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**NATIONAL RECOVERY ADMINISTRATION**

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

**CODES OF FAIR COMPETITION**

**Nos. 245-286**

**AS APPROVED**

**FEBRUARY 1-FEBRUARY 16, 1934**

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

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**CODES OF FAIR COMPETITION**

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CODE OF FAIR COMPETITION  
FOR THE  
CORRUGATED AND SOLID FIBRE SHIPPING  
CONTAINER INDUSTRY

As Approved on February 1, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE CORRUGATED AND  
SOLID FIBRE SHIPPING CONTAINER INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Corrugated and Solid Fibre Shipping Container 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 VI, Sections 2 to 9 inclusive, 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 pending my further order; provided further, that within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate, and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code.

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

Approval recommended:

GEO. L. BERRY,

*Division Administrator.*

WASHINGTON, D. C.

*February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Corrugated and Solid Fibre Shipping Container Industry, conducted in Washington on November 17, 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 standard work week of 40 hours averaged over 5 weeks, but not more than 48 hours in any one week, with provision for overtime for all hours in excess of nine in one day and forty-five in one week. An allowance is made for additional hours for 10 percent of such employees to do cleaning and maintenance work which cannot be done while the machines are in operation. For office employees the Code specifies a 40-hour week averaged over 13 weeks, but not more than 48 hours in any one week. Slightly longer hours are permitted for nonproductive employees. Night work for women is prohibited.

The minimum hourly wage rates prescribed are 40¢ for male factory labor and 35¢ for female factory labor in the North, and 32¢ for males and 30¢ for females in the South, with a proviso that in the event that Southern wage rates under the Paper and Pulp Code, approved November 17th, 1933, are fixed at a higher figure, as a result of action taken pursuant to the Executive order approving such Code, the Southern wage rates under this Code shall be raised to the same figures.

Office workers are to be paid a minimum wage of \$16 per week in the North and \$14 per week in the South.

The usual safeguards for nondiscrimination against female labor and for the maintenance of wages above the minimum are provided. The only exceptions to the prescribed wage rates are for office boys and girls and handicapped workers.

### SHARING OF BUSINESS

Provision is made whereby members of the Industry may join in a voluntary agreement for sharing their business. All such agreements must be filed with the Administrator, may contain no price-fixing provision, and must provide that any member may withdraw as a part of such an agreement at will, and without penalty. The Administrator may withdraw the right to make or perform such agreements at any time.

### OTHER PROVISIONS

The Code contains the usual provisions for collecting statistics and for filing reports with the Administrator. Open price selling is authorized and sales below cost, except to meet competition, are prohibited.

### ECONOMIC EFFECT OF THE CODE

The Industry employed in April 1929, 13,200 persons, in April 1933, 10,800 persons, and in August 1933, 16,400 persons. The last

figure reflects in part the effects of the President's Reemployment program, and in part an increase in volume due to better business conditions. Measured by 1929 as a standard, there is no unemployment in the Industry.

In June 1933, 55% of Northern male labor received less than 40¢ per hour. Female labor was concentrated largely between 20¢ and 30¢ per hour. In the South, 57% of male labor received between 20¢ and 30¢ per hour, and 54% of female labor received less than 20¢ per hour. The effect of the Code will be to increase the Industry pay roll in the North by 25% and in the South by 40% over the June level.

#### 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.*

FEBRUARY 1, 1934.

## CODE OF FAIR COMPETITION FOR THE CORRUGATED AND SOLID FIBRE SHIPPING CONTAINER 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 Corrugated and solid fibre board and/or the fabrication of the same into shipping containers, packing materials, and other similar products.

“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 Administrator for Industrial Recovery under Title I of the Act.

### ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. Seven persons engaged in the Industry to be elected by the Board of Directors of the National Container Association, together with such other person or persons not more than three in number 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. Temporarily and until the Industry members of the Code Authority are elected, the Members of the Executive Committee of such Association shall be the Industry members of the Code Authority. Industry members of the Code Authority shall serve for one year, or until their successors are elected.

2. The said Association shall file with the Administrator certified copies of any amendments of its Bylaws relating to eligibility or admission to membership in such Association, or relating to the method of selection of the members of such Board of Directors, which such Association may hereafter adopt.

3. The Administrator may at any time, in order to effect proper representation of the Industry, 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 shall be subject to review by the Administrator and to suspension, 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. 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 of nonfeasance.

6. 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.

7. 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.

8. The Code Authority may divide the country into geographical divisions for the purpose of administering this Code.

9. The Code Authority may appoint a Divisional Committee for each such geographical division and may delegate to such Committees such of its powers and duties it shall deem necessary for the proper administration of this Code under the sanction and with the approval of the Code Authority.

### ARTICLE III—HOURS OF LABOR

1. Employees in the Industry shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

#### SCHEDULE OF WORKING HOURS

(a) *Watchmen*.—56 hours in any one week, but not more than 6 days in any 7-day period.

(b) *Chauffeurs and truckmen*.—192 hours in any period of 4 consecutive weeks, provided, however, that time worked in excess of 10 hours in any one day and 48 hours in any one week shall be paid for at not less than time and one third.

(c) *Engineers, firemen, and electricians*.—168 hours in any period of 4 consecutive weeks, provided, however, that all time worked in excess of 10 hours in any one day and 48 hours in any one week shall be paid for as not less than time and one third.

(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*.—An average of 40 hours per

week in each successive period of 5 consecutive weeks, but not more than 48 hours in any one week, provided, however—

(1) that not more than 10% of such employees may exceed such average when engaged in machine cleaning and maintenance and routine plant cleaning work, which cannot be done while the machines are in operation, and

(2) that all time worked in excess of 9 hours in any one day (or in excess of 10 hours when the last hour of such 10 hours falls within subsection (1) hereof) shall be overtime, and that all time worked in excess of 45 hours in any one week (or in excess of 48 hours when the last three hours of such 48 hours fall within subsection (1) hereof) shall be overtime, and

(3) that all such overtime shall be paid for as not less than time and one third, but this subdivision shall not be so construed as to require payment for the same hours of overtime more than once.

(c) *Executives and their personal secretaries and other employees engaged in a supervisory capacity receiving \$35.00 or more per week and outside salesmen.*—No limitation.

(f) *All other employees.*—An average of 40 hours per week over any period of 13 consecutive weeks, but not more than 48 hours in any one week.

2. No limitation contained in said Schedule shall apply to employees of any class when engaged in emergency repairs or emergency maintenance work occasioned by breakdowns or involving protection of life or property, provided, however, that all time worked under this section in excess of the limitations prescribed in said Schedule shall be paid for as not less than time and one third.

3. No employee shall be permitted to work for two or more members of the industry an aggregate number of hours in excess of the number prescribed in said Schedule.

4. Female employees of the class described in subdivision (d) of Section 1 of this Article shall not be required or permitted to work between the hours of ten p.m. and six a.m.

#### ARTICLE IV—WAGES

1. The minimum rate of wage of any laborer, mechanical worker, or artisan employed in any plant, mill, or factory or on work connected with the operation of any such plant, mill, or factory shall be as follows:

(a) In the Northern zone, which shall consist of all of the territory of the United States except the states named in subdivision (b) hereof—

Male Labor, 40 cents per hour.

Female Labor, 35 cents per hour.

(b) In the Southern zone, which shall consist of the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, and Oklahoma—

Male labor, 32 cents per hour.

Female labor, 30 cents per hour.

2. In the event that the wages for labor in the Southern zone (as such zone is described in the Code of Fair Competition for the Paper

and Pulp Industry approved by the President of the United States by Executive Order dated November 17th, 1933) shall be increased in accordance with recommendations made by the Administrator and approved by the President pursuant to the provisions of such Executive Order, then and in such event the wages of labor in the Southern zone (as such zone is described in the Code) shall be deemed to have been changed to conform thereto and the Administrator may direct that this Code, as so amended, be reprinted and republished.

3. Piece workers shall be paid at rates which will yield a worker for an hour's work not less than the minimum rate above prescribed.

4. The minimum rate of wages for all other employees shall be as follows:

(a) In the Northern zone, as defined in Section 1 hereof, \$16.00 per week.

(b) In the Southern zone, as defined in said Section, \$14.00 per week.

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 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.

7. Office boys and girls under 18 years of age, to the extent of not more than 5% of the total number of employees described in Section 4 hereof, may be employed at a wage of not less than 80% of the minimum prescribed by said Section, provided that at least one such office boy or girl may be employed by each establishment.

8. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum 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.

#### 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.

9. The manufacture or partial manufacture of any product of the Industry in the home of a worker shall be prohibited.

## ARTICLE VI—ACCOUNTING AND 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 account-

ing 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. For the purpose of making comparable the schedules of different members relating to products ordinarily sold on price estimates, the Code Authority may prescribe a basic unit or units in terms of which the price of materials used in the manufacture of such products shall be stated in all price schedules. 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 8 of Article II hereof.

5. A revised schedule, or a new schedule, or a notice of withdrawal of a schedule 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, upon request, furnish at cost to nonmembers copies of any price schedules which have been filed with it. Such price schedules shall be made available to nonmembers at the same time that they are sent to members.

10. No member shall sell any product of the Industry for which no open price plan is in effect at less than the cost thereof to such member, determined as provided in Section 11 hereof, except to meet the price of a competitor whose price does not violate this Section.

11. Cost, for the purpose 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, provided, however, that, for the purposes of this section, under any accounting and costing method which may be used, cost shall include the current delivered market price of materials whether purchased or manufactured by the member.

12. For the purpose of determining whether Sections 7 and 10 hereof have been complied with, every member shall upon the request of the Code Authority furnish a designated agency of the Code Authority, in respect to closed transactions only, with complete information in regard to any quotation, order, contract, or sale of any product of the industry, including information as to specifications, quantities, price, conditions of storage, transportation or delivery, terms of billing, cash or trade discounts allowed, and other pertinent facts relating to such quotation, contract, or sale.

13. Nothing herein contained shall be construed to prevent the disposition of distress merchandise, required to be sold to liquidate a defunct or insolvent business or accumulated through errors in manufacture or failure of the original purchaser to accept, in such manner, at such price, and such terms and conditions as the Code Authority may approve.

14. Nothing herein contained shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this Code.<sup>1</sup>

#### ARTICLE VII—VOLUNTARY SHARING OF BUSINESS

1. With the approval of the Code Authority, members of the Industry may join in a voluntary agreement for the sharing of their business on such basis as they may determine provided, however, that any member becoming a party to such an agreement, may withdraw therefrom at any time without penalty, and, provided, further, that no such agreement shall contain any provision relative to price fixing. The Code Authority shall file with the Administrator a copy of every such agreement.

2. The Administrator may at any time declare the foregoing section void and of no effect.

#### 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 the Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the current publication of industry statistics to members.

3. Each member shall, within 30 days after the effective date of this Code, file with the Code Authority a list of all his productive equipment used in this Industry and immediately on disposing of any of such equipment or on acquiring any new productive equipment for use in this industry shall report the same to the Code Authority.

4. The Code Authority shall make such reports to the Administrator as he may from time to time require.

5. In addition to information required to be submitted to the Code Authority there shall be furnished to Government Agencies such

<sup>1</sup> See paragraph 2 of order approving this Code.

statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

#### ARTICLE IX—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of additional rules of fair trade practice for the Industry and for the codification of its trade customs, and the enforcement thereof.

(b) For the establishment of a standard method for determining the current cost of any product of the Industry.

(c) For the establishment of terms and conditions regarding sales to dealers and distributors by Members of the Industry.

(d) For the establishment of plans to equalize production with demand.

(e) For the establishment of a plan and method for the sharing of available business equitably among members of the Industry.

(f) For the registration of productive equipment and regulation of the installation of new productive equipment.

(g) For an increase or decrease in the number of Industry members of the Code Authority and/or for a change in the method of choosing such members.

Such recommendations when approved by the Administrator shall have the same force and effect as other provisions of this Code.

#### ARTICLE X—TRADE PRACTICES

1. The following Trade Practice Rules heretofore adopted by the Industry and approved by the Federal Trade Commission in 1929 (Including the notes of said Commission appended to several of such rules), are hereby made a part of this Code, and failure to comply with the provisions thereof shall be a violation of this Code.

**RULE 1. *Interference with Contracts.***—Including or attempting to induce the breach of a contract between a competitor and his customer during the term of such contract is an unfair method of competition.

**NOTE.**—Whenever notice of the existence of a contract is brought to the attention of any person in any way, he shall promptly discontinue all efforts which might induce a contracting party to break such contract.

**RULE 2. *Defamation of Competitors.***—The defamation of a competitor by words or acts which untruthfully call in question his business integrity, his ability to perform his contracts, his credit standing, or the grade, quality, or count of his goods, is condemned as unfair competition.

**RULE 3. *Threats of Suit for Patent or Trade-Mark Infringement.***—The circularization of threats of suit for infringement of patent or trade mark among customers of a competitor, not made in good faith, but for the purpose of harassing and intimidating customers, is an unfair trade practice. The owner of a patent or



trade mark should, in fairness, deal directly with the alleged original infringer rather than attempt to intimidate his customers.

**RULE 4. *False Branding.***—The certification of corrugated and solid fiber boxes as complying fully with the published rules of the carriers, when in fact such is not the case, misleads the buyer, deceives the consumer, and is condemned as unfair competition.

**NOTE.**—The rules of the carrier relating to fiber-box specifications are contained in the following tariffs published under authority of the Interstate Commerce Commission:

Consolidated Freight Classification No. 5:

I.C.C. O.C. 49 (Official).

I.C.C. 18 (Western).

I.C.C. 23 (Southern).

Official Express Classification No. 30 (I.C.C. 3280).

Agent B. W. Dunn's Tariff No. 1 (I.C.C. No. 1).

These rules require that solid-fiber and corrugated boxes used in interstate commerce must comply with certain tests and specifications as prescribed in the published schedules of the carriers. They further require that all such boxes used in interstate commerce bear the certification of the box maker reciting that the box in question complies with such rules. It is in the interest of this industry and of the consuming public that these published rules be strictly complied with.

**RULE 5. *False Certification.***—The certification of corrugated and solid fiber boxes, as required by the published schedules of the carriers, by others than the box makers who actually made the boxes, deceives the carriers and the consuming public as to the name of the actual maker of the box, and is condemned as unfair competition.

**RULE 6. *Underbidding by Offering Inferior Products.***—The misrepresentation of paperboard or boxes in respect to size, style, caliper, bursting strength, substance, or quality is condemned as unfair competition.

**NOTE.**—Producers asked to submit on furnished samples or on definite specification sometimes submit bids on inferior samples or inferior specifications, and at the same time lead the prospective purchaser to believe that the product which they propose to furnish is equal to the submitted sample or equal to the box or material described in the specifications.

**RULE 7. *Sales Without Mutuality.***—Contracts of sale which permit the buyer to cancel or provide for a reduced price in the event of a market decline and which do not permit the seller to cancel or provide for an enhanced price in the event of a market rise are lacking in mutuality and tend to induce controversy and breach of contract, and are therefore condemned as unfair competition.

**RULE 8. *Dumping in Remote Markets.***—The practice of certain manufacturers and sellers of shipping quantities of merchandise into territories outside their normal territories, and of selling such merchandise below the general market prevailing in such other territories into which shipments are made, seriously tends to demoralize the market within the territories into which shipments are made, disrupts normal competitive conditions throughout the entire industry, and is condemned as an unfair trade practice.

**RULE 9. *Over Runs and Under Runs.***—The delivery of over runs of paper board or boxes free of charge, or at a concession in price,

results in price discrimination as between customers, and is condemned as unfair competition.

NOTE.—In the practical operation of a paperboard mill or box plant it is economically impossible to fill an order for any specific quantity of paperboard or boxes without there being some over runs or under runs. For this reason it is the established custom of the trade to permit a reasonable variation either way in making actual deliveries, the customer paying for the quantity actually delivered, whether reasonably more or less than the quantity specified in the contract.

RULE 10. *Free Warehousing*.—It is the judgment of this industry that all quoted prices should be on the basis of delivery upon completion of manufacture. If the buyer requests a postponement of the shipment beyond the date originally specified, a separate charge shall be made to cover the full cost of warehousing the goods. Any violation of this rule results in price discrimination as between customers, and is condemned as unfair competition.

#### 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. The provisions of this Code shall apply to those Members who manufacture the products of the industry for their own consumption as well as to those who manufacture for sale.

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 President of the United States, be modified and 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. 245.  
Registry No. 406-1-08.



**CODE OF FAIR COMPETITION**  
**FOR THE**  
**PAPER DISC MILK BOTTLE CAP INDUSTRY**

**As Approved on February 1, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE PAPER DISC MILK  
BOTTLE CAP 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 Disc Milk Bottle Cap 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 VI, sections 2 to 9, inclusive, 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 pending my further order; provided further that within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code.

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

Approval recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Paper Disc Milk Bottle Cap Industry, conducted in Washington on November 27, 1933, in accordance with provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

This Code provides a standard 40-hour week for factory workers with a weekly tolerance of eight 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 an eight-week period.

The minimum wage in the North for hourly paid employees is 40¢ per hour for males and 35¢ per hour for females. In the South the minimum wage rate for hourly paid employees is 35¢ per hour for males and 30¢ per hour for females. Office employees will receive a minimum wage of \$16.00 per week in the North and \$14.00 per week in the South.

### OPEN PRICE PLAN

An open price plan of selling is provided, and selling below cost, except to meet competition, is prohibited.

### OTHER PROVISIONS

Provision is made for furnishing the Administrator with such statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry employed about 450 people in 1929. Figures submitted by 12 of the 23 plants in the Industry show about the same number of employees in March 1929 and in March 1933 at which time over 63% of the employees worked 45 hours per week or longer. The effect of the Code will be to employ about 90 additional persons.

In March 1933, 34% of the male labor received less than 40¢ per hour and 98% of the female labor less than 35¢ per hour. The total increase in pay rolls as a result of the Code will be approximately 7.5%.

## 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.*

FEBRUARY 1, 1934.

## CODE OF FAIR COMPETITION FOR THE PAPER DISC MILK BOTTLE CAP 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 meaning herein set forth:

“Industry”—The manufacture of Paper Disc Milk Bottle Caps.

“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 Administrator for Industrial Recovery under Title I in the Act.

### ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. There shall forthwith be constituted a Code Authority of the Paper Disc Milk Bottle Cap Industry which shall comprise five (5) members. Three (3) of such members shall be elected annually by the members of the National Association of Bottle Cap Manufacturers, and one (1) shall be elected annually by the members of the Industry, not members of said Association. One (1) additional member shall be appointed by the four (4) members so elected. In addition the Administrator may appoint one (1) or more persons to the Code Authority who shall act in an advisory capacity, shall have no vote, and shall serve without compensation from the Industry.

2. In order to carry out the election of the Industry members of the Code Authority in an orderly and proper manner, the following procedure is prescribed: Manager of said Association or Chairman of the Executive Committee of said Association shall send all members of the Industry, including nonmembers as well as members of the Association, notice of a meeting for the purpose of electing members of Code Authority, such notice shall be sent out at least ten days in advance of such election date. Each nonmember of the Association shall be entitled to one vote for one member of the Code Authority to represent members of the Industry who are not members of the Association. Each Association member shall be entitled to vote for three members of the Code Authority. Each voter shall be a member or a duly authorized representative of a member. No

member of the Industry will be allowed to cast the vote of another member of the Industry by proxy. In the event nonmembers of the Association fail to elect a representative on the Code Authority, the Administrator may appoint such representative.

3. The said Association shall impose no inequitable restrictions on membership and shall file with the Administrator certified copies of any amendments of its By-Laws, relating to eligibility or admission to membership in such Association, or relating to the method of selection of the members of such Code Authority which such Association may hereafter adopt.

4. 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.

5. The Code Authority is charged generally with the duty of administering this Code. 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 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 not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

6. 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 the Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

7. 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.

8. The Code Authority is hereby constituted the agency to endeavor to effect, by arbitral proceedings or otherwise, adjustments of contracts entered into by members of the Industry, where the costs of executing such contracts are increased through the application of the provisions of the Act or of this Code.

### 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: Fifty-six (56) hours in any one week, but not more than six (6) days in any seven (7) day period, or fifty-six (56) hours in any one week, but not more than eight (8) hours in any one day.

(b) Chauffeurs, truckdrivers, and their helpers: One hundred eighty (180) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) hours in any one week shall be paid for as not less than time and one third.

(c) Engineers, firemen, electricians, filter plant employees, electric and hydroelectric operators: One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) 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: Eight (8) hours in any one day and forty (40) hours in any one week, provided, however, that these maximum limits may be exceeded for any reason at any time provided that all time worked in excess of the maximums prescribed shall be paid for as not less than time and one third, and provided, further, that no employee shall be required or permitted to work in excess of ten (10) hours in any one day or forty-eight (48) hours in any one week.

(e) Employees regularly engaged in a managerial or executive capacity and their personal secretaries, foremen and supervisors, receiving thirty-five (\$35.00) dollars or more per week, outside salesmen and outside servicemen: No limitation.

(f) All other employees: Forty-eight (48) hours in any one week but not to exceed three hundred twenty (320) hours in any period of eight (8) 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 breakdowns or involving protection of life or property, provided, however, that all time worked in excess of the limitations prescribed in said schedule shall be paid for as not less than time and one third.

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

#### 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 the territory of the United States except the States named in subdivision (b) hereof:

Male labor, 40 cents per hour.

Female labor, 35 cents per hour.



(b) In the Southern zone, which shall consist of the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas:

Male labor, 35 cents per hour.

Female labor, 30 cents per hour.

2. The minimum rates of wages for all other employees shall be as follows:

(a) In the Northern zone, as defined in Section 1 hereof, \$16.00 per week.

(b) In the Southern zone, as defined in said Section, \$14.00 per week.

(c) Part-time employees covered by the provisions of this section shall be paid at the rate of not less than 40¢ per hour in the North and 35¢ per hour in the South.

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, or other basis.

4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. The Code Authority shall within 90 days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof, the Code Authority shall report to the Administrator the action taken by all members of the Industry under this section.

6. Office boys and girls under 18 years of age, to the extent of no more than 5% of the total number of employees described in Section 2 hereof, may be employed at a wage of not less than 80% of the minimum prescribed by said Section provided that at least one such office boy or girl may be employed by each member.

7. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority 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. The provision of this Section requiring a certificate of authority shall not become effective until sixty days after the effective date of this Code.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within sixty (60) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to

age if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved, or prescribed by the President.

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

4. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

5. All employers shall post copies of Article III, IV, and V of this Code in conspicuous places accessible to employees.

6. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

7. No provision in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are higher or the hours of labor are shorter, or both, than are those set forth in this Code.

8. The Code Authority shall make a study of conditions in the Industry to determine the feasibility of the adoption of a shorter working week and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator. The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code, a plan for the stabilization and regularization of employment:

9. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

#### ARTICLE VI—ACCOUNTING—SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the industry and submit the same to the Administrator. When it shall have been

approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

2. The Code Authority may from time to time determine that an open price plan of selling such product or products of the Industry as it shall specify shall be put into effect on such date as it shall fix. Notice of such determination shall be announced to all known members of the Industry who manufacture such products not less than 30 days prior to the date so fixed.

3. At least 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.

5. A revised schedule or schedules, or a new schedule or schedules, or a notice of withdrawal of a schedule previously filed, may be filed by a member with the Code Authority at any time, provided, however, that any member who withdraws a schedule without substituting a new schedule therefor shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the schedule at any time thereafter on file which states the lowest price and the most favorable terms. Any schedule or notice filed hereunder shall become effective five days after the date of filing, provided, however, that an increased price may become effective at such earlier date as the member filing the same shall fix.

6. The Code Authority shall promptly supply all members of the Industry who manufacture any particular product with copies of all schedules, revised schedules and notices of withdrawal, which pertain to such product. Immediately upon receipt of information relative to the withdrawal of a price for any product, any member may file notice of withdrawal of his own price for the same product effective as of the same date as the notice of withdrawal of such other member. Immediately on receipt of information that a schedule then on file has been revised, or that a new schedule has been filed, any member may file a revised schedule conforming as to price and terms to the schedule of such other member, and effective on the same date, or he 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 non-member requesting them, copies of any price schedules which have been filed with it. Such price schedules shall be made available to nonmembers at the same time that they are sent to members.

10. No member shall sell any product of the Industry for which no open price plan is in effect at less than the cost thereof to such member, determined as provided in Section 11 hereof, except to meet the price of a competitor whose price does not violate such Section.

11. Cost, for the purposes of this Article, shall be determined pursuant to the method of accounting and costing prescribed as provided in Section 1 hereof as soon as such method is adopted, and approved, and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe with the approval of the Administrator.

12. For the purpose of determining whether Sections 7 and 10 hereof have been complied with, every member shall upon the request of the Code Authority furnish a designated agency of the Code Authority in respect to closed transactions only, with complete information in regard to any quotation, order, contract, or sale of any product of the Industry, including information as to specifications, quantities, price, conditions of storage, transportation or delivery, terms of billing, cash or trade discounts allowed and other pertinent facts relating to such quotation, contract or sale.

13. Nothing herein contained shall be construed to prevent the disposition of distress merchandise required to be sold to liquidate a defunct or insolvent business or of discontinued lines, damaged goods or seconds, in such manner at such price and such terms and conditions as the Code Authority and the Administrator may approve.

14. Nothing herein contained shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this Code.\*

#### ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe, such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and

\* See paragraph 2 of order approving this Code.

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, accounts, and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the current publication of industry statistics to members.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

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

#### ARTICLE VIII—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 IX—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of additional rules of fair-trade practice for the Industry and for the modification of its trade customs, and the enforcement thereof.

(b) For the establishment of plans to equalize production with demand, so that the interests of the Industry and the public may be properly served.

(c) For dealing with any other inequality that may arise to endanger the stability of the Industry and of production and employment.

(d) For an increase or decrease in the number of Industry members of the Code Authority and/or for a change in the method of choosing such members.

2. For the purpose of assisting the Code Authorities of the Paper Manufacturing and/or Converting Industries in the adjustment of all labor disputes and labor complaints arising within such industries, the Code Authority shall consider the advisability of creating

a Joint Industrial Relations Board for such Industries and shall report its recommendations to the Administrator.

3. Recommendations made pursuant to Sections 1 and 2 hereof when approved by the Administrator shall have the same force and effect as other provisions of this Code.

#### ARTICLE X—TRADE PRACTICES

1. The following are hereby constituted Trade Practices for the Industry and failure to comply with the provisions thereof shall be a violation of this Code.

