sufficient amount of qualified labor is not available in the immediate vicinity of the work.

2. The foregoing maximum hours of work shall not be construed as a minimum, either for a day or for a week, and if at any time in any locality truly representative groups of employees in a division or subdivision of the industry, through their chosen representatives, express by written request to their employer or employers a desire to share available work in such division or subdivision, the number of hours of work may be reduced by mutual agreement between such employees and their employer or employers. In the event of inability to arrive at an agreement which will not involve undue hardship on either employees or employers, then such difference, with the consent of all parties in interest, may be submitted to the National Construction Planning and Adjustment Board for

a decision. The National Board may require the Regional Boards to secure facts and full information relative to such dispute and submit the same to the National Board for its information.

It is not, however, the intent of this provision that any such reduction will be recommended by the National Board to be put into effect if it appears probable that undue hardship might be occasioned thereby to either employers or employees.

3. The following classes of employees are exempt:

(a) Employees engaged in professional, executive, or supervisory work.

(b) Employees in establishments employing not more than two (2) persons in towns of less than 2,500 population, which towns are not part of a larger trade area.

(c) Employees engaged in emergency work, involving breakdowns or protection of life or property.

(d) Watchmen.

(e) Other employees who may be exempted in chapters of this Code specifically applicable only to the divisions or subdivisions of the industry therein defined.

4. Accounting, clerical or office employees may be permitted to work not in excess of forty (40) hours per week averaged over a period of four consecutive weeks.

C. No employer shall knowingly permit any employee to work for a total number of hours in excess of the hours herein prescribed, whether employed by one or more employers.

SEC. 3. Where provisions concerning hours of labor or rates of pay have been established for specific projects, by competent governmental authority or agencies (whether Federal, State, or political subdivisions thereof) acting in accordance with law, any employer required to comply and complying with the provisions so established shall be relieved of compliance with any conflicting provisions of this Article or of any actions taken in accordance therewith.

Any employer required to comply and complying with the provisions of a valid labor agreement in force on the effective date shall be relieved to the extent of his legal obligations thereunder of compliance during the period of such agreement, with any conflicting provisions of this Article, or of any actions taken in accordance therewith.

SEC. 4. *Minimum age.*—No employer shall employ any person under the age of sixteen (16) years, or under the age of eighteen (18) years in any occupation hazardous in nature or dangerous to health.

SEC. 5. *Construction Planning and Adjustment Boards.*—There shall be established within thirty (30) days from the effective date of this Code, a National Construction Planning and Adjustment Board, and said Board shall consist of twenty-one (21) persons, ten of whom shall be selected by the Industrial Advisory Board of the National Recovery Administration from nominations of the Construction Code Authority and ten shall be selected by the Labor Advisory Board of the National Recovery Administration from nominations of the construction employee organizations, the selection in each case to be subject to the approval of the Administra-

tor, and one person to act as disinterested chairman to be selected by the President upon the recommendation of the Administrator.

The National Construction Planning and Adjustment Board shall have for its fundamental purpose the planning and the development of policies that embrace the broad spirit of cooperation and good will in the furtherance of all matters that relate to the promotion of better relations between employers and employees within the industry and the furtherance of other matters of their mutual interest. It shall have the authority upon its own motion to select technical advisers and seek the cooperation of all factors involved in the stabilization and promotion of the well-being of both employers and employees in the industry and shall have the authority to make such rules and regulations for its own conduct as it may deem necessary.

It shall, in its own discretion, following the submission by consent of all parties in interest of any difference within or between any divisions or subdivisions of the industry, give consideration and make determinations on all such differences as may arise relating to wages, hours of employment, and working conditions. The decisions of the National Construction Planning and Adjustment Board shall be final and binding on all parties in interest, except that in the event the representative of the Government, the disinterested chairman, shall dissent from the conclusion, the decision shall be held in abeyance until approval or disapproval has been given by the Administrator.

The National Construction Planning and Adjustment Board shall have the authority, and upon its own motion shall establish in properly defined areas, Regional Construction Planning and Adjustment Boards, and said Boards shall be composed of an equal number of members from employer groups and employee groups, and it is further provided that there shall be no disinterested or impartial chairmen of said Regional Boards, it being provided that such Boards shall select from their members a chairman and a secretary. The National Construction Planning and Adjustment Board shall upon its own motion submit to the Regional Boards such problems for study as may in the opinion of the National Board be necessary and such reports of the Regional Boards shall be submitted to the final examination of the National Board.

To these Regional Construction Planning and Adjustment Boards may be submitted matters from their respective areas in disputes having the same relationship as matters to be submitted to the National Board, and every effort on their part shall be made to reconcile such existing differences, with the requirement that their actions shall in all instances be submitted to the National Board for final action.

Nothing in this section shall be construed as preventing employers and employees in any division or subdivision of the industry, as defined in the chapter incorporated in this Code relating thereto, from submitting to the Boards provided for in Article III, Section 1, or other Boards similarly composed and selected for consideration and determination, differences that may arise relating to wages, hours of employment, and working conditions, subject to the approval of the Administrator. The findings of fact and determina-

tion of such Boards shall be submitted to the National Board for its information.

The cost of conducting the National and Regional Boards herein provided for, shall be borne by the Construction Code Authority, subject to a budget submitted to and approved by it, provided, however, that the cost of the services and the expenses of the members of said Boards, shall not be paid by such Authority.

#### ARTICLE IV—ADMINISTRATION

To further effectuate the policies of the Act and to administer this Code within the Industry and its divisions and subdivisions, there shall be established a Construction Code Authority, and Divisional Code Authorities, and other administrative agencies as hereinafter provided:

##### A. CONSTRUCTION CODE AUTHORITY

SECTION 1. The Construction Code Authority shall consist of one member selected from and appointed by each of the sponsors of this Code, enumerated in Article II, Section 9 hereof as sponsoring this Code as originally submitted to the President for his approval; except that the Associated General Contractors of America may appoint thereto not more than four (4) members, one of such members to be selected respectively from each of the following component membership groups of said organization: Building Construction, Highway Construction, Railroad Construction, Public Works, and other types of construction not heretofore specifically enumerated; together with not more than three nonvoting members to be appointed by the Administrator to act as his representatives. To the Construction Code Authority as so constituted and established there may be designated not more than one additional member in respect of each additional chapter hereafter incorporated herein, provided that no such additional member shall be selected by any association enumerated in Article II, Section 9 hereof. The method for the selection of each such additional member shall be described in the corresponding additional chapter. The term of such appointments shall not exceed two years, except that, in the event of code continuance beyond the limit now established by law, terms may be readjusted to insure overlapping tenures of office pursuant to a plan or method approved by the Administrator. Voting members are subject to replacement by the selecting agency with the approval of the Administrator.

SEC. 2. The Construction Code Authority, acting as a unit or through any designated committee or department created by it from its membership, shall have, in addition to any other powers or duties herein conferred upon it, the following powers and duties:

(a) It may establish rules and regulations for the conduct of its affairs; and may appoint such committees, agencies, and representatives, and delegate to them such of its powers and duties as it may deem necessary for the proper discharge of its functions hereunder.

(b) It shall be empowered to cooperate with the Administrator in making investigations and surveys concerning the functioning of this

Code, the observance of its provisions and other pertinent matters whether at the request of the Administrator or otherwise, and report its findings and recommendations to the Administrator.

(c) It shall collect from members of the industry and compile and furnish to the Administrator any reports and other information required under the Act. Except as may be required for the effective enforcement of the provisions of this Code the reports of individual members of the Industry required under this Code shall be confidential and only compiled summaries of such individual reports shall be furnished.

(d) In order to collect the information for the Administrator herein called for, it may require, either directly or through any Divisional Code Authority, the registration, in such manner as it may deem appropriate, of all construction work or services of or in excess of \$2,000 in value, and in order to defray the expenses of such registration and of the administration of this Code may apportion such expenses on the basis of the value of the work or services so registered, but in no case shall the charge be less than \$2.00. The proceeds derived therefrom shall be apportioned upon an equitable basis between the Construction Code Authority and such Divisional Code Authorities as shall cooperate in procuring the registration of such work or services.

(e) It may propose modifications of or amendments to the general provisions of this Code which, after submission to the Divisional Code Authorities affected thereby, may be recommended to the President for his approval, and upon such approval, following such notice and hearing as he may prescribe, shall have full force and effect as provisions hereof.

(f) It may exercise the foregoing powers and duties in any division of the industry for which no Divisional Code Authority shall have been established; and, if in its opinion the policies of the Act require, it may recommend to the Administrator that an additional chapter of this Code be established for any such division of the industry.

(g) Its members or authorized representatives may attend meetings of any Divisional Code Authority, and it may at any time make appropriate recommendations to the Administrator to insure the proper functioning or representative character of any such Divisional Code Authority.

(h) It may secure an equitable and proportionate payment of the expenses of its establishment, maintenance, and activities from members of the industry.

## B. DIVISIONAL CODE AUTHORITIES

SECTION 1. There shall be established for each division of the industry a Divisional Code Authority which shall, within the limitations provided herein, administer within such division, this Code and the provisions of any chapter hereof applicable specifically to such division. The procedure for establishing each such Divisional Code Authority shall be defined in the chapter pertaining to that division of the industry. The nonvoting members appointed by the Administrator to the Construction Code Authority (or their proxies

appointed by the Administrator) may serve in like capacity with respect to any Divisional Code Authority.

SEC. 2. Each such Divisional Code Authority shall, in addition to any other powers and duties conferred upon it in the chapter applicable to its division, have the following powers and duties:

(a) It may establish rules and regulations for the conduct of its affairs and may appoint such committees, agencies, and representatives and delegate to them such of its powers and duties as it may deem necessary for the proper discharge of its functions hereunder.

(b) It shall cooperate with the Administrator and with the Construction 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 shall collect from members of the industry and compile and furnish to the Administrator, and to the Construction Code Authority, any reports and other information required under the Act. Except as may be required for the effective enforcement of the provisions of this Code the reports of individual members of the division required shall be confidential and only compiled summaries of such individual reports shall be furnished.

(c) It shall study the provisions incorporated in this Code applicable to its own division, and the operation thereof, and after submission to the Construction Code Authority may make such recommendations to the Administrator as it deems desirable for modification or addition thereto. Such recommendations, upon approval of the Administrator after such notice and hearing as he may prescribe, shall become a part of this Code and have full force and effect as provisions hereof.

(d) It shall receive and so far as possible adjust all complaints as to trade practices between members of its division in the operation of the provisions of this Code applicable to its division.

(e) It may secure an equitable and proportionate payment of the expenses of its establishment, maintenance, and activities from members of its division of the industry.

### C. REPRESENTATION AND MEMBERSHIP

SECTION 1. In order that the Construction Code Authority and the Divisional Code Authorities shall at all times be truly representative, respectively, of the industry and of the divisions, and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem appropriate; and thereafter, if he shall find that the Construction Code Authority or any Divisional 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 Construction Code Authority, or of any Divisional Code Authority, as the case may be.

SEC. 2. The sponsors of this Code who participate in the selection of any Code Authority or administrative agency provided for herein, shall submit to the Administrator true copies of their Articles of Association or Incorporation, Constitution and By-Laws, and other pertinent rules and regulations and any amendments when made

thereto, together with such other information as to organization, membership, and activities as the Administrator may deem necessary.

In addition to the information required to be submitted by members of the industry or its divisions 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. Except as may be required for the effective enforcement of the provisions of this Code, the reports of individual members of the industry required under this Code shall be confidential and only compiled summaries of such individual reports shall be published.

Nothing contained in this Code shall constitute the members of the industry or the members of the Construction Code Authority or of a Divisional Code Authority, or any committee or agency thereof partners for any purpose. No member of the industry shall be liable in any manner to anyone for any act of any other member of the industry, or any agent or employee thereof pursuant to this Code. No member of such a Code Authority, committee, or agency shall be liable in any manner to anyone for any act of any other member, officer, agent, or employee of such Code Authority, committee, or agency. Nor shall any member of any such Code Authority, committee, or agency, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or nonfeasance.

#### ARTICLE V—APPEALS

SECTION 1. The Construction Code Authority shall establish, under rules and regulations prescribed by and subject to the approval of the Administrator, a suitable agency to be known as the Construction Appeals Board, to consist of one architect, one professional engineer, three general contractors and four special contractors.

SEC. 2. The Construction Appeals Board shall hear and determine the appeals referred to in Section 3 of this Article and shall likewise be empowered to determine, in the event of a conflict between the provisions of the various chapters hereof, applicable to specific divisions or subdivisions of the industry, which of such chapter provisions shall govern.

SEC. 3. Any interested party shall have the right of complaint to the appropriate Divisional Code Authority established for any division of the industry, and of a prompt hearing and decision in respect of any decision, rule, regulation, order or finding made by such Authority or its committees or agencies, under such rules or regulations as may be prescribed therefor and the decision of said Authority thereon may be appealed by any interested party to the Construction Appeals Board.

SEC. 4. Any interested party shall have the right of appeal to the Administrator, under such rules and regulations as he may prescribe, in respect of any decision, rule, regulation, order or finding made by the Construction Code Authority or the Construction Appeals Board.

SEC. 5. No decision, rule, regulation, order or finding shall be made by any Code Authority or other administrative agency, excluding the Boards provided for in Article III hereof, provided for in or pursuant to this Code, whether made pursuant to the foregoing sections of this Article V or otherwise, of or in any dispute between employers and employees, or between groups of employees, including, in such last-named classes of disputes, any case or controversy whose determination would directly involve or affect any dispute between groups of employees as to the right to perform specific types of work or operations, including cases commonly known as trade jurisdictional disputes.

#### ARTICLE VI—ADJUSTMENTS

In the event that any member of the industry subject to this Code shall have contracted before June 16, 1933, to purchase goods, structures, or parts thereof at a fixed price for delivery after that date and prior to the expiration of this Code, it is equitable and promotive of the policies of the Act that an appropriate adjustment of said price be made to meet any increase in cost to the seller caused by the seller's having signed the President's Reemployment Agreement or having become bound by any code of fair competition approved by the President; provided, however, that in view of the fact that construction operations customarily involve the furnishing of various goods and structures, or parts thereof, by a continuous series of independent, long-term contracts and agreements at fixed prices between various parties, such as owners (including government departments), contractors, subcontractors, and others, such adjustments may be made contingent upon similar appropriate adjustments to be made by all other parties thus participating, from and including the initial vendor of such goods and structures or parts thereof to and including the owners of the works or structure upon which they are used.

#### ARTICLE VII—COMPETITIVE BIDDING PRACTICES

SECTION 1. (a) The term "competitive bidding" as used herein shall mean the submission at or before a definite predetermined time of comparable proposals by two or more invited persons to an awarding authority to execute a specific program of work, furnishing a definite service or supplying a material specifically required for a particular project at a stipulated price. This does not include furnishing quotations on standard products.

(b) The term "awarding authority" as used herein shall mean any member of the industry who may upon competitive bidding award contracts.

SEC. 2. (a) The practices commonly known as "bid peddling" or "bid shopping" are recognized as unfair and are prohibited. Bid peddling in effect means the offering by the bidder prior to the making of an award of a substitute bid or price lower than the one originally bid without a commensurate decrease in the requirements of the job. The correction of the abuses resulting from such practice is obtainable by regulation restricting or controlling bidders.

(b) Bid shopping in effect means the effort on the part of the awarding authority to induce a bidder prior to the making of the award to lower his original bid price without a commensurate decrease in the requirements of the job. The correction of the abuses resulting from such practice is obtainable by regulation restricting or controlling the awarding authority.

SEC. 3. (a) Since it is recognized that the preparation of a bid is a service involving an expense to the bidder and that the inviting of an unreasonable number of bids is an economic waste, the awarding authority shall not invite an unnecessary number of bids.

(b) Only a limited number of alternate proposals shall be required in connection with any bid, and no alternate proposal of a bidder shall be considered by the awarding authority, unless the privilege of alternate proposals is extended to all bidders.

SEC. 4. The awarding authority shall make available uniformly to all bidders, plans and/or specifications or other requisite information which shall be sufficiently complete to enable each bidder to prepare a definite bid in accordance with the regulations herein provided for. He shall prescribe terms of competition which shall insure parity of standing to all bidders.

SEC. 5. The awarding authority shall not invite bids from a bidder unless such bidder shall have demonstrated to the satisfaction of the awarding authority that he is competent technically and financially to perform the work, and the ability of a bidder to obtain a performance bond shall not be regarded as the sole test of such bidder's competency.

SEC. 6. An award if made shall be made at the bidder's original bid price. It is recognized that competition based solely on price is sometimes unfair and accordingly the awarding authority may make an award to a competitive bidder other than the lowest bidder provided the award is made at such competitor's original bid price.

SEC. 7. The awarding authority shall designate a specific hour and place for receiving competitive bids. All bids to be submitted by subcontractors shall be delivered to the contractor at least 24 hours prior to the time set for the receipt of the bid of said contractor by the awarding authority. Bids received after such time or from uninvited bidders shall be returned unopened. All bids shall be required to be signed by a duly authorized representative of the bidder and enclosed in a sealed envelope on the outside of which shall appear its identification as a bid for the particular job.

SEC. 8. The awarding authority shall not at any time prior to the specified time for the receipt of bids convey to any bidder information relating to the price or terms of any other bid in order to influence the price or terms of such bidder.

SEC. 9. There shall be no collusion between the awarding authority and any bidder, nor between the different bidders in the preparation of any bid. The awarding authority shall not use any bid which is so unduly low as to indicate an error or mistake in estimating without first giving the bidder the opportunity of demonstrating by cost sheets or other methods the correctness of the bid that he has submitted.

SEC. 10. The awarding authority shall make an award or reject all bids for the principal contract with the owner within twenty

(20) days after the stipulated time for the receiving of bids except where an extension of time has been requested from the bidders and has been consented to by two or more bidders. In the case of bids conditioned upon the award of a previous contract, each succeeding awarding authority shall make an award or reject all bids within thirty (30) days after the award of such previous contract except as to such bidders as shall agree to an extension of time. The right to reject any or all bids may be reserved by the awarding authority, and such rejection shall be made in writing. Where all bids are rejected, bids shall not be again invited or submitted for the mere purpose of obtaining a lower or revised price or prices for substantially the same work previous to the elapse of ninety (90) days from the date of such rejection, except there be a substantial change in the plans and/or specifications, or except there be evidence of collusion, or except there be such a marked difference between the bids submitted and the awarding authority's estimate as to the valuation of the work as would indicate to the awarding authority and his Code Authority the necessity of new bids in order to secure fair competition.

SEC. 11. Before making an award the awarding authority may require any bidder to name the subcontractors whom such bidder intends to employ for the various divisions of the work bid upon.

SEC. 12. The awarding authority shall not accept rebates, refunds, discounts, or other special allowances or services from a bidder unless included by the bidder in his original bid.

SEC. 13. The various divisions and subdivisions of the industry may provide in the chapters specifically applicable to such divisions or subdivisions that members of the division or subdivision shall not submit a competitive bid, as defined in Section 1 (a) of this Article, to an owner or any other person, corresponding to an awarding authority as herein defined unless such owner or other person agrees to comply with the regulations provided herein governing an awarding authority.

SEC. 14. In order to enforce the practice of fair competitive bidding, the Divisional Code Authorities shall provide, if no such method is provided in the chapter applicable to such division, a method satisfactory to the Construction Code Authority for checking bids submitted by members of such division either by designating a depository for the filing of duplicate bids or by some other acceptable method. The Construction Code Authority may require such changes in any such method as may be necessary to prevent conflict between the various methods which may be adopted by the various Divisional Code Authorities.

## 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 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.

SEC. 2. Employers shall not reclassify employees or duties of occupations performed by employees with the intent or for the purpose of defeating the purposes of the Act.

SEC. 3. No provisions of this Code shall supersede any State or Federal law imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than those contained in this Code.

SEC. 4. No provision of this Code shall be so construed or applied as to permit or promote a monopoly or monopolistic practice, or to eliminate or oppress or discriminate against small enterprises.

SEC. 5. Additional chapters to this Code may be submitted to the Construction Code Authority for submission by it for the approval of the President but nothing contained herein shall be construed to prevent any representative association or group from submitting any such chapter directly to the President for his approval, provided that the Construction Code Authority, if then established, shall be given an ample opportunity to consider and examine any such chapter prior to its submission to the President to the end that there may be proper coordination within the industry and between its various divisions and subdivisions. Upon approval by the President, such chapter shall become an integral part of this Code the same as if originally included herein, but any exceptions therein to the general provisions of this Code shall apply only to the members of the division, or subdivision of the industry to which such chapter pertains. No specific provisions of this Code applicable to its amendment or modification shall constitute a limitation upon any right to propose such amendments or modifications which may be conferred by the Act.

SEC. 6. This Code, and all the provisions thereof, and of any chapter 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 the Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code, or of any additional chapter thereof, or any conditions imposed by him upon such approval.

Approved Code No. 244.  
Registry No. 1616-2-31.









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## AMENDMENTS

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Approved Code No. 17—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
AUTOMOBILE MANUFACTURING INDUSTRY

As Approved on January 8, 1934

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ORDER

AMENDING CODE OF FAIR COMPETITION FOR THE AUTOMOBILE MANUFACTURING INDUSTRY

An application having been duly made in behalf of the Automobile Manufacturing Industry, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and the provisions of the Code of Fair Competition for the Automobile Manufacturing Industry duly approved on August 26, 1933, and amended on December 18, 1933, for approval of a further amendment to said Code of Fair Competition for the Automobile Manufacturing Industry; and an analysis, report, recommendation, and findings on said proposed amendment by the Administrator directed to the President having been made, which are incorporated herein by reference; and it being found that said proposed amendment complies in all respects with the pertinent provisions and will promote the policy and purposes of Title I of said Act and specifically that the requirements of Clauses (1) and (2) of subsection (a) of Section 3 of said Act have been met; and

It being likewise found that said proposed amendment complies with the terms of an understanding reached pending approval of the original Code of Fair Competition for said Industry, between the duly authorized representatives of said Industry and the Administrator, to the effect that in the event that the expiration date of said original Code as approved should be deferred to one year from the effective date thereof, the provisions of said original Code in regard to hours of employment would be subjected to reconsideration;

NOW, THEREFORE, pursuant to the authority vested in the President by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise; and pursuant to authority vested in the undersigned Administrator by Executive Order, including Order dated December 30, 1933, and otherwise, it is ordered that the said application be and it hereby is approved, and that, effective immediately, the said Code of Fair Competition for the Automobile Manufacturing Industry, as amended on December 18, 1933, be and it hereby is further amended in the name of the President in the following particulars:

1. In article III, the fifth paragraph, which has heretofore read as follows:

“For this purpose it is made a provision of this Code that employers shall so operate their plants that the average employment of all factory employees (with exceptions stated below) shall not exceed thirty-five hours per week for the period from the effective date to the expiration date, and the hours of each individual employee shall so far as practicable conform with this average and shall in no case exceed the same by more than three percent.”,

shall be modified to read as follows:

“For this purpose it is made a provision of this Code that employers shall so operate their plants that the average employment of each factory employee (with exceptions stated below) shall not exceed forty hours per week for the period from the effective date to the expiration date.”

2. In Article III, the sixth paragraph, which has heretofore read as follows:

“In order to give to employees such average of thirty-five hours per week, it will be necessary at times to operate for substantially longer hours, but no employee shall be employed for more than six days or 48 hours in any one week, and all such peaks shall be absorbed in such average.”

shall be modified to read as follows:

“In order to give to employees such average of forty hours per week, it will be necessary at times to operate for substantially longer hours, but no employee shall be employed for more than six days or 48 hours in any one week, and all such peaks shall be absorbed in such average.”

THE PRESIDENT OF THE UNITED STATES OF AMERICA,  
By HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

K. M. SIMPSON,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 8, 1934.*

## REPORT TO THE PRESIDENT

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 in the following particulars:

1. In Article III, the fifth paragraph, which has heretofore read as follows:

“For this purpose it is made a provision of this Code that employers shall so operate their plants that the average employment of all factory employees (with exceptions stated below) shall not exceed thirty-five hours per week for the period from the effective date to the expiration date, and the hours of each individual employee shall so far as practicable conform with this average and shall in no case exceed the same by more than three percent.”,

be modified to read as follows:

“For this purpose it is made a provision of this Code that employers shall so operate their plants that the average employment of each factory employee (with exceptions stated below) shall not exceed forty hours per week for the period from the effective date to the expiration date.”

2. In Article III, the sixth paragraph, which has heretofore read as follows:

“In order to give to employees such average of thirty-five hours per week, it will be necessary at times to operate for substantially longer hours, but no employee shall be employed for more than six days or 48 hours in any one week, and all such peaks shall be absorbed in such average.”,

be modified to read as follows:

“In order to give to employees such average of forty hours per week, it will be necessary at times to operate for substantially longer hours, but no employee shall be employed for more than six days or 48 hours in any one week, and all such peaks shall be absorbed in such average.”

The reports received from the manufacturers operating under this Code indicate that for those manufacturers who are members of the National Automobile Chamber of Commerce, the resulting reemployment in the month of September of this year has brought the total of employees above the number of employees attached to the Industry for the same month in any year since 1929.

The following table shows the number of factory employees of these members from the year 1929 to 1933 inclusive:

September—Year	
1929	194, 274
1930	111, 996
1931	113, 183
1932	73, 411
1933	150, 756

This table indicates that there were 77,345 more workers employed in September of this year than in September of 1932, or an increase of approximately 105%, and an increase of 38,760 workers over the same month in 1930, or an increase of approximately 34%.

While the employment level of 1929 has not been reached, it is my opinion that satisfactory absorption of labor should not be measured by employment in that year as there was a substantial percentage of floating workers brought to this Industry from their normal pursuits, many, if not most of whom, it is my understanding, have since returned to their former homes.

In addition the decrease in production must be considered as indicated by the fact that the production in September 1929 was 257,517 vehicles as compared with 144,367 in September of this year, a decrease of 43%, while employment in September of this year is only 22% below that of September 1929.

The contemplated increase in automobile purchases in the Spring of 1934 would, under the present average of thirty-five hours per week, probably result in again attracting a considerable number of men to Detroit and other automobile manufacturing centers, who would be without jobs after the Spring period of large production had passed.

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.

For these reasons the amendment has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

WASHINGTON, D.C.,  
*January 8, 1934.*

Approved Code No. 17—Amendment No. 2  
Registry No. 1403-1-04.

Approved Code No. 33—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

# RETAIL LUMBER, LUMBER PRODUCTS, BUILDING MATERIALS, AND BUILDING SPECIALTIES INDUSTRY

As Approved on January 12, 1934

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### ORDER

#### APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE RETAIL LUMBER, LUMBER PRODUCTS, BUILDING MATERIALS, AND BUILDING SPECIALTIES INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of modification of the Code of Fair Competition for the Retail Lumber, Lumber Products, Building Materials, and Building Specialties Industry, and hearings having been duly held thereon and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby, approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 12, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: A Code of Fair Competition for the Retail Lumber, Lumber Products, Building Materials and Building Specialties Industry was approved by you on October 3 and became effective on October 13, 1933.

In accordance with the provisions of your Executive Order, dated July 15, 1933, hearings have been granted by me to applicants, who alleged that they were directly affected by the provisions of Article VIII, Section 2, Subsection A of said Code, and who claimed that application thereof was unjust to them and who applied for modifications thereof.

In full accordance with the provisions outlined in Article IX, Section 6 of the aforesaid Code for the Retail Lumber, Lumber Products, Building Materials and Building Specialties Industry, the Code Authority, an Agency established in accordance with the provisions contained in Article VII, Section 1 of said Code, made application for modifications of said Article VIII, Section 2, Subsection A.

Article VIII, Section 2, Subsection A of said Code as it appears in the approved Code of October 3 permits the establishment of prices, terms and conditions of sale within any trade area by rule or regulation adopted by the appropriate agency within such trade area in accordance with the provisions of Article VII, Section 1, Paragraph 2 of said Code. Article VIII, Section 2, Subsection A if revised or amended as is proposed by the suggested modifications thereof will prohibit the establishment of prices, terms, and conditions of sale within a trade area adopted by rule or regulation of any agency within said trade area.

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

I find that:

(a) The modification of said Code and the Code as modified are well designed to promote the policies and purposes of Title I of The National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving

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

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

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

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

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

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

For these reasons, therefore, the proposed modifications have been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 12, 1934.

AMENDMENT TO THE CODE OF FAIR COMPETITION  
FOR THE RETAIL LUMBER, LUMBER PRODUCTS,  
BUILDING MATERIALS, AND BUILDING SPECIALTIES  
INDUSTRY

Subsection A, Section 2, Article VIII shall be amended to read as follows:

“2. *Conditions of Sale—Estimates and Quotations.*—A. Within ten (10) days after notice from the Code Authority, or its duly authorized Agency, each dealer shall file with the Code Authority, or such duly authorized Agency as it may designate, and publish his prices individually prepared by him but in no event at less than the prices computed pursuant to the provisions of Section 8 of this Article and any rules and regulations duly issued in relation thereto, terms and conditions of sale; thereafter, no dealer shall quote, sell, or offer to sell any product on such terms and conditions, or at such prices as will result in the purchaser paying therefor prices different from those noted in such dealer's price list, or on terms and conditions of sale other than the terms and conditions of sale previously filed by such dealer with the Code Authority, in accordance with the provisions of this Article and in effect at the time of such sale.”

Approved Code No. 33—Amendment No. 1.  
Registry No. 313-04.

Approved Code No. 47—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR

BANKERS

As Approved on January 22, 1934

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ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR BANKERS

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of the attached modification to the Code of Fair Competition for Bankers, and the annexed report on said modification, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate, by reference, said annexed report and do find that said modification and the Code as constituted after being modified comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said modification be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified, such approval and such modification to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 22, 1934.*

## AMENDMENT TO CODE OF FAIR COMPETITION FOR BANKERS

Article VII, Section 1 of the Code of Fair Competition for Bankers shall be modified to read as follows:

“(1) To effectuate further the policies of the National Industrial Recovery Act, a Banking Code Committee is hereby set up to act as a planning and fair-practice agency and to cooperate with the Administrator in the administration and enforcement of this Code. This Committee shall consist of not more than twenty-five (25) representatives of the American Bankers Association, who shall be truly representative of the membership of the Association, three (3) representatives of the nonmembers of the American Bankers Association to be selected in a manner approved by the Administrator, and a representative or representatives without vote appointed by the President of the United States.”

Approved Code No. 47—Amendment No. 1.  
Registry No. 1707-02.

Approved Code No. 3—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## WOOL TEXTILE INDUSTRY

As Approved on January 23, 1934

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### ORDER

#### APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WOOL TEXTILE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Wool Textile Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendments be, and they are hereby, approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended,

Provided, however, that the Administrator may appoint a representative or representatives upon each of the Sub-Code Authorities created under Article XII of said amendments, and

Provided, further, that if the Administrator shall determine that any action of a Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

These amendments shall become effective ten (10) days after date hereof.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 23, 1934.*

# REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

## INTRODUCTION

SIR: This is a report on the Hearing of the Amendments to the Code of Fair Competition for the Wool Textile Industry.

The hearing was held in the Carlton Hotel, Washington, D.C., on December 8, 1933.

The Amendments were presented by duly qualified and authorized representatives of the above industry, complying with the statutory requirements, as represented by fully 80 percent of the wool textile machinery including both looms and spindles.

## RÉSUMÉ OF AMENDMENTS

The amendments proposed may be classified into four parts:

### I. CHANGES TO BE MADE IN THE ORIGINAL CODE

The definition in the original code is amended to make the code all inclusive of the various divisions of the wool textile industry.

The original code contained no method of assessing employer for any of the expenses. Consequently, a provision is proposed so that employers may be assessed within the limits allowed by the Recovery Act.

A provision limiting the hours of office employees is proposed by changing the original Article III.

### II. ADMINISTRATION

In the Executive Order dated July 26, there appeared a condition as follows:

"(1) To effectuate further the policies of the Act, a Wool Textile Industry Committee be created to cooperate with the Administrator as a Planning and Fair Practice agency for the Wool Textile Industry, which Committee shall consist of five representatives of the Wool Textile Industry elected by a fair method of selection, to be approved by the Administrator, and three members without vote appointed by the Administrator."

The amendments attached hereto contain administrative provisions allowing the various subdivisions of the wool textile industry to operate in the most convenient and constructive manner.

All divisions of the wool textile industry are included in this code but it is recognized that the problems of some of the branches of the industry are not comparable with the problems of other branches. Consequently, subcode authorities have been created to care for the individual problems of each of the well-defined branches of the industry.

### III. FAIR TRADE PRACTICES

The amendments propose several fair trade practices which are applicable to all of the divisions of the industry. At a later date the subcode authorities will propose fair trade practices which shall apply only to their division.

## IV. ARBITRATION

The wool and worsted manufacturers have been operating under the rules of the American Arbitration Association for several years and are now incorporating arbitration provisions in their code, both for arbitrating disputes between buyers and sellers and disputes between themselves concerning the rules and regulations that appear in the code.

## FINDINGS

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

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The National Association of Wool Manufacturers was and is an industrial association truly representative of the aforesaid Industry and that said association imposed and imposes no inequitable restrictions on admission to membership therein and has applied for or consents to this amendment.

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

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

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

For these reasons, these Amendments have been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 23, 1934.

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

Pursuant to Article X of the Code of Fair Competition for the Wool Textile Industry, approved by the President July 26, 1933, said Code is hereby amended in the following manner:

### I.

The first paragraph of Article I shall be modified by deleting the word "sales" from the words "worsted sales yarn (Bradford System)", "worsted sales yarn (French System)", and "carded sales yarn"; by adding after the words "carded sales yarn" the words "not including carpet or underwear yarn"; and by adding after the word "carbonizing" the words "topmakers, the sale of fabrics in the piece by members of the Industry and/or their agents"; so that the whole paragraph shall read:

"I. *Definitions.*—As used herein the term 'wool textile industry' shall include the following branches: Manufacture of worsted men's wear, worsted women's wear, carded men's wear, carded women's wear, blankets, cotton warp fabrics, reworked wool, knitted woolen goods, worsted yarn (Bradford System), worsted yarn (French System), carded yarn not including carpet or underwear yarn, and combing, wool scouring and carbonizing, top-makers, the sale of fabrics in the piece by the members of the Industry and/or their agents, and such other related branches as may from time to time be included under the provisions of this Code."

### II.

The first paragraph of Article III shall be modified by substituting for the word "office" the words "office employees receiving more than \$30.00 per week" and by adding at the end of said paragraph the sentence: "No office employee receiving \$30.00 a week or less shall work over forty-eight hours in any one week or more than forty hours per week averaged over a thirteen-week period"; so that the whole paragraph shall read:

"*Hours of Labor.*—On and after the effective date no employer shall employ any employee in excess of forty hours per week, this, however, not to apply to hours of labor for repair-shop crews, engineers, electricians, firemen, office employees receiving more than \$30.00 per week, sales and supervisory staff, shipping, watching, and outside crews. No office employee receiving \$30.00 a week or less shall work over forty-eight hours in any one week or more than forty hours per week averaged over a thirteen-week period."

## III.

Article VI shall be amended by adding at the end thereof the following paragraph:

“The Association may assess any employer, at such intervals as the Association shall determine, his pro-rata share (subject to approval of the Administrator) of the expense of collecting and receiving such reports and of compiling and forwarding to the President the substance thereof.”

## IV.

The following Articles shall be added to and made a part of the Code:

## “ARTICLE XII—ADMINISTRATION

“SECTION 1. *Designation of Divisions of the Industry.*—Every person engaged in the Wool Textile Industry, who manufactures or sells any product or engages in any activity as listed in Schedule 1 under a designated Division of the Industry shall, as to each product or activity, operate under the rules formulated for the Division into which that product or activity falls, and shall be a member of that Division. The Board of Directors of the National Association of Wool Manufacturers may, from time to time, amend Schedule 1 to consolidate Divisions, create new Divisions, subdivide old Divisions, or add new products or activities to old Divisions to the extent that changes in circumstances require such amendment. Any such amendment shall be subject to appeal to the Code Authority by an interested person, and shall in no event be retroactive.

“SEC. 2. *Organization and Constitution of Code Authority and Sub-Code Authorities:*

“(a) In accordance with the Executive Order of July 26, 1933, a Wool Textile Industry Committee (hereinafter called the ‘Code Authority’) is hereby constituted to cooperate with the Administrator in the administration of this Code. The Code Authority shall consist of six (6) representatives of the Industry elected by a fair method of selection, to be approved by the Administrator, and not more than three (3) members without vote to be appointed by the Administrator and to serve without expense to the Industry. Upon the election of the six members by the Industry, as provided above, the Code Authority shall be duly constituted and shall function as herein set forth, whether or not the Administrator shall have appointed the additional members.

“(b) The Code Authority shall adopt its own rules and/or methods of procedure and may appoint such officers or agencies as it may deem necessary properly to carry out its duties in the administration of this Code. It may delegate to a special Sub-Code Authority of any Division of the Industry listed in Schedule 1 its powers and duties in the administration of all articles of this Code or supplementary codes relating to trade practices of that Division. The Sub-Code Authority for each Division of the Industry shall consist of not less than three (3) members and/or representatives of that

Division elected by majority vote of the members of such Division and to serve for such periods as the Division may determine.

“(c) The members of each Division or Sub-Division may adopt their own rules and/or methods of procedure, not inconsistent with the Act or with the Code or with the Bylaws of the National Association of Wool Manufacturers. Members of each Division or Sub-Division may propose rules of practice or of merchandising relating to uniform terms, standard sales contracts, sales below cost, the filing of prices, competitive practices, etc., for their Division or Sub-Division, amplifying for that Division or Sub-Division the provisions of Article XIII hereof in order to promote fair competition; subject to the approval of the Administrator, such rules of practice and such merchandising rules, when approved by three-fourth vote of the members of the Division or Sub-Division affected, by the Sub-Code Authority of that Division, and by the Code Authority, shall be binding upon all members of that Division. Changes may be made in any such rules in the same manner in which the original rules were adopted.

“(d) For the purposes of this Section, the three quarter vote may be either: (1) three quarters of those voting at a meeting of members of the Division or Sub-Division duly called for consideration of the rules; or (2) three quarters of those voting on mailed ballots sent to addresses of the members of the Division or Sub-Division at least ten days prior to the day on which such ballots are to be counted. No action by mail ballot shall be binding unless affirmative ballots are received from at least one third of those to whom ballots are sent.

“SEC. 3. *Appeals:*

“(a) Any interested party shall have the right of complaint to the Code Authority or the Sub-Code Authority, and shall be given a prompt hearing and decision thereon, under the rules of procedure of such body, in respect to the fairness of any rule of practice of merchandising adopted for a Division or Sub-Division of which he is a member.

“(b) Any interested party shall have the right of appeal to the Administrator, under such rules and regulations as the Administrator shall prescribe in respect to any decision, regulation, or order made by the Code Authority or Sub-Code Authority under the foregoing paragraph.\*

“ARTICLE XIII—UNFAIR TRADE PRACTICES

“For the purposes of this Code, the following shall constitute unfair trade practices forbidden to all members of the Industry:

“1. Selling at terms different from those prescribed by the rules of the Division or Sub-Division or granting to any customer secret rebates, subsidies, commissions, or advertising credits.

“2. Granting (excepting in connection with Government contracts) options or reservations or selling ‘at value,’ or guaranteeing prices against either advances or declines.

\* See paragraph 2 of order approving this amendment.

“ 3. Shipping goods on consignment, except as may be provided for in a Division or Sub-Division merchandising plan.

“ 4. Improperly marking perfect goods as ‘seconds’ or otherwise.

“ 5. Publishing or distributing any advertising which is misleading or inaccurate in any material particular, or in any way misrepresenting any goods, or values, policies, services, or the nature or form of the business conducted.

“ 6. Manufacturing or selling any article in imitation of a competitor’s package, trade mark, or trade name, or selling from a competitor’s samples.

“ 7. Failing to print on copy of contract or order the standard sales contract provisions required by Division or Sub-Division rules.

“ 8. Performance of commission work by any employer as an incidental function outside his regular recognized activities, without complying with his merchandising plan in force for the Division or Sub-Division covering such commission work.

#### “ARTICLE XIV—ARBITRATION

“ 1. The Sub-Code Authority of each Division of the Industry is directed to appoint a Panel consisting of as many persons as it deems proper (not limited to members of the Division), to be known as the Panel on Trade Disputes and Unfair Practices of the Division.

“ 2. The Panel shall have jurisdiction to hear, on the complaint of any interested person, any dispute, or controversy relating to a violation of any trade practice provision of this Code, which may effect that Division, or to a violation of the rules of practice or merchandising for that Division.

“ Immediately upon receipt of such complaint in writing a list of members of the Panel shall be submitted to the party or parties involved who may cross off from the list names of persons to whom objection is made. The Sub-Code Authority will then select a committee from the remaining members of the Panel consisting of not less than three (3) or more than seven (7) to hear the complaint and to make recommendation to the Sub-Code Authority which shall take such action as it deems necessary. All persons subject to this Code shall submit to the Panel such facts and figures pertinent to any controversy within the jurisdiction of the Panel, as the Panel may request. In the event that either party desires to appeal from the findings of the Panel, the matter shall then be referred to the American Arbitration Association.

“ 3. In the event of an unsettled dispute between buyer and seller, the seller must report the dispute to the Sub-Code Authority. The buyer may refer his case through the appropriate Sub-Code Authority to the Panel on Trade Disputes and Unfair Practices of the Division, if he so elects, or may take the matter direct to the American Arbitration Association.