(a) Members of the Industry shall not practice deception in regard to that which is sold or its selling price by false or misleading description, statement, record, or undisclosed consideration.

(b) Members shall refrain from dumping, deferred delivery, extension of stated credit, and secret rebates.

(c) Members shall not wilfully injure by falsely defaming a competitor's goods, credit, or ability to perform his contracts.

(d) Members shall not wilfully induce or attempt to induce the breach of a competitor's contract.

(e) No member shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party. The foregoing provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

(f) No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the Industry require the practice.

(g) No member shall extend to a customer special prices, services, or privileges not extended to all purchasers in the same classification and under like terms and conditions.

2. In the event of a demand upon any member for a cap not included in member's previously filed schedules and definitions, the member may set a temporary price including a proper upcharge to cover the additional cost.

3. (a) Members are responsible for the acts of their sales representatives or sales agents in respect to all provisions of this Code pertaining to sales as provided in Article VI. Violations of the provisions of this Code as pertaining to sales by members' sales representatives, or sales agents, constitute a violation of this Code on the part of the member.

(b) The giving by members or their representatives or sales agents of secret commissions, secret or open rebates, refunds or credits in the form of money, presents, free goods, advertising allowances, or otherwise for the purpose of inducing sales or contracts, is a direct violation of the provisions of this Code.

(c) Members' sales representatives or sales agents are persons, partnerships, or corporations employed by a member or members on

whole- or part-time basis; and compensated on the basis of salary, commission, both salary and commission, or otherwise.

4. When entering into contracts providing for partial shipments the governing price shall be the price quoted by the member for the total quantity of the contract, provided, that no member shall sell to a customer, who is listed in the National Association of Bottle Cap Manufacturers' official rating book and supplements and revisions thereof, any product of the Industry at a price based upon a greater quantity than the quantity listed for such customer in said rating book. On all other orders the governing price shall be the price quoted by a member in accordance with the provisions of Article VI 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 Administrator, be modified and eliminated as changes in circumstances or experience may indicate.

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

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code No. 246.  
Registry No. 1608-02.







CODE OF FAIR COMPETITION  
FOR THE  
FOOD DISH AND PULP AND PAPER PLATE  
INDUSTRY

As Approved on February 1, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE FOOD DISH AND PULP  
AND PAPER PLATE 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 Food Dish and Pulp and Paper Plate 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 VI, Sections 2 to 9 inclusive, 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 pending my further order; provided further, that within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate, and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code.

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

Approval Recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C., *February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Food Dish and Pulp Paper Plate Industry conducted in Washington on December 28, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

This Code provides a standard 40-hour week for factory workers with a weekly tolerance of eight 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 an eight-week period.

The minimum wage rate in the North for hourly paid employees is 40¢ per hour for males and 35¢ per hour for females. In the South the minimum wage rate for hourly paid employees is 35¢ per hour for males and 30¢ per hour for females. Office employees will receive a minimum wage of \$16.00 per week in the North and \$14.00 per week in the South.

### OPEN PRICE PLAN

An open price plan of selling is provided, and selling below cost, except to meet competition, is prohibited.

### OTHER PROVISIONS

Provision is made for furnishing the Administrator with such statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry in 1929 employed approximately 1,600 persons and in July 1933 about 1,800 persons. The number of the plants in the Industry increased from 12 in 1929 to 30 in 1933. Figures submitted by 17 plants engaged in the Industry show a total number, in July 1933, of 1,491 factory employees of whom over 76% worked an average of at least 45 hours per week. The immediate effect of the Code will be to employ about 108 additional persons which number will probably increase to about 270 persons by the Summer of 1934.

In July 1933, 56% of male factory employees in the North and 91% of the female factory employees received less than the proposed minimum rates of 40¢ and 35¢. The total increase in pay rolls as a result of the Code will be about 15%.

## 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 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 this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 1, 1934.

## CODE OF FAIR COMPETITION FOR THE FOOD DISH AND PULP AND PAPER PLATE 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 meaning herein set forth:

“Industry”—The manufacture of pulp or paper dishes; wooden veneer dishes; pulp or paper plates.

“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 Administrator for Industrial Recovery under Title I in the Act.

### ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. There shall forthwith be constituted a Code Authority of the Food Dish and Pulp and Paper Plate Industry which shall comprise six (6) members of the industry. Three (3) of such members shall be selected by the Board of Directors of the Food Dish Associates of America, and three (3) of such members shall be selected by the Board of Directors of the Pulp and Paper Plate Associates of America. In addition to the members so selected the Administrator may appoint one or more persons to serve on the Code Authority. The persons appointed by the Administrator shall serve in an advisory capacity, shall have no vote, and shall serve without expense to the Industry.

2. Each of the said Associates shall impose no inequitable restrictions on membership and shall file with the Administrator certified copies of any amendments of its By-Laws, relating to eligibility or admission to membership in said Associates, or relating to the method of selection of the members of such Board of Directors which said Associates 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. 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.

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 the 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 is hereby constituted the agency to endeavor to effect, by arbitral proceedings or otherwise, adjustments of contracts entered into by members of the Industry, where the costs of executing such contracts are increased through the application of the provisions of the Act or of this Code.

### ARTICLE III—HOURS OF LABOR

1. Employees in the Industry shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

#### SCHEDULE OF WORKING HOURS

(a) *Watchmen*.—Fifty-six (56) hours in any one week, but not more than six (6) days in any seven (7) day period; or fifty-six (56) hours in any one week, but not more than eight (8) hours in any one day.

(b) *Chauffeurs, truck drivers, and their helpers*.—One hundred eighty (180) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) hours in any one week shall be paid for as not less than time and one third.

(c) *Engineers, firemen, electricians, filter-plant employees, electric and hydroelectric operators*.—One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) 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*.—Eight (8) hours in any one day and forty (40) hours in any one week, provided, however, that these maximum limits may be exceeded for any reason at any time provided that all time worked in excess of the maximums prescribed shall be paid for as not less than time and one third, and provided, further, that no employee shall be required or permitted to work in excess of ten (10) hours in any one day or forty-eight (48) hours in any one week.

(e) *Employees regularly engaged in a managerial or executive capacity and their personal secretaries, foremen, and supervisors, receiving thirty-five dollars (\$35.00) or more per week, and outside salesmen.*—No limitation.

(f) *All other employees.*—Forty-eight (48) hours in any one week and not to exceed three hundred twenty (320) hours in any period of eight (8) 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 breakdowns or involving protection of life or property, provided, however, that all time worked in excess of the limitations prescribed in said schedule shall be paid for as not less than time and one third.

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

#### ARTICLE IV—WAGES

1. The minimum rate of wage of any laborer, mechanical worker or artisan employed in any pulp or paper dish, or pulp or paper plate plant, mill or factory or on work connected with the operation of any such plant, mill, or factory shall be as follows:

(a) In the Northern zone, which shall consist of all of the territory of the United States except the States named in subdivision (b) hereof

Male labor, 40 cents per hour.

Female labor, 35 cents per hour.

(b) In the Southern zone, which shall consist of the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas

Male labor, 35 cents per hour.

Female labor, 30 cents per hour.

2. The minimum rate of wage of any laborer, mechanical worker, or artisan employed in any wooden veneer dish plant, mill or factory, or on work connected with or incidental to the operation of such plant, mill or factory, shall be:

Male labor, 35 cents per hour.

Female labor, 30 cents per hour.

3. The minimum rates of wages for all other employees shall be as follows:

(a) In the Northern zone, as defined in Section 1 hereof, \$16.00 per week.

(b) In the Southern zone, as defined in said Section, \$14.00 per week.

(c) Part-time employees covered by the provisions of this section shall be paid at the rate of not less than 40¢ per hour in the North and 35¢ per hour in the South.

4. This Article establishes a minimum rate of pay which shall apply irrespective of whether an employee is actually compensated on time-rate, piecework, or other basis.

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 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.

7. Office boys and girls under 18 years of age, to the extent of no more than 5% of the total number of employees described in Section 3 hereof, may be employed at a wage of not less than 80% of the minimum prescribed by said Section, provided that at least one such office boy or girl may be employed by each member.

8. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum 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.

#### 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, sani-

tary or general working conditions or insurance or fire protection, than are imposed by this Code.

4. No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

5. All employers shall post copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

6. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

7. No provision in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are higher or the hours of labor are shorter, or both, than are those set forth in this Code.

8. The Code Authority shall make a study of conditions in the Industry to determine the feasibility of the adoption of a shorter working week and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator. The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code, a plan for the stabilization and regularization of employment.

9. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

#### ARTICLE VI—ACCOUNTING—SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the industry and submit the same to the Administrator. When it shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

2. The Code Authority may, from time to time, determine that an open-price plan of selling such product or products of the industry as it shall specify shall be put into effect on such date as it shall fix. Notice of such determination shall be announced to all known members of the industry who manufacture such products not less than 30 days prior to the date so fixed.

3. At least 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.

5. A revised schedule or schedules, or a new schedule or schedules, or a notice of withdrawal of a schedule previously filed, may be filed by a member with the Code Authority at any time, provided, however, that any member who withdraws a schedule without substituting a new schedule therefore 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 ten (10) days after the date of filing, provided, however, that an increased price shall become effective immediately.

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 he may notify the Code Authority that he adopts as his own, the schedule of such other member. In the latter event, he shall be deemed to have filed a revised schedule conforming to the revised schedule of such other member.

7. No such schedule of prices and terms of sale filed by any member, or in effect at any time, shall be such as to permit the sale of any product at less than the cost thereof to such member determined in the manner provided in Section 11 hereof, provided, however, that any member may, by notice to the Code Authority, adopt as his own, a lower price filed by another designated member. Such adoption shall become automatically void upon the withdrawal or revision upward of the price adopted.

8. No member who shall have filed a price, or adopted as his own, a price filed by another member for any product of the Industry, shall sell such product for less than such price or upon terms or conditions more favorable than stated in such price schedule. No member who shall have failed to file a price for any product for which the open-price plan is in effect shall sell such product at a lower price or on terms more favorable than the lowest price and most favorable terms stated in any price schedule for such product then on file.

9. The Code Authority shall furnish at cost to any nonmember requesting them, copies of any price schedules which have been filed with it. Such price schedules shall be made available to nonmembers at the same time that they are sent to members.

10. No member shall sell any product of the industry for which no open-price plan is in effect at less than the cost thereof to such member, determined as provided in Section 11 hereof, except to meet the price of a competitor whose price does not violate such Section.

11. Cost, for the purposes of this Article, shall be determined pursuant to the method of accounting and costing prescribed as provided in Section 1 hereof as soon as such method is adopted and approved and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe with the approval of the Administrator.

12. For the purpose of determining whether Sections 7 and 10 hereof have been complied with, every member shall upon the request of the Code Authority furnish a designated agency of the Code Authority in respect to closed transactions only, with complete information in regard to any quotation, order, contract, or sale of any product of the industry, including information as to specifications, quantities, price, conditions of storage, transportation or delivery, terms of billing, cash or trade discounts allowed, and other pertinent facts relating to such quotation, contract, or sale.

13. Nothing herein contained shall be construed to prevent the disposition of distress merchandise required to be sold to liquidate a defunct or insolvent business in such manner, at such price, and such terms and conditions as the Code Authority and the Administrator may approve.

14. Nothing herein contained shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this Code.<sup>1</sup>

#### ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe, such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory both raw and finished, number of employees, wage rates, employee earnings, hours of work, and other matters as the Code Authority or the Administrator may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books, accounts, and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code

<sup>1</sup> See paragraph 2 of order approving this Code.

Authority shall arrange in such manner as it may determine for the current publication of industry statistics to members.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

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

#### ARTICLE VIII—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 IX—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of additional rules of fair trade practice for the Industry and for the codification of its trade customs, and the enforcement thereof.

(b) For the establishment of plans to equalize production with demand, so that the interests of the Industry and the public may be properly served.

(c) For dealing with any other inequality that may arise to endanger the stability of the Industry and of production and employment.

(d) For an increase or decrease in the number of Industry members of the Code Authority and/or for a change in the method of choosing such members.

2. For the purpose of assisting the Code Authorities of the Paper Manufacturing and/or Converting Industries in the adjustment of all labor disputes and labor complaints arising within such Industries, the Code Authority shall consider the advisability of creating a Joint Industrial Relations Board for such Industries and shall report its recommendations to the Administrator.

3. Recommendations made pursuant to Sections 1 and 2 hereof when approved by the Administrator shall have the same force and effect as other provisions of this Code.

#### ARTICLE X—TRADE PRACTICES

1. The following are hereby constituted Trade Practices for the Industry and failure to comply with the provisions thereof shall be a violation of this code.

(a) No member of the Industry shall practice deception in regard to that which is sold or its selling price by false or misleading description, statement, record, or undisclosed consideration.

(b) Members shall refrain from dumping, deferred delivery, extension of stated credit, and secret rebates.

(c) No member shall wilfully injure by falsely defaming a competitor's goods, credit, or ability to perform his contracts.

(d) No member shall wilfully induce or attempt to induce the breach of a competitor's contract.

(e) No member shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. The foregoing provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

(f) No member of the industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the Industry require the practice.

(g) Terms of sale in the Industry shall be not more favorable than two (2%) percent for cash if paid within thirty (30) days or net thirty-one (31) days from date of shipment.

(h) No member shall guarantee either dealers or wholesalers floor stock against decline.

#### 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 Administrator, be modified and eliminated as changes in circumstances or experience may indicate.

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

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code No. 247.

Registry No. 407-1-04.



**CODE OF FAIR COMPETITION**  
**FOR THE**  
**GLAZED AND FANCY PAPER INDUSTRY**  
**As Approved on February 1, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE GLAZED AND FANCY  
PAPER 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 Glazed and Fancy Paper 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 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 VI, Sections 2 to 9 inclusive, 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 pending my further order; provided further, that within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate, and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code.

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

Approval Recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT.

*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Glazed and Fancy Paper Industry conducted in Washington on October 16, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

This Code provides a standard 40-hour week for factory workers with a weekly tolerance of eight 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 an eight-week period.

The minimum wage rate for hourly-paid employees is 40¢ per hour for males and 35¢ per hour for females. Office employees will receive a minimum wage of \$16.00 per week.

### OPEN PRICE PLAN

An open price plan of selling is provided, and selling below cost, except to meet competition is prohibited.

### OTHER PROVISIONS

Provision is made for furnishing the Administrator with such other statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry employed about 1,800 persons in 1929. The number employed in July 1933 was about 1,500 who worked an average of 46.8 hours per week. The effect of the Code, without increase in volume, will be to employ about 125 additional persons. The total increase in payrolls as a result of the Code will be about 3%.

### 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 afore-said 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.*

FEBRUARY 1, 1934.

## CODE OF FAIR COMPETITION FOR THE GLAZED AND FANCY PAPER INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following is hereby established as a Code of Fair Competition for the above named Industry and shall be binding on every member thereof.

### ARTICLE I—DEFINITIONS

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

“Industry.”—The manufacture of plain and embossed glazed and fancy papers, plain and embossed coated papers, and embossed or print embossed uncoated papers used primarily for decorative purposes (and not primarily as a base stock for commercial printing), printed design papers the use of which is directly competitive with any of the foregoing, and such special glazed, fancy, and cloth-lined papers as are natural affiliates.

“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 Administrator for Industrial Recovery under Title I in the Act.

### ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. The members of the Executive Committee of the Glazed and Fancy Paper Manufacturers' Association, together with such other person or persons as the Administrator may designate are hereby constituted the Code Authority of the Industry. The members of the Code Authority designated by the Administrator shall act in an advisory capacity, shall have no vote, and shall serve without compensation from the Industry.

2. The said Association shall impose no inequitable restrictions on membership and 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. If the Administrator shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended 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 not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

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 is hereby constituted the agency to endeavor to effect, by arbitral proceedings or otherwise, adjustments of contracts entered into by members of the Industry where the costs of executing such contracts are increased through the application of the provisions of the Act or of this Code.

### 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: Fifty-six (56) hours in any one week, but not more than six (6) days in any seven (7) day period; or fifty-six (56) hours in any one week but not more than eight (8) hours in any one day.

(b) Chauffeurs, truck drivers, and their helpers: One hundred eighty (180) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) hours in any one week shall be paid for at not less than time and one third.

(c) Engineers, firemen, electricians, filter plant employees, electric and hydroelectric operators: One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) hours in any one week shall be paid for at not less than time and one third.

(d) All other laborers, mechanical workers or artisans employed in any plant, mill, or factory, or on work connected with the operation of such plant, mill, or factory: Eight (8) hours in any one day and forty (40) hours in any one week, provided, however, that these maximum limits may be exceeded for any reason at any time provided that all time worked in excess of the maximums pre-

scribed shall be paid for as not less than time and one third, and provided, further, that no employee shall be required or permitted to work in excess of ten (10) hours in any one day or forty-eight (48) hours in any one week.

(e) Employees regularly engaged in a managerial or executive capacity, and their personal secretaries, foremen, and supervisors, receiving thirty-five (\$35.00) dollars or more per week, and outside salesmen: No limitation.

(f) All other employees: Forty-eight (48) hours in any one week but not to exceed three hundred twenty (320) hours in any period of eight (8) 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, provided, however, that all time worked in excess of the limitations prescribed in said schedule shall be paid for as not less than time and one third.

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

#### 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:

Male labor, 40 cents per hour.

Female labor, 35 cents per hour.

2. The minimum rates of wages for all other employees shall be as follows: (a) \$16.00 per week.

(b) Part-time employees covered by the provisions of this section shall be paid at the rate of not less than 40¢ per hour.

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

4. Female employees performing substantially the same work as male employees, shall receive the same rate of pay as male employees. The Code Authority shall within 90 days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof, the Code Authority shall report to the Administrator the action taken by all members of the Industry under this section.

6. Office boys and girls under 18 years of age, to the extent of no more than 5% of the total number of employees described in Section 2 hereof, may be employed at a wage of not less than 80% of the minimum prescribed by said Section, provided that at least one such office boy or girl may be employed by each member.

7. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority 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. The provision of this Section requiring a certificate of authority shall not become effective until sixty (60) days after the effective date of this Code.

#### 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 spe-

cific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are higher or the hours of labor are shorter, or both, than are those set forth in this Code.

8. The Code Authority shall make a study of conditions in the Industry to determine the feasibility of the adoption of a shorter working week and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator.

The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code, a plan for the stabilization and regularization of employment.

9. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

#### ARTICLE VI—ACCOUNTING—SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the Industry and submit the same to the Administrator. When it shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

2. The Code Authority may from time to time determine that an open price plan of selling such product or products of the Industry as it shall specify shall be put into effect on such date as it shall fix. Notice of such determination shall be announced to all known members of the Industry who manufacture such products not less than 30 days prior to the date so fixed.

3. At least 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.

5. A revised schedule or schedules, or a new schedule or schedules, or a notice of withdrawal of a schedule previously filed may be filed by a member with the Code Authority at any time, provided, however, that any member who withdraws a schedule without substituting a new schedule therefor shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the schedule at any time thereafter on file which states the lowest price and the most favorable terms. Any schedule or notice filed hereunder shall become effective five days after the date of filing, provided, however, that an increased price may become effective at such earlier date as the member filing the same shall fix.

6. The Code Authority shall promptly supply all members of the Industry who manufacture any particular product with copies of all schedules, revised schedules, and notices of withdrawal which pertain to such product. Immediately upon receipt of information relative to the withdrawal of a price for any product, any member may file notice of withdrawal of his own price for the same product effective as of the same date as the notice of withdrawal of such other member. Immediately on receipt of information that a schedule then on file has been revised, or that a new schedule has been filed, any member may file a revised schedule conforming as to price and terms to the schedule of such other member and effective on the same date, or he may notify the Code Authority that he adopts as his own the schedule of such other member. In the latter event, he shall be deemed to have filed a revised schedule conforming to the revised schedule of such other member.

7. No such schedule of prices and terms of sale filed by any member, or in effect at any time, shall be such as to permit the sale of any product at less than the cost thereof to such member determined in the manner provided in Section 11 hereof; provided, however, that any member may by notice to the Code Authority adopt as his own a lower price filed by another designated member. Such adoption shall become automatically void upon the withdrawal or revision upward of the price adopted.

8. No member who shall have filed a price, or adopted as his own a price filed by another member for any product of the Industry, shall sell such product for less than such price or upon terms or conditions more favorable than stated in such price schedule. No member who shall have failed to file a price for any product for which the open-price plan is in effect shall sell such product at a lower price or on terms more favorable than the lowest price and most favorable terms stated in any price schedule for such product then on file.

9. The Code Authority shall furnish at cost to any nonmember requesting them copies of any price schedules which have been filed with it. Such price schedules shall be made available to nonmembers at the same time that they are sent to members.

10. No member shall sell any product of the Industry for which no open-price plan is in effect at less than the cost thereof to such member, determined as provided in Section 11 hereof, except to meet the price of a competitor whose price does not violate such Section.

11. Cost, for the purpose of this Article, shall be determined pursuant to the method of accounting and costing prescribed as provided in Section 1 hereof as soon as such method is adopted, and approved, and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe with the approval of the Administrator.

12. For the purpose of determining whether Sections 7 and 10 hereof have been complied with, every member shall upon the request of the Code Authority furnish a designated agency of the Code Authority in respect to closed transactions only, with complete information in regard to any quotation, order, contract, or sale of any

product of the Industry, including information as to specifications, quantities, price, conditions of storage, transportation or delivery, terms of billing, cash or trade discounts allowed and other pertinent facts relating to such quotation, contract, or sale.

13. Nothing herein contained shall be construed to prevent the disposition of distress merchandise required to be sold to liquidate a defunct or insolvent business or of discontinued lines, damaged goods, or seconds, in such manner, at such price, and such terms and conditions as the Code Authority and the Administrator may approve.

14. Nothing herein contained shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this code.<sup>1</sup>

#### ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe, such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory, both raw and finished, number of employees, wage rates, employee earnings, hours of work and other matters, as the Code Authority or the Administrator may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books, accounts, and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the current publication of industry statistics to members.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

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

#### ARTICLE VIII—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.

<sup>1</sup> See paragraph 2 of order approving this Code.

## ARTICLE IX—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of additional rules of fair-trade practice for the Industry and for the modification of its trade customs, and the enforcement thereof.

(b) For dealing with any other inequality that may arise to endanger the stability of the industry and of production and employment.

(c) For an increase or decrease in the number of Industry members of the Code Authority and/or for a change in the method of choosing such members.

2. For the purpose of assisting the Code Authorities of the Paper Manufacturing and/or Converting Industries in the adjustment of all labor disputes and labor complaints arising within such industries, the Code Authority shall consider the advisability of creating a Joint Industrial Relations Board for such Industries and shall report its recommendations to the Administrator.

3. The Code Authority shall make a study of conditions in the Industry to determine the need of the establishment of plans to equalize production with demand, so that the interests of the Industry and the public may be properly served, and shall within six months after the effective date of this Code make a report of its findings to the Administrator.

4. Recommendations made pursuant to Sections 1, 2, and 3 hereof, when approved by the Administrator, shall have the same force and effect as other provisions of the Code.

## ARTICLE X—TRADE PRACTICES

1. The following are hereby constituted Trade Practices for the Industry, and failure to comply with the provisions thereof shall be a violation of this Code.

(a) Members of the Industry shall not practice deception in regard to that which is sold or its selling price by false or misleading description, statement, record, or undisclosed consideration.

(b) Members shall refrain from dumping, deferred delivery, extension of stated credit, and secret rebates.

(c) Members shall not willfully injure by falsely defaming a competitor's goods, credit, or ability to perform his contracts.

(d) Members shall not wilfully induce or attempt to induce the breach of a competitor's contract.

(e) No member shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. The foregoing provisions shall not be construed to prohibit free and general distribution of articles

commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

(f) No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the Industry require the practice.

#### 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 Administrator be modified and eliminated as changes in circumstances or experience may indicate.

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

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code No. 248.  
Registry No. 407-06.



Approved Code No. 249

## CODE OF FAIR COMPETITION

FOR THE

## TAG INDUSTRY

As Approved on February 1, 1934

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### ORDER

#### APPROVING CODE OF FAIR COMPETITION FOR THE TAG 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 Tag 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 VI, Sections 2 to 9, inclusive, 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 pending my further order; provided further, than within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code.

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

Approval Recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Tag Industry, conducted in Washington on October 19, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

This Code provides a standard 40-hour week for factory workers with a weekly tolerance of eight 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 an eight-week period.

The minimum wage rate in the North for hourly paid employees is 40¢ per hour for males and 33¢ per hour for females. In the South the minimum wage rate for hourly paid employees is 35¢ per hour for males and 30¢ per hour for females. Office employees will receive a minimum wage of \$15.00 per week in the North and \$14.00 per week in the South.

### OPEN-PRICE PLAN

An open-price plan of selling is provided, and selling below cost, except to meet competition, is prohibited.

### OTHER PROVISIONS

Provision is made for furnishing the Administrator with such statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry employed in 1929 approximately 2,200 persons, and in July 1933 about 1,800 persons. In September 1933, the number of unemployed in the Industry had been reduced by approximately one half due to the effect of the President's Reemployment Program. The effect of the Code will be to employ from 286 to 330 persons over the July 1933 total.

The total increase in pay rolls as a result of the Code will be 18 to 20%.

### 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.*

FEBRUARY 1, 1934.

## CODE OF FAIR COMPETITION FOR THE TAG 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 meaning herein set forth:

“Industry”—The manufacture of Shipping and System Tags, Merchandise and Marking Tags, Pin tickets.

“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 Administrator for Industrial Recovery under Title I in the Act.

### ARTICLE II—ORGANIZATION AND ADMINISTRATION

SECTION 1. The members of the Executive Committee of the Tag Manufacturers Institute, 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, shall have no vote, and shall serve without compensation from the Industry.

SEC. 2. The said Institute shall impose no inequitable restrictions on membership and shall file with the Administrator certified copies of any amendments of its By-Laws, relating to eligibility or admission to membership in said Institute, or relating to the method of selection of the members of such Executive Committee which said Institute may hereafter adopt.

SEC. 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.

SEC. 4. The Code Authority is charged generally with the duty of Administering this Code. 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. 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 the Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

SEC. 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.

SEC. 7. The Code Authority is hereby constituted the agency to endeavor to effect, by arbitral proceedings or otherwise, adjustments of contracts entered into by members of the Industry, where the costs of executing such contracts are increased through the application of the provisions of the Act or of this Code.