“ 4. A copy of the findings in any arbitration either by the Panel or by the American Arbitration Association shall be promptly forwarded to the Sub-Code Authority and may at the discretion of that Authority be published to the members of the Division concerned.

## "ARTICLE XV—GENERAL

" 1. The employment of any subterfuge to circumvent this Code or any provision thereof shall be regarded as a violation thereof.

" 2. By presenting this Code the members of the Industry assenting thereto do not thereby consent to any modifications thereof and they reserve the right to object individually or jointly to any such modifications.

" 3. Where the rules of practice or merchandising for any Division require or permit the filing of prices and/or samples, and price files and/or sample files shall not be available for inspection by members of the Division, but members of the Division will be entitled to ask at reasonable times for information contained in said files, which information shall be furnished by those in charge of the files.

## "SCHEDULE I

" For the purposes of this Code, the following groups of persons engaged in the Wool Textile Industry shall constitute the respective divisions of the Industry. Such divisions may be subdivided, combined, or realigned from time to time by the Board of Directors of the National Association of Wool Manufacturers.

" I. Worsted Men's Wear

" II. Worsted Women's wear

" III. Carded Men's wear

" IV. Carded Women's wear

" V. Blankets

" VI. Cotton Warps

" VII. Knitted Woolen Goods

" VIII. Worsted Spinners (sales yarn) Bradford System

" IX. Worsted Spinners (sales yarn) French System

" X. Carded Spinners (sales yarn)

" XI. Combers

" XII. Wool scourers and carbonizers

" XIII. Piece Goods Selling

" XIV. Reworked wool

" XV. Topmakers

" For the purpose of the ' Rules of Practice and Merchandising for the Piece Goods Selling Division ', this Division shall be composed of the active members making Worsted Men's Wear, Worsted Women's Wear, Carded Men's Wear, Carded Women's Wear, Cotton Warps, and Knitted Woolen Goods.

" Each member of said Division shall vote either individually or through a duly appointed representative."

Approved Code No. 3—Amendment No. 1.

Registry No. 286-04.



Approved Code No. 75—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

# CANNING AND PACKING MACHINERY INDUSTRY

As Approved on January 27, 1934

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### ORDER

#### APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CANNING AND PACKING MACHINERY INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Canning and Packing Machinery Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, except that the amendment to Article XI Section (h) shall take effect 15 days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

WASHINGTON, D.C.  
*January 27, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House,*

SIR: This is the report of the Amendments to the Code of Fair Competition of the Canning and Packing Machinery Industry to permit the inclusion of another industrial group, the hearing having been held in Washington on the 7th day of December, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

The provisions of the Code have not been altered as to hours and wages from the provisions as adopted in the Code as signed on October 31, 1933. The Meat Packing and Allied Products Machinery and Equipment group will work under the labor provisions of this Code as a part of this Industry.

### ECONOMIC EFFECT OF THE AMENDMENTS

Under normal conditions in this industrial group the work week averaged 44 hours. Operation on the shortened schedule of hours, as provided in the Code, will result in an increase of 16 percent in the number of employees, or a total for the group of 696. This brings the total number of employees in the Canning and Packing Machinery Industry up to approximately 2,200.

This industrial group manufactures machinery which is used in the processing and preserving of animal products for food. Invested capital is \$2,500,000 and the five-year annual average value of its products is \$3,500,000. The value of products of the Canning and Packing Machinery Industry on the above average basis now totals \$7,000,000.

### FINDINGS

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

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue

restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The Meat Packing and Allied Products Machinery and Equipment group was and is an industrial group truly representative of the aforesaid Industry and that said group imposed and imposes no inequitable restrictions on admission to membership therein and has applied for or consents to these amendments.

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

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

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

For these reasons, therefore, the amendments to this Code have been approved by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 27, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CANNING AND PACKING MACHINERY INDUSTRY

The Title of this Industry is amended to read as follows:

Code of Fair Competition for the Canning and Packing Machinery and Equipment Industry.

Article I is thus, with the amended title, amended to read as follows:

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 Canning and Packing Machinery and Equipment Industry and shall be binding upon every member thereof.

Paragraph 1 of Article II is amended to read as follows:

“Industry” as used herein means the Canning and Packing Machinery and Equipment Industry, which embraces the manufacture for sale or sale in the open market and within the United States of America or its territories of canning machinery and equipment used for the preparation and processing of foods for human or animal consumption; machinery and equipment used for the manufacture of cans and containers for such food; machinery and equipment used for the preparation and packing of fresh fruits and vegetables; machinery and equipment used for the dressing, processing, and packing of animal, poultry, and fish products whether intended for final sale in fresh, frozen, cured, or canned form; machinery and equipment used for the processing and packing of dried and dehydrated fruits and vegetables; machinery and equipment used for the rendering of either animal, poultry, fish, vegetables, and/or fruits or the by-products obtainable from the foregoing and without limitation as to final disposal in either edible or nonedible form; and parts thereof; but excepting any machinery or equipment or parts therefor having a general application and use for purposes other than the uses hereinabove enumerated.

Paragraph (e) of Article III is amended to read as follows:

No employer shall operate on a schedule of more than 6 days work in seven except in cases of emergency.

Paragraph (h) of Article XI is amended to read as follows:

Making or offering to make a trade-in allowance for any machine more than two years old greater than 15% of the price of the new machine or of the original price of the trade-in machine, whichever is lower; provided that the Code Authority may, at its discretion, increase this percentage for various classes of machinery and/or equipment;

Approved Code No. 75—Amendment No. 1.  
Registry No. 1399-35.

Approved Code No. 94—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

MEN'S GARTER, SUSPENDER, AND BELT  
MANUFACTURING INDUSTRY

As Approved on January 27, 1934

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ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MEN'S  
GARTER, SUSPENDER, AND BELT MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Men's Garter, Suspender, and Belt Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 27, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Public Hearing on an amendment to the Code of Fair Competition for the Men's Garter, Suspender, and Belt Manufacturing Industry as proposed by the Code Authority for this Industry was conducted on December 22, 1933 in Room D of the Washington Hotel, Washington, D.C. Every person who requested an appearance was fairly heard in public in accordance with the usual requirements. Present were authorized representatives of the Code Authority for this Industry and representative members of the Industry.

The Code of Fair Competition for the Men's Garter, Suspender, and Belt Manufacturing Industry, approved November 4, 1933, did not contain any Trade Practice Provisions. Article V, Section 4 of this Code provides that the Code Authority shall study provisions relating to trade practices and make recommendations thereon to the Administrator. Proposed Trade Practice Provisions were accordingly submitted by the Code Authority for approval, and formed the entire subject matter of this amendment.

In final form this amendment has been approved by the Labor Advisory Board, Industrial Advisory Board, Research and Planning Division, and Legal Division of the National Recovery Administration. The Code Authority has indicated its approval of the Trade Practice Provisions on behalf of the Industry.

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

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limita-

tion Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

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

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

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

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

For these reasons, these trade practice provisions have been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 27, 1934.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MEN'S GARTER, SUSPENDER, AND BELT MANUFACTURING INDUSTRY

## ARTICLE IX—TRADE PRACTICES

The following practices are established as methods of fair competition for members of this industry and any violations of these shall be constituting an unfair method of competition.

1. Customers shall be classified as follows:

- (a) General wholesale dry goods, jobbers, including exporters.
- (b) Specialty wholesale houses handling principally neckwear, belts, garters, suspenders, collar pins, and belt buckles.
- (c) Retail accounts purchasing direct from the manufacturer.
- (d) Mail-order houses.
- (e) Chain stores.
- (f) Manufacturers' sales agents.

The Code Authority may from time to time modify, amplify, and/or define the foregoing customer classifications subject to the right of review by the Administrator.

2. Any member of the Industry who markets any or all of his products through sales agencies or commission men and who retains title to such products, shall make it a condition that such sales agencies or commission men agree to be bound by and comply with all trade practice provisions of this Code to the same extent as applies to and is required of a member of the Industry.

3. Terms of sale on all merchandise sold to various classes of customers, as hereinbefore defined, shall not be greater than the following:

All customers in Class (a), 2% ten days E.O.M., net sixty days.

All customers in Class (b), 2% ten days E.O.M., net sixty days.

All customers in Class (c), 2% ten days E.O.M.

All customers in Class (d), 2% ten days E.O.M.

All customers in Class (e), 2% ten days E.O.M.

Invoices rendered for goods shipped on and after the twenty-fifth day of each month may bear the date of the first day in the following month, but no other dating shall be allowed, except as hereinafter provided.

4. Garter belts sold to Corset Departments may be sold on cash and/or trade discounts not greater than eight percent (8%) ten days E.O.M.

5. (A) No member of the industry shall give to any customer any trade discount, quantity discount, or any other discount, rebate, or allowance, except as provided in Sections 3 and 4 hereof. The provisions of this section shall not be construed to prohibit price differentials by any member of the industry between customers.

(B) No member of the industry shall give to any customer any rebate or allowance of any kind on any merchandise because of a decline in price after shipment has been made.

6. (A) "Holiday Goods" may be shipped to customers in Class (C), as hereinbefore defined, at the manufacturer's convenience and not more than thirty (30) days' dating given, provided that such extra dating shall not make the discount date fall later than January 10 of the following year; anticipation may be allowed at a rate not to exceed one half of one percent monthly, but such datings and anticipation shall be confined exclusively to "Holiday Goods."

(B) "Holiday Goods" may be shipped to customers in Classes (a), (b), (d), and (e), as hereinbefore defined, at the manufacturer's convenience and not more than sixty (60) days' dating given, provided that such extra dating shall not make the discount date fall later than January 10 of the following year; anticipation may be allowed at a rate not to exceed one half of one percent monthly, but such datings and anticipation shall be confined exclusively to "Holiday Goods."

The term "Holiday Goods", as used herein above, is defined to include any merchandise specially packed for the Christmas trade and intended to be sold for Christmas gifts, and having special containers or other designation appropriate to Christmas. All other merchandise is definitely excluded from the special terms provided in Section 6.

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 a general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

8. No member of the Industry shall accept the return of any article for credit or exchange which is subject to the provisions of the Code, except on account of defects in manufacture; provided, however, that articles returned on account of errors in shipment, delay in delivery, or failure to conform to specifications may be accepted if returned within ten (10) days from date of receipt by the customer.

9. No merchandise shall be shipped on consignment, memoranda, or guaranteed sale.

10. No member of the Industry shall sell any article, subject to the provisions of this Code, at a price below his individual cost. However, any member may meet the price competition of any competitor whose cost under this Code is lower. Cost for the purposes of this provision shall be determined in accordance with the uniform cost and accounting system provided for in Article V, Section 2, subsection (i) hereof when such system is recommended by the Code Authority and approved by the Administrator.

11. The sale and/or delivery of distressed merchandise, discontinued styles, salesmen's samples, seconds, and faulty or defective merchandise falling below the manufacturer's standard for regular goods, and all similar merchandise, shall be confined to two periods during the year, viz. one period from December 16 to January 31 and another period from July 5 to August 5 of each year, provided, however, that

upon application to the Code Authority a Member of the Industry may upon proper showing obtain permission to dispose of merchandise covered by this provision at other periods than those herein provided, and upon such reasonable terms and conditions as the Code Authority may impose. Merchandise sold in accordance with this provision shall be exempt from the provisions of Section 10. Any action taken by the Code Authority under this provision shall be subject to review by the Administrator.

12. No member of the Industry shall make, directly or indirectly, any advertising allowance to any customer.

13. No extra discount shall be allowed on merchandise supplied to wholesale merchants for use as samples. Equipment rolls and folders may be supplied to wholesale merchants by manufacturers at a price of not less than the cost to the manufacturer.

14. 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.

15. No member of the Industry shall by purchase or exchange, or in any other manner acquire another manufacturer's merchandise from any customer, for the purpose of affecting or in any manner influencing the sale of merchandise to such customer.

Approved Code No. 94—Amendment No. 1.  
Registry No. 271-1-01.

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## PLUMBING FIXTURES INDUSTRY

As Approved on January 31, 1934

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### ORDER

TERMINATING STAY CONTAINED IN ORDER OF THE ADMINISTRATOR FOR INDUSTRIAL RECOVERY, DATED JANUARY 13, 1934, APPROVING CODE OF FAIR COMPETITION FOR THE PLUMBING FIXTURES INDUSTRY AND FINALLY APPROVING SAID CODE AS MODIFIED

An Order was signed on January 13, 1934, by the Administrator for Industrial Recovery, on behalf of the President of the United States, approving a Code of Fair Competition for the Plumbing Fixtures Industry but staying for a period of sixty (60) days the application of certain of the provisions of Section 7 of Article VIII of said Code.

An application having been duly made by the Committee on Organization of the Code of Fair Competition for the Plumbing Fixtures Industry, the applicant for the approval of said Code, for the termination of such stay, and such applicant having requested and agreed to the termination of such stay subject to the provisions hereinafter set forth in this Order:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise, do hereby order that said stay be and it is hereby terminated, provided, however, that the provisions of the second paragraph of Section 7 of Article VIII of said Code (contained in the sole complete paragraph appearing on Page 22 of said Code as originally submitted for approval be modified to read as follows:

“In recognition of the fact that the products of these industries cannot be installed in ultimate service without the performance of wholesaling functions such as assembling, warehousing, and buying in bulk of these products and of accessory and complementary products by individuals, firms, or corporations either exclusively or in conjunction with the performance of the function of retailing said individuals, firms, corporations, or other persons, in consideration of the performance of such wholesaling function and of purchasing in wholesale quantities,

shall receive a trade discount from published prices greater than the trade discount accorded to any individuals, firms, corporations, or other persons who do not perform the wholesaling function hereinabove described. The difference between the trade discount allowed to those individuals, firms, corporations, or other persons performing such wholesaling function and the trade discount accorded to other purchasers for resale, shall be determined by each individual manufacturer in establishing his wholesale purchase price level and his retail purchase price level; but in no case shall such difference be less than the percentage determined by the Code Authority, with the approval of the Administrator, subject to modifications made therein from time to time with the approval of the Administrator, such percentage and such modifications therein to be confirmed by immediate studies of the value to the consumer of the functions involved. Such studies shall be made by an impartial fact-finding agency under the direction of the Code Authority."

and do order that said Code of Fair Competition for the Plumbing Fixtures Industry, as so modified with the assent of the said Committee on Organization of the Code of Fair Competition for the Plumbing Fixtures Industry, be and it is hereby approved and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as modified as hereinabove provided, such approval and such modification to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the second paragraph of Section 7, Article VIII, in the Code of Fair Competition for the Plumbing Fixtures Industry as approved on January 13, 1934.

In the order, approving the above Code, executed on January 13, 1934, by the Administrator for Industrial Recovery, the application of the provisions of Section 7 of Article VIII was stayed for a period of sixty (60) days in order to afford consideration of the objections of any interested parties to such provisions. Inasmuch as said provisions have been revised to clarify their meaning and intent, probability of objection has been greatly minimized.

The amended provisions do not in any way affect the Wage and Hour provisions of the Code or the number of workers employed. Their specified purpose is further to stabilize an Industry where unfair competition may be exceedingly detrimental to the continued successful operation of the members of the Industry.

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

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The applicant associations were and are industrial associations truly representative of the aforesaid Industry and that said associations imposed and impose no inequitable restrictions on admission to membership therein and have applied for or consents to this amendment.

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

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

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

(g) For these reasons, therefore, I have approved the amendment to this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 31, 1934.

Approved Code No. 204, Amendment No. 1.  
Registry No. 1129-03.

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**SUPPLEMENTS**

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Approved Code No. 84. Supplement No. 1

**SUPPLEMENTARY CODE OF FAIR COMPETITION**

FOR THE

**METALLIC WALL STRUCTURE INDUSTRY**

As Approved on January 10, 1934

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**ORDER**

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE  
METALLIC WALL STRUCTURE INDUSTRY**

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

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section I of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Metallic Wall Structure Industry; and hearings having been duly held thereon; and the annexed report on said Supplementary Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

**HUGH S. JOHNSON,**  
*Administrator for Industrial Recovery.*

Approval Recommended:

**MALCOLM MUIR,**  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Supplementary Code of Fair Competition for the Metallic Wall Structure Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, and on the hearing conducted thereon in Washington, D.C., December 22, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Metallic Wall Structure Industry, being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of submitting a Supplementary Code of Fair Practice, as provided for in Section 1 of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November 1933.

### RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III: This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of seven members of which five shall be elected by the members of the National Steel Partition Association or its successor, and two shall be elected by members of the Industry who are not members of the Association, if any, and gives the Administrator the authority to appoint one additional member without vote and provides machinery for obtaining statistics and the administration of this Code.

Article V sets forth the fair trade practices of this Supplementary Code which has been especially designed to effect fair competition in this division of the Industry.

Article VI contains the mandatory provisions contained in Section 10 (b) of the Act and also provides for the submission of proposed amendments to the Code.

Article VII provides against monopolies and monopolistic practices.

Article VIII recognizes that price increases be limited to actual additional increases in the seller's costs.

Article IX states the effective date of this Supplementary Code.

## FINDINGS

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

I find that—

(a) Said Supplementary Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees, and is not classified by me as a major industry.

(c) The Supplementary Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restriction on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Supplementary Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 10, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE METALLIC WALL STRUCTURE INDUSTRY

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

## ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act the following provisions are submitted as a Supplementary Code of Fair Competition for the Metallic Wall Structure Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved by the President of the United States on the second day of November 1933, 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

SECTION 1. The term "Metallic Wall Structure Industry" as used herein includes the manufacture and/or sale of installations of Metallic Wall Structures as defined hereinafter and/or the manufacture and/or sale by manufacturers of parts for use in such installations.

SEC. 2. The term "Metallic Wall Structure" as used herein means any structure such as is commonly employed to subdivide the interiors of buildings, such as partitions, railings, etc., which are made up of separately erectable units and include steel panels and/or supporting or framing members of the type known as pressed or form rolled or tubular or hollow metal, extending either vertically or horizontally, and panel fillers or stretchers of steel, glass, wallboard, wire mesh, etc., supported thereby as well as fittings, stampings, doors, transoms, sash, and accessories for use 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 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.

SEC. 5. The term "Basic Code" as used herein is defined to mean the basic code of fair competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry as approved by the President on the second day of November 1933.

SEC. 6. The term "Supplementary Code Authority" as used herein is defined to mean the agency established to administer this Supplementary Code.

SEC. 7. The term "Association" as used herein is defined to mean the National Steel Partition Association.

SEC. 8. The term "Agent" as used herein is defined to mean a sales agent who represents a member of the industry as an employee in the placement of contracts and/or contacts the public on behalf of a member of the Industry.

### ARTICLE III—EMPLOYMENT PROVISIONS

SECTION 1. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code as approved by the President are the labor provisions of this Supplementary Code.

### ARTICLE IV—ORGANIZATION AND ADMINISTRATION

The Supplementary Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Supplementary Code.

SECTION 1. The Supplementary Code Authority shall consist of seven (7) members, five (5) of whom shall be elected by the members of the Association on or before the effective date of this Supplementary Code and two (2) of whom shall be elected by members of the Industry who are not members of the Association, if any. In the event the nonmembers fail to elect either of the latter two within a reasonable time such vacancy shall be filled by the balance of the Supplementary Code Authority. In addition thereto there may be one (1) member appointed by the Administrator who shall be without vote, and may attend all meetings and shall be given reasonable notice thereof.

SEC. 2. Each trade or industrial association, directly or indirectly participating in the activities of the Supplementary Code Authority, shall

(a) Impose no inequitable restriction on membership.

(b) 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 effect the purposes of the Act.

SEC. 3. In order that the Supplementary 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 Supplementary 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 Supplementary Code Authority.

SEC. 4. Nothing contained in this Supplementary Code shall constitute the members of the Supplementary Code Authority partners for any purpose.

## POWERS AND DUTIES

SEC. 5. The Supplementary Code Authority shall have the following duties and powers:

(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 Supplementary Code, in accordance with the terms of the Act and the principles herein set forth.

(b) To delegate to such trade associations and other agencies as it deems proper the carrying out of any of its activities provided for herein, and to pay such agencies the cost thereof, provided that such agencies shall at all times be subject to and comply with the provisions of this Supplementary Code, and provided further that nothing contained herein shall relieve the Supplementary Code Authority of its responsibilities under this Supplementary Code.

(c) To coordinate the administration of this Supplementary Code with such other Codes, if any, as may be related to this Industry, or any subdivision thereof, with a view to promoting joint and harmonious action upon matters of common interest.

(d) To delegate an impartial agency to make surveys, to compile reports, to collect statistics and trade information, to investigate unfair trade practices, to make recommendations for fair trade practices, and otherwise assist the Administrator in effecting the purposes of this Supplementary Code and the Act.

(e) To cooperate with the Administrator in regulating the use of the N.R.A. insignia solely by those employers who have assented to this Supplementary Code and have paid their proportionate share of the cost of administering this Supplementary Code.

(f) No member of the Industry shall be entitled to participate in or share the benefits of the activities of the Supplementary Code Authority or participate in the selection of the members thereof unless he assents to and complies with the requirements of this Supplementary Code and sustains his reasonable share of the expense of its administration.

The reasonable share of the expense of administration shall be determined by the Supplementary Code Authority, on the basis of volume of business and/or such other equitable factors as the Supplementary Code Authority may determine, subject to the approval of the Administrator.

(g) To report, as the Basic Code, Article IV, Section 1, may require, to the Fabricated Metal Products Federation or its successor organization.

(h) To set up credit bureaus and subdivisions for the collection of bad accounts.

(i) To have such other powers and duties consistent with the Act as may be necessary for the complete administration of this Supplementary Code.

SEC. 6. If the Administrator shall determine that any action of a Supplementary Code Authority or any agency thereof is unfair or unjust 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 action and further consideration by such Supplementary Code authority or agency pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE V—TRADE PRACTICES

Any member of the Industry who shall directly or indirectly, through any officer, employee, agent, or representative, use or employ any of the unfair methods of competition set forth in Article V of the Basic Code, or in Article V of this Supplementary Code, shall be guilty of a violation of this Supplementary Code.

It shall be an unfair trade practice for any member of the Industry:

SECTION 1. To fail to comply with the following provisions for accounting and costing with respect to that portion of his product which is within the Industry. Every member shall use an accounting system for the purpose of determining allowable cost which conforms to the principles of, and is at least as detailed and complete as, the uniform method of accounting, and the uniform method of costing, to be formulated by the Supplementary Code Authority, subject to the approval of the Administrator with variations therefrom as may be required by the individual conditions affecting any member or group of members, and as may be approved by the Supplementary Code Authority and the Administrator.

SEC. 2. To sell or exchange any product of the Industry at a price or upon terms and conditions which will result in the purchaser paying for the goods received, less than the allowable cost thereof to the seller, determined in accordance with a uniform method of costing above described. Provided further, however, that a member of the industry may sell below his own cost to meet the competition of a lower cost producer of products of equivalent design, quality, or specifications, provided that when a member of the industry sells, or wishes to sell below his own cost to meet such competition, he shall so report to the Supplementary Code Authority and shall cite the competition which caused him to take this action.

SEC. 3. To fail to comply with the following provisions for the publication of prices:

(a) Each member of the Industry shall within five days of the effective date of this Supplementary Code publish a complete price list of the products of the Industry offered for sale by him, showing all prices, terms and discounts, and copies of this price list and/or discount sheets shall be filed with the Supplementary Code Authority, who shall immediately send copies, or portions thereof, to all other members of the Industry who have assented to and are complying with this Supplementary Code and have filed price lists covering similar items. Such price lists and terms and conditions of sale so filed with the Supplementary Code Authority shall be open to inspection at all reasonable times by any interested party.

(b) New and/or revised price lists and/or discount sheets and/or additions thereto may be filed at any time thereafter with the Supplementary Code Authority by any member of the Industry to become effective on the date specified therein, but such price lists

and/or discount sheets shall be filed with the Supplementary Code Authority ten (10) days in advance of said effective date.

(c) Copies of such price lists and/or discount sheets or portions thereof, with notice of the effective date specified therein, shall be immediately sent to all members of the Industry who have filed price lists on similar articles and who are cooperating in this Supplementary Code, who thereupon may file revisions of their own published price lists and/or discount sheets, provided that their revision is not for a lower price or on more favorable terms than that set forth on the revised price list first filed, and said revision shall become effective upon the date when the said revised price list and/or discount sheets first filed shall go into effect.

(d) No member of the Industry shall sell, directly or indirectly, by any means whatsoever, any product of the Industry at a price or at a discount or on terms of payment other than those provided in his published price list and/or discount sheets.

(e) In any event a member of the Industry must certify to the Supplementary Code Authority in the submission of all lists that the prices therein set forth, with any discounts thereon, will not cause the sale of the product below his own allowable cost, except as hereinbefore provided.

(f) A tabulation of all bids which on account of bid bonds or other reasons will remain effective beyond the effective date of any new or revised list shall be submitted on or before such effective date to an impartial agency to be designated by the Supplementary Code Authority.

SEC. 4. To fail to use such standard form of price lists including the classification and designation of all items to appear thereon, as may be authorized by the Supplementary Code Authority and approved by the Administrator, and to fail to file within ten (10) days of such authorization his price list and discounts in the form required.

SEC. 5. To sell or offer for sale any product of the Industry not on his published price list, without first reporting such intended sale to the Supplementary Code Authority, at least five (5) days in advance.

SEC. 6. To fail to file with such impartial agency as the Supplementary Code Authority may designate, reports of such transactions as may be required, in the manner and form and at the time required.

SEC. 7. To quote a lump sum price, including any items not in accord with or included in his published price list. All quotations shall show separate prices for the products quoted in accord with the price list separate from the products of other Industries. In no case shall it be made a condition of the proposal or sale that a lower price will eventuate by purchasing said products in combination.

SEC. 8. To permit any employee whether paid on commission or otherwise to divide or offer to divide his commission, allowance, or other compensation with a purchaser or prospective purchaser either directly or indirectly, or give any commission or allowance to a consumer or purchaser.

SEC. 9. To make any sale or offer of sale of any product of the Industry, under any description which does not fully describe such

product in terms customarily used in the Industry, as determined by the Supplementary Code Authority.

SEC. 10. To voluntarily cancel in whole or in part, or permit the cancellation in whole or in part, of any contract of sale of any product unless the credit allowed for such cancellation shall permit the portion of the contract actually furnished to be priced in accordance with the published price for such quantity, plus a fair consideration for all work done or service performed in connection with such cancellation.

SEC. 11. To assume or offer to assume any responsibility, and/or replace any spoiled materials and/or accept any back-charges pertaining to any phase of erection or any accessories, in connection with a sale or offer for sale of any metallic wall structure, or part thereof, other than installed complete, unless such responsibility is definitely and specifically fixed by the terms of the offer for sale and contract of sale.

SEC. 12. To submit any samples in excess of 25 sq. ft. in area other than on premises regularly occupied by the member, unless the member has received an order for such material at his regularly established prices or received specific approval from the Supplementary Code Authority.

SEC. 13. To quote alternates as lump-sum prices where the requirements of a buyer are determined by specific plans and specifications unless the alternates be required by the plans or specifications. Alternates, other than those required by the plans and specifications, may be quoted as additions to or deductions from a required lump-sum price, provided the nature of the deviations from the specifications or plans is fully and distinctly set forth.

SEC. 14. To enter into term contracts covering a definite period of time for indefinite quantities of metallic wall structures, without provision for reimbursement for future increases in cost of labor, material or overhead expenses over those current at time contract is accepted.

SEC. 15. To accept an order or contract except in a form as detailed and complete as that prescribed by the Supplementary Code Authority, and approved by the Administrator.

SEC. 16. To give a guarantee against defective materials and workmanship on materials sold, for more than one year from date of installation.

SEC. 17. To 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. 18. To 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.

SEC. 19. To sell or offer for sale, upon the specification or request of a purchaser, any product of the Industry which includes contours, designs, or parts not regularly tooled and manufactured without including the cost of all tools, equipment, engineering services, and

experimental set ups required to properly initiate the manufacture of such products.

SEC. 20. To fail to register with the Supplementary Code Authority a list of the names and addresses of all agents.

#### ARTICLE VI—MODIFICATIONS

SECTION 1. This Supplementary Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision 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 this Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Supplementary Code or any conditions imposed by him upon his approval thereof.

SEC. 2. This Supplementary 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 hearings as he shall specify; and to become effective on approval by the President.

#### ARTICLE VII—MONOPOLIES

No provision of this Supplementary Code shall be interpreted in such way as to permit conduct or operations tending to promote monopolies or to eliminate or oppress small enterprises, or to discriminate against them.

#### ARTICLE VIII—PRICE INCREASES

SECTION 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 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—EFFECTIVE DATE

This Supplementary Code shall become effective five calendar days after its approval by the Administrator and shall continue in effect until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by Joint Resolution, declare that the emergency recognized by Section I of the National Industrial Recovery Act has ended.

Approved Code No. 84. Supplement No. 1.  
Registry No. 1123-08.

Approved Code No. 1—Supplement No. 1

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

COTTON CONVERTING INDUSTRY

As Approved on January 24, 1934

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ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE  
COTTON TEXTILE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code to the Code of Fair Competition for the Cotton Textile Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 24, 1934.*

(713)

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Hearing on Supplemental Code No. 1 to the Cotton Textile Code, containing trade practices relating to the sale and distribution of products of the Cotton Textile Industry, held in accordance with the provisions of the National Industrial Recovery Act, in the Willard Room of the New Willard Hotel on November 23, 1933. The Code, which is attached, was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, said to represent 177 out of 350 concerns and 75% in volume of 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 Code originally proposed was for the Cotton Converting Industry. To understand the functions of converting, it must be appreciated that the business of merchandising goods included under this Code involves an element of speculation in style and market. Where this speculation is inherent to a marked degree, the function of risk taking and merchandising has been fulfilled by concerns separate from manufacturers and producers of the merchandise. Where portions of the business handled by these converting firms are found to be of such a nature that stability of style and use lessens the risk and where it is not necessary to distribute the product of one manufacturing establishment over a too-extended variety of outlets, the plants themselves are found to be in competition with the converters. Accordingly, it was found that the converting industry wanted its trade practices to cover original sale by manufacturing plants, designated as "integrated producers", while manufacturing plants themselves wanted the sale of their products covered, as in most other instances, by their own manufacturing code.

To solve this problem, the Cotton Converting Industry has been brought into the Cotton Textile Code. It constitutes in essence part of the original sale of merchandise manufactured under this latter Code, rather than occupying the position of jobber or distributor.

### THE INDUSTRY

The Industry comprises about 350 concerns, having an aggregate invested capital of approximately \$200,000,000. In 1929 the Industry provided employment for 10,000 workers. This figure has declined to about 9,000 employees in 1933. The aggregate annual sales have fallen from \$1,000,000,000 in 1929 to about \$600,000,000 in 1932.

## PROVISIONS OF THE CODE

While the problem of employment from a Code point of view in the Industry is a comparatively minor one, the orderly maintenance of the right kind of market for cloth is a help toward more continuous employment in the weaving and finishing mills which supply this market. Accordingly, the trade practices submitted in the proposed supplemental Code have been given careful study. They have been assented to by the preponderant majority of the Converting Industry, and by the Cotton Textile Industry Committee, subject to individual members of the Industry having the right to make their own objections. Such objections have been duly heard. The provisions offered herewith are not nearly as restrictive in many cases as those proposed. They are, however, corrective of certain admitted abuses and are an attempt at self-regulation on the part of the Industry, while containing no provisions likely to constitute a burdensome hampering of trade.

## FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 24, 1934.

## SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act (hereinafter referred to as the "Act"), the following provisions are established as Supplemental Code No. 1 to the Code of Fair Competition for the Cotton Textile Industry, to deal with trade practices in the sale and distribution of the products of that Industry, and shall be the standard of fair competition for such Industry in respect of such sale and distribution, and shall be binding upon every member thereof in the manner and to the extent therein provided.

I. *Definitions.*—(1) "Master Code" means the Code of Fair Competition for the Cotton Textile Industry, finally approved July 16, 1933, as heretofore or hereafter amended.

(2) "Branch of the Industry" means the sale and distribution at wholesale of products of the Cotton Textile Industry by any concern insofar as it does manufacturing and/or finishing of the same for its own account or the account of others or has the same finished by others for its own account or for the account of others, or by a commission house or broker acting for same.

(3) "Member of branch of the Industry" means any business entity engaged in this branch of the Industry.

(4) "Finished goods" means grey goods, products of the Cotton Textile Industry, after being processed or finished in the completed fabrics as intended for use.

II. All members of this branch of the Industry shall be subject to and comply with the provisions of the Master Code in addition to the applicable provisions of this Supplemental Code.

III. There shall be constituted at this time in this branch of the Industry the following divisions of finished goods, the precise scope of these divisions being further defined in Section V hereof:

1. Clothiers' Linings (other than all-cotton).
2. Corset, Brassiere, and Allied Trades Fabrics.
3. All-Cotton Clothing Lining.
4. Curtain and Drapery Fabrics.
5. Shirtings.
6. Wash Goods.
7. Interlinings.

Anything herein or in Section V hereof to the contrary notwithstanding the foregoing divisions shall not include the following:

Moleskins and corduroys;

Bleached wide sheetings, sheets, pillow cases, dyed ducks:

Unbleached, bleached, colored, dyed and printed flannels, suedes and duveteens;

Outerwear material such as mineral and sulphur khakis, ducks, summer suitings, pantaloons, raincoatings, water-proof clothing fabrics, and all other converted fabrics for similar purposes;

Towelling, crashes, and plain bleached Terry Cloths;

Table damask and napkin fabrics;

Birdseye and diaper cloths.

IV. All members of this branch of the Industry insofar as their activities fall within any of the divisions enumerated in Section III hereof shall comply with the following general rules of trade practice:

1. The secret payment or allowance, directly or indirectly, or by any scheme, method, or device, 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 is prohibited.

2. The false marking or branding of any product which has the tendency to mislead or deceive customers or prospective customers in any way whatsoever is prohibited.

3. The imitation of a trade mark, trade name, slogan, or the other marks of identification of competitors, having the tendency and capacity to mislead or deceive is prohibited.

4. Upon approval of the Administrative Committee of a plan of registration, members of this branch of the Industry may register with the Textile Fabrics Association the following: Jacquard designs, twenty-harness dobby designs, prints, and such other designs or styles as may be considered as novel. Upon registration, such designs or styles shall be confined to the registrant for a six-month period and for an additional six months thereafter, if within the first six-month period the registrant can demonstrate to the satisfaction of the Administrative Committee that he has caused the manufacture in further quantity of said design, pattern, or style. At the end of the second six months' ownership period, the registrant may obtain renewals of all rights to such design, pattern, or style by semiannual re-registration. A proper registration fee will be determined by the Administrative Committee.

No member of this branch of the Industry shall commit or be a party to the piracy of any design, pattern, or style originated by another member of the Industry in a form sufficiently like the original to be mistaken for it, or the sale thereof, or sell or quote on the pattern, design, or style of another member of the Industry.

V. Members of this branch of the Industry insofar as their activities fall within any of the divisions described in Section III shall comply with the particular rules applicable to such divisions as follows:

#### DIVISION 1

#### CLOTHIERS' LININGS (OTHER THAN ALL COTTON)

##### DEFINITION

The products included in this Division are body and/or sleeve linings (other than all cotton) for use by manufacturers of men's and boys' clothing, and also by book tailor and trimming establishments.

## TRADE PRACTICES

1. *Terms of sale* shall not exceed net 60 E.O.M., except that bills on and after the 25th of the month may be dated as of the 1st of the following month. Anticipation may be allowed at a rate not to exceed 6% per annum. Sample pieces shipped on memorandum shall be billed retroactively as of date of shipment.

Where, subsequent to date of sale, a credit situation previously unknown to seller, should render impossible adherence to this Section, these provisions may be relaxed upon approval of application to Divisional Committee.

2. *Deliveries*.—All goods shall be sold F.O.B. finisher or main office registered with the Textile Fabrics Association.

3. *Uniform Contract*.—The provisions of a sales note recommended by the Divisional Committee and the Administrative Committee, when approved by the Code Authority and the Administrator, shall be used and adhered to on all sales for future delivery.

4. The Divisional Committee may make recommendations: (1) For the use by all members of the Division of a system of cost accounting at least as detailed and complete as a standard system of cost accounting adopted by the Divisional Committee. (2) For regulation of sale below cost when and if same may be so determined, but nothing herein contained shall limit the right to sell seconds, out-of-fashion, distress, and shopworn goods, when so billed.

Such recommendations (numbers 1 and 2, supra) when approved by the Administrative Committee, the Code Authority, and the Administrator, shall have the same force and effect as the other provisions of this Supplemental Code.

The above-mentioned recommendations must be communicated by the Divisional Committee to all members of said Division not less than ten days prior to date of submission of Divisional Committee's recommendations to the Administrative Committee or other superior agency.

5. No merchandise may be sold on consignment, nor may any method of selling be used which has the effect of selling on consignment or memorandum. Sample pieces to manufacturers for inspection are exempt from the application of this rule. The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

6. No stock protection or price guarantee shall be given.

7. Sales offices shall not be open for the transaction of business on Saturdays and Sundays.

## DIVISION 2

## CORSET, BRASSIERE, AND ALLIED TRADES FABRICS

## DEFINITION

The products included in this Division are those sold for use in the manufacture of corsets, girdle corsets, step-in corsets, brassieres, bandeaux-brassieres, corsets, girdle corsets, or step-in corsets attached to brassieres or bandeaux-brassieres and all similar body-supporting garments, and in the manufacture and supply of accessories such as

shields, stripping, binding, tabs, hook-and-eye cloth, etc., cut from converted cloths, entering into or used with such finished products.

#### TRADE PRACTICES

1. *Terms of sale* shall not exceed 2%—10 days, 60 extra; or 3%—10 days, or 3%—C.O.D. No extra dating shall be allowed. Anticipation shall be at legal rate of interest. Past due payments shall carry interest at legal rate from date of maturity.

2. *Deliveries*.—All goods shall be sold F.O.B. point of origin. In the case of shipments from finished stock carried in New York City the point of origin is the bleachery, dye works, and/or finishing plant at which the goods were processed.

3. *Uniform Contract*.—The provisions of a sales note recommended by the Divisional Committee and the Administrative Committee, when approved by the Code Authority and the Administrator, shall be used and adhered to on all sales for future delivery.

4. *Sample Requirements*.—Each sample cut in excess of one-half yard in length furnished customers shall be charged for at regular sales price of the fabric.

5. No merchandise may be sold on consignment, nor may any method of selling be used which has the effect of selling on consignment or memorandum. Sample pieces to manufacturers for inspection are exempt from the application of this rule. The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

6. No stock protection or price guarantee shall be given.

7. Sales offices shall not be open for the transaction of business on Saturdays and Sundays.

8. With respect to goods made entirely from synthetic yarns or goods made from synthetic yarns mixed only with silk and produced by the seller's own manufacturing facilities, the applicable provision of the Silk Textile Code with respect to terms of sale and delivery may be substituted for the provisions of terms of sale and delivery for this Division.

### DIVISION 3

#### ALL-COTTON CLOTHING LININGS

##### DEFINITION

The products included in this Division are all-cotton clothing linings for use by manufacturers of men's and boys' clothing, tailor trimming houses, and book tailor and trimming establishments.

#### TRADE PRACTICES

1. *Terms of sale* shall not exceed 2%, 60 days, E.O.M. 3%, 10 days, E.O.M. Goods shipped on or after the 25th of the month may be billed as of the 1st of the following month. Interest at the rate of 6% per annum shall be charged on all accounts past due. Sample pieces shipped on memorandum shall be billed retroactively as of date of shipment.

2. *Deliveries.*—All goods shall be sold F.O.B. mill, with the exception of sales made from open stock at main office, shipping point, or established main depository which may be made F.O.B. such main office, shipping point, or established main depository, provided it is registered with the Textile Fabrics Association.

3. *Uniform Contract.*—The provisions of a sales note recommended by the Divisional Committee and the Administrative Committee, when approved by the Code Authority and the Administrator shall be used and adhered to on all sales for future delivery.

4. The Divisional Committee may make recommendations: (1) for the use by all members of the Division of a system of cost accounting at least as detailed and complete as a standard system of cost accounting adopted by the divisional Committee, and (2) for regulation of sales below cost when and if same may be so determined. Such recommendations, when approved by the Administrative Committee, the Code Authority, and the Administrator, shall have the same force and effect as the other provisions of this Supplemental Code.

5. *Price Reporting.*—Within thirty days after a majority vote of this Division, all members thereof shall file with the Textile Fabrics Association a schedule of prices and terms covering the sale of their standard numbers sold in the previous week; such schedule to specify prices on different items (classified according to quantity thereof), as may have been voted upon by the Division.

Such reports shall be prepared in summary form and submitted in this form to each member of the Division in such a manner as not to divulge the operations of any individual member. The Divisional Committee shall have the power to suspend the operation of the provisions of this Section. All members of the Division shall be notified by telegraph if the provisions of this Section are so suspended.

6. No merchandise may be sold on consignment, nor may any method of selling be used which has the effect of selling on consignment or memorandum. Sample pieces to manufacturers for inspection are exempt from the application of this rule. The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

7. No stock protection or price guarantee shall be given.

8. Sales offices shall not be open for the transaction of business on Saturdays and Sundays.

#### DIVISION 4

#### CURTAIN AND DRAPERY FABRICS

#### DEFINITION

The products included in this Division are converted cotton and cotton mixture curtain and drapery fabrics, including these same fabrics when sold to other cutting trades and/or wholesale, retail, chain stores, and/or mail-order distributors; but exclusive in all cases of cloth manufactured on bobbinette or lace machines.