### ARTICLE III—HOURS OF LABOR

SECTION 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*.—Fifty Six (56) hours in any one week, but not more than six (6) days in any seven (7) day period. Or fifty-six (56) hours in any one week, but not more than eight (8) hours in any one day.

(b) *Chauffeurs, truckdrivers, and their helpers*.—One Hundred eighty (180) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) hours in any one week shall be paid for at not less than time and one third.

(c) *Engineers, firemen, electricians, filter-plant employees, electric and hydroelectric operators*.—One hundred and sixty-eight (168) hours in any period of four (4) consecutive weeks, provided however, that time worked in excess of nine (9) hours in any one day or forty-five (45) hours in any one week shall be paid for at not less than time and one third.

(d) *All other laborers, mechanical workers, or artisans employed in any plant, mill, or factory or on work connected with the operation of such plant, mill, or factory*.—Eight (8) hours in any one day and forty (40) hours in any one week, provided, however, that these maximum limits may be exceeded for any reason at any time provided that all time worked in excess of the maximums prescribed shall be paid for at not less than time and one third, and provided further, that no employee shall be required or permitted to work in excess of ten (10) hours in any one day or forty-eight (48) hours in any one week.

(e) *Employees regularly engaged in a managerial or executive capacity and their personal secretaries, foremen, and supervisors, receiving thirty-five (\$35.00) dollars or more per week, and outside salesmen*.—No limitation.

(f) *All other employees.*—Forty-eight (48) hours in any one week and not to exceed three hundred twenty (320) hours in any period of eight (8) consecutive weeks.

(g) Excepting only watchmen, firemen, repairmen, and those employees named under paragraph (e) of this section, time worked by employees on a seventh consecutive day shall be paid for at not less than time and one third.

SEC. 2. No limitation contained in said schedule shall apply to employees of any class when engaged in emergency repairs or emergency maintenance work occasioned by breakdowns or involving protection of life or property, provided, however, that all time worked in excess of the limitations prescribed in said schedule shall be paid for at not less than time and one third.

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 in this Industry, exceeds the maximum permitted herein.

SEC. 4. No female employee shall be required or permitted to work between the hours of 10:00 P.M. and 6:00 A.M.

#### ARTICLE IV—WAGES

SECTION 1. The minimum rate of wage of any laborer, mechanical worker, or artisan employed in any plant, mill, or factory or on work connected with the operation of any such plant, mill, or factory shall be as follows:

(a) In the Northern zone, which shall consist of all of the territory of the United States except the States named in subdivision (b) hereof—

Male labor, 40 cents per hour.

Female labor, 33 cents per hour.

(b) In the Southern zone, which shall consist of the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas—

Male labor, 35 cents per hour.

Female labor, 30 cents per hour.

SEC. 2. The minimum rates of wages for all other employees shall be as follows:

(a) In the Northern zone, as defined in Section 1 hereof, \$15.00 per week.

(b) In the Southern zone, as defined in said Section, \$14.00 per week.

(c) Part-time employees covered by the provisions of this section shall be paid at the rate of not less than 37½¢ per hour in the North and 35¢ per hour in the South.

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

SEC. 4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. The Code Authority shall within 90 days after the effective date of this Code file with the Administrator a description of

all occupations in the Industry in which both men and women are employed.

SEC. 5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof the Code Authority shall report to the Administrator the action taken by all members of the Industry under this section.

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 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. The provision of this Section requiring a certificate of authority shall not become effective until sixty days after the effective date of this Code.

#### ARTICLE V—GENERAL LABOR PROVISIONS

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 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 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. Employees 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 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. 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. All employers shall post copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 9. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited after May 1st, 1934.

#### ARTICLE VI—ACCOUNTING—SELLING

SECTION 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 5. A revised schedule or schedules, or a new schedule or schedules, or a notice of withdrawal of a schedule previously filed, may



be filed by a member with the Code Authority at any time, provided, however, that any member who withdraws a schedule without substituting a new schedule therefor shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the schedule at any time thereafter on file which states the lowest price and the most favorable terms. Any schedule or notice filed hereunder shall become effective seven (7) 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.

SEC. 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 he 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.

SEC. 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.

SEC. 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.

SEC. 9. The Code Authority shall furnish at cost to any nonmember requesting them, copies of any price schedules which have been filed with it. Such price schedules shall be made available to nonmembers at the same time that they are sent to members.

SEC. 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 such Section.

SEC. 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 therefore 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.

SEC. 12. For the purpose of determining whether Sections 7 and 10 hereof have been complied with, every member shall upon the request of the Code Authority furnish a designated agency of the Code Authority in respect to closed transactions only, with complete information in regard to any quotation, order, contract, or sale of any product of the Industry, including information as to specifications, quantities, price, conditions of storage, transportation, or delivery, terms of billing, cash or trade discounts allowed, and other pertinent facts relating to such quotation, contract, or sale.

SEC. 13. Nothing herein contained shall be construed to prevent the disposition of distress merchandise required to be sold to liquidate a defunct or insolvent business or of discontinued lines, damaged goods or seconds, in such manner at such price and such terms and conditions as the Code Authority and the Administrator may approve.

SEC. 14. Nothing herein contained shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this Code.\*

#### ARTICLE VII—REPORTS AND STATISTICS

SECTION 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, accounts, and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

SEC. 2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the current publication of Industry statistics to members.

SEC. 3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

SEC. 4. In addition to information required to be submitted to the Code Authority there shall be furnished to Government Agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

\* See paragraph 2 of order approving this Code.

## ARTICLE VIII—MONOPOLIES

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

## ARTICLE IX—RECOMMENDATIONS

SECTION 1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of additional rules of fair trade practice for the Industry and for the modification of its trade customs and the enforcement thereof.

(b) For the establishment of plans to equalize production with demand so that the interests of the Industry and the public may be properly served.

(c) For dealing with any other inequality that may arise to endanger the stability of the Industry and of production and employment.

(d) For an increase or decrease in the number of Industry members of the Code Authority and/or for a change in the method of choosing such members.

SEC. 2. For the purpose of assisting the Code Authorities of the Paper Manufacturing and/or Converting Industries in the adjustment of all labor disputes and labor complaints arising within such Industries, the Code Authority shall consider the advisability of creating a Joint Industrial Relations Board for such Industries and shall report its recommendations to the Administrator.

SEC. 3. Recommendations made pursuant to Sections 1 and 2 hereof when approved by the Administrator shall have the same force and effect as other provisions of this Code.

## ARTICLE X—TRADE PRACTICES

SECTION 1. The following are hereby constituted trade Practices for the Industry and failure to comply with the provisions thereof shall be a violation of this Code.

(a) Members of the Industry shall not practice deception in regard to that which is sold or its selling price by false or misleading description, statement, record, or undisclosed consideration.

(b) Members shall refrain from dumping, extension of stated credit, and secret rebates.

(c) Members shall not wilfully injure by falsely defaming a competitor's goods, credit, or ability to perform his contracts.

(d) Members shall not wilfully induce or attempt to induce the breach of a competitor's contract.

(e) No member shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowl-

edge of such employer, principal, or party. The foregoing provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

(f) No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the Industry require the practice.

#### ARTICLE XI—GENERAL PROVISIONS

SECTION 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.

SEC. 2. Any work or process incidental to, and carried on by a member at his plant as part of the manufacture of any product of the Industry, shall be regarded as a part of this Industry.

SEC. 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 Administrator, be modified and eliminated as changes in circumstance or experience may indicate.

SEC. 4. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act, and specifically, but without limitation, to the right of the President to cancel or modify his approval of such code or any conditions imposed by him upon his approval thereof.

SEC. 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. 249.  
Registry No. 404-1-07.



**CODE OF FAIR COMPETITION**  
**FOR THE**  
**WIRE, ROD, AND TUBE DIE INDUSTRY**  
**As Approved on February 1, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE WIRE, ROD, AND TUBE  
DIE 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 Wire, Rod, and Tube Die 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, Sections 1 and 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.,**  
*February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Wire, Rod, and Tube Die Industry in the United States, the hearing having been conducted in Washington on December 28, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS FOR HOURS AND WAGES

The maximum of 40 hours, and 5 days a week, and 8 hours a day, is provided by this Code, for all factory employees, except those on emergency maintenance and repair work, who will receive time and a half overtime pay for hours worked in excess of the above maximum. The hour limitation will not apply to traveling salesmen nor to persons engaged in a managerial or executive capacity who earn more than 35 dollars a week.

The minimum wage to factory employees will be 40 cents per hour. The minimum to all clerical employees will be 16 dollars per week.

### CHILD LABOR

The minimum age of employees will be 16 years, except in hazardous occupations where the minimum will be 18 years.

### ECONOMIC EFFECT OF CODE

The 40-hour week provided by the Code and adopted under the President's Re-employment Agreement, in addition to improved business, has increased employment in this Industry about 30 percent since June, 1933; or as high as the 1929 level, despite a drop in sales volume since 1929 of 22 percent. In June, working time averaged 50 hours per week and the maximum was 52 hours per week.

The minimum wage of 40 cents per hour and 16 dollars per week for a 5-day week for all factory employees, without exception, should result in an appreciably higher average pay for all workers, and will restore purchasing power to the 1929 level.

The manufacture of the drawing dies, which are used for the elongation and deformation of wire, rods, and tubes, is highly specialized, requiring workers who are especially trained. Dies are usually made of diamonds or tungsten carbide. The business of the 21 concerns in the industry in 1933 amounted to about \$2,000,000.

### 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 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 types 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.*

FEBRUARY 1, 1934.

# CODE OF FAIR COMPETITION FOR THE WIRE, ROD, AND TUBE DIE INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Wire, Rod, and Tube Die Industry, and shall be the standard of fair competition for such Industry, and shall be binding on every member thereof.

## ARTICLE II—DEFINITIONS

The term "wire, rod, and tube die industry" as used herein, includes the importation, manufacture for sale and sale by the manufacturer or importer of finished and semifinished drawing dies, which are tools used for the elongation or deformation of wire, rod, or tubing, which change the diameter and/or shape of the article drawn and are manufactured from diamonds, wear-resisting alloys, chilled iron and steel, and similar other hard and wear-resisting materials, also such related branches of subdivisions thereof as may hereafter be included under the provisions of this Code by the Administrator, after such hearing as he may prescribe.

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.

The term "employer" as used herein means any employer engaged in the Industry.

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

The term "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 "association" as used herein is defined to mean the Association of Wire, Rod, and Tube Die Manufacturers, Inc., or its successor.

The term "code authority" means the body constituted under Article VI hereof.

## ARTICLE III—HOURS

SECTION 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, or 5 days in any seven-day period, except as herein otherwise provided.

SEC. 2. The maximum hours and days in the foregoing section shall not apply to any employee on an emergency maintenance or emergency repair work involving breakdown or protection of life



or property, but in any such special case at least  $1\frac{1}{2}$  times his normal rate shall be paid for hours worked in excess of the maximum hours per day or per week herein provided.

SEC. 3. The provisions of this Article shall not apply to traveling salesmen or to persons employed in a managerial or executive capacity who regularly earn more than \$35.00 a week.

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

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid less than at the rate of 40 cents per hour. No person employed in clerical or office work shall be paid less than at the rate of \$16.00 per week.

SEC. 2. The above minimum rate of pay shall apply, irrespective of whether an employee is actually compensated on a time-rate, piece-work, or other basis.

SEC. 3. 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. 4. To the extent practicable, the wage rates of employees receiving more than the minimum wage rate shall be equitably adjusted, and in no case shall they be decreased as a result of this adjustment of hours, so that the existing differentials shall be maintained and, to the extent practicable, recognition shall be given to the desirability of maintaining earnings, provided such adjustment has not been made since June 16, 1933. Each member of the Industry shall report all such readjustments to the Code Authority within 30 days of the effective date of this Code.

SEC. 5. 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

##### MINIMUM AGE

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. 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 on or before February 15, 1934, a list of all such occupations.

SEC. 2. In compliance with Section 7 (a) of the Act it is provided as follows:

(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. 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. 4. No employer shall reclassify employees or duties of occupations performed, or engaged in any other subterfuge, for the purpose of defeating the provisions of the Act or of this Code.

SEC. 5. All employers shall post complete copies of Article III, IV, and V of this Code in a conspicuous place accessible to employees.

SEC. 6. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

## ARTICLE VI—ADMINISTRATION

### ORGANIZATION

SECTION 1. There shall forthwith be constituted a Code Authority consisting of not more than 5 members of the Advisory Committee of the Association, two representatives of the members of the Industry who are not members of the Association (Providing the nonmembers desire such representation and signify their willingness to pay their pro rata share of the cost of administering the Code), and one to three nonvoting appointees of the Administrator if he so desires. The representatives of the nonmembers shall be elected by the nonmembers in any fair manner approved by the Administrator.

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

SEC. 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may 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. 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 to be taken into consideration.

SEC. 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any members of the Code Authority be liable in any manner to anyone for any act or 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.

#### POWERS AND DUTIES

SEC. 6. The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right on review to approve or disapprove any action taken by the Code Authority.

(a) To 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 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 government 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 National Recovery Administration 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—PRICE LISTS

SECTION 1. If and when the Code Authority determines, subject to the disapproval of the Administrator, that in any branch or subdivision of the Industry it has been the generally recognized practice to sell a specified product on the basis of printed net price lists, or price lists with discount sheets, and fixed terms of sale, each manufacturer of such products shall, within ten (10) days after notice of such determination, file with the Code Authority a net price list, or a price list and discount sheet, as the case may be, individually prepared by him showing his current prices, or prices and discounts, and terms of sale, and the Code Authority shall immediately send copies thereof to all known manufacturers of such specified products. Revised price lists with or without discount sheets may be filed from time to time thereafter with the Code Authority by any manufacturer of such product, to become effective upon a date specified (to be a date not later than seven (7) days after the filing of such revised price lists), and copies thereof with notice of the effective date specified shall be immediately sent to all known manufacturers of such product, any of who may file, if he so desires, revisions of his price lists and/or discount sheets, which shall become effective upon the date when the revised price list or discount sheet first filed shall go into effect.

SEC. 2. If and when the Code Authority shall determine, subject to the disapproval of the Administrator, that in any branch or subdivision of the Industry not now selling its product on the basis of price lists, with or without discount sheets, with fixed terms of sale, the distribution or marketing conditions in said branch or subdivision are the same as or similar to the distribution or marketing conditions in a branch or subdivision of the Industry where the use of price lists, with or without discount sheets, is well recognized, and that a system of selling on net price lists or price lists and discount sheets with fixed terms of sale should be put into effect in such branch or subdivision, then each manufacturer of the product or products of such branch or subdivision shall, within twenty (20) days after notice of such determination, file with the Code Authority net price lists or price lists and discount sheets containing fixed terms of sale, showing his prices and discounts and terms of sale, and such price lists and/or discount sheets may be thereafter revised in the manner hereabove provided. Provided, that the Code Authority shall make no determination to place any product of the Industry (not on a price-list basis on the effective date of this Code) on a price-list basis, as provided in this paragraph of this Article, unless two thirds of the members of the industry who are at that time engaged in manufacturing such product shall affirmatively consent that such determination be made.

SEC. 3. No member of the Industry shall sell directly or indirectly, by any means whatsoever, any product of the industry covered by provisions of this Article at a price other than or at discounts other than or on terms of payment other than those provided in his own current net price lists or price lists and discount sheets, provided that nothing herein shall prevent the sale without restriction as to price of any such product to another member of the Industry.

SEC. 4. The Code Authority shall investigate the operations of this Article and shall within sixty (60) days after the effective date of the Code file with the Administrator recommendations for the adoption of appropriate regulations for the carrying out of the purpose of this Article VII.\*

#### ARTICLE VIII—UNFAIR TRADE PRACTICES

The following described acts constitute unfair practices and are forbidden:

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; provided, however, that nothing in this Section A shall 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. Procuring, otherwise than with the consent of any member of the Industry, any information concerning the business of such member which is properly regarded by it as a trade secret, or confidential within its organization.

C. Imitating or simulating any exclusive mark or brand used by any other member of the Industry.

D. Disseminating, publishing, or circulating any false or misleading information relative to any product or price for any product of any member of the Industry, or the credit standing or ability of any member thereof to perform any work or manufacture or produce any product, or to the conditions of employment among the employees of any member thereof.

E. Inducing or attempting to induce by any means any party to a contract with a member of the Industry to violate such contract.

F. Aiding or abetting any person, firm, association, or corporation in any unfair practice described in this Article.

G. Making or giving to any purchaser of any product of the Industry any guaranty or protection in any form against advances or declines in the market prices of such products.

H. Withholding from or inserting in any quotation or invoice any statement that makes it inaccurate in any material particular.

I. Granting secret rebates in the form of special services, discounts, advertising allowances, or free samples.

J. Fraudulent and deceptive practices, including false and misleading advertising, mislabeling, and misbranding.

\* See paragraph 2 of order approving this Code.

K. Enticing an employee of a competitor from his employment with the purpose of injuring or embarrassing such competitor in his business. Nothing herein shall prevent any employee from offering his services to a competitor, nor prevent any member from employing an employee of another member where the initiative in such change of employment comes from the employee.

L. Selling or offering to sell second-hand merchandise, unless expressly designated and represented as such to the purchaser or prospective purchaser.

#### ARTICLE IX—GENERAL

SECTION 1. This Code and all 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. Such of the provisions of this Code as are not required by the Act may, with the approval of the Administrator, be modified or eliminated as changes in the circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional Codes will be submitted for the approval of the 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 thereof.

SEC. 3. No provisions in this Code shall be interpreted or applied in such manner as to (1) promote monopolies or monopolistic practices; (2) Permit or encourage unfair competition; (3) eliminate or oppress small enterprises; or (4) discriminate against small enterprises.

SEC. 4. If any employer in this Industry is also an employer in any other Industry, the provisions of this Code shall apply to and affect only that part of the business of such employer which is a part of the Industry covered by this Code.

#### 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 possible, be limited to actual increases in the seller's costs.

#### ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the 10th day after its approval by the President and shall be binding upon every person engaged in the Industry either as an employer or on his own behalf.

Approved Code No. 250.  
Registry No. 1399-37.

Approved Code No. 251

**CODE OF FAIR COMPETITION**

FOR THE

**WITCH HAZEL INDUSTRY**

As Approved on February 1, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE WITCH HAZEL  
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 Witch Hazel 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.,  
*February 1, 1934.*

## REPORT TO THE PRESIDENT

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 Witch Hazel Industry, as proposed by the Witch Hazel Manufacturers Association. The public hearing was conducted in Washington on November 20, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

There are eight known firms in this Industry, all of which are members of the Association. In other words, the Association represents 100% of the Industry in volume and in number of firms.

### ECONOMIC AND STATISTICAL MATERIAL

The volume of sales for the last five years has not experienced any material fluctuation, having ranged between \$600,000 and \$700,000 a year. The number of employees in the Industry has also remained at practically the same figure of 500. Whereas the number of employees has remained approximately the same for the last five years and the Code contains provisions which substantially shorten the average work week, there should be a great increase in employment. The representatives of the Industry claim that the employment figures will be increased by 40% when the Code goes into effect. Coupled with increased employment within the Industry, there will also be an increased purchasing power for the individual employee under the Code.

The actual manufacture of witch hazel is confined to the winter months because only then is the witch hazel plant in the right condition for manufacturing. The enforced necessity for concentrated production is a problem with which the Code has had to deal.

### RÉSUMÉ OF CODE PROVISIONS

This Code establishes a 40-hour week with 8 hours additional during the limited season of distillation, provided such additional time shall be paid for at time and one third. The minimum rate of pay has been set at 35¢ per hour for all employees except office workers who are placed on a minimum of Fourteen (\$14.00) Dollars per week. There are exceptions to the maximum hour provisions for specified occupations but the only unusual exception is a still man who is limited to 30 hours per week except during the season of distillation, when he shall be permitted to work a maximum



of 72 hours per week. The still men are highly trained and skilled employees who hold the "secret" of the business; in fact, there are only twenty still men in 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 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.

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 1, 1934.

# CODE OF FAIR COMPETITION FOR THE WITCH HAZEL 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 Witch Hazel 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 "Witch Hazel Industry" (hereinafter called "the Industry"), as used herein includes the manufacture and primary distribution of distilled extract of Witch Hazel prepared or made from the Hamamelis Virginiana plant and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

The term "primary distribution" as used herein means the sale by a member of the Industry of the manufactured product of the Witch Hazel Industry.

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 "stillman" as used herein includes anyone engaged exclusively in the operation of a still.

The term "season of distillation" means the period when active distillation of Witch Hazel is practicable, which shall not exceed 20 weeks in 12 months from October first of any year.

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 said Act.

## ARTICLE III—HOURS

1. No employee, except outside salesmen and those specified in Sections 2, 3, 4, and 5 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, except that during the season of distillation a tolerance of 20% will be allowed; provided, that each employee be paid at least one and one third times his established rate for all hours worked in excess of 40 in any one week.

2. No office employee and no employee engaged in a managerial capacity receiving less than \$35.00 per week shall be permitted to work in excess of 44 hours per week as averaged over an 8-week period, and in no case shall such employee be permitted to work in excess of 48 hours in any one week. Employees receiving \$35.00 or more per week in an executive or managerial capacity are not subject to any hourly limitations.

3. No stillman shall be permitted to work in excess of 30 hours per week except during the season of distillation, when he shall be permitted to work a maximum of 72 hours per week to permit adjustment in the hours of work to the requirements of the continuous technical process in which he is engaged.

4. No watchman shall work or be permitted to work in excess of 56 hours in any one week as averaged over a two-week period.

5. No employee engaged in the collection of the Witch Hazel plant shall work or be permitted to work in excess of 54 hours in any one week.

6. The maximum hours fixed in the foregoing section shall not apply to any employee engaged in emergency work involving break-downs 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.

7. No employee shall be permitted to work in excess of six days in any consecutive seven day period.

8. No employer shall knowingly engage any employee for any time which when totaled with that already performed with another employer, or employers, exceeds the maximum permitted herein.

## ARTICLE IV—WAGES

1. No office employee shall be paid at less than the rate of \$14.00 per week.

No other employee shall be paid at less than the rate of 35¢ 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. To the extent practicable, adjustments shall be made in rates of pay above the minimum prescribed herein in order to preserve equitable differentials existing between the various occupations in the Industry, which shall be reported to the Code Authority on the effective date of this Code.

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 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.

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 law 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 or 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 constituted to administer this Code.

## 1. Organization and constitution of Code Authority.

(a) The Code Authority shall consist of three individuals, who shall be truly representative 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, 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) Every member of the Industry who qualifies as provided in section 5 of this Article shall be entitled to one vote in the nomination and election of members of the Code Authority. The proponents of the Code shall arrange for such nomination and election within fourteen days of the effective date. In the interim, the Code Committee of the Witch Hazel Manufacturers Association shall serve in the capacity of the Code Authority.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall

(1) impose no inequitable restrictions 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, or any sub-Code Authority.

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

(a) To present from time to time to the Administrator recommendations based on conditions in this Industry as they may develop which will tend to effectuate the policy of the Act and the operation of this Code.

(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 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.

(d) 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.

(e) The Code Authority may appoint and remove and fix the compensation of such employees, attorneys, accountants, and officers as it shall deem necessary or proper for the purpose of administering the Code.

(f) 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.

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. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any members 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 non-feasance.

5. 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 its administration. The reasonable share of the expenses of administration shall be determined by the Code Authority, subject to approval by the Administrator.

#### 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.

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 by the Code Authority to the Administrator and subject to 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—EFFECTIVE DATE

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

#### ARTICLE X—TERMINATION DATE

This Code shall terminate on June 16, 1935, or on such earlier date as the National Industrial Recovery Act shall cease to be effective.

Approved Code No. 251.

Registry No. 699-1-08.



Approved Code No. 252

CODE OF FAIR COMPETITION

FOR THE

CYLINDRICAL LIQUID TIGHT PAPER CONTAINER  
INDUSTRY

As Approved on February 1, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE CYLINDRICAL LIQUID  
TIGHT PAPER CONTAINER INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Cylindrical Liquid Tight Paper Container 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 VI, Sections 2 to 9, inclusive, 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 pending my further order; provided further, that within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate, and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code.

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

Approval recommended:

LEO L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Cylindrical Liquid Tight Paper Container Industry, conducted in Washington on November 27, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

This Code provides a 40-hour week for factory workers with a weekly tolerance of eight 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 an eight-week period.

The minimum wage rate in the North for hourly paid employees is 40¢ per hour for males and 35¢ per hour for females. In the South the minimum wage rate for hourly paid employees is 35¢ per hour for males and 30¢ per hour for females. Office employees will receive a minimum wage of \$16.00 per week in the North and \$14.00 per week in the South.

### OPEN PRICE PLAN

An open price plan of selling is provided, and selling below cost, except to meet competition, is prohibited.

### OTHER PROVISIONS

Provision is made for furnishing the Administrator with such statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry employed in 1929 about 700 persons and in 1933 approximately 800 persons. The number of plants in the Industry increased from 7 in 1928 to 11 in 1933. The October 1933 figure represent the dull season. The Industry has sharp seasonal peaks in the Spring and Summer months which are generally followed by abrupt declines. The products are in direct competition with other forms of packaging at all times. Therefore, in order to maintain employment and share available work during dull seasons the Industry must have sufficient flexibility of hours to permit its obtaining its share of business during peak seasons.

In March 1933 about 75% of the male laborers and about 90% of the female laborers received less than the proposed minimum wage rates. The total increase in payrolls as a result of the Code will be about 15%.



## 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.*

FEBRUARY 1, 1934.

## CODE OF FAIR COMPETITION FOR THE CYLINDRICAL LIQUID TIGHT PAPER CONTAINER 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 meaning herein set forth:

“Industry”—The manufacture of Cylindrical Liquid Tight Containers made completely of paper or with paper bodies and metal tops or bottoms, or both, up to and including liquid capacity of one (1) gallon.

“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 Administrator for Industrial Recovery under Title I in the Act.

### ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. The members of the Executive Committee of the National Association of Liquid Tight Paper Container Manufacturers, together with such person or persons as may be designated by the Administrator, 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, shall have no vote, and shall serve without expense to the Industry.

2. The said Association shall impose no inequitable restrictions on membership and shall file with the Administrator certified copies of any amendments of its By-Laws relating to eligibility or admission to membership in said Association, or relating to the method of selection of the members of such Executive Committee which said 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. If the Administrator shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended 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 not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

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 the 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 is hereby constituted the agency to endeavor to effect, by arbitral proceedings or otherwise, adjustments of contracts entered into by members of the Industry, where the costs of executing such contracts are increased through the application of the provisions of the Act or of this Code.