## TRADE PRACTICES

1. *Terms of sale* to the manufacturing, chain-store, mail-order, and retailers trade shall not exceed 2%, 10 days, 60 extra, or 3%, 10 days; no extra dating. Goods shipped on and after the 25th of the month may be billed as of the first of the following month. Terms of Sale to jobbers shall not exceed 2%, 10 days, 60 extra, or 3%, 10 days; June deliveries may be billed 2%, 10 days October 1st; December deliveries may be billed 2%, 10 days April 1st.

2. *Deliveries*.—All goods sold to wholesalers, jobbers, chain stores, mail-order houses, and manufacturers shall be sold F.O.B. mill. All goods sold to retailers shall be sold F.O.B. mill or main warehouse, provided the location of such main warehouse shall be registered with the Textile Fabrics Association.

3. *Sample Requirements*.—Any form of sample requirement may be supplied free only to wholesalers and not to exceed 2% of the original order. All other sample requirements shall be charged for at full cost, calculating fabric at sales price, and shall include delivery charge; provided that it is permissible to furnish one set of reference samples without charge to each district office of chain-store organizations where such district offices exist, or one set to the main office of any chain organization not having district offices. Only one swatch less than 1½ yards in length of any one style shall be given free to one customer. All swatches above 1½ yards shall be paid for at sales price of the fabric.

4. *Advertising Allowances*.—No advertising allowances are permitted.

5. No merchandise may be sold on consignment, nor may any method of selling be used which has the effect of selling on consignment or memorandum. Sample pieces to manufacturers for inspection are exempt from the application of this rule. The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

6. No stock protection or price guarantee shall be given.

7. Sales offices shall not be open for the transaction of business on Saturdays and Sundays.

## DIVISION 5

## SHIRTINGS

## DEFINITION

The products included in this Division are shirting fabrics for use by manufacturers of shirts, pajamas, underwear, boys' blouses, and similar wearing apparel, including these same fabrics when sold to other cutting trades and/or wholesale, retail, and/or mail-order distributors.

## TRADE PRACTICES

1. Terms of Sale shall not exceed 2%, 10 days, 60 extra, or 2½%, 10 days, 30 extra, or 3% C.O.D., or 3%, 10 days, effective from date of invoice or shipment, whichever is earlier, no extra dating.

Interest shall be charged at 6% on all past due accounts, such charge starting at maturity period.

Anticipation may be allowed at a rate not to exceed 6% per annum.

2. *Deliveries*.—All goods shall be sold F.O.B. point of origin.

3. *Sample Requirements*.—All sample requirements including sample cuts shall be charged to customer at full cost; fabric to be figured at sales price. Reference sets not to exceed three (3) in number may be furnished free; size of swatches not to exceed 2 × 4" and not to be mounted on customer's cards; all reference sets to be plainly marked "For Reference Only."

4. *Advertising Allowances*.—Fabric demonstration, or allowance therefor, or advertising allowances in any form whatsoever, are prohibited.

5. *Options*.—No options shall be given.

6. *Sale of Goods by Construction*.—When finished goods are sold on basis of grey construction, grey width, count and weight, shall be shown on confirmation of order and invoice.

7. No merchandise may be sold on consignment, nor may any method of selling be used which has the effect of selling on consignment or memorandum. Sample pieces to manufacturers for inspection are exempt from application of this rule. The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

8. No stock protection or price guarantee shall be given.

9. Sales offices shall not be open for the transaction of business on Saturdays and Sundays.

10. With respect to goods made entirely from synthetic yarns or goods made from synthetic yarns mixed only with silk and produced by the seller's own manufacturing facilities, the applicable provisions of the Silk Textile Code with respect to terms of sale and delivery may be substituted for the provisions of terms of sale and delivery for this Division.

## DIVISION 6

### WASH GOODS

#### DEFINITION

The products included in this Division are wash goods for use by manufacturers of men's, women's, and children's apparel including these same fabrics when sold to other cutting trades and/or wholesale, retail, and/or mail order distributors.

#### TRADE PRACTICES

1. *Terms of Sale* shall not exceed 2%, 10 days, 60 extra, or 2½%, 10 days, 30 extra, or 3% C.O.D., or 3%, 10 days, effective from date of invoice or shipment, whichever is earlier; no extra dating to be allowed. Interest shall be charged at 6% on all past due accounts, such charge starting at maturity of bill. Anticipation may be allowed at a rate not to exceed 6% per annum.

2. *Deliveries*.—All goods shall be sold F.O.B. point of origin, with the exception of goods sold to retailers and chain stores which shall be sold F.O.B. plant or main warehouse registered with the Textile Fabrics Association.

3. *Sample Requirements.*—All sample requirements furnished jobbers, catalog houses, chain stores and manufacturers, shall be charged at full cost, calculating fabric furnished at sales price. Reference sets not to exceed three in number to any one customer may be furnished free of charge on request.

4. *Advertising Allowances*—Fabric demonstration, or allowances therefor, or advertising allowances in any form, shall be prohibited.

5. *Options.*—No options shall be given.

6. No merchandise may be sold on consignment, nor may any method of selling be used which has the effect of selling on consignment or memorandum. Sample pieces to manufacturers for inspection are exempt from the application of this rule. The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

7. No stock protection or price guarantee shall be given.

8. Sales offices shall not be open for the transaction of business on Saturdays and Sundays.

9. With respect to goods made entirely from synthetic yarns or goods made from synthetic yarns mixed only with silk and produced by the seller's own manufacturing facilities, the applicable provisions of the Silk Textile Code with respect to terms of sale and delivery may be substituted for the provisions of terms of sale and delivery for this Division.

## DIVISION 7

### INTERLININGS

#### DEFINITION

The products included in this Division are fabrics made from tobacco cloths, print cloths, sheetings, twills, drills, osnaburgs, and ducks, but only where these finished fabrics are used for interlining purposes for garments.

#### TRADE PRACTICES

1. *Terms of sale* shall not exceed 2%, 10 days, 60 extra, or 3%, 10 days, or 3% C.O.D., effective from date of invoice or shipping memorandum, whichever is the earlier. No extra dating shall be allowed. Anticipation shall be at the legal rate of interest. Past due payments shall carry interest at the legal rate from date of maturity.

2. *Deliveries.*—All goods shall be sold F.O.B. point of origin. In the case of shipments from finished stock carried in New York City, the point of origin is the bleachery, dye works, and/or finishing plant at which the goods were processed.

3. No merchandise may be sold on consignment, nor may any method of selling be used which has the effect of selling on consignment or memorandum. Sample pieces to manufacturers for inspection are exempt from the application of this rule. The Divisional Committee shall have the power to suspend the operation of the provisions of this Section.

4. No stock protection or price guarantee shall be given.

5. Sales offices shall not be open for the transaction of business on Saturdays and Sundays.

VI. *Administration.*—For the purpose of the general administration of the divisions enumerated in Article III, there shall be constituted by the Code Authority an Administrative Committee which shall have such duties and powers as the Code Authority may delegate.

There shall be established by the Administrative Committee a Divisional Committee in each of such divisions with such duties and powers in each case as the Administrative Committee may delegate.

The Administrator shall have the right to appoint not more than three members, without vote, to the Administrative Committee and the Divisional Committees who shall serve without expense to the Industry.

If the Administrator shall determine that any action of the Administrative Committee or a Divisional Committee or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of the merits of such action and further consideration by such Administrative Committee or Divisional Committee or agency pending a final action, which shall be taken only upon approval by the Administrator.

VII. The provisions for trade practices prescribed in Article IV and V hereof are subject to such changes, modifications, and additions as may be recommended to the Code Authority by the Administrative Committee and approved by the Administrator, but no change affecting a division shall be submitted for the approval of the Administrator without the approval of the Divisional Committee of the Division affected.

VIII. The Code Authority may from time to time establish such additional divisions dealing with other activities of this branch of the Industry as may seem desirable and, subject to the approval of the Administrator, may provide for the formulation of such trade practices applicable to such additional divisions and for their administration in such manner as may seem desirable.

IX. Members of the Industry approve of the policy of arbitrating all disputes wherever possible and the Administrative Committee is hereby designated the agency to assist in bringing about such arbitration as to any matters arising in the Divisions enumerated in Article III.

X. This Supplemental 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 supplemental code or any conditions imposed by him upon his approval thereof.

XI. This Supplemental Code shall become effective on the second Monday after its approval by the President of the United States.



Approved Code No. 84. Supplement No. 2

**SUPPLEMENTARY CODE OF FAIR COMPETITION**

**FOR THE**

**HAND CHAIN HOIST MANUFACTURING  
INDUSTRY**

**As Approved on January 30, 1934**

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**ORDER**

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE  
HAND CHAIN HOIST MANUFACTURING INDUSTRY**

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

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section I of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Hand Chain Hoist Manufacturing Industry; and hearings having been duly held thereon; and the annexed report on said Supplementary Code, containing findings with respect thereto, having been made and directed to the President:

**NOW, THEREFORE**, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplementary Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplementary Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article V, Section 2, insofar as they prescribe a waiting period between the filing with the Code Authority (i.e., actual receipt by the Code Authority) and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed for a

period of sixty days or pending the completion of a study now being conducted by the National Recovery Administration, and at the end of such period said provisions shall become effective unless I, by my further Order, otherwise determine.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 30, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT.

*The White House.*

SIR: This is a report on the Supplementary Code of Fair Competition for the Hand Chain Hoist Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, the hearing having been conducted thereon in Washington, D.C., December 16, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Hand Chain Hoist Manufacturing Industry, being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of submitting a Supplementary Code of fair practice, as provided for in Section I of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November 1933.

### RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of the five (5) members of the Board of Trustees of the Hand Chain Hoist Institute, Inc., or its successor and one member chosen from the Industry by the vote of the members thereof, and gives the Administrator the authority to appoint one additional member without vote and provides machinery for obtaining statistics and the administration of this Code.

Article V sets forth the fair trade practices of this Supplementary Code which has been especially designed to effect fair competition in this division of the Industry.

Article VI contains the mandatory provisions contained in Section 10 (b) of the Act and also provides for the submission of proposed amendments to the Code.

Article VII provides against monopolies and monopolistic practices, and recognizes that price increases be limited to actual additional increases in seller's costs.

Article VIII states the effective date of this Supplementary Code.

## FINDINGS

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

I find that: (a) Said Supplementary Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees and is not classified by me as a major industry.

(c) The Supplementary Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Supplementary Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 30, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE HAND CHAIN MANUFACTURING INDUSTRY

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

## ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplementary Code of Fair Competition for The Hand Chain Hoist Manufacturing Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved by the President of the United States on the second day of November 1933, and upon approval by the President of the United States the provisions of this Supplementary Code shall be the Standard of Fair Competition for and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "The Hand Chain Hoist Manufacturing Industry", hereafter referred to as the Industry, means and includes the manufacture or purchase of component parts for assembly and for sale, of all types of hand chain hoists.

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 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.

The term "Basic Code" as used herein, is defined to mean the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as approved by the President of the United States on the second day of November 1933.

The term "Supplementary Code Authority" as used herein means the agency which shall supervise the administration of this Supplementary Code.

The term "Institute" as used herein, is defined to mean The Hand Chain Hoist Institute, Inc., or its successor.

The term "Federation" as used herein, is defined to mean The Fabricated Metal Products Federation, or its successor.

## ARTICLE III—EMPLOYMENT PROVISIONS

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code as approved by the President of the United States are the labor provisions of this Supplementary Code.

## ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. The Supplementary Code Authority is hereby constituted the agency to administer the provisions of this Supplementary Code, and shall consist of the five (5) members of the Board of Trustees of the Institute and one member chosen from the Industry by the vote of the members thereof. The Administrator may appoint one representative to serve without vote and without expense to the Industry unless the Supplementary Code Authority shall agree to pay such expenses as a member of the Supplementary Code Authority. The President of the Institute is hereby constituted the agent to collect and distribute all statistical reports of the Industry as required by the Supplementary Code Authority. With a view to keeping the President of the United States informed as to the observance or nonobservance of this Supplementary Code, said agent shall collect such statistics as called for by the President and/or the Administrator and send them in such form as the President and/or the Administrator may require, to the Federation as the agency administering said Basic Code.

SEC. 2. The President of the Institute, as such agent, shall also, from time to time, furnish to the Basic Code Authority, designated in said Basic Code, such information as may be required to be furnished under the terms of said Basic Code.

SEC. 3. All data filed in accordance with the provisions of this Supplementary Code shall be confidential and shall not be revealed, except in composite form, to anyone other than an authorized governmental agency.

SEC. 4. Any or all information furnished to the President of the Institute by any member of the Industry shall be subject to checking for purpose of verifying by an examination of the pertinent books and accounts and records of such member by any disinterested person or persons, mutually agreed upon by the Supplementary Code Authority and the member of the Industry whose books and accounts and records are to be examined, or by a person or persons nominated by the Supplementary Code Authority and approved by the Administrator. The cost of such examination shall be treated as an expense of administering the Code; provided, however, that if upon such examination any such information shall be shown to have been incorrect in any material respect, such costs shall be paid by the member of the Industry which furnished such information.

SEC. 5. To further effectuate the policies of the Act and for the administration of this Supplementary Code, the constituted authorities and methods of governing the Industry shall be as follows:

a. The Supplementary Code Authority shall have general power and supervision over the enforcement of the provisions of this Sup-

plementary Code and it is hereby designated as the agency for administering, supervising, and promoting the observance of the provisions of this Supplementary Code, and shall have power to obtain from all members of the Industry such reasonable and pertinent data as may be necessary for the administration of the provisions of this Supplementary Code. The request for reports from members of the Industry shall not be made in any manner which will impose unequal obligations upon members of the Industry.

b. The Supplementary Code Authority shall have power to investigate on its own initiative or on complaint, the operation of the Supplementary Code and any alleged violation of the Supplementary Code by any member of the Industry; to make findings of fact and to state its conclusions as to whether or not there has been any violation of any provision of the Supplementary Code, and except as hereinafter provided, to take such steps as it may deem necessary or advisable, within the provisions of the Supplementary Code, subject to rules and regulations by the Administrator.

c. No member of the Supplementary Code Authority shall participate, as a member of such Supplementary Code Authority, in any proceedings in which he is interested as the complainant or respondent, or in which he is in any other manner directly interested, and in the event of any such disqualification, the remaining members of such Supplementary Code Authority shall certify such disqualification, together with the reasons therefor and shall promptly designate a person to sit as a special member of such Supplementary Code Authority for the purpose of such proceedings.

d. The Supplementary Code Authority may delegate any of its duties to such person or persons, committee, or committees, as it may select; provided, that it shall not delegate any of its duties to any person who is subject to disqualification, as in paragraph "c" above provided; and provided further, that such delegation shall not relieve the Supplementary Code Authority from any of its responsibilities under this Supplementary Code.

e. The Supplementary Code Authority may, subject to the approval of the Administrator, upon finding, by a three-fifths vote, that the respondent assenting member of the Industry has violated this Supplementary Code, assess all costs in connection with such investigation and disposition of such complaint against said respondent assenting member of the Industry. If any assenting member of the Industry makes a formal complaint to the Supplementary Code Authority which proves, after investigation by the Supplementary Code Authority and approval by the Administrator, to be without foundation in fact, then the Supplementary Code Authority may assess against the assenting member of the Industry bringing such formal complaint, all costs in connection with the investigation and disposition of such complaint. All assessments to be paid into the treasury of the Institute as the agency of the Supplementary Code Authority.

f. Each member of the Industry subject to the jurisdiction of this Supplementary Code shall pay to the Institute as the agency of the Supplementary Code Authority his or its proportionate share of the amount necessary to pay the cost of assembling, analyzing, and publication of such reports and data and of the maintenance of the

Supplementary Code Authority in connection with its activities relative to the administration of this Supplementary Code; said proportionate share to be based upon the volume of business and/or such other factors as the Supplementary Code Authority may prescribe.

g. A meeting of the Members of the Industry may be called and held at any time by order of the Supplementary Code Authority or members of the Industry having the right to cast at least 51% of all votes which might be cast at such a meeting. At least five days' notice to each member of the Industry shall be given.

h. Each member of the Industry who assents to and complies with the provisions of this Supplementary Code, and who is not delinquent in the payment of any assessments made under the provisions of this Supplementary Code, shall be entitled to cast one vote, either in person or by proxy, in writing, duly executed by such member of the Industry, and filed with the Supplementary Code Authority within a reasonable time prior to the time set for the meeting, at all meetings of the members of the Industry.

SEC. 6. The Supplementary Code Authority shall have the following further powers and duties:

a. To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Supplementary Code.

b. To make recommendations to the Administrator for the coordination of the administration of this Supplementary Code with such other Codes as may be related to the Industry.

c. 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 Supplementary Code.

d. 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.

e. To recommend from time to time standards of shipment terms.

f. To recommend from time to time standards for guaranty on products.

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

SEC. 8. If the Administrator shall determine that any action of the Supplementary Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of such

action and further consideration by such Supplementary Code Authority or agency, pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE V—UNFAIR TRADE PRACTICES

For all purposes of the Supplementary Code, any member of the Industry who shall, directly or indirectly, through any officer, employee, agent, or representative, violate the following provisions of this Article, shall be deemed guilty of unfair trade practice and a violation of this Supplementary Code.

SECTION 1. Each member of the Industry shall use an adequate cost accounting system which shall conform to the cost accounting system recommended by the Supplementary Code Authority and approved by the Administrator as hereinafter provided. The Supplementary Code Authority shall recommend for use in the Industry a uniform and adequate cost 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 Supplementary Code Authority to all members of the Industry. Thereafter each member of the Industry shall file with the agent designated under Article IV, Section 1, of this supplementary Code his costs for typical items of the products of the Industry offered for sale by him. Thereafter no member of the Industry shall initiate a selling price below his own cost, or sell the product of the Industry at such price or upon such terms or conditions of sale as will result in the purchaser's paying for such product less than the cost of that member of the Industry who has filed the lowest cost; provided, however, that any member of the Industry may sell below his own costs to meet existing competition, when such prices have been filed in accordance with Section 2 of this Article; and provided, further, that the Supplementary Code Authority may approve, subject to disapproval by the Administrator, the sale of surplus stocks below such costs where necessary to relieve financial emergencies. A detailed record of such surplus stocks shall be filed with and checked by such impartial agency as the Supplementary Code Authority may designate at the time of application for such approval.

SEC. 2. Each member of the Industry shall publish and file with the Supplementary Code Authority within ten days after the effective date of the Supplementary Code, price lists individually prepared by him of all products offered for sale or sold by him and all terms and conditions of sale relating thereto. Such price lists shall state for each grade and kind of each product sold or offered for sale, one price with appropriate discounts therefrom, if any allowed, for sales to classified types of purchasers. Such price lists and terms and conditions of sale so filed with the Supplementary Code Authority shall be open to inspection at all reasonable times by any interested party. Revised price lists or revised terms and conditions of sale, if made, shall be filed from time to time thereafter with the Supplementary Code Authority by any Member of the Industry;

provided, however, that such revisions shall be filed with the Supplementary Code Authority ten days in advance of the effective date thereof; and, provided further, that any other member of the Industry may file revisions of his price lists or terms and conditions of sale to meet the revisions first filed which may become effective on the date when the revised price lists or revised terms and conditions of sale first filed shall become effective. At the time of filing price lists or discount sheets, in accordance with this paragraph, each Member of the Industry shall furnish the Supplementary Code Authority, for distribution, such number of copies of his price lists and/or discount sheets and any revisions thereof, as the Supplementary Code Authority may prescribe.<sup>1</sup>

SEC. 3. No member of the Industry shall sell or offer for sale any product of the Industry at prices other than the prices noted in its price lists, or terms and conditions of sale other than the terms and conditions of sale previously filed by such member with the Supplementary Code Authority in accordance with the provisions of Section 2 of this Article and in effect at the time of such sale.

SEC. 4. The following paragraphs describe and shall constitute unfair methods of competition:

a. (1) To publish advertising (whether printed, radio, display, or of any 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.

(2) To make disparaging statements respecting the business methods, practices, or products of another member of the Industry.

b. To knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

c. To brand 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.

d. To publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harrassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

e. To allow or make payment or allowance of a rebate, refund, commission, credit, unearned discount, excess allowance, or allowance for customer advertising, catalogues, or illegitimate premiums, 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.

f. To ship goods on consignment except under circumstances to be defined by the Supplementary Code Authority, subject to the ap-

<sup>1</sup> See paragraph 2 of order approving this Code.

proval of the Administrator, where peculiar circumstances of the Industry require the practice.

g. No member of the Industry shall attempt to induce a breach of an existing contract between a competitor and his employee, (other than employment contracts), or customer or source of supply; nor shall any member interfere with or obstruct the performance of such contractual duties or services.

h. To offer or extend a guarantee against decline or advance in the selling price of products.

i. To agree to liquidate, purchase, or accept shipment of a competitor's product from a customer, in order to sell member's own product.

j. To authorize the return of product for a credit, where known to be obsolete, or where sales record of preceding year indicates lack of marketability.

k. To post-date an invoice.

l. To extend protection against price advance or decline of products through the signing of requirement contracts.

m. To make an allowance for all or any portion of transportation costs, except where transportation charges are figured as a part of the original costs and are included in the selling price.

n. To enter into any agreement to assume responsibility for consequential damages and other items of expense which normally cannot be anticipated in original costs or selling prices.