### 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: Fifty-six (56) hours in any one week, but not more than six (6) days in any seven (7) day period; or fifty-six (56) hours in any one week, but not to exceed eight (8) hours in any one day.

(b) Chauffeurs, truck drivers, and their helpers: One hundred eighty (180) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) hours in any one week shall be paid for as not less than time and one third.

(c) Engineers, firemen, electricians, filter plant employees, electric and hydroelectric operators: One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in any one day or forty-five (45) 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: Eight (8) hours in any one day and forty (40) hours in any one week, provided, however, that these maximum limits may be exceeded for any reason at any time provided that all time worked in excess of the maximums pre-

scribed shall be paid for as not less than time and one third, and provided further, that no employee shall be required or permitted to work in excess of ten (10) hours in any one day or forty-eight (48) hours in any one week.

(c) Employees regularly engaged in a managerial or executive capacity and their personal secretaries, foremen, and supervisors receiving thirty-five dollars (\$35.00) or more per week, outside salesmen and outside servicemen: No limitation.

(f) All other employees: Forty-eight (48) hours in any one week and not to exceed three hundred twenty (320) hours in any period of eight (8) 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, provided, however, that all time worked in excess of the limitations prescribed in said schedule shall be paid for as not less than time and one third.

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

#### 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 the territory of the United States except the States named in subdivision (b) hereof: Male labor, 40 cents per hour; Female labor, 35 cents per hour.

(b) In the Southern zone, which shall consist of the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas: Male labor, 35 cents per hour; Female labor, 30 cents per hour.

2. The minimum rates of wages for all other employees shall be as follows:

(a) In the Northern zone, as defined in Section 1 hereof, \$16.00 per week.

(b) In the Southern zone, as defined in said Section, \$14.00 per week.

(c) Part-time employees covered by the provisions of this section shall be paid at the rate of not less than 40¢ per hour in the North and 35¢ per hour in the South.

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

4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. The Code Authority shall, within 90 days after the effective date of this Code, file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof the Code Authority shall report to the Administrator the action taken by all members of the Industry under this section.

6. Office boys and girls under 18 years of age, to the extent of no more than 5% of the total number of employees described in Section 2 hereof, may be employed at a wage of not less than 80% of the minimum prescribed by said Section, provided that at least one such office boy or girl may be employed by each member.

7. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority 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. The provision of this Section requiring a certificate of authority shall not become effective until sixty days after the effective date of this Code.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within sixty (60) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor or their agents in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. No employee and no one seeking employment shall be required, as a condition of employment, to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

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

4. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

5. All employers shall post copies of Article III, IV, and V of this Code in conspicuous places accessible to employees.

6. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

7. No provision in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are higher or the hours of labor are shorter, or both, than are those set forth in this Code.

8. The Code Authority shall make a study of conditions in the industry to determine the feasibility of the adoption of a shorter working week, and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator. The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code a plan for the stabilization and regularization of employment.

9. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

#### ARTICLE VI—ACCOUNTING-SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the industry and submit the same to the Administrator. When it shall have been approved by the Administrator every member shall use an accounting and costing system which conforms to the principles of and is at least as detailed and complete as such standard method.

2. The Code Authority may from time to time determine that an open-price plan of selling such product or products of the Industry as it shall specify shall be put into effect on such date as it shall fix. Notice of such determination shall be announced to all known members of the Industry who manufacture such products not less than 30 days prior to the date so fixed.

3. At least 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.

5. A revised schedule or schedules, or a new schedule or schedules, or a notice of withdrawal of a schedule previously filed may be filed by a member with the Code Authority at any time, provided, however, that any member who withdraws a schedule without substituting a new schedule therefor shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the schedule at any time thereafter on file which states the lowest price and the most favorable terms. Any schedule or notice filed hereunder shall become effective five days after the date of filing; provided, however, that an increased price may become effective at such earlier date as the member filing the same shall fix.

6. The Code Authority shall promptly supply all members of the industry who manufacture any particular product with copies of all schedules, revised schedules, and notices of withdrawal, which pertain to such product. Immediately upon receipt of information relative to the withdrawal of a price for any product, any member may file notice of withdrawal of his own price for the same product effective as of the same date as the notice of withdrawal of such other member. Immediately on receipt of information that a schedule then on file has been revised, or that a new schedule has been filed, any member may file a revised schedule conforming as to price and terms to the schedule of such other member, and effective on the same date, or he 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 after the withdrawal or revision upward of the price adopted.

8. No member who shall have filed a price, or adopted as his own, a price filed by another member for any product of the Industry, shall sell such product for less than such price or upon terms or conditions more favorable than stated in such price schedule. No member, who shall have failed to file a price for any product for which the open price plan is in effect, shall sell such product at a lower price or on terms more favorable than the lowest price and most favorable terms stated in any price schedule for such product then on file.

9. The Code Authority shall furnish at cost to any nonmember requesting them, copies of any price schedules which have been filed with it. Such price schedules shall be made available to nonmembers at the same time that they are sent to members.

10. No member shall sell any product of the Industry for which no open price plan is in effect at less than the cost thereof to such member, determined as provided in Section 11 hereof, except to meet the price of a competitor whose price does not violate such Section.

11. Cost, for the purposes of this Article, shall be determined pursuant to the method of accounting and costing prescribed as

provided in Section 1 hereof as soon as such method is adopted and approved, and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe with the approval of the Administrator.

12. For the purpose of determining whether Sections 7 and 10 hereof have been complied with, every member shall, upon the request of the Code Authority, furnish a designated agency of the Code Authority in respect to closed transactions only with complete information in regard to any quotation, order, contract, or sale of any product of the Industry, including information as to specifications, quantities, price, conditions of storage, transportation or delivery, terms of billing, cash or trade discounts allowed, and other pertinent facts relating to such quotation, contract, or sale.

13. Nothing herein contained shall be construed to prevent the disposition of distress merchandise required to be sold to liquidate a defunct or insolvent business or of discontinued lines, damaged goods, or seconds, in such manner, as such price and such terms and conditions as the Code Authority and the Administrator may approve.

14. Nothing herein contained shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this Code.\*

#### ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe, such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled order, 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, accounts, and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the current publication of industry statistics to members.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

4. In addition to information required to be submitted to the Code Authority there shall be furnished to Government Agencies

\* See paragraph 2 of order approving this Code.



such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

#### ARTICLE VIII—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 IX—RECOMMENDATIONS

1. The Code Authority may, from time to time, present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the act, and in particular along the following lines:

(a) For the establishment of additional rules of fair trade practice for the Industry and for the modification of its trade customs and the enforcement thereof.

(b) For the establishment of plans to equalize production with demand so that the interests of the Industry and the public may be properly served.

(c) For dealing with any other inequality that may arise to endanger the stability of the Industry and of production and employment.

(d) For an increase or decrease in the number of Industry members of the Code Authority and/or for a change in the method of choosing such members.

2. For the purpose of assisting the Code Authorities of the Paper Manufacturing and/or Converting Industries in the adjustment of all labor disputes and labor complaints arising within such industries, the Code Authority shall consider the advisability of creating a Joint Industrial Relations Board for such Industries and shall report its recommendations to the Administrator.

3. Recommendations made pursuant to Sections 1 and 2 hereof when approved by the Administrator shall have the same force and effect as other provisions of this Code.

#### ARTICLE X—TRADE PRACTICES

1. The following are hereby constituted Trade Practices for the Industry and failure to comply with the provisions thereof shall be a violation of this Code.

(a) Members of the Industry shall not practice deception in regard to that which is sold or its selling price by false or misleading description, statement, record, or undisclosed consideration.

(b) Members shall refrain from dumping, deferred delivery, extension of stated credit, and secret rebates.

(c) Members shall not wilfully injure by falsely defaming a competitor's goods, credit, or ability to perform his contracts.

(d) Members shall not wilfully induce or attempt to induce the breach of a competitor's contract.

(e) No member shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding

the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. The foregoing provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

(f) No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry require the practice.

2. *Discrimination.*—By the use of wholesalers as sales agents, whereby such selected wholesalers are sold at special prices below those given other wholesalers for a like quantity in one shipment; or the giving of such wholesalers' discounts, commissions, terms, and/or conditions of sale different from those extended other wholesalers in the same competitive territory for a like quantity; is discrimination, unfair trade practice, and a violation of the provisions of this Code. The term "wholesaler" is defined as being a corporation, partnership, or person engaged in the buying of merchandise for resale to the various classifications of the trade such as jobbers, manufacturers, dairies, retailers, consumers, etc.

3. In the event of a demand upon any member for a container not previously or regularly manufactured and not included in members' previously filed schedules and definitions, the member may set up temporary price bearing a relationship in a normal ratio to the capacity, dimensions, weight of stock, etc., of nearest comparable size or sizes included in the filed schedules and such price shall simultaneously be filed by the member with the Code Authority.

(a) Members are responsible for the Acts of their sales representatives or sales agents in respect to all provisions of this Code pertaining to sales and specifically as provided in Sections 2, 3, and 4 Article VI. Violations of the provisions of this Code as pertaining to sales by Members' sales representatives or Sales Agents constitute a violation on the part of the Member.

(b) The giving by Members or their representatives or sales agents of secret commissions, secret or open rebates, refunds or credits in the form of money, presents, free goods, advertising allowances or otherwise for the purpose of inducing sales or contracts, is a direct violation of the provisions of this Code.

(c) Members' sales representatives or sales agents are persons, partnerships or corporations employed by a Member or Members on whole or part-time basis; and compensated on the basis of salary, commission, both salary and commission or otherwise.

5. Members desiring to employ as sales representatives persons, partnerships, corporations, brokers, or commission merchants on a part-time basis must first apply to the Code Authority for approval of such employment. The principle of this section being to prevent Members from employing as sales representatives concerns who buy merchandise for their own account, for their associates, employers, partners, or subscribers, thereby securing a commission or other compensation from a Member or Members covering purchases for their own account or for the benefit of their connections.

## 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 Administrator, be modified and eliminated as changes in circumstances or experience may indicate.

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

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code No. 252.

Registry No. 406-10.





Approved Code No. 253

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**ANIMAL SOFT HAIR INDUSTRY**

As Approved on February 2, 1934

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**ORDER**

APPROVING CODE OF FAIR COMPETITION FOR THE ANIMAL SOFT HAIR  
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 Animal Soft Hair 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.,  
*February 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Animal Soft Hair Industry, submitted by the American Soft Hair Manufacturers Association, Inc., located at 545 Fifth Avenue, New York, N. Y., was conducted in Washington on the 6th of December, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 95 percent of the Industry.

The maximum hours permitted under this Code are forty (40) per week, with the exception of combing machine operators, receiving more than \$35.00 per week, who are permitted to work forty-eight (48) hours per week. No employee engaged in processing operations shall be permitted to work more than five (5) days per week. Working daily hours are limited to those between 8:00 a.m. and 5:30 p.m. with 1 hour for lunch.

The minimum rate of pay is 37½¢ per hour except combers, who will receive not less than 50¢ per hour. Provision is made for an equitable adjustment of all wages above the minimum. Where female employees perform the same work as male employees they are to receive the same rate of pay.

This industry consists of only 10 establishments, all located in the City of New York. The invested capital in this Industry in 1933 is estimated to be \$125,000.00. The average sales represent 23% of the maximum production of which this industry is capable.

This industry imports animal soft hair from China, Russia, and Germany because the domestic supply is not large enough. This imported hair represents about 10% of the hair used by this industry. The outlets for this industry are brush manufacturers, furriers, and jobbers, named in the order of volume used.

The proposed Code will increase employment approximately 20% and will mean an average wage increase of \$2.78 per week per employee.

### 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 indus-

try 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.*

FEBRUARY 2, 1934.

# CODE OF FAIR COMPETITION FOR THE ANIMAL SOFT HAIR 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 Animal Soft Hair Industry and shall be the standards of fair competition for this industry and binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Animal Soft Hair Industry" as used herein, shall mean the processing for sale and sale by the processor of animal soft hair to be used in the manufacture of brushes and/or other products, and 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.

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 "Act" and "Administrator" as used herein shall mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

## ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any one day, except as otherwise herein provided.

(a) Combing machine operators who receive more than thirty-five dollars (\$35.00) per week shall be permitted to work forty-eight (48) hours in any one week and ten (10) hours in any one day.

2. The recognized hours of work shall be between 8:00 a.m. and 5:30 p.m. with one (1) hour for lunch.

3. Employees engaged in any processing operation shall not be permitted to work more than five (5) days in any seven (7) day period.

4. Members of the industry, owners, partners, officers, etc., while doing productive work, shall be governed by the provisions of this Article.



5. The maximum hours herein established shall not apply to members of the industry when engaged in an executive, administrative, or supervisory capacity.

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

1. No employee shall be paid, in any pay period, less than at the rate of thirty-seven and a half cents ( $37\frac{1}{2}\text{¢}$ ) per hour, except combiners who shall be paid not less than fifty cents ( $50\text{¢}$ ) per hour.

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

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. 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 the 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 sixteen (16) years of age shall be employed in this industry; nor anyone under eighteen (18) years of age at operations or occupations which are 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 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 interference, restraint, or coercion of employers of labor, or their agents, 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 on 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 as they existed on October 1, 1933, or engage in any other

subterfuge, for the purpose of defeating the purposes of the Act or of this Code.

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

5. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment.

6. All employers shall post and keep posted complete copies of this Code in conspicuous places accessible to employees.

#### ARTICLE VI—HOME WORK

1. On and after the effective date homework in this industry is hereby prohibited.

#### ARTICLE VII—ADMINISTRATION

##### ORGANIZATION AND CONSTITUTION

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this code and shall consist of five (5) members to be chosen by the industry through a fair method of selection, approved by the Administrator, to serve for a period of one year from the date of their selection. The Administrator in his discretion may appoint not more than three (3) additional members without vote, and without compensation from the industry to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

(a) Vacancies in the personnel of the Code Authority selected by the industry shall be filled, pending selection as provided for the appointment of original members, through approval by the Administrator upon nomination of the Code Authority.

2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority 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, together with such other information as to memberships, organization and activities as the Administrator may deem necessary to effectuate the purpose of the Act.

3. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may 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.

4. No inequitable restrictions on admission to the American Soft Hair Manufacturers Association, Inc., or any other trade association or organized group, participating in the activities of the Code Authority shall be imposed, and any member of the industry shall be eligible for membership in any such trade association or organized

group upon compliance with the provisions of the bylaws relating to membership, provided that any person applying for such membership shall, in addition to the payment of such dues as are imposed upon and paid by all other members, accept a reasonable and equitable share of the cost of code administration. Such members of the industry who do not choose to become members of any trade association or organized group may participate in the activities of the Code Authority as herein provided by paying to the Code Authority such proportionate part of the cost of code administration as the Code Authority, subject to the approval of the Administrator, shall prescribe as fair and 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, except for his own misfeasance or nonfeasance.

#### POWERS AND DUTIES

6. The Code Authority shall have the following further powers and duties to the extent permitted by the Act.

(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 amendments, exceptions, or modifications, which amendments and/or modifications, upon approval by the Administrator, after such notice and hearing as he may prescribe, shall have the same force and effect as any other provision of the Code.

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of this Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(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 this industry who assent to this Code and/or participate in the activities of the Code Authority such proportionate payment of the reasonable expense of maintaining the Code Authority as may be determined by the Code Authority and approved by the Administrator.

(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) Each member of the industry shall keep an accurate record of all transactions sufficient in detail as shall be prescribed by the Code Authority, with the approval of the Administrator.

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 (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 VIII—SALES PROVISIONS

1. No member of this industry shall sell, except to another member of the industry, any product thereof at a price below his own individual cost of production, provided, however, that in any specific instance in order to meet competition he may sell such product at a price not below the lowest price of a comparable item on file with the Code Authority.

#### ARTICLE IX—PRICE LISTS

1. Each member of this industry shall file a schedule of his prices and discounts with the Code Authority to become effective immediately upon receipt by the Code Authority; such original schedule may, from time to time, be revised by filing with the Code Authority a revised schedule of such prices and discounts to become effective in the same manner as provided for original schedules.

2. All schedules filed in accordance with the provisions of this Article shall be based upon an adequate cost finding method prescribed by the Code Authority and approved by the Administrator.

(a) Discontinued, obsolete, or distress merchandise may be sold with the approval of the Code Authority upon such terms and conditions as it may require; appeal from the decision of the Code Authority upon any application for the sale of such merchandise may be had direct to the Administrator and the decision of the Administrator in such case shall govern the sale and disposal of the merchandise covered by such application.

## ARTICLE X—TRADE PRACTICES

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

(a) 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.

(b) No member of the industry shall make any statement or publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

(c) 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) 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.

(e) 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 anyway 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 of the nature, or form of the business conducted.

## 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 or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President, unless otherwise provided.

## ARTICLE XII—MONOPOLIES, ETC.

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

## ARTICLE XIII—PRICE INCREASES

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 XIV—EFFECTIVE DATE

1. This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 253.  
Registry No. 1627-05



CODE OF FAIR COMPETITION

FOR THE

ATHLETIC GOODS MANUFACTURING INDUSTRY

As Approved on February 2, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE ATHLETIC GOODS  
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 Athletic Goods 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 that the continued participation of each of the trade associations participating in the selection or activities of the Code Authority after thirty days from the effective date of this Code shall be contingent upon their amending their respective constitutions and bylaws to the satisfaction of the Administrator; and provided further, that within ninety days I may direct that there be a further hearing on such of the provisions of said Code as I may designate, and that any order which I may make after such hearing shall have the effect of a condition on the approval of said Code.

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

Approval recommended:

GEO. L. BERRY,

*Division Administrator.*

WASHINGTON, D.C.,

*February 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: A public hearing on the Code of Fair Competition for the Athletic Goods Manufacturing Industry was conducted in Washington on November 10, 1933, in accordance with the provisions of the National Industrial Recovery Act. This Code was submitted by the Athletic Goods Manufacturers Association, located in New York; the National Association of Golf Club Manufacturers, located in New York; the Golf Ball Manufacturers Association, located in Providence, Rhode Island; the Athletic Shoe Manufacturers Association, located in Cincinnati, Ohio; the Tennis Racket Manufacturers Association, located in North Attleboro, Massachusetts; and the Golf Bag Manufacturers Association, located in Chicago, Illinois. These Associations claim to represent approximately 87 percent of the Industry.

After the Code was submitted by the above-named Associations the Sporting Goods and Athletic Wear Association signified their desire to come under the provisions of the Code for the Athletic Goods Manufacturing Industry. They were represented at the hearing and participated in the formulation of this Code.

The maximum hours established in this Code are forty (40) per week for employees engaged in accounting, clerical, stenographic, or similar work, with a provision for sixteen (16) additional hours in any chosen thirteen (13) week period. Employees engaged in plant, factory, or mechanical work are not permitted to work in excess of 1,040 hours in any six (6) month period, and are to be paid time and one third for all hours worked in excess of eight (8) hours in any one day or forty-four (44) in any one week, and that no such employee shall be permitted to work in excess of ten (10) hours in any one day or forty-eight (48) hours in any one week.

Exceptions as to hours are granted to employees in an executive, managerial, supervisory, or technical capacity, and their immediate assistants, who receive \$35.00 per week or more, and to outside salesmen and emergency workers. Chauffeurs, engineers, firemen, water tenders, oilers, or maintenance men are not permitted to work in excess of forty-eight (48) hours per week. The maximum hours for watchmen are fifty-six (56) per week.

In 1929 this Industry operated approximately fifty (50) hours per week and in 1931 approximately forty-eight (48) hours per week. During 1929 approximately 10,793 wage earners were employed in the Industry and in 1931 there were approximately 10,176 wage earners. It is estimated that a forty-five (45) hour week would bring employment back to the 1929 level. This Industry should be commended on the establishment of a forty (40) hour week, inasmuch



as it will employ even more workers than were employed in 1929. On the basis of the forty (40) hour week approximately 2,035 workers will benefit through reemployment.

The Code establishes minima ranging from \$14.00 to \$15.00 per week according to locality, and provides for adjustment of wages above the minimum. The minimum wage for employees paid on an hourly basis is thirty-five (35) cents per hour, with exceptions for workers between 16 and 21 years of age who are engaged in light work, such as messengers and junior clerks; also for beginners and apprentices. The minimum for these classes of employees is twenty-eight (28) cents per hour. Handicapped persons doing light work and whose earning capacity is limited may be employed at rates below the minimum, provided the employer obtains a certificate from the State authority designated by the United States Department of Labor. The number of these subminimum employees is not to exceed 10 percent of the total number of a member's employees. Provision is made that female employees performing substantially the same work as male employees shall receive the same rate of pay. A wage differential of two and one half cents per hour is allowed for the Southern district.

Home work is to be eliminated from this Industry, except that for a period of one year from the effective date of this Code low-grade baseballs and playground balls may be sewn at home, provided that the compensation therefor is not less than the rate of pay in effect for such work on July 15, 1929, plus an increase of 20 percent. It is further provided that the Code Authority shall investigate the home work problem within ninety days after the effective date of this Code and report its findings to the Administrator. It would seem inadvisable to entirely eliminate home work at this time for the reason that it would not increase employment in the industry and would only serve to work a hardship on several small communities where this type of work is being done on an extensive scale.

Wages in this Industry represented 22.5 percent of the value of products in 1929, as compared with 16.5 percent for all industries combined. In 1931 wages in this line of activity represented 22.8 percent of the value of products, as compared with 17.5 percent for combined industries.

Wage earners in 1931, on a 48-hour basis, were paid an average of 44.2 cents per hour, or \$21.22 per week.

The increase in price to the purchaser should not represent more than 12 percent by the increased wage rates and shortened hours. If wages in this Industry are maintained at the 1929 hourly average, i.e., 46.8 cents per hour, and on the basis of a 40-hour week, the total pay roll would increase approximately three million dollars, or 26.5 percent, over the 1931 pay roll total.

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 pro-

vide 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 trade associations truly representative of the aforesaid Industry; and that participation in the selection or activities of the Code Authority after thirty days from the effective date of this Code shall be contingent upon their amending their respective constitutions and bylaws to the satisfaction of the Administrator.

(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 affective, practical, equitable solution for this Industry and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 2, 1934.

# CODE OF FAIR COMPETITION FOR THE ATHLETIC GOODS 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 Athletic Goods Manufacturing Industry and shall be the standard of fair competition for this Industry and binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Athletic Goods Manufacturing Industry", as used herein, includes all manufacturers who produce and/or wholesalers who import athletic goods, but does not include retailers, whether or not they are also importers of athletic goods.

2. The term "Athletic Goods", as used herein, includes all the balls, implements, and equipment used in any or all of the athletic games or sports enumerated below; excepting those used for the building and/or maintenance of the courts, fields, grounds, and pools where such games are played:

(a) Golf.

(b) Tennis, court tennis, badminton, racquets, squash racquets, squash tennis, handball.

(c) Football, Basket Ball, Soccer, Rugby Football, Volley Ball, Water Polo, and all other athletic games using an inflated ball.

(d) Baseball, including all variations thereof, played with a hard or soft ball and bat.

(e) LaCrosse.

(f) Polo and hockey, including all variations thereof, excepting skates.

(g) Track and Field Athletics.

(h) Boxing and Wrestling.

(i) Archery.

(j) Cricket.

(k) Felt and/or chenille emblems, letters, and pennants. The term also includes gymnasium and playground equipment, medicine balls, uniforms used for athletic purposes (except the juvenile sizes used as play suits); and other similar athletic wear manufactured exclusively for athletic purposes; and especially constructed track shoes and athletic shoes worn by players in the games of baseball and football only.

3. The term "Employee", as used herein, includes any person engaged in any phase of the industry, in any capacity, irrespective of the method of payment of his compensation, except a member of the industry.

4. The term "employer", as used herein, includes anyone for whose benefit such an employee is so engaged.

5. 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.

6. The term "piecework basis" includes all payment of wages by pieces or quantity produced, including all modifications of piecework basis such as the Bedeau System of Wage Payments.

7. The term "wage" shall be defined as the rate of pay per hour to those whose services are paid on that basis.

8. The term "salary" shall be defined as the amount paid per week to those whose services are paid on this basis.

9. Population for the purpose of this Code shall be determined by reference to the 1930 Federal census.

10. The term "southern district" as used herein, means the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Tennessee, Kentucky, Oklahoma, Arkansas, Texas, New Mexico, and Arizona. The Northern district includes all other states and the District of Columbia.

### ARTICLE III—HOURS

SECTION 1. No employee engaged in accounting, clerical, stenographic, or similar work, shall be permitted to work in excess of forty (40) hours per week, except that any such employee may be permitted to work sixteen (16) additional hours in any chosen consecutive thirteen (13) weeks' period but in no event more than forty-eight (48) hours in any one week.

SEC. 2. No employee engaged in any plant, factory, or mechanical work shall be permitted to work in excess of one thousand forty (1,040) hours in any six (6) months' period, provided that time and one third shall be paid for all time worked in excess of eight (8) hours in any one day, or 44 hours in any one week, and provided further, that no such employee shall be permitted to work in excess of ten (10) hours in any one day nor in excess of forty-eight (48) hours in any one week.

SEC. 3. The maximum hours specified in Sections 1 and 2 of this Article shall not apply to:

(a) Employees in an executive, managerial, supervisory, or technical capacity, and their immediate assistants who receive a salary of \$35.00 per week or more.

(b) Outside salesmen.

(c) Employees on emergency maintenance or emergency repair work; nor to employees whose work may be directly affected by such emergencies.

(d) Chauffeurs, engineers, firemen, water tenders, oilers, or maintenance men, who shall not be permitted to work more than forty-eight (48) hours in any one week.

(e) Employees engaged wholly or partially in performing the functions of wholesale distribution (excluding, however, those employees engaged in manufacturing or production operations) shall

not be permitted to work in excess of forty-eight (48) hours in any one week.

(f) No watchman shall be permitted to work in excess of fifty-six (56) hours in any one week.

SEC. 4. 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 AND SALARIES

SECTION 1. No employee receiving a salary shall 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 per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; nor less than \$14.00 per week in any other locality.

SEC. 2. No employee on a wage basis shall be paid less than thirty-five cents (35¢) per hour, except as follows:

(a) Employees over sixteen (16) and less than twenty-one (21) years of age engaged in doing light work, such as the duties of messengers, junior clerks and the like, and beginners or apprentices who have had no previous experience or employment in the industry, shall be paid not less than twenty-eight cents (28¢) per hour. No employer shall knowingly employ or continue to employ any person as a beginner or apprentice who has worked in this industry for a period of ten (10) weeks, whether for one or more employers.