SEC. 5. *Export Trade*.—No provision of this supplementary Code relating to prices or terms of selling, shipping, or marketing, shall apply to export trade or sales or shipments for export trade. Unless and to the extent that the Supplementary Code Authority shall otherwise determine, the sale of any product by any member of the Industry for direct shipment to Alaska, the Philippines, Hawaii, or Puerto Rico or other insular possessions of the United States of America shall not be deemed export trade.

#### ARTICLE VI—MODIFICATION

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

SEC. 2. By presenting this Supplementary Code the members of the Industry do not thereby consent to any modification thereof, and they reserve the right to object to any such modifications without being given an opportunity to be heard.

SEC. 3. This Supplementary 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 by the Administrator.

#### ARTICLE VII—GENERAL PROVISIONS

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

SEC. 2. 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.

SEC. 3. This Supplementary Code shall not affect patent rights.

#### ARTICLE VIII—DURATION OF SUPPLEMENTARY CODE

This Supplementary Code shall become effective at 12:01 a.m. o'clock on the tenth day after it is approved by the President and shall continue in effect, until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by joint resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended.

Approved Code No. 84—Supplement No. 2.  
Registry No. 1107-02.

Approved Code No. 84, Supplement No. 3

## SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

## CHAIN MANUFACTURING INDUSTRY

As Approved on January 31, 1934

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### ORDER

#### APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CHAIN MANUFACTURING INDUSTRY

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

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section 1 of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Chain Manufacturing Industry; and hearings having been duly held thereon; and the annexed report on said Supplementary Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplementary Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplementary Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article V, Section 2, insofar as they prescribe a waiting period between the filing with the Code Authority (i.e., actual receipt by the Code Authority) and the effective date of revised price lists or revised terms

and conditions of sale be and they are hereby stayed for a period of sixty days or pending the completion of a study now being conducted by the National Recovery Administration, and at the end of such period said provisions shall become effective unless I, by my further Order, otherwise determine.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Supplementary Code of Fair Competition for the Chain Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, and on the hearing conducted thereon in Washington, D.C., December 18, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Chain Manufacturing Industry, being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of submitting a Supplementary Code of Fair Practice, as provided for in Section 1 of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November 1933.

### RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of the seven (7) members of the Board of Trustees of the Chain Institute, Inc., or its successor, and one (1) member chosen from the Industry by the vote of the members thereof, and gives the Administrator the authority to appoint one (1) additional member without vote and provides machinery for obtaining statistics and the administration of this Supplementary Code.

Article V sets forth the fair trade practices of this Supplementary Code which has been especially designed to effect fair competition in this division of the Industry.

Article VI contains the mandatory provisions contained in Section 10 (b) of the Act and also provides for the submission of proposed amendments to the Supplementary Code.

Article VII provides against monopolies and monopolistic practices, and recognizes that price increases be limited to actual additional increases in the seller's costs.

Article VIII states the effective date of this Supplementary Code.

## FINDINGS

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

I find that—

(a) Said Supplementary Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplementary Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Supplementary Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 31, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CHAIN MANUFACTURING INDUSTRY

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

## ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplementary Code of Fair Competition for The Chain Manufacturing Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved by the President of the United States on the second day of November 1933, and upon approval by the President of the United States the provisions of this Supplemental Code shall be the Standard of Fair Competition for and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "The Chain Manufacturing Industry", hereafter referred to as the Industry, means and includes the manufacture or purchase of component parts for assembly and for sale, of all types of chains of iron and steel, both Welded and Weldless, except Fabricated Transmission Chain and all forms of Cast Chain.

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 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.

The term "Basic Code" as used herein, is defined to mean the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as approved by the President of the United States on the second day of November 1933.

The term "Supplementary Code Authority" as used herein means the agency which shall supervise the administration of this Supplementary Code.

The term "Institute" as used herein, is defined to mean The Chain Institute, Inc., or its successor.

The term "Federation" as used herein, is defined to mean The Fabricated Metal Products Federation, or its successor.

## ARTICLE III—EMPLOYMENT PROVISIONS

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code as approved by the President of the United States are the labor provisions of this Supplementary Code.

## ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. The Supplementary Code Authority is hereby constituted the agency to administer the provisions of this Supplementary Code, and shall consist of the seven (7) members of the Board of Trustees of the Institute and one member chosen from the Industry by the vote of the members thereof. The Administrator may appoint one representative to serve without vote and without expense to the Industry unless the Supplementary Code Authority shall agree to pay such expenses as a member of the Supplementary Code Authority. The President of the Institute is hereby constituted the agent to collect and distribute all statistical reports of the Industry as required by the Supplementary Code Authority. With a view to keeping the President of the United States informed as to the observance or nonobservance of this Supplementary Code, said agent shall collect such statistics as called for by the President and/or the Administrator and send them in such form as the President and/or the Administrator may require, to the Federation as the agency administering said Basic Code.

SEC. 2. The President of the Institute, as such agent, shall also, from time to time, furnish to the Basic Code Authority, designated in said Basic Code, such information as may be required to be furnished under the terms of said Basic Code.

SEC. 3. All data filed in accordance with the provisions of this Supplementary Code shall be confidential and shall not be revealed, except in composite form to anyone other than an authorized governmental agency.

SEC. 4. Any or all information furnished to the President of the Institute by any member of the Industry shall be subject to checking for the purpose of verifying by an examination of the pertinent books and accounts and records of such member by any disinterested person or persons, mutually agreed upon by the Supplementary Code Authority and the member of the Industry whose books and accounts and records are to be examined, or by a person or persons nominated by the Supplementary Code Authority and approved by the Administrator. The cost of such examination shall be treated as an expense of administering the Code; provided, however, that if upon such examination any such information shall be shown to have been incorrect in any material respect, such costs shall be paid by the member of the Industry which furnished such information.

SEC. 5. To further effectuate the policies of the Act and for the administration of this Supplementary Code, the constituted authorities and methods of governing the Industry shall be as follows:

a. The Supplementary Code Authority shall have general power and supervision over the enforcement of the provisions of this Supplementary Code and it is hereby designated as the agency for admin-

istering, supervising, and promoting the observance of the provisions of this Supplementary Code, and shall have power to obtain from all members of the Industry such reasonable and pertinent data as may be necessary for the administration of the provisions of this Supplementary Code. The request for reports from members of the Industry shall not be made in any manner which will impose unequal obligations upon members of the Industry.

b. The Supplementary Code Authority shall have power to investigate on its own initiative or on complaint, the operation of the Supplementary Code and any alleged violation of the Supplementary Code by any member of the Industry; to make findings of fact and to state its conclusions as to whether or not there has been any violation of any provision of the Supplementary Code, and except as hereinafter provided, to take such steps as it may deem necessary or advisable, within the provisions of the Supplementary Code, subject to rules and regulations by the Administrator.

c. No member of the Supplementary Code Authority shall participate, as a member of such Supplementary Code Authority, in any proceedings in which he is interested as the complainant or respondent, or in which he is in any other manner directly interested, and in the event of any such disqualification, the remaining members of such Supplementary Code Authority shall certify such disqualification, together with the reasons therefor and shall promptly designate a person to sit as a special member of such Supplementary Code Authority for the purpose of such proceedings.

d. The Supplementary Code Authority may delegate any of its duties to such person or persons, committee or committees, as it may select; provided, that it shall not delegate any of its duties to any person who is subject to disqualification, as in paragraph "c" above provided; and provided further, that such delegation shall not relieve the Supplementary Code Authority from any of its responsibilities under this Supplementary Code.

e. The Supplementary Code Authority may, subject to the approval of the Administrator, upon finding, by a three fifths vote, that the respondent assenting member of the Industry has violated this Supplementary Code, assess all costs in connection with such investigation and disposition of such complaint against said respondent assenting member of the Industry. If any assenting member of the Industry makes a formal complaint to the Supplementary Code Authority which proves, after investigation by the Supplementary Code Authority and approval by the Administrator, to be without foundation in fact, then the Supplementary Code Authority may assess against the assenting member of the Industry bringing such formal complaint, all costs in connection with the investigation and disposition of such complaint. All assessments to be paid into the treasury of the Institute as the agency of the Supplementary Code Authority.

f. Each member of the Industry subject to the jurisdiction of this Supplementary Code shall pay to the Institute as the agency of the Supplementary Code Authority his or its proportionate share of the amount necessary to pay the cost of assembling, analyzing, and publication of such reports and data and of the maintenance of the Supplementary Code Authority in connection with its activities rela-

tive to the administration of this Supplementary Code; said proportionate share to be based upon the volume of business and/or such other factors as the Supplementary Code Authority may prescribe.

g. A meeting of the Members of the Industry may be called and held at any time by order of the Supplementary Code Authority or members of the Industry having the right to cast at least 51% of all votes which might be cast at such a meeting. At least five days' notice to each member of the Industry shall be given.

h. Each member of the Industry who assents to and complies with the provisions of this Supplementary Code, and who is not delinquent in the payment of any assessments made under the provisions of this Supplementary Code, shall be entitled to cast one vote, either in person or by proxy, in writing, duly executed by such member of the industry, and filed with the Supplementary Code Authority within a reasonable time prior to the time set for the meeting, at all meetings of the members of the Industry.

SEC. 6. The Supplementary Code Authority shall have the following further powers and duties:

a. To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Supplementary Code.

b. To make recommendations to the Administrator for the coordination of the administration of this Supplementary Code with such other Codes as may be related to the Industry.

c. 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 Supplementary Code.

d. 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.

e. To recommend from time to time standards of shipment terms.

f. To recommend from time to time standards for guaranty on products.

SEC. 7. Nothing contained in this Supplementary Code shall constitute the members of the Supplementary Code Authority partners for any purpose; nor shall any member of the Supplementary Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Supplementary Code Authority. Nor shall any member of the Supplementary Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Supplementary Code, except for his wilful misfeasance or nonfeasance.

SEC. 8. If the Administrator shall determine that any action of the Supplementary Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of such action and further consideration by such Supplementary Code Au-

thority or agency, pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE V—UNFAIR TRADE PRACTICES

For all purposes of the Supplementary Code, any member of the Industry who shall, directly or indirectly, through any officer, employee, agent, or representative, violate the following provisions of this Article, shall be deemed guilty of unfair trade practice and a violation of this Supplementary Code.

SECTION 1. Each member of the Industry shall use an adequate cost accounting system which shall conform to the cost accounting system recommended by the Supplementary Code Authority and approved by the Administrator as hereinafter provided. The Supplementary Code Authority shall recommend for use in the Industry a uniform and adequate cost 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 Supplementary Code Authority to all members of the Industry. Thereafter each member of the Industry shall file with the agent designated under Article IV, Section I, of this Supplementary Code his costs for typical items of the products of the Industry offered for sale by him. Thereafter no member of the Industry shall initiate a selling price below his own cost, or sell the product of the Industry at such price or upon such terms or conditions of sale as will result in the purchaser's paying for such product less than the cost of that member of the Industry who has filed the lowest cost; provided, however, that any member of the Industry may sell below his own costs to meet existing competition, when such prices have been filed in accordance with Section 2 of this Article; and provided, further, that the Supplementary Code Authority may approve, subject to disapproval by the Administrator, the sale of surplus stocks below such costs where necessary to relieve financial emergencies. A detailed record of such surplus stocks shall be filed with and checked by such impartial agency as the Supplementary Code Authority may designate at the time of application for such approval.

SEC. 2. Each member of the Industry shall publish and file with the Supplementary Code Authority within ten days after the effective date of the Supplementary Code, price lists individually prepared by him of all products offered for sale or sold by him and all terms and conditions of sale relating thereto. Such price lists shall state for each grade and kind of each product sold or offered for sale, one price with appropriate discounts therefrom, if any allowed, for sales of classified types of purchasers. Such price lists and terms and conditions of sale so filed with the Supplementary Code Authority shall be open to inspection at all reasonable times by any interested party. Revised price lists or revised terms and conditions of sale, if made, shall be filed from time to time thereafter with the Supplementary Code Authority by any Member of the Industry; provided, however, that such revisions shall be filed with the Sup-

plementary Code Authority ten days in advance of the effective date thereof; and, provided further, that any other member of the Industry may file revisions of his price lists or terms and conditions of sale to meet the revisions first filed which may become effective on the date when the revised price lists or revised terms and conditions of sale first filed shall become effective. At the time of filing price lists or discount sheets, in accordance with this paragraph, each Member of the Industry shall furnish the Supplementary Code Authority, for distribution, such number of copies of his price lists and/or discount sheets and any revisions thereof, as the Supplementary Code Authority may prescribe.<sup>1</sup>

SEC. 3. No member of the Industry shall sell or offer for sale any product of the Industry at prices other than the prices noted in its price lists, or terms and conditions of sale other than the terms and conditions of sale previously filed by such member with the Supplementary Code Authority in accordance with the provisions of Section 2 of this Article and in effect at the time of such sale.

SEC. 4. The following paragraphs describe and shall constitute unfair methods of competition:

a. (1) To publish advertising (whether printed, radio, display, or of any 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) To make disparaging statements respecting the business methods, practices, or products of another member of the Industry.

b. To knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

c. To brand 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.

d. To 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.

e. To allow or make payment or allowance of a rebate, refund, commission, credit, unearned discount, excess allowance, or allowance for customer advertising, catalogues, or illegitimate premiums, 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.

f. To ship goods on consignment except under circumstances to be defined by the Supplementary Code Authority, subject to the approval of the Administrator, where peculiar circumstances of the Industry require the practice.

<sup>1</sup> See paragraph 2 of order approving this Code.

g. No member of the Industry shall attempt to induce a breach of an existing contract between a competitor and his employee (other than employment contracts), or customer or source of supply; nor shall any member interfere with or obstruct the performance of such contractual duties or services.

h. To offer or extend a guarantee against decline or advance in the selling price of products.

i. To agree to liquidate, purchase, or accept shipment of a competitor's product from a customer, in order to sell member's own product.

j. To authorize the return of product for a credit, where known to be obsolete, or where sales record of preceding year indicates lack of marketability.

k. To post date an invoice.

l. To extend protection against price advance or decline of products through the signing of requirement contracts.

m. To make an allowance for all or any portion of transportation costs, except where transportation charges are figured as a part of the original costs and are included in the selling price.

n. To enter into any agreement to assume responsibility for consequential damages and other items of expense which normally cannot be anticipated in original costs or selling prices.

SEC. 5. *Export trade*.—No provision of this Supplementary Code relating to prices or terms of selling, shipping, or marketing, shall apply to export trade or sales or shipments for export trade. Unless and to the extent that the Supplementary Code Authority shall otherwise determine, the sale of any product by any member of the Industry for direct shipment to Alaska, the Philippines, Hawaii, or Puerto Rico or other insular possessions of the United States of America shall not be deemed export trade.

#### ARTICLE VI—MODIFICATIONS

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

SEC. 2. By presenting this Supplementary Code the members of the Industry do not thereby consent to any modification thereof, and they reserve the right to object to any such modifications without being given an opportunity to be heard.

SEC. 3. This Supplementary 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 by the Administrator.

#### ARTICLE VII—GENERAL PROVISIONS

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

SEC. 2. 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.

SEC. 3. This Supplementary Code shall not affect patent rights.

#### ARTICLE VIII—DURATION OF SUPPLEMENTARY CODE

This Supplementary Code shall become effective at 12:01 a.m. o'clock on the tenth day after it is approved by the President and shall continue in effect, until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by joint resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended.

Approved Code No. 84—Supplement No. 3.  
Registry No. 1107-1-01.

Approved Code No. 84—Supplement No. 4

**SUPPLEMENTARY CODE OF FAIR COMPETITION**

FOR THE

**ELECTRIC INDUSTRIAL TRUCK MANUFACTURING  
INDUSTRY**

As Approved on January 31, 1934

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**ORDER**

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ELECTRIC  
INDUSTRIAL TRUCK MANUFACTURING INDUSTRY**

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

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section I of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Electric Industrial Truck Manufacturing Industry; and hearing having been duly held thereon; and the annexed report on said Supplementary Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Supplementary Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Supplementary Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article V, Section 2, insofar as they prescribe a waiting period between the filing with the Code Authority (i.e. actual receipt by the Code Authority) and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed for a

period of sixty days or pending the completion of a study now being conducted by the National Recovery Administration, and at the end of such period said provisions shall become effective unless I, by my further Order, otherwise determine.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*January 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Supplementary Code of Fair Competition for the Electric Industrial Truck Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, and on the hearing conducted thereon in Washington, D.C., December 18, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Electric Industrial Truck Manufacturing Industry, being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of submitting a Supplementary Code of Fair Practice, as provided for in Section 1 of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November 1933.

### RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of the five (5) members of the Board of Trustees of the Electric Industrial Truck Institute, Inc., or its successor, and one member chosen from the Industry by the vote of the members thereof, and gives the Administrator the authority to appoint one additional member without vote and provides machinery for obtaining statistics and the administration of this Supplementary Code.

Article V sets forth the fair trade practices of this Supplementary Code which has been especially designed to effect fair competition in this division of the Industry.

Article VI contains the mandatory provisions contained in Section 10 (b) of the Act and also provides for the submission of proposed amendments to the Supplementary Code.

Article VII provides against monopolies and monopolistic practices, and recognizes that price increases be limited to actual additional increases in the seller's costs.

Article VIII states the effective date of this Supplementary Code.

## FINDINGS

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

I find that—

(a) Said Supplementary Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplementary Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Supplementary Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 31, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ELECTRIC INDUSTRIAL TRUCK MANUFACTURING INDUSTRY

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

## ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplementary Code of Fair Competition for the Electric Industrial Truck Manufacturing Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved by the President of the United States on the second day of November 1933, and upon approval by the President of the United States the provisions of this Supplementary Code shall be the Standard of Fair Competition for and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "The Electric Industrial Truck Manufacturing Industry", hereafter referred to as the Industry, means and includes the manufacture or purchase of component parts for assembly and for sale of all types of electric industrial trucks, electric industrial tractors, electric industrial cranes, which use low-voltage electric motors for motive power, and accessories.

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 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.

The term "Basic Code" as used herein is defined to mean the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as approved by the President of the United States on the second day of November 1933.

The term "Supplementary Code Authority" as used herein means the agency which shall supervise the administration of this Supplementary Code.

The term "Institute" as used herein is defined to mean The Electric Industrial Truck Institute, Inc., or its successor.

The term "Federation" as used herein is defined to mean The Fabricated Metal Products Federation, or its successor.

### ARTICLE III—EMPLOYMENT PROVISIONS

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code as approved by the President of the United States are the labor provisions of this Supplementary Code.

### ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. The Supplementary Code Authority is hereby constituted the agency to administer the provisions of this Supplementary Code, and shall consist of the five (5) members of the Board of Trustees of the Institute and one member chosen from the Industry by the vote of the members thereof. The Administrator may appoint one representative to serve without vote and without expense to the Industry unless the Supplementary Code Authority shall agree to pay such expenses as a member of the Supplementary Code Authority. The president of the Institute is hereby constituted the agent to collect and distribute all statistical reports of the Industry as required by the Supplementary Code Authority. With a view to keeping the President of the United States informed as to the observance or nonobservance of this Supplementary Code, said agent shall collect such statistics as called for by the President and/or the Administrator and send them in such form as the President and/or the Administrator may require to the Federation, as the agency administering said Basic Code.

SEC. 2. The President of the Institute, as such agent, shall also, from time to time, furnish to the Basic Code Authority, designated in said Basic Code, such information as may be required to be furnished under the terms of said Basic Code.

SEC. 3. All data filed in accordance with the provisions of this Supplementary Code shall be confidential and shall not be revealed, except in composite form, to anyone other than an authorized governmental agency.

SEC. 4. Any or all information furnished to the President of the Institute by any member of the Industry shall be subject to checking for the purpose of verifying by an examination of the pertinent books and accounts and records of such member by any disinterested person or persons, mutually agreed upon by the Supplementary Code Authority and the member of the Industry whose books and accounts and records are to be examined, or by a person or persons nominated by the Supplementary Code Authority and approved by the Administrator. The cost of such examination shall be treated as an expense of administering the Code; provided, however, that if upon such examination any such information shall be shown to have been incorrect in any material respect, such costs shall be paid by the member of the Industry which furnished such information.

SEC. 5. To further effectuate the policies of the Act and for the administration of this Supplementary Code, the constituted authorities and methods of government of the Industry shall be as follows:

(a) The Supplementary Code Authority shall have general power and supervision over the enforcement of the provisions of this Supplementary Code and it is hereby designated as the agency for administering, supervising, and promoting the observance of the provisions of this Supplementary Code, and shall have power to obtain from all members of the Industry such reasonable and pertinent data as may be necessary for the administration of the provisions of this Supplementary Code. The request for reports from members of the Industry shall not be made in any manner which will impose unequal obligations upon members of the Industry.

(b) The Supplementary Code Authority shall have power to investigate on its own initiative or on complaint, the operation of the Supplementary Code and any alleged violation of the Supplementary Code by any member of the Industry; to make findings of fact and to state its conclusions as to whether or not there has been any violation of any provision of the Supplementary Code, and except as hereinafter provided, to take such steps as it may deem necessary or advisable, within the provisions of the Supplementary Code, subject to rules and regulations by the Administrator.

(c) No member of the Supplementary Code Authority shall participate, as a member of such Supplementary Code Authority, in any proceedings in which he is interested as the complainant or respondent, or in which he is in any other manner directly interested, and in the event of any such disqualification, the remaining members of such Supplementary Code Authority shall certify such disqualification, together with the reasons therefor and shall promptly designate a person to sit as a special member of such Supplementary Code Authority for the purpose of such proceedings.

(d) The Supplementary Code Authority may delegate any of its duties to such person or persons, committee or committees, as it may select; provided, that it shall not delegate any of its duties to any person who is subject to disqualification, as in paragraph (c) above provided; and provided further, that such delegation shall not relieve the Supplementary Code Authority from any of its responsibilities under this Supplementary Code.

(e) The Supplementary Code Authority may, subject to the approval of the Administrator, upon finding, by a three fifths vote, that the respondent assenting member of the Industry has violated this Supplementary Code, assess all costs in connection with such investigation and disposition of such complaint against said respondent assenting member of the Industry. If any assenting member of the Industry makes a formal complaint to the Supplementary Code Authority which proves, after investigation by the Supplementary Code Authority and approval by the Administrator, to be without foundation in fact, then the Supplementary Code Authority may assess against the assenting member of the Industry bringing such formal complaint, all costs in connection with the investigation and disposition of such complaint. All assessments to be paid into the treasury of the Institute as the Agency of the Supplementary Code Authority.

(f) Each member of the Industry subject to the jurisdiction of this Supplementary Code shall pay to the Institute as the agency of the Supplementary Code Authority his or its proportionate share of the amount necessary to pay the cost of assembling, analyzing, and publication of such reports and data and of the maintenance of the Supplementary Code Authority in connection with its activities relative to the administration of this Supplementary Code; said proportionate share to be based upon the volume of business and/or such other factors as the Supplementary Code Authority may prescribe.

(g) A meeting of the Members of the Industry may be called and held at any time by order of the Supplementary Code Authority or members of the Industry having the right to cast at least 51% of all votes which might be cast at such a meeting. At least five days' notice to each member of the Industry shall be given.

(h) Each member of the Industry who assents to and complies with the provisions of this Supplementary Code, and who is not delinquent in the payment of any assessments made under the provisions of this Supplementary Code, shall be entitled to cast one vote, either in person or by proxy, in writing, duly executed by such member of the Industry, and filed with the Supplementary Code Authority within a reasonable time prior to the time set for the meeting, at all meetings of the members of the Industry.

SEC. 6. The Supplementary Code Authority shall have the following further powers and duties:

(a) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Supplementary Code.

(b) To make recommendations to the Administrator for the coordination of the administration of this Supplementary Code with such other Codes as may be related to the Industry.

(c) 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 Supplementary Code.

(d) 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.

(e) To recommend from time to time standards of shipment terms.

(f) To recommend from time to time standards for guaranty on products.

SEC. 7. Nothing contained in this Supplementary Code shall constitute the members of the Supplementary Code Authority partners for any purpose; nor shall any member of the Supplementary Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Supplementary Code Authority. Nor shall any member of the Supplementary Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Supplementary Code, except for his wilful misfeasance or nonfeasance.

SEC. 8. If the Administrator shall determine that any action of the Supplementary Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days to afford an opportunity for investigation of such action and further consideration by such Supplementary Code Authority or agency, pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE V—UNFAIR TRADE PRACTICES

For all purposes of the Supplementary Code, any member of the Industry who shall, directly or indirectly, through any officer, employee, agent, or representative, violate the following provisions of this Article, shall be deemed guilty of unfair trade practice and a violation of this Supplementary Code.

SECTION 1. Each member of the Industry shall use an adequate cost accounting system which shall conform to the cost accounting system recommended by the Supplementary Code Authority and approved by the Administrator as hereinafter provided. The Supplementary Code Authority shall recommend for use in the Industry a uniform and adequate cost 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 Supplementary Code Authority to all members of the Industry. Thereafter each member of the Industry shall file with the agent designated under Article IV, Section 1, of this Supplementary Code his costs for typical items of the products of the Industry offered for sale by him. Thereafter no member of the Industry shall initiate a selling price below his own cost, or sell the product of the Industry at such price or upon such terms or conditions of sale as will result in the purchaser's paying for such product less than the cost of that member of the Industry who has filed the lowest cost; provided, however, that any member of the Industry may sell below his own costs to meet existing competition, when such prices have been filed in accordance with Section 2 of this Article; and provided further, that the Supplementary Code Authority may approve, subject to disapproval by the Administrator, the sale of surplus stocks below such costs where necessary to relieve financial emergencies. A detailed record of such surplus stocks shall be filed with and checked by such impartial agency as the Supplementary Code Authority may designate at the time of application for such approval.

SEC. 2. Each member of the Industry shall publish and file with the Supplementary Code Authority within ten days after the effective date of the Supplementary Code, price lists individually prepared by him of all products offered for sale or sold by him and all terms and conditions of sale relating thereto. Such price lists shall state for each grade and kind of each product sold or offered for sale, one price with appropriate discounts therefrom, if any allowed, for

sales to classified types of purchasers. Such price lists and terms and conditions of sale so filed with the Supplementary Code Authority shall be open to inspection at all reasonable times by any interested party. Revised price lists or revised terms and conditions of sale, if made, shall be filed from time to time thereafter with the Supplementary Code Authority by any Member of the Industry; provided, however, that such revisions shall be filed with the Supplementary Code Authority ten days in advance of the effective date thereof; and, provided further, that any other member of the Industry may file revisions of his price lists or terms and conditions of sale to meet the revisions first filed which may become effective on the date when the revised price lists or revised terms and conditions of sale first filed shall become effective. At the time of filing price lists or discount sheets, in accordance with this paragraph, each Member of the Industry shall furnish the Supplementary Code Authority, for distribution, such number of copies of his price lists and/or discount sheets and any revisions thereof, as the Supplementary Code Authority may prescribe.

SEC. 3. No member of the Industry shall sell or offer for sale any product of the Industry at prices other than the prices noted in its price lists, or terms and conditions of sale other than the terms and conditions of sale previously filed by such member with the Supplementary Code Authority in accordance with the provisions of Section 2 of this Article and in effect at the time of such sale.

SEC. 4. The following paragraphs describe and shall constitute unfair methods of competition:

(a) 1. To publish advertising (whether printed, radio, display, or of any 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. To make disparaging statements respecting the business methods, practices, or products of another member of the Industry.

(b) To knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

(c) To brand 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.

(d) To 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.

(e) To allow or make payment or allowance of a rebate, refund, commission, credit, unearned discount, excess allowance, or allowance for customer advertising, catalogues, or illegitimate premiums, 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.

(f) To ship goods on consignment except under circumstances to be defined by the Supplementary Code Authority, subject to the approval of the Administrator, where peculiar circumstances of the Industry require the practice.

(g) No member of the Industry shall attempt to induce a breach of an existing contract between a competitor and his employee (other than employment contracts), or customer or source of supply; nor shall any member interfere with or obstruct the performance of such contractual duties or services.

(h) To offer or extend a guarantee against decline or advance in the selling price of products.

(i) To agree to liquidate, purchase, or accept shipment of a competitor's product from a customer, in order to sell a member's own product.

(j) To authorize the return of product for a credit, where known to be obsolete, or where sales record of preceding year indicates lack of marketability.

(k) To postdate an invoice.

(l) To extend protection against price advance or decline of products through the signing of requirement contracts.

(m) To make an allowance for all or any portion of transportation costs, except where transportation charges are figured as a part of the original costs and are included in the selling price.

(n) To enter into any agreement to assume responsibility for consequential damages and other items of expense which normally cannot be anticipated in original costs or selling prices.

SEC. 5. *Export Trade*.—No provision of this Supplementary Code relating to prices or terms of selling, shipping, or marketing, shall apply to export trade or sales or shipments for export trade. Unless and to the extent that the Supplementary Code Authority shall otherwise determine, the sale of any product by any member of the Industry for direct shipment to Alaska, the Philippines, Hawaii, or Puerto Rico or other insular possessions of the United States of America shall not be deemed export trade.

## ARTICLE VI—MODIFICATIONS

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

SEC. 2. By presenting this Supplementary Code the members of the Industry do not thereby consent to any modification thereof, and they reserve the right to object to any such modifications without being given an opportunity to be heard.

SEC. 3. This Supplementary 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 by the Administrator.

## ARTICLE VII—GENERAL PROVISIONS

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

SEC. 2. 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.

SEC. 3. This Supplementary Code shall not affect patent rights.

## ARTICLE VIII—DURATION OF SUPPLEMENTARY CODE

This Supplementary Code shall become effective at 12:01 a.m. o'clock on the tenth day after it is approved by the President and shall continue in effect until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by joint resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended.

Approved Code No. 84—Supplement No. 4.

Registry No. 1421-01.

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**EXECUTIVE ORDERS**

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## EXECUTIVE ORDER

## ADMINISTRATION FOR INDUSTRIAL RECOVERY

Pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and in supplement to my Executive Order of June 16, 1933, appointing Hugh S. Johnson to be the Administrator for Industrial Recovery under Title I of said Act, and appointing a Special Industrial Recovery Board, I hereby authorize the Administrator, subject to the general approval of the Special Industrial Recovery Board, to appoint the necessary personnel on a permanent basis, to fix their compensation, and to conduct such hearings and to exercise such other functions as are vested in me by Title I of said Act, except the approval of codes, or making of agreements, or issuance of licenses, or exercise of powers conferred in Section 3 (e), Section 6 (c), Section 8 (b), Section 9, and Section 10.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*July 15, 1933.*

[No. 6205-A]



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**ADMINISTRATIVE ORDERS**

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## ADMINISTRATIVE ORDER NO. 33-3

## ADMINISTRATOR'S ORDER

## TEMPORARY MODIFICATION OF METHOD OF COMPUTING COSTS IN ACCORDANCE WITH SECTION 8 OF ARTICLE VIII, RETAIL LUMBER, LUMBER PRODUCTS, BUILDING MATERIALS AND BUILDING SPECIALTIES INDUSTRY CODE

A Code of Fair Competition for the Retail Lumber, Lumber Products, Building Materials and Building Specialties Industry was approved by the President October 3, 1933.

It has been shown to me that the retail lumber trade faces a serious competitive situation in which certain larger members of the industry are likely to sell at less than fair prices large stocks of lumber purchased at distress prices, and that this would have the effect of driving out of business a great many small dealers who render a useful and economic service in normal times.

In order to prevent the destruction of these smaller business-men, the Code Authority of said Code has submitted to me a request to change the method of computing costs specified in said Section 8 of the said Article VIII and has submitted to me an application for a revision of the factors to be included in a determination of costs pursuant to the said Code and for a revision of the methods by which such factors are to be determined, as follows:

(1) Actual cost of merchandise to the dealer as used in the said Section 8 of Article VIII shall in no case be less than the effective minimum delivered price established by the Code Authority of the Code of Fair Competition for the Lumber and Timber Products Industry or by the Code Authority of such other industries whose products are handled by a retail lumber dealer, or, in the event that no such price has been established or is effective, the actual cost of merchandise at the current market minimum price.

(2) Model handling and delivery cost per thousand feet shall not be less than the amount hereinbelow specified opposite the specified minimum wage areas in such specified minimum wage areas.

45¢ and 50¢ Wage Area	\$4.33 plus \$1.59 or \$5.92.	Use \$6.00.
40¢	" " \$3.97 plus \$1.59 or \$5.66.	Use \$5.60.
35¢	" " \$3.61 plus \$1.59 or \$5.20.	Use \$5.20.
25¢ and 30¢	" " \$3.25 plus \$1.59 or \$4.84.	Use \$4.80.

(3) The model conversion factor for the pricing of material not sold on the thousand board foot basis, shall be that six dollars (\$6) shall equal twenty per cent (20%).

(4) Model overhead cost for selling and administrative expense shall not be more than seventy-five per cent (75%), of the average for each approved area.

NOW, THEREFORE, pursuant to the authority vested in me by the aforesaid Article VIII, Section 8, of the said Code, and Executive Order dated December 30, 1933, I approve the aforesaid revisions

as hereinabove set forth for a trial period of ninety (90) days from the effective date hereof in order that I may have an opportunity to determine whether the aforesaid costing formula and procedure will effectuate the purposes of Title I of the National Industrial Recovery Act, provided, however, that during said ninety (90) day trial period and prior to the expiration thereof the Code Authority of the Code of Fair Competition for the Retail Lumber, Lumber Products, Building Materials and Building Specialties Industry shall submit to me reports showing fluctuations in minimum retail prices within the various areas in the industry or within such areas as I may designate from time to time hereafter on standard items handled by dealers in retail lumber, lumber products, building materials and building specialties, together with such other information as I may require for the purposes hereinabove stated, and provided further that within a period of 15 days from this date this order may be stayed by me if adequate cause therefor be shown to me by anyone, and provided further that public notice of this order in accordance with the rules and regulations of the N.R.A. shall be issued on the date hereof.

HUGH S. JOHNSON,  
*Administrator.*

Approval recommended:

MALCOLM MUIR,  
*Division Administrator.*

Approval recommended:

E. A. SELFRIDGE,  
*Deputy Administrator.*

JANUARY 5, 1934.

## ADMINISTRATIVE ORDER NO. 128-3

TEMPORARY EXEMPTION OF ALL MEMBERS FROM OPERATION OF  
ARTICLE XI IN THE CEMENT INDUSTRY

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ORDER OF THE ADMINISTRATOR

A Code of Fair Competition for the Cement Industry was Approved by the President on November 27, 1933.

Pursuant to the authority vested in me by and under the provisions of the Executive Order of July 15, 1933, and by the Executive Order of December 30, 1933, and numerous complaints having been made to me and it appearing to me that further investigation is required with respect to the problem of selling and marketing Portland Cement, I hereby exempt and except all members of the Cement Industry from the operation of Article XI of the Code of Fair Competition for the Cement Industry for a period of fifty (50) days from the date of this order, pending such investigation and hearings as I may prescribe and decision by me to determine whether such provisions meet present industrial and social conditions as they relate to the Cement Industry and whether such provisions effectuate the policy and provisions of the National Industrial Recovery Act.

HUGH S. JOHNSON,  
*Administrator.*

JANUARY 5, 1934.

## ADMINISTRATIVE ORDER NO. X-2

ADMINISTRATIVE ORDER CONCERNING ESTABLISHMENT OF  
OFFICIAL N.R.A. BULLETIN BOARD AND USE THEREOF

By Executive Order of the President dated December 21, 1933, a copy of which is attached hereto, an official National Recovery Administration bulletin board has been established. The purpose of this bulletin board is to give constructive notice of hearings, proceedings, decisions, et cetera, of the National Recovery Administration, or which have been and/or are to be held or taken or made pursuant to the National Industrial Recovery Act.

Room 3051 of the Department of Commerce Building, Washington, D.C., is hereby designated as such official bulletin board of the National Recovery Administration.

All officials and employees of the National Recovery Administration, all code authorities and agencies, and all trade associations and industrial agencies are hereby requested and instructed to comply with the provisions of this Executive Order in regard to all matters which should be or are sought to be brought to the attention of those other than such parties who have been given specific notice thereof. Execution of such instructions shall be accomplished in each instance by a prompt compliance with the provisions of Section 5 of said Executive Order.

Copies of this order shall be distributed to the mailing list of the National Recovery Administration and to all others included within the meaning of the last sentence of Section 4 of said Executive Order and to any and all other parties requesting the same.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

JANUARY 6, 1934.

## ADMINISTRATIVE ORDER NO. 37-3

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### ORDER OF ADMINISTRATOR, OVERHEAD COSTS FOR BUILDERS' SUPPLIES TRADE, BASED ON COST OF MERCHANDISE

A Code of Fair Competition for the Builders' Supplies Trade was approved by the President on October 3, 1933.

It has been shown to me that the Builders' Supplies Trade now faces a serious competitive situation in which price demoralization has occurred to such an extent as to endanger the policy and purposes of the National Industrial Recovery Act, and as to threaten the severe oppression, or elimination, of a great many small dealers who render a useful and economic service in normal times.

In order to effectuate the policy and purposes of the National Industrial Recovery Act and of the Code of Fair Competition for the Builders' Supply Trade, and to prevent the oppression and destruction of those smaller business men, the Code Authority of said Code has submitted to me the following percentages, based on cost of merchandise, and computed by the statistical mode method, pursuant to the provisions of Sections (b) and (d) of Article IX of the said Code, as that percentage of cost of merchandise which constitutes overhead costs based on the statistical mode:

#### I. Carload Business:

A. Overhead costs on builders' supplies sold in carload or barge load quantities, f.o.b. siding or dock, but excluding Portland cement or any other cement, are determined to be twelve and one-half percent ( $12\frac{1}{2}\%$ ) of the cost of such merchandise.

B. Overhead costs on Portland cement sold in carload or barge load quantities, f.o.b. siding or dock, are determined to be seven and one-half percent ( $7\frac{1}{2}\%$ ) of the cost of such merchandise.

C. Overhead costs on all cements other than Portland cement sold in carload or barge load quantities, f.o.b. siding or dock, are determined to be ten percent ( $10\%$ ) of the cost of such merchandise.

D. Paragraphs (B) and (C) shall not apply to sales direct to the United States Government, to State Governments, or railroads for maintenance of way.

#### II. Sales in Quantities Varying Between Five (5) Tons and Carload Quantities:

Overhead costs on quantities varying between five (5) tons and carloads, are determined to be thirty-three and one-third percent ( $33\frac{1}{3}\%$ ) of the cost of such merchandise.

#### III. Sales in Quantities of Less than Five (5) Tons:

Overhead cost on quantities of less than five (5) tons are determined to be sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the cost of such merchandise.

NOW, THEREFORE, Pursuant to the authority vested in me by the aforesaid Article IX, Section (d) of the said Code and the Executive Order of the President dated December 30, 1933, I approve the

percentages of cost of merchandise hereinabove set forth, for the determination of overhead costs for a trial period of ninety (90) days from the effective date hereof, in order that I may have an opportunity to determine whether the aforesaid percentages will effectuate the purposes of Title I of the National Industrial Recovery Act; provided, however, that during said ninety (90) day trial period and prior to the expiration thereof, the Code Authority of the Code of Fair Competition for the Builders' Supplies Trade shall submit to me reports showing fluctuations in minimum retail prices within the various areas of the industry, or within such areas as I may designate from time to time hereafter, on standard items handled by dealers in builders' supplies, together with such other information as I may require for the purpose hereinabove stated, and provided further that within a period of fifteen (15) days from the date of this Order, this Order may be stayed by me if adequate cause therefor be shown to me by any one, and provided further that public notice of this Order, in accordance with the rules and regulations of the National Recovery Administration, shall be issued on the date hereof.

HUGH S. JOHNSON,  
*Administrator.*

Approval recommended:

E. A. SELFRIDGE,  
*Deputy Administrator.*

JANUARY 8, 1934.

## ADMINISTRATIVE ORDER NO. 1-32

EMERGENCY REQUIREMENT AS TO TEMPORARY LIMITATION OF  
HOURS OF MACHINE OPERATION IN THE COMBED SALES YARN  
GROUP 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 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 seven weeks, beginning January 15, 1934, and ending March 3, 1934, no spinning spindle in the Cotton Textile Industry, wherever located, operating on the production of any type of combed yarn for sale as such, with the single exception of spindles producing yarn for eventual use in the manufacture of rubber tires (all such spindles comprising the productive machinery of the Combed Sales Yarn Group of the Industry) shall be operated during any week within such period in excess of 70% of the maximum hours of weekly operation otherwise permissible for such productive machinery under Section III of the Cotton Textile Code as approved by the President on July 16, 1933, provided that the above period may be shortened by the Code Authority with the concurrence of the Government representatives thereon, or that such restriction of hours of operation may likewise be reduced at any time during the period as changing conditions may warrant. It is further required that, during the period when such temporary limitation is in effect, no weaving mill, carded yarn mill, knitting mill, thread manufacturer or mercerizing establishment shall operate spindles in the production of any type of combed yarn for sale as such, other than yarn for eventual use in the manufacture of rubber tires, which were not employed in spinning combed yarn for such sale at some time during the 90 days prior to January 1, 1934.