(b) The minimum rates of compensation for all employees in the southern district may be less than those provided in this section by not to exceed two and one half cents (2½¢) per hour.

(c) 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. 3. The number of employees of any member of the industry receiving wages as provided under Sections 2 (a) and 2 (c) of this Article shall not exceed ten percent (10%) of the total number of such member's employees.

SEC. 4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SEC. 5. This Article establishes a minimum rate of pay which shall apply irrespective of whether an employee is compensated on a time rate, piece-work performance, or other basis.

SEC. 6. No employer shall permit work of any kind to be performed in any home or homes or outside of a factory, workshop, or the like, except that for a period of one year from the effective date of this Code, low-grade baseballs made with compressed cottonseed or

sweepings or compressed felt scraps, and playground balls made from scrap felt or other similar cheap waste material may be sewed in a home or homes, provided, however, that the compensation therefor shall be not less than the rate of pay in effect on July 15, 1929, plus an increase of twenty percent (20%), and provided, further, that the rates of compensation to be paid for such work shall have the approval of the Code Authority and be uniform throughout the industry. Within ninety (90) days after the approval of this Code, the Code Authority shall make or cause to be made a study of the practicability of elimination of home work insofar as possible and shall report its findings to the Administrator.

SEC. 7. 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 notwithstanding that the hours of work of such employment may be reduced and unless such adjustments have already been made since June 16, 1933, 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

SECTION 1. *Child Labor.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. 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, 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. *POSTING.*—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.

## 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 administration of this Code and shall consist of twelve (12) members, or such other member as may be approved from time to time by the Administrator to be chosen by the Industry as hereinafter provided through a fair method of selection approved by the Administrator:

Subsection (a) Two members of the Code Authority to be selected by the Athletic Goods Manufacturers Association; one member to be selected by the National Association of Golf Club Manufacturers; one member to be selected by the Golf Ball Manufacturers Association; one member to be selected by the Tennis Racket Manufacturers Association; one member to be selected by the Athletic Shoe Manufacturers Association; one member to be selected by the Golf Bag Manufacturers Association; one member to be selected by the Sporting Goods and Athletic Wear Association; one member to be selected by the manufacturers of Tennis Balls; and not more than three members to be selected by those members of the industry who wish to participate in the activities of the Code Authority, who assent to and agree to abide by the provisions of this Code, but who are not members of any of the above mentioned groups.<sup>1</sup>

SEC. 2. Pending the selection of the Code Authority, as prescribed in the foregoing Section, the Administrator shall appoint a Committee to act as a temporary Code Authority for a period not to exceed sixty (60) days from the effective date of this Code.

SEC. 3. 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. 4. 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. 5. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply

<sup>1</sup> See paragraph 2 of Order approving this Code.

with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper, and thereafter, if he shall find that the Code Authority is not truly representative, or does not in other respects comply with the provisions of the Act, he may take such action as he may deem necessary under the circumstances.

SEC. 6. Any member of the industry shall be eligible for membership in any 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 such membership shall, in addition to the payment of such dues as are imposed upon and paid by all other members, accept a reasonable and equitable share of the cost of code administration. Such members of the industry who do not choose to become members of any trade association or organized group may participate in the activities of the Code Authority as herein provided by paying to the Code Authority such proportionate part of the cost of code development and administration as the Code Authority, subject to the Administrator's approval, shall prescribe to be fair and equitable.

SEC. 7. *Powers and Duties.*—The Code Authority shall have the following duties and powers to the extent permitted by the Act:

(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 cooperate with the Administrator in making investigations as to the functioning and observance of any provisions of this Code at its own instance or upon complaint by any person, and to 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 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.

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

(f) To make recommendations to the Administrator for the coordination of the administration of this Code with such other Codes, if any, as may be related to this industry, with a view of permitting joint action upon matters of common interest.

(g) 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 reasonable expense of maintaining the Code Authority as may be determined by the Code Authority and approved by the Administrator.

(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. 8. 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 represented to him by any interested party, as unfair to any private interest, improper, or contrary to the public interest, may be suspended by the Administrator for such period of time, not to exceed thirty days, as he may deem necessary to afford an opportunity for investigation into such action. Further action by the Code Authority or of any agency thereof, may be held in abeyance by the Administrator pending his final determination of the matter under investigation.

#### ARTICLE VII—UNFAIR TRADE PRACTICES

The following practices enumerated in this Article VII shall constitute unfair methods of competition for all members of the industry and are prohibited. In addition thereto the practices listed in Schedules A, B, C, and D attached hereto and are made a part of this Code shall apply, respectively, to the following divisions of the Industry:

Schedule A shall apply only to manufacturers who produce and/or wholesalers who import balls, implements, and equipment used in any or all of the athletic games and sports enumerated below, except those used for the building and/or maintenance of the courts, fields, grounds, and pools where such games are played.

(a) Football, basket ball, soccer, rugby football, volley ball, water polo, and other athletic games using an inflated ball.

(b) Baseball, including all the variations thereof, played with a hard or soft ball and bat.

Schedule B shall apply only to manufacturers who produce and/or wholesalers who import golf balls and golf clubs.

Schedule C shall apply only to manufacturers who produce and/or wholesalers who import tennis racquets and tennis frames, including racquets and frames for the following related games: Court tennis, badminton, racquets, squash racquets, and squash tennis.

Schedule D shall apply only to manufacturers who produce and/or wholesalers who import especially constructed athletic shoes as defined in Article II, Section 2 of this Code.

SECTION 1. 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, 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. No member of the industry shall pay any money or make any gifts to athletic organizations, leagues, associations, athletes, or persons prominent in any of the various lines of sport to induce such athletic organizations, leagues, associations, athletes or persons to use, recommend, or adopt as "official" the athletic goods or equipment of such member, and then advertise that such athletic organizations, leagues, associations, athletes, or persons use, recommend, or have adopted as "official" such athletic goods or equipment without disclosing that such organizations, leagues, associations, athletes, or persons were the recipients of money or gifts from such member, with the tendency to injuriously affect the business of competitors.

SEC. 3. No member of the industry shall advertise that the winners of athletic competitions, or other individuals prominent in any of the various branches of athletics, use or have used the athletic goods or equipment of said member where such use is or has been induced by gifts or payments of money or is in any way obligatory, unless such advertisement shall also show that such winners or other individuals were the recipients of gifts or payments from such member or were obligated to use such athletic goods or equipment, where the tendency is to injuriously affect the business of competitors.

SEC. 4. No member of the industry shall give anything of value to any person employed in a capacity involving special trust (such as instructor, director of athletics, or advisor in any particular line of sports) without the knowledge of his employers, upon the condition or understanding, expressed or implied, that its goods be recommended or used by such person in preference to the athletic goods or equipment of a competitor or competitors of such member, with the tendency to injuriously affect the business of competitors; provided, that nothing in this section shall prevent any member of the industry from selling its goods to any such person upon whatever terms it sees fit, but without any condition or understanding, expressed or implied, as to the recommendations or use of said athletic goods or equipment, and provided, further, that nothing in this section shall be construed to alter in any way the provisions of Section (1) of this Article.

SEC. 5. No member of the industry shall use the names of prominent athletes on athletic goods or equipment used in the particular branch of athletics engaged in by said athletes when said athletes did not design or do not bona fide endorse or do not themselves bona fide use said athletic goods or equipment, and where from the use of said means there is a tendency and capacity to induce purchasers of said athletic goods or equipment to purchase said athletic goods or equipment in the belief that the same are bona fide used or endorsed, or were designed by said athletes, with the tendency to injuriously affect the business of competitors, provided that nothing contained herein shall be construed to deprive any person of any right which may be enjoyed under any existing law.

SEC. 6. No member of the industry shall falsely advertise or falsely represent that an athlete prominent in a particular line of sports or athletics, designed or uses or endorses certain athletic goods or equipment, with the tendency and capacity to deceive purchasers or pro-

spective purchasers and the tendency to injuriously affect the business of competitors.

SEC. 7. No member of the industry shall lease, sell, or contract to sell athletic goods or equipment, whether patented or unpatented, for use, consumption, or resale within the United States, or fix a price charged therefor, or discount from, or rebate upon such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the athletic goods or equipment of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

SEC. 8. No member of the industry shall either directly or indirectly discriminate in price between different purchasers of commodities, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce; provided, that nothing herein contained shall prevent discrimination in price between purchasers of the same class on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowances for differences in the cost of selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition; and provided further, that nothing herein contained shall prevent persons engaged in selling the products of this industry in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

SEC. 9. No member of the industry shall use on, or in any way in connection with the sale of, any of its athletic goods or equipment, the name, nickname, or initials of any athlete or person prominent in any line of sport when a competitor has previously acquired of the said athlete or person, and with his approval, the exclusive right and good will in and to said name, nickname, or initials for use on the same line of goods, and where the effect of the use by the said member of the industry of the said name, nickname, or initials is to deceive or tend to deceive the purchasing public as to the source or make of the said line of goods, and where the tendency is to injuriously affect the business of the competitor; provided that nothing contained herein shall be construed to deprive any person of any right which may be enjoyed under any existing law.

SEC. 10. No member of the industry shall maliciously induce or attempt to induce the breach of existing contracts between competitors and any athlete or person prominent in any line of sport relating to the use of said athletes' or persons' name, nickname, or initials, or maliciously interfere with or obstruct the performance of any such contractual duties or services with the purpose and effect of injuring or hampering such competitors in their businesses.

SEC. 11. No member of the industry shall mark or brand merchandise or the wrappings or packages thereof, for the purpose, or with the intent, or having the effect of misleading or deceiving the purchaser or consumer in respect to the quality, size, weight, or grade of the articles so marked or branded, or use materials or workmanship different or inferior to that claimed, stated, or implied in any mark or brand, label, wrapping, package, or advertisement.

SEC. 12. No member of the industry shall withhold from or insert in an invoice facts which make the invoice a false record wholly or in part of the transaction represented on the face thereof and/or pay or allow secret rebates, refunds, credits, or unearned discounts, whether in the form of money or otherwise.

SEC. 13. No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to harass 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.

#### 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 said Act.

SEC. 2. This Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the 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 second Monday after its approval by the President.

Approved Code No. 254.  
Registry No. 1657-1-04.

# SCHEDULES

## SCHEDULE A

Additional unfair trade practices applicable only to manufacturers who produce and/or wholesalers who import balls, implements, and equipment used in any or all of the athletic games and sports enumerated below, except those used for the building and/or maintenance of the courts, fields, grounds, and pools where such games are played:

(a) Football, basket ball, soccer, rugby football, volley ball, water polo, and all other athletic games using an inflated ball.

(b) Baseball, including all the variations thereof, played with a hard or soft ball and bat.

### ARTICLE I

SECTION 1. No member of this division of the industry shall stamp the name "official" on other than top-grade conventional type of playground balls, footballs, soccer balls, or basket balls and volley balls, both inseam and outseam styles, and/or special balls provided that they are not sold at a lower price than his top-grade conventional type.

SEC. 2. No member of this division of the Industry shall offer for sale as "seconds", "defective", or as inferior quality merchandise, any products of this division which are in fact not defective or inferior in any material respect.

SEC. 3. No member of this division of the industry shall sell baseballs, playground balls, footballs, soccer balls, basketballs, or volley balls unless the said balls are branded, with a name or other mark of identification.

SEC. 4. No member of this division of the industry shall guarantee any of the products of this division except as to their freedom from defects affecting the quality, quantity, grade, or construction thereof, or replace for any other cause, any such product which has been used.

SEC. 5. No member of this division of the industry shall give trophies or other things of value for the adoption or use of any merchandise by any team, club, association, league, or educational institution, excepting only professional baseball leagues operating in organized baseball.

SEC. 6. No member of this division of the industry shall make any donation of balls or money to professional baseball leagues in excess of a schedule of donations when such schedules shall be agreed upon from time to time by this division of the industry and approved by the Administrator.

SEC. 7. No member of this division of the industry shall stamp the names "Official League", "National League", or "American League", on other than the manufacturer's finest quality baseballs, made of the best quality wool yarn containing at least 95% wool.

SEC. 8. No member of this division of the industry shall sell merchandise on more favorable terms of credit than the following:

(a) On current orders, 30 days net, 2% ten days or 2% 10th proximo.

(b) On advance spring orders shipped after November 1, and spring samples whenever shipped, March 31 dating, 2% if paid April 10th.

(c) On advance fall orders shipped after June 1st, and fall samples whenever shipped, September 30th dating, 2% if paid October 10th.

(d) The rate of discount allowed on prepayment of invoices shall not exceed 6% per annum.

(e) Past due accounts shall be subject to the legal rate of interest provided for by the laws of the State governing the operation of the contract of sale.

(f) Nothing in this Section shall be deemed to apply to credit terms on foreign or export sales.

SEC. 9. No member of this division of the industry shall knowingly imitate the trade marks, trade names, recognized trade numbers, slogans, or other marks of identification of competitors; provided that nothing contained herein shall be construed to deprive any person of any right which may be enjoyed under any existing law.

SEC. 10. No consignment shall be made either directly or indirectly that has for its purpose and/or effect the taking or securing of new business, and/or that has for its purpose or effect the taking or keeping business away from a competitor. It is the intent of this section, and it shall be so construed, to permit a manufacturer by consignment to keep his own customers who lack working capital in business, or to salvage an account.

## SCHEDULE B

Additional unfair trade practices applicable only to manufacturers who produce and/or wholesalers who import golf balls and golf clubs.

### ARTICLE I

SECTION 1. No member of this division of the industry shall replace the original brand, name, or trade mark on used golf balls which have been remade, rebuilt, or renewed, or offer for sale used golf balls which have been remade, rebuilt, or renewed, without marking on each ball and on the cartons and boxes in which they are packed, one of the following words: "Remade", "Rebuilt", or "Renewed".

SEC. 2. No member of this division of the industry shall offer for sale any products of this division as "seconds", "defective", or as of inferior quality merchandise, which is in fact defective or inferior in any material respect.

SEC. 3. No member of this division of the industry shall sell golf balls unless said balls are branded with a name or other mark of identification.

SEC. 4. No member of this division of the industry shall guarantee any of the products of this division, except as to their freedom from defects affecting the quality, quantity, grade, or construction thereof or replace for any cause any such product which has been used.

SEC. 5. No member of this division of the industry shall sell merchandise on more favorable terms of credit than the following:

(a) On current orders, 30 days net, 2% ten days or 2% 10th proximo.

(b) On advance spring orders shipped after November 1st and spring samples whenever shipped, March 31st dating, 2% if paid April 10th.

(c) The rate of discount allowed on prepayment of invoices shall not exceed 6% per annum.

(d) Past due accounts shall be subject to the legal rate of interest provided for by any existing laws governing the operation of the contract of sale.

(e) Nothing in this Section shall be deemed to apply to credit terms on foreign or export sales.

SEC. 6. No member of this division of the industry shall knowingly imitate the trade marks, trade names, recognized trade numbers, slogans or other marks of identification of competitors; provided that nothing contained herein shall be construed to deprive any person of any right which may be enjoyed under any state or Federal law.

SEC. 7. No consignment shall be made, either directly or indirectly, that has for its purpose and/or effect the taking or securing of new business and/or that has for its purpose or effect the taking or keeping business away from a competitor. It is the intent of this section and, it shall be so construed, to permit a manufacturer by consignment to keep his own customers who lack working capital in business or to salvage on account.

SEC. 8. No member of this division of the industry shall make gifts of any kind to any golf player, either professional or amateur, nor charge such person a lower price for merchandise than the price charged other customers of the same class; provided any manufacturer may employ any golf player at an annual salary of not less than \$1,500.00, each to play with the balls and/or clubs of said manufacturer in tournaments and/or exhibition play, and/or for the use of his name as a trade mark on golf clubs and/or golf balls. No deduction from said salary of \$1,500.00 per year shall be made for failure to win any one or several tournaments, nor shall the said salary of \$1,500.00 include any part of the prize money won by the said player.

## SCHEDULE C

Additional unfair trade practices applicable only to manufacturers who produce and/or wholesalers who import tennis rackets and tennis frames, including rackets and frames for the following related games: Court tennis, badminton, racquets, squash racquets, squash tennis.

### ARTICLE I

SECTION 1. No member of this division of the industry shall offer for sale as seconds or discontinued models, any rackets or frames which are not bona fide seconds or discontinued models. Such bona fide seconds or discontinued models shall be indelibly stamped with a steel stamp with the words "second" or "discontinued model" respectively.

SEC. 2. No member of this division of the industry shall guarantee any products of this division except as to their quality, quantity, grade or construction, and freedom from defects.

SEC. 3. No member of this division of the industry shall sell merchandise on more favorable terms of credit than the following:

(a) On current orders, 30 days net, 2% ten days, or 2% 10th proximo.

(b) On advance spring orders shipped after November 1st and spring samples whenever shipped, March 31st dating, 2% if paid April 10th.

(c) The rate of discount on prepayment of invoices shall not exceed 6% per annum.

(d) Past due accounts shall be subject to the legal rate of interest provided for by the laws of the State governing the operation of the contract of sale.

(e) Nothing in this Section shall be deemed to apply to credit terms on foreign or export sales.

SEC. 4. No consignment shall be made either directly or indirectly, that has for its purpose and/or effect the taking or securing of new business and/or that has for its purpose or effect the taking or keeping business away from a competitor. It is the intent of this section, and it shall be so construed, to permit a manufacturer by consignment to keep his own customers who lack working capital in business or to salvage an account.

SEC. 5. No member of this division of the industry shall make gifts of any kind to any tennis player, court tennis player, badminton player, racquets player, squash racquets player, squash tennis player, either professional or amateur, or charge such persons a lower price for merchandise than the price charged other customers of the same class, except that the first twenty men, twelve women, six juniors, four boys, and four girls, rank tennis players as per the ranking list of the preceding playing season of the U.S. Lawn Tennis Association, may be given free of charge tennis rackets, tennis racket frames, and restringing service; and further provided, any manufacturer may employ any tennis player or tennis professional at an annual salary of not less than \$1,000, each to play with the balls and/or tennis rackets of said manufacturer in tournaments and exhibition play, and/or for the use of his name as a trade mark on tennis rackets and/or tennis frames. No deduction from said salary of \$1,000 per year shall be made for failure to win any one or several tournaments, nor shall the said salary of \$1,000 include any part of the prime money won by the said player.

## SCHEDULE D

Additional unfair trade practices applicable only to manufacturers who produce and/or wholesalers who import especially constructed athletic shoes as defined in Article II, Section 2 of the Code for the Athletic Goods Manufacturing Industry.

### ARTICLE I

SECTION 1. No member of this division of the industry shall guarantee merchandise, except as to freedom from defect, quality, grade or construction, or replace for any other cause merchandise which has been used. No replacement or repairs free of charge shall be made unless the merchandise is returned to the factory and found defective.

SEC. 2. No member of this division of the Industry shall give credit for the return of samples unless they are returned within thirty days from the date of invoice.

SEC. 3. No member of this division of the Industry shall sell merchandise on more favorable terms of credit than the following:

- (a) On current orders, 30 days net, 2% ten days, or 2% 10th proximo.
- (b) On advance spring orders shipped after November 1, and spring samples whenever shipped, March 31st dating, 2% if paid April 10th.
- (c) On advance fall orders shipped after June 1st and fall samples whenever shipped, September 30th dating, 2% if paid October 10th.
- (d) The rate of discount allowed on prepayment of invoices not to exceed 6% per annum.
- (e) Past due accounts shall be subject to the legal rate of interest provided for by the laws of the State governing the operation of the contract of sale.
- (f) Nothing in this Section shall be deemed to apply to credit terms on foreign or export sales.

SEC. 4. No member of the industry shall knowingly imitate the trade marks, trade names, recognized trade numbers, slogans, or other marks of identification of competitors; provided that nothing contained herein shall be construed to deprive any person of any right which may be enjoyed under any existing law.

SEC. 5. No consignment shall be made, either directly or indirectly, that has for its purpose and/or effect the taking or securing of new business, and/or that has for its purpose or effect the taking or keeping business away from a competitor. It is the intent of this section, and it shall be so construed, to permit a manufacturer by consignment to keep his own customers, who lack working capital in business or to salvage an account.

SEC. 6. No member of this division of the industry shall give trophies or other things of value for the adoption or use of any merchandise by any team, club, association, league, or educational institution.



Approved Code No. 255

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**TABLE OIL CLOTH INDUSTRY**

**As Approved on February 2, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE TABLE OIL CLOTH  
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 Table Oil Cloth 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.,  
*February 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR:

### INTRODUCTION

This is a report of the Hearing on the Code of Fair Competition for the Table Oil Cloth Industry in the United States, conducted in Washington, D.C., on Tuesday, December 12, 1933.

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

The Code which is attached was presented by the duly qualified and authorized representatives of the Industry, the Table Oil Cloth Manufacturers Association, complying with the statutory requirements as representing 100 percent of the total number of producers and 100 percent of the volume of the industry.

### GENERAL CHARACTERISTICS OF THE INDUSTRY

The term Table Oil Cloth Industry is used to define the manufacture of light-weight table oil cloth utilized chiefly as table and shelf covering but does not include floor covering.

It was brought out at the Hearing that the six manufacturers in this industry represent invested capital of approximately \$8,500,000 while their annual sales average \$13,000,000 per year. The total production capacity for this industry in 1933 was 176,772,700 square yards of material while the aggregate annual production for that year has been estimated at 86,760,000 square yards.

The number of employees in this industry in 1932 was 1,190 while in 1933 employment was raised to 1,378.

It was further brought out that the manufacturers in this industry have been operating under the Labor Provisions of this Code since the date of its original submission to the National Recovery Administration on August 30, 1933. It is estimated that the adoption of such provisions have resulted in an average increase of 10 percent in employment throughout the industry.

### RÉSUMÉ

The provisions regarding hours in this Code are fair in every respect and should impose no hardship on employees.

The wage rate of thirty-five (35¢) cents per hour is higher than that appearing in many codes approved to date.

In view of the fact that the Table Oil Cloth Manufacturers Association is composed of the total number of manufacturers in the industry, this Association acts as the Code Authority for the Industry.

There are no trade practices.

#### 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.*

FEBRUARY 2, 1934.

# CODE OF FAIR COMPETITION FOR THE TABLE OIL CLOTH 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 Table Oil Cloth 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 "Table Oil Cloth Industry" as used herein is defined to mean the manufacture and original sale of light-weight table oil cloth utilized chiefly as table and shelf covering, but not floor covering.

The term "employers" shall mean all members of the industry by whom employees are compensated or employed.

The term "employee" as used herein shall include 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 "member of the industry" includes anyone engaged in the industry, 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 the said Act.

## ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours per week, except repair shop crews, engineers, electricians, firemen, office, sales staff, watchmen, shipping and outside crews, cleaners; and except any employee engaged in a managerial, supervisory, or executive capacity, provided such employee in such managerial, supervisory, or executive capacity receives thirty-five dollars (\$35.00) or more per week.

2. The maximum hours of labor for office employees shall be an average of forty (40) hours a week over each period of one month, and shall not exceed forty-eight (48) hours in any one week.

3. Shipping and outside crews, cleaners, watchmen, and firemen shall not be employed more than forty-eight (48) hours in any one week.

4. The maximum hours of labor of repair shop crews, engineers, and electricians shall be forty-four (44) hours a week, except in case of emergency work. Any such emergency time in any mill shall be reported monthly to the Code Authority provided for in Article VI of the Code.

## ARTICLE IV—WAGES

The minimum wage that shall be paid by employers in the Table Oil Cloth Industry to any of their employees, including office employees, shall be at the rate of thirty-five cents (35¢) per hour, or fourteen dollars (\$14.00) per week for forty (40) hours of labor.

(a) *Wage Rates Above the Minimum.*—The existing amounts by which wage rates in the higher-paid classes exceed wage rates in the lower-paid classes shall be maintained.

(b) It is interpreted that the provisions for a minimum wage in this Code establish a guaranteed minimum rate of pay per hour of employment regardless of whether the employee's compensation is otherwise based on a time-rate performance or upon a piecework performance.

## ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Table Oil Cloth Industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

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

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

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

## ARTICLE VI—ADMINISTRATION

1. The Table Oil Cloth Manufacturers' Association is hereby designated as a Code Authority to cooperate with the Administrator as a planning and fair practice agency for the Table Oil Cloth Industry. The Administrator may designate not more than three additional members of the Code Authority, who shall have no vote, and shall

serve without expense to the Table Oil Cloth Industry. 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 and the policy of the National Industrial Recovery Act.

2. With a view to keeping the Administrator informed as to the observance or nonobservance of this Code of Fair Competition and as to whether or not the Table Oil Cloth Industry is taking appropriate steps to effectuate the declared policy of the National Industrial Recovery Act, members of the industry shall furnish duly certified reports, and in such form as may hereafter be requested by the Code Authority subject to the review of the Administrator; and in addition thereto shall furnish to such government agencies as the Administrator may designate, such reports as he may deem necessary for the purposes recited in Section 3 (a) of the Act.

3. The Code Authority is constituted the agency to collect and receive reports, and to compile and organize this information in satisfactory form to be sent to the Administrator. Such reports shall be considered confidential and shall be distributed only in consolidated form.

4. 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, and to report the same to the Administrator.

5. The Code Authority is also set up for the purpose of investigating and informing the Administrator on behalf of the Table Oil Cloth 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 Table Oil Cloth Industry, under the provisions of the National Industrial Recovery Act, with respect thereto.

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.

7. Any association participating in the activities of the Code Authority shall keep on file with the Administrator full copies of its Constitution and By-Laws and shall submit to the Administrator for approval any proposed modifications or amendments thereto.

#### ARTICLE VII—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 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.

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

#### ARTICLE VIII—PARTIAL INVALIDITY

If any provision of this Code is declared invalid or unenforceable, the remaining provisions thereof shall nevertheless continue in full force and effect in the same manner as if they had been separately presented for approval and approved by 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—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 255.

Registry No. 1635-03.







CODE OF FAIR COMPETITION

FOR THE

SCHIFFLI, THE HAND MACHINE EMBROIDERY,  
AND THE EMBROIDERY THREAD AND SCALLOP  
CUTTING INDUSTRIES

As Approved on February 2, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE SCHIFFLI, THE HAND  
MACHINE EMBROIDERY, AND THE EMBROIDERY THREAD AND SCALLOP  
CUTTING INDUSTRIES

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting Industries, 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.,  
*February 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code for the Schiffler and Hand Machine Embroidery Industry relates to the manufacture of embroidery and aetz lace on Schiffler machines, and to the embroidery on handkerchiefs and so-called "long goods" on hand-operated machines. The industry, as defined by the Code, also includes establishments engaged in embroidery thread cutting and scallop cutting for Schiffler and Hand Machine Embroidery companies.