COTTON TEXTILE INDUSTRY COMMITTEE,  
*Code Authority under the Code of Fair Competition*  
*for the Cotton Textile Industry,*  
By GEORGE A. SLOAN

The foregoing requirements are concurred in, January 10, 1934.

HUGH S. JOHNSON,  
*Administrator.*

LEO. WOLMAN,  
NELSON 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. 1-34

EMERGENCY REQUIREMENTS AS TO TEMPORARY LIMITATION  
OF MACHINE OPERATION OF THE COMBED THREAD PRODUCERS  
GROUP OF THE COTTON TEXTILE INDUSTRY IN RESPECT  
OF THE PRODUCTION OF COMBED YARN

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 seven weeks, beginning January 15, 1934, and ending March 3, 1934, no spinning spindle owned by a thread producer, operating on the production of combed yarn to be sold by such thread producer as thread, shall be operated during such period a total number of hours in excess of the equivalent of 75% of the maximum hours of operation which would otherwise be permitted by the Cotton Textile Code, as approved by the President on July 16, 1933, for such a seven-week period, provided that the above period may be shortened by the Code Authority, with the concurrence of the Government representatives thereon, or that such restriction of hours of operation may likewise be reduced at any time during the period as changing conditions may warrant. It is further required that, during the period that such temporary limitation is in effect, no weaving mill, carded yarn mill, combed yarn mill, knitting mill or mercerizing establishment shall operate spindles in the production of any type of finished thread to be sold direct to the trade for sewing purposes which were not employed in spinning thread for such sale at some time during the ninety days prior to January 1, 1934.

COTTON TEXTILE INDUSTRY COMMITTEE,  
*Code Authority under the Code of Fair Competition  
for the Cotton Textile Industry.*

By GEO. A. SLOAN, *Chairman.*

The foregoing requirements are concurred in, Jan. 10, 1934.

HUGH S. JOHNSON,  
*Administrator.*

LEO WOLMAN by G. S.,

NELSON SLATER,

*Government representatives on the Cotton Textile Industry Com-  
mittee, Code Authority under the Code of Fair Competition  
for the Cotton Textile Industry.*

## ADMINISTRATIVE ORDER NO. 1-33

EMERGENCY REQUIREMENTS AS TO TEMPORARY LIMITATION  
OF MACHINE OPERATION OF THE MERCERIZERS GROUP OF  
THE COTTON TEXTILE INDUSTRY IN RESPECT OF THE PRO-  
DUCTION OF COMBED YARN

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 seven weeks, beginning January 15, 1934, and ending March 3, 1934, no spinning spindle, owned by a mercerizing company, operating on the production of combed yarn for further processing in its own mercerizing establishment, shall be operated during such period for a total number of hours in excess of the equivalent of 75% of the maximum hours of operation which would otherwise be permitted by the Cotton Textile Code as approved by the President on July 16, 1933, for such a seven-week period, provided that this period may be shortened by the Code Authority with the concurrence of the Government representatives thereon, or that such restriction of hours of operation may likewise be reduced at any time during the period as changing conditions may warrant.

COTTON TEXTILE INDUSTRY COMMITTEE,  
*Code Authority under the Code of Fair Competition*  
*for the Cotton Textile Industry,*  
By GEO. A. SLOAN, *Chairman.*

The foregoing requirements are concurred in, January 10, 1934.

HUGH S. JOHNSON,  
*Administrator.*

LEO WOLMAN by G.S.,

NELSON 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. 145-3

## STAY, IN CERTAIN CASES, OF PROVISIONS OF ARTICLES III, IV AND V OF CODE OF FAIR COMPETITION FOR THE FURNITURE MANUFACTURING INDUSTRY

A petition having been duly filed January 2, 1934, by the Southern Furniture Manufacturers' Association on behalf of its members, for a stay of the Application of Articles III, IV, and V of the Code of Fair Competition for the Furniture Manufacturing Industry, approved December 7, 1933, to all employees or contract workers engaged in the weaving of chair seats and backs, by hand, made of cane, rattan and other materials, where the work is done in the homes of such employees or contract workers; for a period of not less than sixty days, pending the report of the Furniture Code Authority to the Administrator concerning the question of home work as provided in Article VI, Section 3 of the code, and hearing thereon and final determination of the matter;

And the Assistant Deputy Administrator, who is the Administration Representative on the Code Authority for the Furniture Manufacturing Industry, having rendered his report of said petition, together with his recommendations and findings with respect thereto, and he having found that the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, will be furthered by the granting of such petition:

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, 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, authorizing me to exercise such functions as are vested in the President by Title I of the National Industrial Recovery Act, with certain exceptions; it appearing to me on the basis of the showing made that Petitioners will be placed at a disadvantage with non-assenters to the Code if a stay is not granted, and that failure to grant an immediate stay will create such an uncertain situation that sales will be prevented until after hearing and final determination, and in order that there may be equality of treatment:

The application of Articles III, IV, and V of the Code of Fair Competition for the Furniture Manufacturing Industry, to all employees or contract workers of petitioners' members engaged in the weaving of chair seats and backs, by hand, made of cane, rattan and other materials, where the work is done in the homes of such employees or

contract workers, is HEREBY STAYED, pending the report of the Furniture Code Authority to me concerning the question of home work as provided in Article VI, Section 3 of the Code, and hearing thereon and final determination of the matter by me.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Recommended:

CLARENCE R. NIKLASON,  
*Assistant Deputy Administrator.*

Recommended:

BARTON W. MURRAY,  
*Deputy Administrator.*

Recommended:

MALCOLM MUIR,  
*Division Administrator.*

Date: JANUARY 12, 1934.

## ADMINISTRATIVE ORDER No. 151-5

## TEMPORARY RELIEF FROM CERTAIN UNFAIR COMPETITIVE CONDITIONS IN THE MILLINERY INDUSTRY

It appears that competitive conditions are affected by the provisions of Article IV, Section 3 of the Code of Fair Competition of the above named Industry approved by the President of the United States on December 15, 1933, and that justice therefore requires the relief from the provisions of this Section and from the conditions imposed by it as herein specified.

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, on the unanimous recommendation of the Millinery Industry Code Authority pursuant to the powers and functions delegated to me by the President of the United States and of the National Industrial Recovery Act approved June 16, 1933,

HEREBY ORDER, as to the operation of Article IV, Section 3 of the Code of Fair Competition of this Industry, that the members of this Industry be and they are hereby granted exception and exemption from the provisions of the Section hereinabove mentioned up to and including January 13, 1934 and thereafter until a determination of the issue and further order by me. Provided, however, that during the period of such exception and exemption, the members of this Industry and the Millinery Industry Code Authority shall present to the special board, appointed by me, in compliance with Section 2 of the Executive Order of the approval of the aforementioned Code, such facts and circumstances as are necessary to enable this board to determine whether the scales applying to a particular area, market, or member of the Industry 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.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended by:

A. D. WHITESIDE,  
*Division Administrator.*

JANUARY 12, 1934.

## ADMINISTRATIVE ORDER NO. 1-35

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 CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE  
INDUSTRY
REGULATIONS FOR REGISTRATION OF MACHINERY AND FILING OF MONTHLY  
REPORTS IN THE FINISHING, THREAD MANUFACTURING AND YARN MERCER-  
IZING BRANCHES OF THE INDUSTRY

The Cotton Textile Industry Committee, in accordance with Section VI of the Code of Fair Competition for the Cotton Textile Industry, has submitted for my approval the following recommendations:

"1. The inventory of productive machinery in place and under contract required by Section (1) of the supplementary provision to the Code of Fair Competition for the Cotton Textile Industry relating to the registration of productive machinery and the installation of additional productive machinery, approved October 1, shall be stated as to the Finishing, Thread Manufacturing and Yarn Mercerizing Branches of the Industry as of November 13, 1933, the time at which such supplementary provision became applicable to those branches by amendments to such Code.

"2. The monthly reports required to be filed by said branches of the Industry by Section (2) of such supplementary provision shall cover periods beginning December 1, 1933, instead of October 1, 1933."

Pursuant to the authority vested in me by said Section VI of the Code I hereby approve said recommendations and order that they become effective as part of the Code.

This order shall become effective ten (10) days after the effective date hereof unless prior to that time cause to the contrary shall have been shown to the Administrator.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

LEO WOLMAN.  
NELSON SLATER.  
GEORGE SLOAN.

JANUARY 15, 1934.

## ADMINISTRATIVE ORDER NO. X-3

ADMINISTRATOR'S ORDER PRESCRIBING RULES AND REGULATIONS  
CONCERNING LABELS BEARING EMBLEMS OR INSIGNIA OF THE  
NATIONAL RECOVERY ADMINISTRATION

Pursuant to the authority vested in me by Executive Orders and otherwise, I, Hugh S. Johnson, Administrator for Industrial Recovery, do hereby prescribe the following rules and regulations concerning labels which bear emblems or insignia of the National Recovery Administration and the issuance of said labels by certain code authorities:

(1) In industries in which a code authority has been or shall hereafter be granted the exclusive right and authority to prepare, issue or furnish or cause to be prepared, issued, or furnished to members of the respective industry, labels bearing emblems or insignia of the National Recovery Administration, said code authority shall not refuse the issuance of labels to an applicant on the ground of non-compliance unless said code authority is, at the time of the refusal, prepared to certify to the National Recovery Administration a prima facie case of non-compliance with the code or with valid rules and regulations of the code authority by the applicant.

(2) In the event said code authority so refuses the issuance of said labels, a complete file showing the alleged non-compliance by the applicant shall be certified not later than the day following said refusal to the National Recovery Administration for action by the National Compliance Director.

(3) All other refusals of the issuance of labels shall immediately be certified to the National Recovery Administration with a complete file showing the grounds for said refusal.

(4) This order shall be effective today.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Divisional Administrator.*

JANUARY 17, 1934.

## ADMINISTRATIVE ORDER NO. 60-16

## CODE OF FAIR COMPETITION FOR THE RETAIL TRADE

ORDER NO. 60-16

EXCEPTION TO PROVISIONS OF ARTICLE V, SECTIONS 4(d) AND 6 FOR PURPOSE OF  
TAKING INVENTORY

Pursuant to Article X, Section 6, of the Code of Fair Competition for the Retail Trade, approved by the President October 21, 1933, and upon the recommendation of the National Retail Code Authority made after consideration of the requests submitted by the Controllers' Congress of the National Retail Dry Goods Association and by numerous individual retailers; and upon finding that certain provisions of said Code impose an undue hardship upon certain retailers, I hereby grant the following exception to the provisions of Article V, Sections 4(d) and 6 of said Code:

All retailers governed by the Code of Fair Competition for the Retail Trade are hereby permitted, for the purpose of taking a January or February 1934 inventory only, to work such employees as are especially skilled, any number of hours on any days in the week or weeks selected as peak-period-weeks under said Article V Section 4(d), without regard to the consecutive hour provisions of said Article V, Section 6; provided, however,

(1) That the maximum weekly employee hours permitted for such peak-period-weeks shall not be exceeded; and

(2) That time and one-half shall be paid for any hours worked in excess of the maximum daily hours permitted in such peak-period-weeks.

This order shall become effective Friday, January 19, 1934 at noon unless cause to the contrary shall before that time be shown to the Administrator for Industrial Recovery, Department of Commerce Building, Washington, D. C.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE, by: H. B. Ludlum, Jr.,  
*Divisional Administrator.*                      *Deputy Administrator.*

Dated: JAN. 18, 1934.

## ADMINISTRATIVE ORDER NO. 128-4

## CODE OF FAIR COMPETITION FOR THE CEMENT INDUSTRY

ORDER NO. 128-4

EXEMPTION AND EXCEPTION OF MEMBERS OF THE CEMENT INDUSTRY FROM  
CERTAIN PROVISIONS OF ARTICLE XI

A Code of Fair Competition for the Cement Industry was approved by the President on November 27, 1933.

Applications having been duly made by interested parties for an exception to, exemption from and modification of the provisions of Article XI of the said Code, hearings having been held thereon on the 15th and 16th days of January, 1934, the Deputy Administrator having rendered his report and recommendations thereon, which report and recommendations are hereby adopted and approved, and it appearing to me that conditions and circumstances indicate that Sections 1, 2, 3, 5, 6, 7, 8 and 9 of the said Article XI require modification in order to effectuate the policy and provisions of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, I, Hugh S. Johnson, pursuant to the authority vested in me by the provisions of Article XI of the said Code, and by the Executive Orders dated July 15, 1933, and December 30, 1933, and otherwise, hereby exempt and except all members of the Cement Industry from the operation of the aforesaid Sections of Article XI of the said Code until such time as the Code Authority for the Cement Industry submits for my approval modification of the aforesaid Sections and until such time as such modifications, after due notice and hearing, have been approved by me.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Exemption and exception recommended:

W. A. HARRIMAN,  
*Division Administrator.*

BARTON W. MURRAY,  
*Deputy Administrator.*

JANUARY 23, 1934.

## ADMINISTRATIVE ORDER NO. 1-40

EMERGENCY REQUIREMENT AS TO FURTHER LIMITATION OF  
HOURS OF PRINTING MACHINE OPERATION IN THE FINISH-  
ING 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 February, 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 representatives 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 GEO. A. SLOAN, *Chairman.*

The foregoing requirement is concurred in January 23, 1934.

HUGH S. JOHNSON,

LEO WOLMAN,

H. N. SLATER, by G.S.,

*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. X-4

## ORDER GRANTING LIMITED EXEMPTION FROM PROVISIONS OF CODES OF FAIR COMPETITION IN CONNECTION WITH SALES TO HOSPITALS

An application having been duly made on behalf of hospitals of the United States which are supported by public subscription or endowment and not operated for profit, requesting that an exemption be granted to those members of industries subject to Codes of Fair Competition approved under Title I of the National Industrial Recovery Act, who sell or may sell supplies or materials to such institutions, from provisions of such Codes governing sales, in order that sales of supplies and materials to such institutions may be made at such prices and upon such terms and conditions as may be mutually agreed upon by the parties thereto, and; it appearing to me that such an exemption is in furtherance of the public interest and will tend to effectuate the policy of said Title of said Act.

Pursuant to authority delegated to me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, it is hereby ordered that those members of industries subject to Codes of Fair Competition who sell or may sell supplies or materials to hospitals of the United States which are supported by public subscription or endowment, and not operated for profit, within the limitations hereinafter provided, be and they are hereby exempted from compliance with provisions of such Codes governing sales provided, however, that the exemption hereby granted shall be limited to and operative only in connection with such sales made by such members to such institutions; that nothing in this Order contained shall relieve any such member at any time from the duty of complying with all other provisions of such Codes; and that this Order shall not become effective for a period of ten (10) days in order that consideration may be given to the objections, if any, of interested parties thereto. At the expiration of such period this Order shall be come effective unless I, by my further Order, otherwise determine.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.  
*January 23, 1934.*

ADMINISTRATIVE ORDER NO. 1-42

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MODIFICATION OF EMERGENCY REQUIREMENT AS TO LIMITATION OF HOURS OF MACHINE OPERATION IN THE CARDED YARN GROUP 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 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, the emergency requirement as to limitation of hours of machine operation in the Carded Yarn Group of the Cotton Textile Industry, dated December 18, 1933, is hereby modified, such modification to become effective January 29, 1934, and it is required that:

For a period of four weeks, beginning January 29, 1934, and ending February 24, 1934, spinning spindles in the Cotton Textile Industry, wherever located, operating on the production of any type of carded yarn for sale as such, with the single exception of spindles producing yarn for eventual use in the manufacture of rubber tires (all such spindles comprising the productive machinery of the Carded Yarn Group of the Industry), shall not be operated in excess of sixty hours each in any week during such periods; provided that the above period may be shortened or such restriction of hours of operation may be reduced by the Code Authority with the concurrence of the Government representatives thereon, at any time during the period as changing conditions may warrant. It is further required that, during the period when such temporary limitation is in force, 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.

Until January 29, 1934, the date that the foregoing requirement shall be effective, the emergency requirement as to limitation of hours of machine operation in the Carded Yarn Group of the Cotton Textile Industry, dated December 18, 1933, and effective January 1, 1934, shall continue in full force and effect.

THE COTTON TEXTILE INDUSTRY COMMITTEE,  
*Code Authority under the Code of Fair Competition  
for the Cotton Textile Industry.*

By GEO. A. SLOAN, *Chairman.*

The foregoing requirement is concurred in, January 23, 1934.

HUGH S. JOHNSON,  
LEO WOLMAN,  
H. N. SLATER, by G. S.

*Government Representatives on the Cotton Textile Industry  
Committee, Code Authority under the Code of Fair  
Competition for the Cotton Textile Industry.*

## ADMINISTRATIVE ORDER NO. 1-41

## EMERGENCY REQUIREMENT AS TO TEMPORARY LIMITATION OF HOURS OF MACHINE OPERATION IN THE WIDE BED SHEETING GROUP 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 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 twelve weeks, beginning January 29, 1934, and ending April 21, 1934, no mill in the Cotton Textile Industry, wherever located, shall operate looms forty-five inches or wider for the production of wide sheetings for immediate or ultimate use for bed sheets or pillow cases a total number of loom hours in excess of 75% of the total number of loom hours otherwise permissible for such productive machinery under Section III of the Cotton Textile Code as approved by the President on July 16, 1933, provided that the above period may be shortened or that such restriction of hours of operation may be reduced by the Code Authority with the concurrence of the Government representative thereon, at any time during the period as changing conditions may warrant. It is further required that no mill which has not, for a period of ninety days prior to January 5, 1934, operated looms forty-five inches or wider for the production of wide sheetings for immediate or ultimate use for bed sheets or pillow cases, shall engage in such operations and such production during the aforementioned period of twelve weeks, beginning January 29, 1934 and ending April 21, 1934.

THE COTTON TEXTILE INDUSTRY COMMITTEE,  
*Code Authority under the Code of Fair Competition for  
the Cotton Textile Industry.*

By GEO. A. SLOAN, *Chairman.*

The foregoing requirement is concurred in, January 23, 1934.

HUGH S. JOHNSON,  
*Administrator.*

LEO WOLMAN,  
H. NELSON SLATER, G.S.,  
*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. 118-15

## TEMPORARY RELIEF FROM CERTAIN UNFAIR COMPETITIVE CONDITIONS IN THE COTTON GARMENT INDUSTRY—No. 118-15

It appears that competitive conditions are affected by the provisions of Article XI, Section (b) of the Code of Fair Competition for the above named Industry approved by the President of the United States on November 17, 1933, and that justice therefrom requires relief from the provisions of this Section and from the conditions imposed by it as herein specified.

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, on the unanimous recommendation of the Cotton Garment Code Authority and pursuant to the powers and functions delegated to me by the President of the United States under the National Industrial Recovery Act approved June 16, 1933,

HEREBY ORDER that as to the operations of Section (b) of Article XI of the Code of Fair Competition for this Industry, the members of this Industry be and they are hereby granted exception and exemption from the provisions of the Section hereinabove mentioned up to and including February 1, 1934. Provided, however, that during the period of such exception and exemption, the members of this Industry shall make formal application to the Cotton Garment Code Authority for proper classification, and, further, it is hereby ordered that the Cotton Garment Code Authority shall investigate and present to the Administrator all facts necessary to properly interpret and define the above mentioned Section.

HUGH S. JOHNSON,  
*Administrator.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

By H. B. LUDLUM, Jr.

WASHINGTON, D.C.

*January 27, 1934.*

## ADMINISTRATIVE ORDER NO. 1-45

EMERGENCY REQUIREMENTS AS TO FURTHER LIMITATIONS OF  
MACHINERY OPERATION IN THE FINE GOODS GROUP 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 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 all Fine Goods mills shall suspend operations on all looms on Fine Cotton Goods for three days in February and three days in March, such days to be interpreted as full working days of not less than a single shift of eight hours, if any mill is operating on a single-shift basis, and not less than two shifts of a total of sixteen hours, if on a two-shift basis, and the time so lost shall not be made up by any method; that 300 looms in each mill are exempted from this requirement and that a legal holiday may be included as a working day for the purpose of this requirement.

The mills to which the foregoing requirement applies are those which, as a rule, have been known to the Cotton-Textile Institute as Fine Goods mills; it shall also apply to all fabrics made with warps finer than 32's and/or fillings finer than 43's.

COTTON TEXTILE INDUSTRY COMMITTEE,  
*Code Authority under the Code of Fair Competition*  
*for the Cotton Textile Industry,*  
By GEO. A. SLOAN, *Chairman.*

The foregoing requirements are concurred in Jan. 29, 1934.

HUGH S. JOHNSON,  
*Administrator.*

LEO WOLMAN,  
H. N. SLATER, G. S.,  
*Government representatives on the Cotton Textile Industry*  
*Committee, Code Authority under the Code of Fair Com-*  
*petition for the Cotton Textile Industry.*

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