One code for this industry was submitted jointly by the Embroidery Manufacturers Protective Association, representing approximately eighty-five percent (85%) of the Schiffler machines, and by the Hand Machine Embroidery Association, Incorporated, representative of approximately sixty percent (60%) of the Hand Machine Industry, and the Co-operative Embroidery Thread and Scallop Cutters' Association representing ninety percent (90%) of the embroidery thread and scallop cutting industry. This proposed code of fair competition was presented to the Administrator by the two associations on August 22, 1933, was revised and resubmitted, and a hearing on the revised code was held on September 11, 1933. The Code was further revised in conferences held subsequent to the hearing, and is herewith recommended for executive approval.

The Code of Fair Competition for the Schiffler and Hand Machine Embroidery Industry may be summarized as follows:

*Article I* states the general purpose of the Code.

*Article II* defines the industry, together with certain terms used in the Code, and indicates the several classifications under various divisions of the industry.

*Article III* specifies the minimum wages to be paid in each branch of the industry.

*Article IV, Section 1, Hours*, designates the maximum hours of work for employees.

*Section 2, Home Work*, abolishes home work within six (6) months of the effective date of the Code.

*Section 3, Stretch-out System*, empowers the Code Authority with the representatives of labor to determine an applicable definition of "stretch-out" within three (3) months, to the end of abolishing this recognized evil.

*Section 4, Unemployment Insurance*, provides for the future provision of unemployment insurance to all persons normally employed by the industry in productive operations.

*Section 5, Child Labor*, prohibits the employment of any person under sixteen (16) years of age.

*Section 6, Rights of Labor*, quotes the mandatory provisions of Section 7 (a) of the National Industrial Recovery Act.

*Section 7, Reclassification of Employees*, prohibits reclassification of employees or their duties for the purpose of defeating either the Act or the Code.

*Section 8, Standards for Safety and Health*, requires that the Code Authority shall submit standards for safety and health to the Administrator within six (6) months after the effective date of the Code.

*Section 9, State Laws*, specifies that no provision in the Code shall supersede any State law imposing more stringent requirements on employers, with respect to age of employees, wages, hours of work, etc.

*Section 10, Labor Contracts*, fixes the limits within which agreements between employers and employees may be made.

*Section 11, Posting*, guarantees the accessibility of certain provisions of the Code to employees.

*Section 12, Employment by Several Employers*, limits the number of hours of work of an employee engaged by several employers.

*Article V* sets up a Code Authority and outlines certain of its duties and functions.

*Article VI* enumerates trade-practice rules.

*Article VII* allows for arbitration in case of differences, complaints or controversies.

*Article VIII* quotes the provisions of Section 10 (b) of the Act in respect of amendments or additions to the Code.

*Article IX* provides that the Code may not be used to promote monopolies, permit unfair trade practices, or discriminate against small enterprises.

*Article X* advises against excessive price increases.

*Article XI* establishes an effective date for the Code.

#### NATURE OF THE INDUSTRY

The Schiffler Embroidery Industry is localized to a large extent in New Jersey where about seventy percent (70%) of Schiffler lace and embroidery is manufactured. New York is also an important producing area. In the hand-machine section of the industry, New York is the leading State and produces over eighty percent (80%) of the total output.

Most of the factories in this industry are small. Nearly forty percent (40%) of the establishments employ five (5) wage earners or less, while seventy percent (70%) are operated with less than twenty-one (21) workers. For the year 1929, the largest plant in the industry employed less than two hundred fifty (250) workers.

The activity of the embroidery industry is highly seasonal in nature. In many of the shops, owners of the equipment are also operators. In addition, home-work operations have long prevailed within this industry. While it is difficult to estimate the extent of this home work, competent authorities have testified that this practice is confined largely to non-machine work. It has presented a significant amount of the total production activities of the industry.

The value of the combined production of Schiffler and hand machine embroidery in 1929 was nearly nineteen million dollars (\$19,000,000), although by 1931 this value had declined to about sixteen

million dollars (\$16,000,000). The Schiffli industry was responsible for about two-thirds ( $\frac{2}{3}$ ) of the total value of production of the industry in 1931, and employed a large majority of the workers in the industry. To engage in the manufacture of Schiffli embroidery necessitates investment in relatively expensive equipment. One fifteen (15) yard Schiffli embroidery machine represents an investment of approximately sixteen thousand dollars (\$16,000). In the industry there are about one thousand one hundred (1,100) Schiffli embroidery machines located in about five hundred (500) establishments. The plants have become of a smaller scale nature within recent years as is evidenced by the fact that about five (5) years ago, about two hundred fifty (250) manufacturers operated a total of one thousand five hundred (1,500) Schiffli machines. The present units of the industry are small, and the competition in the industry has been severe. It should be borne in mind that the embroidery industry serves as dress trimmings to a large extent and is thus subject to the competition that comes from many competing products. Embroidery lace (aetz) likewise must compete directly with Leavers lace. The hand machine industry is also small scale in nature, and competes principally with shipments of embroideries from foreign countries and from Puerto Rico.

#### THE INDUSTRIAL BRANCHES INCLUDED IN THIS CODE

Originally nine (9) codes were presented for this industry by various interested groups, despite the fact that it is a small industry employing less than four thousand (4,000) workers in 1929, and approximately three thousand three hundred (3,300) workers in 1931. Of the total employees, nearly three thousand (3,000) were employed in the Schiffli section in 1929 and over two thousand seven hundred (2,700) in 1931. A successful effort was made to unite these various branches of the industry under one code. These branches include the manufacture of Schiffli embroidered lace (aetz) and Schiffli embroidery, hand-machine embroidery of handkerchiefs, hand-machine embroidery of long goods and novelties (sold mainly to the cutting-up trades), the design of Schiffli embroidery and a number of establishments engaged in embroidery thread and scallop cutting. This section of the industry employs but a few hundred workers and it was deemed desirable to make provisions for it in a general code for the entire industry.

The combination of these various branches under one code was deemed essential because of the relatively small size of each section of the industry as well as of the industry as a whole.

#### WAGES

Article III of the Code provides minimum wages for each of the various branches of the industry. In the Schiffli branch no less than a rate of thirty-seven and a half cents ( $37\frac{1}{2}c$ ) per hour is to be paid to any employee engaged in manual or machine process, while other employees are to receive not less than the rate of thirty-five cents ( $35c$ ) per hour.

In the discussions following the hearing on this code, it was generally agreed that some minimum wage provision should be made for employees in the Schiffli industry above the rank of unskilled workers. Various minimum hourly rates were proposed for an occupational classification of employees in the industry. When it appeared impossible to secure a meeting of minds on the level of these rates, it was agreed that a minimum scale of hourly wages for occupations above the least skilled should be set by the Code Authority upon approval by the Administrator within four (4) weeks after the effective date of the Code. The basis of determining these rates shall be an accountant's report on the wages paid in 1929, but in any case, the minimum scale of wages shall not be less than the minimum wages set forth in the code.

The Schiffli industry employs designers in its own shops and in addition has sketches made by designers who operate their own studios and who employ fellow designers. It was found to be impractical to establish rates of wages for studio work, but it was agreed that those designers employed within Schiffli factories should be paid at the rate of not less than one dollar (\$1.00) per hour for a forty (40) hour work week.

Article III establishes, also, a minimum rate of forty cents (40¢) per hour for employees engaged in manual or machine processes in the Hand Machine industry, with the exception that a thirty cent (30¢) rate is provided for learners for the first six (6) weeks of their training. It is provided that no other employee shall be paid less than at the rate of thirty-five cents (35¢) per hour.

For the Embroidery Thread and Scallop Cutting Industry, a minimum rate of thirty-five cents (35¢) per hour is established for employees engaged in the manual or machine processes, with the exception that a thirty cent (30¢) rate is provided for learners for the first six (6) weeks.

"Substandards" (limited to ten percent (10%) of total employees) may be employed on light work below the minimum wage, provided that such employees are paid at least eighty percent (80%) of the minimum.

It is provided that the problem of apprentices in the industries shall be studied by the Code Authority and recommendations made, within thirty (30) days, to the Administrator, which, upon his approval, after due notice of hearing if he deems this necessary, shall become binding provisions of this Code.

#### HOURS

On and after the effective date of this Code, all productive employees in the industry shall work not in excess of forty (40) hours per week and but one shift per week of plant operation shall be permitted. The hours of work are specified by the agreement and work is to be confined to the days from Monday to Friday, inclusive.

The average full-time hours per week previously operated by this industry were probably close to forty-eight (48). In 1929, approximately thirty-two percent (32%) of the workers were employed from forty-one (41) to forty-four (44) hours. Twenty-five percent (25%) were scheduled to work from forty-five (45) to forty-eight (48)

hours per week while the weekly hours of thirty-three percent (33%) of the workers ranged from forty-nine (49) to fifty-four (54) hours per week. It has been estimated that a reduction of hours from forty-eight (48) to forty (40) as proposed by the Code will result in an increase of twenty percent (20%) in the number of workers employed by the industry. The extent of employment will also be increased, it is anticipated, by the Code provision that home work is to be eliminated. There is no means of determining accurately the hours of work that have prevailed in home work. In view of the fact that under the Code provisions much of the work formerly done in the homes will be done in the factory with a regulation of hours of work, it appears to be evident that the forty (40) hour week in this industry will result in a significant increase in persons employed.

#### HOME WORK

By the terms of Article IV, Section 2, it is provided that within three (3) months of the effective date, all home work shall be abolished. It has previously been stated that the elimination of home work in the industry will result in an increase in the numbers of workers employed in factory operations. This procedure seems essential in order to guarantee that the minimum wage and maximum hours provisions will be controlled and regulated. The allowance of three (3) months for the elimination of home work is believed to be sufficient time for the adjustment of the home workers and to allow for employers to obtain additional factory space for the increased operations that will result from the elimination of home work.

#### ADMINISTRATION

A Code Authority is constituted for the industry by the terms of Article V. It is provided that the Administrator shall designate the members of the Code Authority to represent the industries.

This arrangement for setting up a Code Authority seems, at first glance, to be unusual. However, it was due to a factional disagreement that occurred after work upon the Code developed into a long series of unpleasant incidents. These separated further the factions and at one time seriously threatened the production of any Code. Many of the difficulties were overcome, but on the question of the Code Authority, after a long effort on the part of the Assistant Deputy to secure an agreement, it was proposed to the Industry that the Administrator be empowered to designate the Code Authority. This was agreed upon.

Article V further designates a number of duties and responsibilities for the Code Authority. One of the most important is the specification that a service bureau shall be set up for the purpose of supervising credits in the industry. Testimony brought out at the hearing on this Code showed that effective credit checking was most important in view of the small size of the manufacturing establishments in the industry. As a means of placing the industry on a basis of fair competition, the Code Authority is authorized to take such steps as it may deem advisable to facilitate and expedite scrutiny of order prices and trade practices.

In the original code that was submitted for this industry, it was provided that no manufacturer of Schiffler embroidery should be permitted to sell to embroidery jobbers or dealers who had not entered contractual relationship with the Embroidery Manufacturers Protective Association. It was maintained that this clause was necessary in order effectively to minimize credit losses. This clause, however, was protested by the Embroidery Merchants Association as well as by the Embroidery Manufacturers Protective Alliance.

In substitution of this clause, Article V, Section 9, subsection (j) has been inserted in the Code upon approval of all interested parties. This section makes it obligatory on all members of the industry, except members of the Embroidery and Scallop Cutting Industry, to specify certain factual information with respect to orders on each sales contract or order blank. It is believed that the provision of this information will act toward the elimination of credit losses and unfair trade practices.

#### OTHER FEATURES

1. *Unemployment Insurance.*—The manufacturers and labor representatives in this industry have recognized the desirability of providing an unemployment insurance plan for the industries covered by this Code. Article IV, fourth section of the Code, provides that the Code Authority shall take steps to set up the necessary machinery for providing unemployment insurance to all persons normally employed in productive operations by the industry.

2. *Child Labor.*—Article IV, Section 5, provides that no person in the industry shall employ any worker under the age of sixteen (16) years, provided, however, that where a State law requires a higher minimum age for employment, no person below the age specified by such a State law shall be employed by any manufacturer in this industry.

3. *Design piracy.*—The copying of designs has constituted a major problem for this industry. In order to protect original designs and to prevent unintentional copying of designs, the Code Authority has been authorized by Article V, Section 9, Subsection (n), to set up a Design Registration Service and to adopt such rules and regulations as may be necessary to enforce the prevention of design piracy. This provision is of the utmost significance to the designers in the industry and it is significant that each factor in the industry has been zealous in urging the adoption of such a clause.

#### 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 compensation 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.*

FEBRUARY 2, 1934.



# CODE OF FAIR COMPETITION FOR THE SCHIFFLI, THE HAND MACHINE EMBROIDERY, AND THE EMBROID- ERY THREAD AND SCALLOP CUTTING INDUSTRIES

## ARTICLE I—PURPOSES

To effect the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Schiffli, the Hand Machine Embroidery, and the Embroidery Thread and Scallop Cutting Industries, and shall be the standard of Fair Competition for these industries, and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

(a) Schiffli Industry as used herein means the manufacture of embroidery and laces on a Schiffli machine. (Schiffli is a Swiss term literally meaning "little boat" and describes the shape of the shuttles of a multiple-needle-and-shuttle embroidery machine.)

Manufacturers in the Schiffli Embroidery Industry are divided into three classifications, as follows:

1. Those who manufacture for and sell mainly to the "cutting-up" trades, or to retail establishments. (Known in the trade as "Direct Manufacturers.")

2. Those who manufacture for and sell mainly to embroidery merchants, jobbers, dealers, and middlemen.

3. Those who manufacture and sell embroidery made on a surface of material which is limited in area of design to the dimensions of a "frame" attachment set into a Schiffli machine, as distinguished from "long goods" which are embroidered across the full length of a machine.

(b) Hand-Machine Industry as used herein includes manufacture on hand-operated machines which do not require shuttles. Manufacturers in the Hand-Machine Embroidery Industry are divided into two classifications as follows:

1. Those who embroider handkerchiefs exclusively, and sell exclusively to the handkerchief manufacturing industry.

2. Those who embroider "long-goods", "frame-goods", and novelties, and sell direct to the cutting-up trades and to embroidery merchants, jobbers, dealers, and middlemen.

(c) "Embroidery Thread and Scallop Cutting Industry" shall include establishments engaged in the business of contracting to do embroidery thread splitting by machinery and/or by hand, embroidery thread cutting by machinery and/or by hand, scallop cutting by machinery and/or by hand, lace cutting by machinery and/or by hand, lace making-up by machinery and/or by hand, the making-up of embroidered yard goods by machinery and/or by hand, the

cutting-out of embroidery by exclusive hand process, and the straight cutting of embroidery by machinery and/or by hand.

(d) Embroidery means all products which are or which can be produced on a Schiffler and/or Hand Machine. It includes Schiffler or "Burnt-out" laces, and/or processing thereof.

(e) "Jobber, Dealer, and/or Middleman" refers to a person or firm ordering or purchasing embroidery for resale to the cutting-up trades or to retailing establishments, which person or firm is not the owner or lessee-operator of a Schiffler and/or Hand Machine.

(f) "Member of the Industry" includes anyone engaged in the industries as above defined, either as an employer or on his own behalf.

(g) "Manufacturer" is the owner or lessee-operator of a Schiffler or Hand Machine.

(h) The term "Employee" as used herein includes anyone engaged in the industries, however compensated, except a member of the industries.

(i) The term "Employer" as used herein means any employer engaged in the industries.

(j) 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—MINIMUM WAGES

1. (a) No employee engaged in manual or machine processes in the Schiffler Industry shall be paid less than at the rate of thirty-seven and a half cents ( $37\frac{1}{2}\text{¢}$ ) per hour. No other employee shall be paid less than at the rate of thirty-five cents ( $35\text{¢}$ ) per hour.

(b) No employee engaged in manual or machine processes in the Hand Machine Industry shall be paid less than at the rate of forty cents ( $40\text{¢}$ ) per hour, except learners who shall be paid at the rate of thirty cents ( $30\text{¢}$ ) per hour for the first six (6) weeks. No other employee shall be paid less than at the rate of thirty-five cents ( $35\text{¢}$ ) per hour.

(c) No employee engaged in manual or machine processes in the Embroidery Thread and Scallop Cutting Industry shall be paid less than at the rate of thirty-five cents ( $35\text{¢}$ ) per hour, except learners who shall not be paid less than at the rate of thirty cents ( $30\text{¢}$ ) per hour for the first six (6) weeks.

(d) The Code Authority shall, with the approval of the Administrator, designate Certified Public Accountants, who shall investigate and report, within four (4) weeks after the effective date of this Code, the wage rates, by occupation, that prevailed in 1929 in the Schiffler Industry, the Hand Machine Industry and the Embroidery Thread and Scallop Cutting Industry. The minimum scale of wages and sectional adjustments thereof for these industries shall not be less than the 1929 wage rate as determined above, nor less than the minimum wages set forth in this Article. Upon recommendation of the Code Authority and approval of the Administrator, after such notice and hearing as he may specify, the aforesaid minimum scale of wages and sectional adjustments shall become binding upon all

members of the industries as effective provisions of this Code. Pending the approval by the Administrator of the report of the Code Authority as above provided, no employee engaged in manual or machine processes in the Chicago area of the Schiffli Industry shall be paid less than at the rate of thirty-two and a half cents ( $32\frac{1}{2}\text{¢}$ ) per hour.

(e) Employed designers in the Schiffli Industry shall be paid at the rate of not less than one dollar (\$1.00) per hour for a forty (40) hour week.

2. None of the provisions of this Article shall be construed or applied in such manner that the minimum wages provided herein become maximum wages, and the duties delegated to the Code Authority shall include a report with respect to the question of whether the minimum wages provided herein are in fact tending to become maximum wages.

3. A person whose earning capacity is limited because of physical or mental handicap may be employed on light work at a wage below the minimum established by this Code; provided, that no such excepted employee shall be paid less than eighty percent (80%) of the minimum wage, and that the total number of such excepted employees shall not exceed, when added to the total number of learners, more than ten percent (10%) of the total number of employees engaged in any plant.

4. The problem of apprentices in the industries shall be studied by the Code Authority, and recommendations shall be made within thirty (30) days to the Administrator, which upon his approval, after such notice and hearing as he may specify, shall become binding provisions of this Code.

5. A guaranteed minimum rate of pay is established regardless of whether the employee is compensated on the basis of a time rate or a piecework or other basis.

6. Employers shall not reduce wages at present above the minimum wages herein provided, notwithstanding that the hours of employment are decreased by reason of the operation of this Code, but all wages above that shall be equitably readjusted.

#### ARTICLE IV

1. *Hours.*—(a) 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. A normal work day shall not exceed eight (8) hours; the hours of work shall be from 8:00 A.M. to 12:00 o'clock noon, and from 1:00 P.M. to 5:00 P.M. from Monday to Friday, inclusive, except that the Code Authority, subject to the approval of the Administrator, may, upon proper showing, allow sectional members of the industries to operate at other than the daily standard hours herein provided. Neither overtime, nor allowance of extra hours for time lost for any reason whatever, shall be permitted. Not more than one shift shall be permitted.

(b) The maximum hours fixed in the foregoing section shall not apply to office and supervisory staffs who receive more than thirty-five dollars (\$35.00) per week, nor to watchmen and outside sales

forces. Chauffers in the Embroidery Thread and Scallop Cutting Industry shall not be permitted to work in excess of forty-five (45) hours in any one week or nine (9) hours in any one day. Watchmen shall not be permitted to work in excess of fifty-six (56) hours in any one week with one day of rest in seven (7).

(c) Any member of the industries who does the work of a productive employee shall be subject to the provisions of hours of labor of this Code.

2. *Home Work.*—After six (6) months from the effective date of this Code no member of the industry shall give out work to be done in homes. Prior to that date, the Code Authority shall gather facts regarding the operation of home work in the industries under this Code and shall make recommendations to the Administrator, who, after due hearing, shall determine whether the above prohibition shall be modified, cancelled or continued.

3. *Stretch-Out System.*—The industries under this Code go on record as recognizing the stretch-out system as an evil that must be abolished, and to that end the Code Authority with the representative of labor shall within three (3) months after the effective date of this Code, work out a satisfactory definition of "stretch-out" as applicable to the industries under the Code, which upon approval by the Administrator shall become a binding provision of the Code. Pending this recommendation, no member of the industries shall require any employee to tend a greater number of machines than such employee or such class of employees customarily tended in such plant in the week of July 1, 1933.

4. *Unemployment Insurance.*—The Code Authority shall investigate methods for making available unemployment insurance to all persons normally employed in production in the industries covered by this Code, and make recommendations to the Administrator which upon his approval, after such notice and hearing as he may specify, shall become a part of this Code.

5. *Child Labor.*—No members of the industries covered by this Code shall employ any person under the age of sixteen (16) years.

6. *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.

7. *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupations performed for the purpose of defeating the provisions of the Act or of this Code.

8. *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, and upon his approval, after such notice and hearing as he may specify, shall become a part of this Code.

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

10. *Labor Contracts*.—Any agreement between employers and employees made in accordance with the National Industrial Recovery Act, may fix other wages and hours than those set forth in this Code, provided that no such agreement may fix maximum hours in excess of those provided in this Code, or minimum wages lower than those provided in this Code.

11. *Posting*.—All employers shall post in conspicuous places accessible to employees, provisions of this Code relating to hours and wages, and conditions of employment.

12. *Employment by Several Employers*.—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed for another employer or employers in the Industries, exceeds the maximum permitted herein.

#### ARTICLE V—ADMINISTRATION

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

2. The five or more members of the Code Authority to represent the Industries shall be designated by the Administrator, and in addition the Administrator may appoint not more than three (3) members, without vote, to represent the Administration. One of these members, without vote, may be appointed by the Administrator upon recommendation of the Labor Advisory Board to represent labor.

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.

4. The Code Authority may appoint its own officers and employees and except as herein provided, prescribe, subject to the approval of the Administrator, rules, regulations, and bylaws for its procedure and the conduct of its business and affairs.

5. In order that the Code Authority shall at all times be truly representative of the Industries 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.

6. Members of the Industries 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 volume of business and/or such other factors as may be deemed equitable.

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 the Code, except for his own willful misfeasance or nonfeasance.

8. For the Embroidery Thread and Scallop Cutting Industry, there shall be elected by the Association a Fair Practice Agency, consisting of three representatives of the Cooperative Embroidery Thread and Scallop Cutters Association of Union City, New Jersey, to cooperate with the Code Authority in administering the provisions of this Code applicable to the Embroidery Tread and Scallop Cutting Industry.

9. The Code Authority shall have the following duties and powers in addition to those elsewhere provided in this Code and to the extent permitted by this Act:

- (a) Review all questions of disputes arising under this Code;
- (b) Insure execution of the provisions of this Code and provide for the compliance of the Industries with the provisions of the Act, under such rules and regulations as may be prescribed by the Administrator;
- (c) Shall receive complaints of violations of this Code, make investigations thereof, provide hearings thereon, adjust such complaints, and refer unadjusted violations to the Administrator with a report and recommendations for appropriate action, under such rules and regulations as may be prescribed by the Administrator;
- (d) 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) Investigate the importation of competitive articles and of machines into the United States on such terms or under such conditions as to render ineffective or seriously endanger the maintenance of the Code, and act as the agency for making complaint in respect thereof to the President on behalf of the Industries; and
- (f) Secure from members of the Industries, equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities;

(g) Cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the Industries who have assented to and are complying with this Code;

(h) Set up a Service Bureau with the necessary machinery, rules, regulations, and facilities for properly supervising credits and for aiding in prevention of selling below cost;

(i) Facilitate and expedite the systematic study of orders, prices, and practices, and recommend methods calculated to place the Industries as a whole, or any subdivision thereof, upon a fair competitive basis;

(j) Establish a form of sales contract and/or order blank, the use of which shall be obligatory, except as may be otherwise determined by the Code Authority, on all members of the Industries covered by this Code, except members of the Embroidery Thread and Scallop Cutting Industry, which form shall provide spaces for the entry of the terms and conditions of sale as agreed upon between buyer and seller;

(k) Select a confidential agency to obtain from all members of the industries certified reports of such character and in such form as the Code Authority may prescribe. The agency shall be in no way engaged in the industries or connected with any member thereof. All information received shall be held as secret and confidential between the agency and the reporting member. The agency shall analyze, consolidate, and digest the reports and shall disclose to the Code Authority only the general findings. The findings shall be available to all members of the Industries who have cooperated with the Code Authority in the administration of this Code, and the reports shall be available to the Administrator; provided, however, that nothing in this paragraph shall be construed to deprive duly authorized representatives of the Code Authority of the right and power to investigate complaints of violation under Section 9 (c) of this Article.

(l) Make recommendations concerning the problem of contractual relationship between members of the Industries and embroidery merchants, jobbers, dealers, and/or middlemen;

(m) Set up rules and regulations governing the making of returns and reports as to production, machine hours, labor hours, and payroll accounts by members of the Industries covered by this Code;

(n) Devise and set up a Design Registration Service for the Schiffli and/or Hand Machine Embroidery Industries, including branches where necessary, and to adopt such rules and regulations, with the approval of the Administrator, as may be necessary to prevent design piracy;

(o) Submit to the Administrator from time to time such proposed amendments to the Code as, in its judgment, will have the effect of improving the Code or improving the results secured thereunder, and any of such proposed amendments, when approved by the Administrator, shall have force and effect as provisions of the Code. Every proposed amendment shall be so submitted only after a canvass of the opinion of the Industries by the Code Authority;

(p) Make recommendations for the limitation and supervision of handicapped persons employed below a minimum wage.

10. 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.

11. If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action, which shall not be effected unless the Administrator approves or unless he shall fail to disapprove after 30 days' notice to him of intention to proceed with such action in its original or modified form.

#### ARTICLE VI—TRADE PRACTICE RULES

For all purposes of the Code the acts described in this article shall constitute unfair practices. Any member of the Industries 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 Industries 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 misrepresents any commodity (including 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 Industries shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

**RULE 3. *Inaccurate Labeling.***—No member of the Industries 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 4. *Inaccurate References to Competitors, etc.***—No member of the Industries 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.

**RULE 5. *Selling Below Cost.***—No member of the Industries shall sell or offer to sell any commodity at a price below his own individual 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. Distress merchandise, surplus stock, seconds, and samples shall be expected from this provision. Subject to the approval of the Administrator, the Code Authority



may adopt rules and regulations governing the disposal of such merchandise below cost.

**RULE 6. *Threats of Law Suits.***—No member of the Industries 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 7. *Secret Rebates.***—No member of the Industries 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 openly extended to all customers of the same class.

**RULE 8. *Consignments.***—No member of the Industries shall ship, or deliver any Schiffler and/or Hand Machine Embroidery on consignment, except for samples, as defined by the Code Authority.

**RULE 9. *Commercial Bribery.***—No member of the Industries 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.

**RULE 10. *Interference with Another's Contracts.***—No member of the Industries shall attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

**RULE 11. *Violence, Intimidation, or Unlawful Coercion.***—No member of the Industries shall commit any of the following unfair practices:

(a) Use of violence to person or property, intimidation or unlawful coercion, by a member of the Industries against a member of the Industries.

(b) Threat by a member of the Industry to use such violence, intimidation, or unlawful coercion.

(c) Conspiracy among members of the Industries, or among members of the trade and others, to use or to threaten to use such violence, intimidation, or unlawful coercion.

(d) Combining or cooperation by a member of the Industries with anyone who is using or threatening to use such violence, intimidation, or coercion.

**RULE 12. *Discounts.***—(a) For Schiffler and Long-Goods Hand Machine Embroidery Manufacturers: a discount not exceeding two percent (2%) for payment on the tenth day of the month following shipment; the twenty-fifth day shall be considered the end of each month, and an extra discount of one percent (1%) may be allowed for payment made within one week of shipment.

(b) For Handkerchief Hand Machine Embroidery Manufacturers: No discounts whatever; the terms shall be net cash and payment shall be made within one week of shipment.

(c) For the Embroidery Thread and Scallop-Cutting Industry: No discounts whatever; the terms shall be net; the month closing on the last business day of a month, payable on the tenth day of the month following shipment.

#### ARTICLE VII—ARBITRATION

Any and all complaints, differences, controversies, or questions arising between members of the Industries should be, if possible, submitted to arbitration. In the event that the parties to such a controversy cannot agree upon such tribunal, the Code Authority shall designate the tribunal to whom it shall be submitted.

#### 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 sub-section (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 1 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, 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 more difficult 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 date of approval.

Approved Code No. 256.  
Registry No. 231-1-05.

Approved Code No. 257

**CODE OF FAIR COMPETITION**

FOR THE

**PRINTING EQUIPMENT INDUSTRY AND TRADE**

As Approved on February 2, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE PRINTING EQUIPMENT  
INDUSTRY AND 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 Printing Equipment Industry and 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 VII, Sections 2 (c), 4 (e) and 4 (f), 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.,  
*February 2, 1934*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Printing Equipment Industry and Trade, the hearing having been held in Washington on the 3d day of October, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

Employment is limited to 8 hours per day and 40 hours per week, with the exception of those employees engaged in emergency, maintenance, or repair work, and the exception that during a period of concentrated demand, a maximum of 8 weeks in any 6 consecutive months is permitted and the further exception that a tolerance of 10% is permitted for employees engaged in care and maintenance of plant and machinery and service men. Overtime on these exceptions will be paid for at one and one half times the normal rate.

Minimum wages of 40 cents per hour for males and 30 cents per hour for females are established. The Administrator will call a hearing not later than 4 months after the effective date of the code for the purpose of reconsideration of the minimum rate for females.

### ECONOMIC EFFECT OF THE CODE

In June 1933, this Industry and Trade comprised approximately 530 concerns and employed 6,337 persons. Since the adoption of the 40-hour week, as provided in this code, employment has increased to 7,142 persons in September 1933, or an increase of 13%.

The invested capital of the Industry and Trade is about \$100,000,000, and the average annual value of its products over four years was \$61,000,000.

Schedule A of this code, for the disposition of used and obsolete printing machinery which has been obstructing the market for new modern machinery, is an attempt to solve a situation which had a depressing effect on all capital goods industry. Under this schedule manufacturers may set up a clearing association which will issue negotiable certificates of value for this machinery and will also market serviceable used machinery to prevent demoralization of the market for new machinery.

### 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 and 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 group is an industrial and trade association truly representative of the aforesaid Industry and 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 types of the economic process have not been deprived of the right to be heard prior to approval of said Code.

(g) Due consideration has been given to all protests filed and revisions made to conform to all of those which were well founded.

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 2, 1934.

# CODE OF FAIR COMPETITION FOR THE PRINTING EQUIPMENT INDUSTRY AND 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 Printing Equipment Industry and Trade, and shall be the standard of fair competition for this Industry and Trade, and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "Printing Equipment Industry and Trade" or the term "Industry and Trade", as used herein, includes the building, manufacturing, repairing, selling, importing for sale, and the distributing of machinery, equipment, and supplies (except as noted below) used in the Graphic Arts Industry, and in carton plants, or used in printing or lithographing on tin, aluminum, or similar metals; and other related branches or subdivisions thereof, as may from time to time be included under the provisions of this Code, but shall not include any branch or subdivision thereof for which a separate code of fair competition has been or may be approved by the President.

The term "Graphic Arts Industry", as used herein, is defined to mean all business enterprises engaged wholly or in part in the art of preparing for representing and/or representing objects through mechanical means by the processes of printing and lithographing on paper, cardboard, or similar materials and/or by additional processes, completing the printed or lithographed materials into finished products. The supplies intended to be excluded are paper and paper products, ink, materials for electrotypers, photo-engraver, and similar platemaking supplies; and cloth, cordage, glue, and similar bindery supplies; and printers' rollers.

The term "Employee", as used herein, includes any person engaged in any phase of the Industry and Trade, in any capacity in the nature of employee, irrespective of the method of payment of his compensation.

The term "Employer", as used herein, includes anyone for whose benefit such an employee is so engaged.

The term "Member of the Industry and Trade", as used herein, includes anyone engaged in the Industry and Trade as above defined, either as employer or on his own behalf.

The term "Member of the Code", as used herein, includes any Member of the Industry and Trade who shall expressly signify assent to this Code.

The term "Person", as used herein, shall include, but without limitation, natural persons, partnerships, associations, trusts, trustees in bankruptcy, receivers and corporations.

The term "Effective Date", as used herein, means, and this Code shall become effective on, the fifteenth (15) day after its approval by the President of the United States.

The term "Administration", as used herein, means the National Recovery Administration.

The term "Administrator", as used herein, means the Administrator for Industrial Recovery.

The term "Act", as used herein, shall mean Title I of the National Industrial Recovery Act.

The term "Association", as used herein, means the National Printing Equipment Association, Inc.

### ARTICLE III—HOURS

1. (a) On and after the effective date of this Code, employees in the Industry and Trade, except as hereinafter provided, shall not be employed in excess of forty (40) hours per week; nor more than six (6) days per week, nor more than eight (8) hours in any one (1) day, provided, however, that during any period in which a concentrated demand upon any division of any plant in the Industry and Trade shall place an unusual and temporary burden upon its facilities, employees of such division may be permitted to work not more than forty-eight (48) hours per week, provided further, however, that this exception shall not apply in more than eight (8) weeks of any six (6) consecutive calendar months' period. There shall be a tolerance of not to exceed ten (10) percent of the above limitations for employees engaged in the care and maintenance of plant and machinery, delivery service men, stock, order, reviewing and receiving clerks and shipping crews, with payment of overtime at the rate of time and one half for such tolerance, provided, however, that where in any case an employee works in excess of eight (8) hours per day, or more than forty (40) hours in any one (1) week, time and one half shall be paid for the excess hours worked. The maximum hours fixed in this paragraph (a) 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 half times his normal rate shall be paid for hours worked in excess of the maximum hours herein provided.

(b) The limitations as to hours of labor shall not apply to executives, factory, and office supervisory employees (not including working foremen), and technical engineers, commercial outside salesmen, and field-service men who receive more than thirty-five (\$35.00) dollars per week, and watchmen, provided that watchmen shall not be employed more than fifty-six (56) hours in any one (1) week.

### ARTICLE IV—WAGES

1. (a) No male factory employee shall be paid less than at the rate of forty (40) cents per hour and no female factory employee shall be

paid less than at the rate of thirty (30) cents per hour, except as follows:

(b) Whenever males and females perform substantially the same duties under substantially the same conditions, this Code shall assure equal pay for equal work and equal opportunity for equal ability regardless of sex.

(c) No reduction shall be made in the rates higher than the minimum rates provided for in the preceding paragraph (a) of Section 1 of this Article, to compensate an employer for any rearrangements he may be required to make to comply with the minimum rates for the groups specified in the preceding paragraph (a) of Section 1 of this Article. To the extent practicable the differentials now existing between unskilled, semiskilled, and skilled labor shall be maintained or safeguarded, according to the conditions existing in the various localities, where Members of the Industry and Trade conduct their business.

(d) No accounting or other employee not covered by the preceding provisions of this Section 1 of this Article shall be paid less than at the rate of fifteen (\$15.00) dollars per week, provided, however, that office girls, office boys, and messengers may be paid not less than eighty (80) percent of such minimum wages, provided that the total number of such employees shall not exceed in any calendar month five (5) percent of the total number of all employees of said employer; provided, however, any employer employing forty (40) employees or less in his place of business or any employer employing no more than forty (40) employees in any branch office, sales office, or warehouse may have two (2) such employees in each such place of business, branch office, sales office, or warehouse.

(e) Nothing in this Article IV shall apply to, or affect any employee apprenticed to any employer by an indenture made in pursuance of the laws of any State of the United States, or by a written contract under any apprentice system established and maintained by any employer, but all existing and future apprentice contracts shall be filed with the Code Authority. The term "apprentice" means an employee, usually a minor, who agree to serve an employer for a certain stated period of time at predetermined wages for the period in order to learn the trade.

(f) A hearing shall be called by the Administrator not later than four (4) months after the effective date for the purpose of reconsideration of the minimum rates for females provided in Section 1 (a) of this Article IV.

(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) No employee shall be classified in one of the foregoing excepted classes (Articles III and IV) unless he performs functions identical with those performed by employees thus classified on June 16th, 1933.

(4) No person under sixteen (16) years of age shall be employed in the Industry and Trade, 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.

#### ARTICLE V—CODE ADMINISTRATION

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.

##### Organization and Constitution of Code Authority:

1. The Code Authority shall consist of the Executive Committee of the Association (as that Committee is from time to time constituted, provided, however, that unless some other provision be approved by the Administrator, the Executive Committee of the Association shall be composed of not less than five (5) nor more than seven (7) members). To the Code Authority, as so constituted and established, there may be added such additional member or members not to exceed two (2) as the Administrator may at any time decide to be properly proportional (according to such information as he may require nonmembers of the Association to furnish) and to be selected by and to represent Members of the Industry and Trade who are not members of the Association, which member or members shall be selected by some fair and satisfactory method to be devised by the Code Authority and approved by the Administrator. The Administrator, in his discretion, may appoint not more than three (3) members, without vote, as his representatives or as representatives of such groups or interests as he may specify.

2. All Members of the Industry and Trade participating in or sharing the benefits of the activities of the Code Authority shall bear a proportionate share of the costs of any amendments to this Code and of the expenses of the administration of the Code, which proportion shall be based upon the number of employees of each Member of the Industry and Trade, or upon such other fair and equitable basis as the Code Authority may specify, subject to review by the Administrator, and such funds shall be collected and administered by and through the machinery of the Association, as the agency of the Code Authority.

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

4. In order that the Code Authority shall at all times be truly representative of the Industry and 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. 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 (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 VI—DUTIES AND POWERS

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

1. It shall be empowered to obtain from Members of the Industry and Trade and to submit to the Administrator such reports in respect to wages, hours of labor, number of employees, and other conditions of employment, and in respect to production, capacity, prices, costs and stocks, as the Code Authority may specify or as the Administrator may require; and in addition to the information thus required to be submitted to the Code Authority, there shall be furnished to governmental agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

All statistical data or information furnished by any Member of the Industry and Trade in accordance with the foregoing provisions shall be collected and kept in a confidential manner and the reports of the individual Members of the Industry and Trade so collected shall not be divulged to any other Member of the Industry and Trade or to anyone else not entitled thereto, except insofar as such disclosure may be necessary for effective administration and enforcement of the provisions of this Code.

2. It shall be empowered to insure the execution of the provisions of this Code and provide, in cooperation with the Administrator, for the compliance of the Members of the Industry and Trade with the provisions of the Code and of the Act.

3. To adopt bylaws and rules and regulations for its procedure in the administration of this Code, and to use such trade associations and other agencies, and to delegate to them such of its powers and duties hereunder, as it may deem necessary for the effective accomplishment of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

4. All Members of the Industry and Trade shall keep such adequate accounting and other records as will enable them to prepare and furnish all data and information which may be required of them pursuant to the foregoing provisions.

5. The Code Authority shall have among its duties, but without limitation on the foregoing, that of investigating complaints from Members of the Industry and Trade respecting prices or practices that are demoralizing or destructive to the Industry and Trade, or

that tend to create a monopoly; and if such prices or practices are found to exist, the Code Authority shall report the facts to the proper authority.

#### ARTICLE VII—UNFAIR COMPETITIVE PRACTICES

Unfair competition of any Member of the Industry and Trade shall be deemed to comprise any of the following acts or practices:

1. Any and all noncompliance with this Code.

2. Wilfully selling or offering to sell any machinery and/or equipment and/or supplies at a price or upon terms or conditions that will result in the customer paying to the seller for the goods received, less than their ascertainable cost, to be determined according to sound principles (a guide to which appears in Exhibit B attached hereto) except that a Member of the Industry and Trade may sell below his own cost to meet the price of a lower-cost competitor. Any changes, hereafter made, in Exhibit B shall be subject to the approval of the Administrator. This clause shall not apply to bona fide discontinued lines.

(a) Every manufacturer, dealer and importer shall establish his own list prices for his machinery and equipment and the list prices for regularly listed machinery and equipment shall be filed with the Association as the agency for the Code Authority not later than fifteen (15) days after the effective date of this Code and they shall become effective on the date filed. The list prices so filed shall remain in effect and no deviation may be made from them, until changes are made as provided in Section (c) following. It shall be considered an unfair trade practice for any Member of the Industry and Trade to sell any such machinery and/or equipment at prices below those filed by him with the Association, and then in effect.

(b) The Association may furnish a copy of any price list so filed with it to any manufacturer, dealer, or importer within the Industry and Trade who makes written application therefor and who manufactures or deals in machinery and/or equipment similar to that covered by the price list applied for, and the Association shall hold all such price lists so filed with it available at all times for inspection by any Member of the Industry and Trade and by any purchaser or prospective purchaser.

(c) In order to effect changes in the prices filed as provided in (a) above, the manufacturer, dealer and importer shall file notice of change, including a schedule of new prices, with the Association at its head office, and the new price shall become effective five (5) days after filing.<sup>1</sup>

3. (a) Making any trade-in allowance for used or second-hand machinery or equipment accepted in trade as part payment for new machinery or equipment in excess of the value of such used or second-hand machinery or equipment, such value to be determined pursuant to methods of value-determination or rules and regulations therefor, to be formulated by the Code Authority, or if it so determines, by the Executive Committee of the Association as the agency of the Code Authority, and to be approved by the Administrator; provided that, pending such approval by the Administrator

<sup>1</sup> See paragraph 2 of Order approving this Code.

on in the event of subsequent withdrawals or suspensions of such approval, each Member of the Industry and Trade may accept in trade used or second-hand machinery or equipment at such values as such Member may determine from time to time.

(b) No used or second-hand machinery or equipment so accepted in trade shall be disposed of (unless it is scrapped) for less than the amount allowed therefor and determined pursuant to the foregoing provisions of this Section plus all costs of handling and reconditioning, provided, that should there be such a decline in the general market prices for machinery or equipment, subsequent to six (6) months after the effective date, as would make the operation of this paragraph (b) of this Section inequitable or unjust, the Administrator may, upon application of the Code Authority or of any directly affected Member of the Industry and Trade, after such notice and hearing as the Administrator may prescribe, grant such suspension of, or make such exception to, the provisions of this paragraph (b) as in his judgment justice requires.

(c) Members of the Industry and Trade shall furnish to the Code Authority, at such times and in such form as it may require, such sworn reports as may be necessary to ascertain the compliance by such Members with the provisions of this Section 3.

(d) None of the provisions of this Section 3 shall apply to roll-fed presses which print from curved stereotype plates and which are generally used for printing the black and white sections of daily newspapers.

4. *Terms of Sale.*—Selling machinery and/or equipment:

(a) On terms of less than twenty-five (25) percent of the list prices in cash and liquidation of the residual indebtedness in substantially equal consecutive monthly payments, not to exceed twenty-four (24) in number; the first deferred payment shall mature within one (1) month from the date on which the machinery and/or equipment is ready for operation or use and each one of the said payments shall be represented by purchase-money notes or other form of security, bearing interest at the rate of not less than six (6) percent per annum, when permitted by law, and when not, at the legal rate of interest.

(b) Except that in the case of an already established business with satisfactory credit standing, a manufacturer, dealer, or importer may, within his own discretion extend terms of not less than fifteen (15) percent in cash of the list prices and liquidation of the residual indebtedness in substantially equal consecutive monthly payments, not to exceed thirty-six (36) in number; the first deferred payment shall mature within one (1) month from the date on which the machinery and/or equipment is ready for operation or use and each one of the said payments shall be represented by purchase-money notes or other form of security, bearing interest at the rate of not less than six (6) percent per annum, when permitted by law, and when not, at the legal rate of interest.

(c) In transactions involving trade-in allowance for used machinery and/or equipment, the percentage of cash payments outlined in (a) and (b) above shall be calculated on the list prices after deducting the trade-in allowance.

(d) To avoid unsatisfactory and unsound practices, in cases where credit is extended for supplies of a consumable nature, repair parts, and service for machinery and equipment, settlement shall be due not later than the fifteenth (15th) day of the month following shipment. Such accounts not paid within sixty (60) days from the date of shipment should be subjected to an interest charge at the rate of at least six (6) percent per annum when permitted by law, and when not, at the legal rate of interest, and said interest should be computed on each account from the time the account becomes past due; if not paid within ninety (90) days from date of shipment, further extension of credit to such delinquent shall be forfeited within the discretion of the manufacturers, dealers, and importers.

(e) Rates and terms of discounts for prompt payment may be established by any manufacturer, dealer, or importer, and, if presently established, schedules thereof, shall be filed not later than fifteen (15) days after the effective date of this Code, and they shall become effective on the date filed with the Association as the agency for the Code Authority. Any such rates and terms thereafter established by any manufacturer, dealer or importer shall be filed in like manner with the Association and shall become effective not later than five (5) days after such filing. Such rates and terms of discounts shall not be exceeded by the Member of the Industry and Trade who files them prior to the filing by him of revised schedules with the head office of the Association as provided in paragraph (f) of this article. Upon written application by any manufacturer, dealer, or importer, within the Industry and Trade, the Association may furnish to such applicants a copy of such discount schedules, and the Association shall hold all such discount schedules so filed with it available at all times for inspection by any Member of the Industry and Trade and by any purchaser or prospective purchaser.<sup>1</sup>

(f) In order to affect changes in the rates and terms of discounts filed as provided in (e) above, the manufacturer, dealer, or importer shall file notice of change, including a schedule of new discount rates, with the Association, at its head office, and the new rates shall become effective five (5) days after filing.<sup>1</sup>

5. Any false or misleading advertising, guarantee, or claim concerning a product.

6. Any malicious statements in defamation of a competitor's product, personnel, credit, or financial responsibility.

7. Compelling the purchase of a group of products as a consideration of purchase of one or more products.

8. Selling rebuilt, reconditioned, overhauled, or used products as and for, new.

9. Fictitious bidding for the purpose of deceiving competitors or purchasers, or any attempt—through connivance—to have all bids rejected to the end that a more advantageous position may be secured in new bidding.

10. No Member of the Industry and Trade shall sell a machine or parts therefor, copied or duplicated by such Member of the Industry and Trade from a machine or parts therefor, made by an

<sup>1</sup> See paragraph 2 of Order approving this Code.

established manufacturer of printing machinery, at a selling price under the seller's ascertainable cost.

11. Using concealed subsidiaries or agents, ostensibly independent, to secure competitive advantage.

12. Lavish entertainment of customers or prospective customers, their employees, or others acting for them.

13. Enticing away employees of competitors with a view of hampering or embarrassing competitors in the conduct of their business. Nothing in this paragraph will prevent any employee from offering his services to a competitor or prevent any employer from employing an employee of another Member of the Industry and Trade when the initiative of such change of employment is taken by the employee.

14. Procuring the business or trade secrets of competitors by espionage or by bribing their employees or others, or by similar means.

15. Threats to the trade and others of suits for patent infringement arising from the sale of alleged infringing products of competitors, such threats not being made in good faith but for the purpose of intimidating the trade and hampering competition.

16. Obliterating, removing, damaging, or destroying, or altering, or tampering in any manner with trade names or trade marks, or serial numbers of products with the intent of destroying the identity of origin of manufacture and misrepresenting such products; or the imitation of trade marks, trade names, slogans, or other marks of identification of competitors.

17. False claims by a dealer in domestic products of being an importer, or by a dealer of being a manufacturer, or by a manufacturer of some product of being also the producer of the raw material entering into the manufacture of said product.

18. Securing in any unfair manner customer's or prospective customer's signature to a contract through representation that it is merely an order on approval or otherwise.

19. Maliciously inducing or attempting to induce the breach of an existing contract between competitors and their customers, or interfering with or obstructing the performance of any such contract or contractual duties or services with the purpose and effect of hampering, injuring, or embarrassing competitors in their business.

20. Directly or indirectly tampering with or misadjusting a competitor's products in order to discredit them with a customer.

21. For the purpose of hampering or eliminating competition:

(a) The granting of, or agreement to grant, any secret or unearned allowance, rebate, refund, commission, or discount, whether in the form of money, by cancellation of notes or accounts without payment, or otherwise, or extending to certain purchasers special services, privileges, or concessions not extended to all purchasers of same class.

(b) Permitting purchasers to retain without charge machines and/or equipment or any part thereof for which an allowance has been made.

(c) Furnishing of material or labor or incurring other expense without adequate and proper charge.

(d) Furnishing, without charge, inspection, erection, adjustment, or other service for which a charge should ordinarily be made; or furnishing such services, etc., at less than an adequate and proper charge.

(e) Allowing preferential discounts or allowing discounts outside of the discount period.

(f) Absorbing freight or other transportation or other charges properly payable by the purchaser.

(g) Agreeing to give or giving to a new buyer the benefits of payments made or other credits established by the original buyer for products not yet delivered.

(h) Giving credits through allowances for advertising where advertising of value justifying the allowance is not received.

(i) Selling machines or equipment or any part thereof for customer's account and then accepting, by assignment and without recourse, the deferred part of the sales price as a credit in another transaction.

(j) Selling new products as demonstration, exhibition, rebuilt, reconditioned, overhauled, or used machinery and/or equipment at less than the current regular list price of new products of like specifications and quality.

(k) Making allowances for used machinery or equipment which, when acquired by the customer or prospective customer, was "used" and which has been in his possession for less than six (6) months, or furnishing a customer or prospective customer with old machines and equipment or assisting a customer or prospective customer to obtain such machines or equipment, for trading purposes.

(1) No Member of the Industry and 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.

(m) Subsidizing public officials, or employees, or customer's employees or prospective customer's employees or their relatives, through employing or offering to employ them, or in any other manner.

(n) Using any method whatsoever to create the false impression in the minds of customers or prospective customers or others representing or acting for them, that they are being offered opportunity to purchase under unusually favorable conditions, in a manner to hamper or eliminate competition.

22. Placing in a customer's or prospective customer's plant any machine or attachment on trial or under conditions tantamount to trial, except that in the case of any customer or prospective customer who has not previously purchased or tried any machine or attachment of the same make and type, it shall be permissible for the seller to enter into a contract of sale for a single machine or attachment, the terms of which contract may permit its rescission by the customer if the machine or attachment shall fail to operate and/or produce according to the guarantee of the seller within ninety (90) days from the date of installation; provided, however, that it shall not be construed unfair trade practice to install newly

developed models of machines or attachments in a customer's or prospective customer's plant for the purpose of testing their operation under practical working conditions.

23. The usurping of any design (or drawing of a design) for printing type faces or ornaments, originated by a competitor, either by the copying of such design in its original form or after it has been converted into a matrix or other means of reproduction, provided that this section shall not become effective until standards have been established by the Members of the Industry and Trade concerned and approved by the Administrator for the determination of violations of the standards. Such standards to be effective must be filed with the Code Authority not later than ninety (90) days after the effective date.

The application of this Section 23 shall be limited to the manufacturers of foundry-cast type and of type-casting and type-setting machinery and/or matrices therefor.

#### ARTICLE VIII—SURPLUS MACHINES

The Association may organize and incorporate a clearing association to cope with the problem of used surplus machines and equipment in accordance with a plan outlined in Exhibit A hereof. When such corporation is organized, it shall be under the administration of the Association as the agency of the Code Authority, and its membership shall be open to all who are subject to this Code. Within each State this Code shall not supersede any laws of such State with reference to the provisions of this Article VIII, including, also, any provisions of or procedure under the voluntary outlined plan described in Exhibit A.

#### ARTICLE IX—GENERAL

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

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

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.

4. Within each State, Members of the Industry and Trade shall comply with any laws of such State imposing more stringent requirements, regulating the age of employees, wages, hours of work, or health, fire or general working conditions, than under this Code.

5. Any wholly owned or controlled enterprise engaged in the Industry and Trade shall, for the purpose of this Code and its administration, be considered as a part of the Member of the Industry and Trade by whom it is so owned or controlled.



6. The provisions of this Code concerning sales, trading allowances and sales terms, shall not apply to direct export sales or shipments of any product, or to sales or shipments of any product destined ultimately for export, or to sales or shipments of parts used in the manufacture of products for export.

7. Each employer shall post in conspicuous places the full labor and wage provisions of this Code.

#### ARTICLE X—CANCELATION AND AMENDMENT

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

Such of the provisions of this Code as are not required to be included therein by the Act, may 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.

Upon approval of any such modifications, supplementary provisions, or additional codes by the Administrator, after such notice and hearing as he may prescribe, the same shall become effective as and with the effect of provisions hereof. Any such modifications, supplementary provisions, or additional codes may be submitted by the Code Authority.

Approved Code No. 257.

Registry No. 599-18.

# EXHIBITS

## EXHIBIT A OF ARTICLE VIII

### OUTLINE OF A PLAN SUBMITTED BY THE INDUSTRY AND TRADE TO DEAL WITH THE SURPLUS USED PRINTING EQUIPMENT PROBLEM

#### INTRODUCTION

The major portion of the available surplus used printing machinery and equipment rests in the hands of printers and publishers and other principals engaged in the Graphic Arts Industry. In most cases, they are the outright owners of it. For the most part, such used machinery is offered for sale not through dealers but through other and various unorganized mediums. The lack of a central organized outlet for such used machinery unfavorably affects the entire Industry and Trade in many ways.

#### OBJECT AND INTENT

As an aid to the Graphic Arts Industry to provide through an authenticated source for the disposition of all kinds of used machinery at fair and justifiable valuations, by acting as a negotiator between owners of such used machinery and prospective purchasers through authorized dealers and otherwise, it is proposed that there shall be organized a clearing corporation to effect a more satisfactory situation in the common interest.

It is not the intent of this plan to interfere with the right of owners to sell or deal with used surplus machinery with whomsoever they may choose, nor is it the intent to prevent dealers in used machinery from purchasing surplus used machinery in any manner they may see fit, and trade in it, or to require any manufacturer, dealer, or importer to participate in or be subject to this plan except by his voluntary action or assent. The success of the plan depends upon voluntary cooperative action on the part of the owners of such used surplus equipment. If it achieves the desired results it will aid the entire Industry and Trade—consumer and producer—to stabilize employment, increase wages, and enlarge purchasing power.

#### DEFINITIONS

“Corporation.”—National Printing Equipment Clearing Association.

“Industry.”—Graphic Arts Industry.

“Used Machinery.”—Surplus used printing machinery and equipment of a capital asset nature.

“New Machinery.”—New printing equipment and machinery of a capital asset nature.

#### SUGGESTED PLAN AND FUNCTIONS

Name of Organization—National Printing Equipment Clearing Association.

Capitalization.—Based on cash assets. Charter under New York or other State Laws.

Stock Subscription.—To be open to all who are under this Code and who voluntarily participate in the plan. Stock shall be nonassessable.

Registrar of Stock.—All stock issued shall be countersigned by a duly qualified trust company to be selected as Registrar.

Stock Negotiability.—Stock shall have limited negotiability. Stock to be sold by a member shall be offered first to the corporation, second to the shareholders, and if purchase fails by either of these two (2) offerings, then the stock may be offered to the public.

Management and Staff.—Directors, Executive Committee, President, Vice-President, Secretary, and Treasurer. The Board shall set up a proper working organization.

**Headquarters.**—Maintained at satisfactory location separate from that of any shareholder.

**Selling Organization.**—Sales of used machinery listed with the corporation and capable of satisfactory economical use in production shall be effected by it only through authorized dealers who are members of the National Printing Equipment Association, Inc.

**Advertising.**—Cost of printed matter and advertising shall be borne by the corporation unless otherwise arranged.

**Condition.**—Condition and completeness of used machinery shall be certified by owners on appropriate forms.

**Appraisal.**—On request and at the expense of the owner or purchaser as agreed, corporation will arrange for appraisal of used machinery, with due regard to the corporation's valuations, as provided for herein, and to the operative condition, age, and modernism of design.

**Storage.**—Used machinery capable of resale. Pending sale and/or other disposition and in the interest of economy, owners should retain custody of equipment, and in operative condition if possible.

**Inspection.**—Shall be at the expense of owner or purchaser, as agreed. Purchaser should inspect used machinery, capable of resale, at the time of buying and if found acceptable, so acknowledge, in writing.

**Repairs and New Parts.**—Expense of any such to be borne by owner or purchaser, as agreed.

**Delivery.**—All expense of whatever character incurred in the preparation for shipment and all shipping and delivery charges shall be borne by owner or purchaser, as agreed.

**Erection.**—Cost shall be borne by owner or purchaser, as agreed.

**Title.**—Owner shall give Bill of Sale to purchaser with guarantee as to clearness of title or as to lien or encumbrance of any nature whatsoever.

**Sales Price.**—May be fixed by owners of used machinery capable of resale.

**Terms.**—All cash, is possible.

**Cash Discount.**—Rate shall be fixed by owners.

**Deferred Payments.**—Owners may fix the "Terms Price" and period of credit extension where sales are effected on time-payment plan; corporation to advise as to any legal limitations.

**Contract and Notes.**—Corporation will have prepared for account of owner, on request, at his expense, which will be nominal. Advisable for corporation to so act, considering varying legal requirements of different states.

**Interest Rate.**—Six (6) percent per annum, subject to conditions of state laws.

**Landlord's Lien.**—Where state statutes give prior lien to landlords of premises for unpaid rental, corporation will endeavor to obtain for owner customary waivers of such lien.

**Insurance.**—Maintained at expense of purchaser pending completion of payments. Corporation shall furnish list of acceptable companies, and, where existent, its interest to be noted, and corporation to follow up securing premium receipts, renewal policies, and direct adjustment of any losses.

**Preservation of Lien.**—Where state statutes require recording of filing of contracts or mortgages taken back to secure deferred payments and renewals thereof, corporation will on request arrange for compliance with statutory requirements for owner, at his expense, which is nominal.

**Collections.**—Unless otherwise arranged, will be made by corporation—on proper assignment of notes and contract; all expenses (which are nominal) in connection with assignment and collections to be borne by owner. If owner is in need of cash, corporation may, on request, endeavor to arrange for the discounting of the notes at best obtainable rates.

**Remittances.**—Remittances to owner, as and when received from purchasers and in same kinds of money in which payment is made.

**Listings.**—Shall be promptly referred to authorized dealers.

**Priority of Sales.**—Identical used machinery shall be offered for sale in order of listing so far as it may prove to be possible.

**Options.**—Used machinery capable of resale shall be exclusively listed with corporation for six (6) months' period.

**Interim Sales.**—If during this six (6) months' period, opportunity is afforded owner to effect sale through a source other than the corporation, owner shall convey full particulars to corporation prior to making any commitment, thereby avoiding misunderstanding as to expense incurred or otherwise.

Owner—Identity shall remain undisclosed pending receipt of an inquiry. Listing shall be identified by corporation's record number.

Compensation—For the purpose of providing for administrative, clerical, advertising, and routine expense and, in the absence of or in addition to a fixed commission selling charge or percentage, corporation shall be free to add to the sale price fixed by owner, a reasonable charge to cover such expenses. Corporation's fee and charges shall come, if possible, out of cash payment or, if latter not sufficient to cover, out of cash payment and first notes paid. For satisfactory services rendered, dealers will receive their compensation out of equitable charges made by the corporation for services rendered.

Reservations—Pending completion of payments on used machinery sold, the right shall be reserved to owners to withdraw from the corporation any contract and notes, etc., lodged with it, simultaneously accounting to corporation for its interest, and expenses, if any.

Manufacturers—Shall furnish, on request, to corporation any missing data available, or history of used machinery listed with corporation for sale or other disposition.

Straitened Circumstances—Every effort shall be made to obtain the sale and/or other control of used machinery coming upon the market as the result of defunct or bankrupt concerns or consolidations of plants.

Broad Basis of Valuation—Practically all new machinery is equipped with certain perishable equipment which, in its first use, becomes immediately second-hand and of no market value to manufacturers. To meet this condition and to establish a fair value for surplus used machinery, the Board of Directors of the National Printing Equipment Association, Inc., shall be authorized to establish rates of valuation therefor. This Board may take cognizance of any method or rules and regulations for determining trade-in allowances provided for in Article VII, Section 3, of the Code for the Printing Equipment Industry and Trade.

Certificates of Value—Where an owner desires to arrange for the immediate disposition of his surplus used machinery, corporation may issue, at the owner's request and subject to inspection as hereinbefore provided, a Certificate of Value based on the valuations provided for herein, in full settlement for said surplus used machinery, the disposition of which will then rest with the corporation. No such certificates, however, shall be issued for used special-purpose machinery, hereby defined to be machinery built to order from specially prepared drawings and manufactured from specially built jigs, fixtures, tools, and other specially designed manufacturing equipment necessary in the manufacture of such machinery, unless through a dealer the corporation has obtained in advance a bona fide order on a cash basis for such machinery at a satisfactory price; provided, however, that in such event Certificate of Value shall not be issued for an amount in excess of its value based on the valuations provided for herein. Where a dealer in used machinery desires to sell used machinery to the corporation, the corporation may issue therefor, at the dealer's request and subject to inspection as hereinbefore provided, Certificates of Value based on the valuations provided for herein in full settlement for such machinery, the disposition of which will then rest with the corporation. The corporation shall accept Certificates of Value from dealers in connection with its sale to dealers of used machinery coming into its absolute possession, but not in excess of ten percent (10%) of the price at which such machinery is sold to dealers by the corporation.

Liquidation of Certificates of Value—Certificates of Value shall be honored by all manufacturers, dealers and/or importers of machinery voluntarily participating in this plan, but only in connection with the purchase of new machinery in transactions where there are no trade-ins and then in an amount not in excess of ten percent (10%) of the list price of new machinery purchased by the holders of the Certificate. Where an aforesaid dealer or importer honors a Certificate of Value in connection with the sale of new machinery and/or equipment, the manufacturer of such machinery and/or equipment shall reimburse the dealer or importer who represents him, for the full value of the Certificates taken in trade on the sale of new machinery and/or equipment sold of that manufacturer's make; except that in the case of sales made by dealers or importers under terms of contracts between them and manufacturers, entered into prior to the effective date of this Code, the manufacturer shall arrange with the dealer or importer, who sells his goods, for equitable terms and conditions upon which the dealer or importer shall be reimbursed.

**Certificates Unacceptable Except for Machinery**—No Certificate of Value shall be accepted in payment for sale of supplies or equipment of a consumable nature; nor shall such Certificates be accepted in settlement of accounts or notes receivable or other indebtedness; nor shall Certificates of Value be accepted as part of a cash payment in deferred payment transactions.

**Negotiability and Disposition of Certificates of Value**—Except manufacturers, including their representatives and their direct dealers, and importers, any holders of certificates will be at liberty to sell them to others who may be in the market therefor. Field representatives of manufacturers, dealers, and importers, knowing who is in the market for new machinery, will be in a position to assist these holders to find an outlet for their certificates through such printers or publishers as may be contemplating the purchase of new machinery. The corporation will from time to time advise the trade of any certificates reported to it as available for resale, also, the manufacturers will receive notices at least weekly from the corporation of certificates issued. In turn, they will keep their field representatives informed. Holders of certificates will undoubtedly experience but little difficulty in finding a ready market for them.

**Maturity of Certificates of Value**—Certificates of Value shall cease to have any value after a period of five years from the original date of issue and shall after said date of expiration be surrendered to the corporation for cancellation.

**Registration of Certificates of Value**—Certificates of Value shall be void unless signed by two separate officers of the corporation and countersigned by a responsible trust company to be selected as Registrar.

**Surrender or Reduction of Certificates of Value by Manufacturers**—Manufacturers and their dealers and/or importers direct or through the manufacturers honoring the Certificates of Value shall immediately following receipt of settlement for said new machinery, forward the Certificates of Value to the corporation for cancellation with a complete statement of the transaction in connection with which the certificates were taken. If an amount equal to ten percent (10%) of the list price of new machinery will not entirely exhaust a certificate the purchaser will turn the certificate over to the manufacturer, dealer, or importer who will send it to the corporation to have the necessary amount endorsed as a debit thereon, following which the certificate will be returned to the purchaser to be held for future use.

**Outstanding Certificates of Value**—At least weekly the corporation shall send to Members of the Industry and Trade participating in this plan notices of the issuance of certificates and shall at monthly intervals furnish to such parties a complete list of outstanding certificates showing their current value.

**Disposition of Products**—Immediately upon the surrender of used machinery to the corporation under the proposed certificate plan, the corporation will arrange for the resale of used machinery capable of satisfactory economical use in production through authorized dealers and will thoroughly destroy all used machinery coming under its control which in its judgment has ceased to be an economical factor in production.

**Notice to Manufacturers**—Manufacturers shall be duly notified of the disposition of all used machinery coming under control of the corporation.

**Manufacturers' Record of Equipment**—Each manufacturer shall furnish to the corporation, on forms to be prepared and readily adaptable to his business, a record of all printing machinery manufactured since the year 1913 showing the fiscal or calendar year in which such machinery was manufactured, model, price, style, serial number, and other descriptive information identifying the age of such machinery; and shall, thereafter, continue to furnish such information at yearly intervals. Such information will serve as a guide to the corporation in determining the amount of Certificates of Value to be outstanding at any one time. It will also assist in the fixing of rates of valuation of used machinery according to age and modernism of design, and it will further enable the corporation to determine the disposition of such used machinery as becomes the sole property of the corporation.

**Purchasers of Used Machinery Through a Source Other than the Corporation**—The corporation will cooperate with the industry in supplying the fullest information regarding any used machinery offered to the industry through any source other than the corporation. Prospective purchasers would do well, in all cases, to indicate their intention of purchasing such machinery so that they may have before them a complete history thereof. This should prove of valuable assistance in aiding them to reach a satisfactory decision.

Dealers' Direct Sales and Purchases—Dealers should report to the corporation, on appropriate forms, all used machinery purchased by them or lodged with them for sale, and the disposition of such machinery. The object of this is merely to keep the corporation informed as to the state of the used machinery market and its location. It will also aid the corporation in referring listings to dealers, and, in addition, enable the corporation to advise with dealers as to inquiries received by it from time to time from prospective purchasers of used machinery.

## EXHIBIT B OF SECTION 2, ARTICLE VII

### PRINCIPLES FOR DETERMINING COSTS

It is not the intention to develop or even to suggest a uniform system of cost accounting for the industry as a whole. There is too much variety in the character of the several businesses involved to make such a uniform system practicable. It is rather the aim to make clear what the elements of cost are and to outline the general principles upon which they should be assembled into unit costs, leaving it to each individual member of the industry to formulate his own accounting system in such form as is most suitable and convenient for the needs of his business; the only stipulation being that the system shall be so framed as to bring out the data necessary to comply with the principles here laid down.

There are several kinds of goods for which costs will need to be ascertained:

(a) Standard or universal purpose machinery and equipment, which is manufactured on a repetitive basis and may be built for stock.

(b) Special purpose machinery and equipment built to order, from specially prepared drawings and manufactured from specially built jigs, tools, and other specially designed manufacturing equipment necessary for the production of such machines.

(c) Machinery and equipment dealt in but not manufactured by the concern handling it.

(d) Supplies as distinct from machinery and equipment.

The elements entering into costs divide roughly into two groups, viz: Direct and Indirect, the former being items which can be identified as applicable to a specific unit of goods or product and the latter, those which cannot be so identified.

In building up unit costs the differentiation between direct costs and indirect costs will vary somewhat as between the four types of goods enumerated above, but, there need be and should be no variation in the principles involved, which are, that each type should carry every element of direct costs applicable to it and also a fair proportion of the indirect (or general) costs which cannot be identified against a specific unit of goods or product, such as indirect manufacturing costs; amortization of expense of research and developing and protecting products; costs of delivery, installation and service (where involved in the term of sale and price quoted); administrative and general expenses; selling expenses; taxes, etc.

In the allocation of indirect costs to unit costs there are various methods which may be used any of which might be suitable for a particular case. It is not intended here to stipulate the use of any particular method but only to stipulate that whatever method of allocation is used must be an equitable method and in accordance with recognized sound cost-accounting practice.

As a general principle, it is recognized that the fair allocation of indirect costs to unit costs necessitates the selection as a base, of a period of sufficient length to be representative and during which volume has been normal; otherwise misleading cost figures will be produced which might result in the computation of a selling price that would render the marketing of the goods impossible.

Similarly, in placing on the market new models of machinery, even of the standard or universal purpose type, the all-inclusive cost of the first few batches of machines might easily be shown to be higher than a fair selling price, unless reason is used in determining a fair number of units over which the initial costs shall be spread.

Further, in determining the cost of machinery, repossessed because of default of the buyer, it must be considered permissible to write down, where necessary, the amount for which the article was repossessed, to a fair inventory value of it, having regard to: (1) The cost of a new article of similar model and size,

(2) The costs of reconditioning and rehandling, (3) The then current selling price of the repossessed article, and (4) Any special condition surrounding the transaction.

Below is given a summary of the elements usually entering into cost. Naturally it is to be understood that if in any particular business or as to any particular unit of goods, some one or more of the elements named are not present, such element or elements should be disregarded.

(1) Costs of Manufacture or of Repairing or Reconditioning—Direct costs comprise all expenditures for materials, labor, and other items which can be identified as applicable to a specific unit of product.

Indirect costs of manufacture (sometimes called factory burden or factory overhead) comprise all expenditures in connection with production which cannot be identified as applicable to any specific unit of product; such as supervision; elevator service; janitor service; and other general labor; stock keeping, time keeping and planning and routing work; engineering; packing and shipping; perishable tools and other general factory supplies; inspection, pattern expense; power, light, and heat; factory communication; repairs, maintenance, and protection of factory properties and equipment; rent and/or depreciation at adequate rates of factory properties including machinery and equipment, and taxes and insurance on such factory properties and on inventories; workmen's compensation and group insurance; costs of welfare and safety services, etc.

(2) Expense of Research and Developing and Protecting Products—These comprise the cost of professional and all other work and expense involved in (a) improving present products, (b) developing new products, and (c) protecting products by patents, trade marks, or otherwise. These should be amortized over a fair period.

(3) Costs of Delivery, Installation, and Service—Some of these will only arise in cases where goods are sold "delivered" or "delivered and installed" at or in customer's plant. They may include freight on goods shipped; cartage and other delivery costs at destination; wages and expenses of service men engaged on installation and demonstration of machinery or equipment; the cost of rough labor engaged locally to assist said service men; etc.

(4) Administrative and General Expense—This classification includes salaries and/or other compensation of officers and clerical staffs except those engaged in the manufacturing, installation, and selling departments; legal expenses; losses on repossessions and bad debts; and other expenses applicable to the business as a whole rather than to any particular department or classification.

(5) Selling Expense—This includes all salaries, commissions, and other compensation of salesmen or selling agents and their traveling expenses; salaries of general employees at branch sales offices and all rentals, taxes, and expenses applicable to such branch offices; salaries and wages of employees engaged at head office in selling work and all expenses incurred at head office applicable to sales, advertising, and publicity, etc. Selling expenses do not include salaries of installation and service men, as these fall within group 2.

(6) Taxes—These include Federal and State franchise, capital stock, and corporation taxes; and all other taxes except those applicable to factory properties and inventories and sales offices.





Approved Code No. 258

**CODE OF FAIR COMPETITION**

FOR THE

**CAST-IRON BOILER AND CAST-IRON RADIATOR  
INDUSTRY**

As Approved on February 3, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE CAST-IRON BOILER  
AND CAST-IRON RADIATOR 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 Cast-Iron Boiler and Cast-Iron Radiator 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 Section 3 of Article VII shall be stricken from the Code.

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

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 3, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Cast-Iron Boiler and Cast-Iron Radiator Industry as revised after a public hearing conducted in Washington, D.C., on October 24, 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 in the North and thirty cents per hour in the South. Learners and apprentices shall be paid not less than eighty percent of the above minimum but shall not exceed in number five percent of the total. Office employees shall be paid a minimum wage ranging from fourteen to fifteen dollars a week, depending upon the population of the locality in which they work. Office boys and girls shall be paid not less than eighty percent of these rates 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 but the number of persons so employed shall not exceed five percent of the employer's total number of employees.

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 twelve weeks in a year forty-eight hours in one week shall be permissible. Those engaged in an executive, managerial, or supervisory capacity who regularly receive thirty-five dollars or more per week are excepted from this provision. Employees engaged solely at maintenance and repair work, shipping crews, firemen, engineers, and electricians may work nine hours a day or forty-four hours a week. 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 six months, 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 hours in excess of the normal daily or weekly maximum provided in the Code.

## ECONOMIC EFFECTS OF THE CODE

The demand for cast-iron boilers comes from the residential building industry while the demand for cast-iron radiators comes from the building industry in general. The average production of boilers and radiators for the first eight months of 1933 was respectively thirty-two percent and twenty-three percent of the averages for the peak year of 1927.

The Research and Planning Division reports conclusions to the effect that the industry is unstable, has a strong seasonal movement and varies considerably in its employment requirements.

The average number of employees engaged in the industry in 1928 was 19,450 and in June 30, 1933, 8,161. This Code will not, therefore, effect the reabsorption of all former employees but will increase the number of employees over that of September 1, 1933, by twelve percent and there will be an average wage increase of approximately thirty-three and a third percent.

The Code will eliminate competition between the members on the basis of wage rates and will give the industry a chance through cooperative effort to eliminate many detrimental practices that have heretofore existed.

## 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.*

FEBRUARY 3, 1934.

# CODE OF FAIR COMPETITION FOR THE CAST-IRON BOILER AND CAST-IRON RADIATOR 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 Cast-Iron Boiler and Cast-Iron Radiator 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

(a) "National Industrial Recovery Act" means the National Industrial Recovery Act approved by the President on June 16, 1933.

(b) "Act" means National Industrial Recovery Act.

(c) "President" means the President of the United States of America.

(d) "Administrator" means the duly appointed representative of the President to administer Title I of the National Industrial Recovery Act.

(e) "Institute" means The Institute of Boiler and Radiator Manufacturers.

(f) "Secretary" means the Secretary of The Institute of Boiler and Radiator Manufacturers.

(g) "The Industry" means and includes the business of manufacturing and selling by members, as herein below defined, of Cast Iron Boilers and/or Cast Iron Radiators and/or Cast Iron Hot Water Supply Boilers, in the United States and Alaska.

(h) "Member of The Industry" or "Member" means a manufacturer of Cast Iron Boilers and/or Cast Iron Radiators and/or Cast Iron Hot Water Supply Boilers.

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

(j) The term "Employee" means any person engaged in any phase of the Industry in any capacity in the nature of employee, irrespective of the method of payment of his compensation.

(k) The term "Employer" means anyone by whom an employee is compensated or employed.

(l) "Code Authority" means the Committee described in Article VI, hereinafter.

(m) "Effective Date" means the seventh day after this Code shall have been approved by the President.

## ARTICLE III—HOURS

SECTION 1. Except as hereinafter otherwise provided, no employee shall be employed in excess of forty (40) hours in any one week, or

eight (8) hours in any twenty-four (24) hour period, except that during any twelve (12) weeks in a twelve (12) months' period employees may be employed not more than forty-eight (48) hours during any one (1) week, but such limitations shall not apply to:

(a) Those engaged in an executive, managerial, or supervisory capacity who regularly receive thirty-five (35) dollars or more per week;

(b) Outside salesmen;

(c) Employees engaged solely at maintenance and repair work, shipping crews, firemen, engineers, and electricians, 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 twelve (12) weeks in a twelve (12) months' period;

(d) Watchmen, who may be employed not more than fifty-six (56) hours in any one week, except watchmen in closed plants to whom this limitation shall not apply.

SEC. 2. No office employee shall be employed in excess of an average of forty (40) hours per week over each period of six (6) months, nor more than forty-eight (48) hours in any one week; provided that those engaged in an executive, managerial, or supervisory capacity who regularly receive thirty-five (35) dollars or more per week shall not be subject to the limitations of this section.

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.

#### ARTICLE IV—WAGES

SECTION 1. On and after the effective date the minimum wage which shall be paid by employers in the Industry shall be at the following rates:

(a) Except as provided in paragraph (d) of this Section 1, in all States of the United States, except Tennessee, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, and Louisiana, the minimum rate of pay shall not be less than forty (40) cents per hour.

(b) In the States excepted in the above paragraph, the minimum rate of pay may be not to exceed ten (10) cents per hour less than that prescribed for other States.

(c) The minimum rate of pay for learners and apprentices shall be not less than eight (80) percent of the minimum wage provided herein, and the total number of such learners and apprentices shall not exceed in any calendar month five (5) percent of the total number of factory employees of any employer; provided, however, that no one shall be employed in the capacity of learner who is known to the employer to have been employed within the industry for one year, whether by one or more employers.

(d) The minimum wage that shall be paid by any employer to office employees shall not be less than the following weekly rates:

(1) In cities having 500,000 population or over, at the rate of \$15.00 per week.

(2) In cities having 250,000 population or over, and less than 500,000 population, at the rate of \$14.50 per week.

(3) In cities or towns having less than 250,000 population, at the rate of \$14.00 per week.

(4) Office boys and office girls shall be exempted from the provisions of this paragraph (d) provided that they shall be paid at the rate of not less than eighty (80) percent of the above minimum wages for office employees, and provided that they shall not exceed in number more than five (5) percent of the total number of office employees of an employer, but may be at least two (2) in number.

SEC. 2. All employees covered in Section 1, Article III, except those noted in subsections "a", "b", "c", and "d", who work in excess of eight (8) hours per day or forty (40) hours per week and employees noted in subparagraph "c" of Section 1 of Article III, who work in excess of nine (9) hours per days or forty-four (44) hours per week, shall be paid not less than one and one half times their normal pay for such excess.

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. After the approval of this Code, the Code Authority may present recommendations as to upward adjustments in minimum wages for specific localities, in order to effectuate the purposes of Title I of the Act.

SEC. 5. 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 thirty (30) 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. 6. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SEC. 7. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage 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. 8. All employees, except those covered in subdivisions "(a)" and "(b)" of Section 1, Article III, shall be paid in lawful currency or valid checks at least semimonthly.

SEC. 9. The employer 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 first a list of such operations or occupations. In any State where the law so provides 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. 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.

(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 purpose or provisions of the Act or of this Code.

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.

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, 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 employees.

## ARTICLE VI—ORGANIZATION

SECTION 1. To effectuate the policies of the Act, and to cooperate with the Administrator in the enforcement of the provisions of this Code, the Executive Committee of The Institute is hereby constituted a Code Authority; provided, that no inequitable restrictions upon membership in the Institute shall at any time be imposed. The Code Authority shall have the powers and duties herein provided, subject to disapproval by the Administrator.

SEC. 2. For the purpose of cooperating with the Administrator with respect to the application of this Code and of said Act, and to determine whether the members of the Industry are observing the



provisions of this Code, and adopting and maintaining appropriate action to effectuate the declared policy of the Act, the Administrator may designate not to exceed three (3) representatives without vote and without expense to the Industry to confer with, aid, and advise the Code Authority at such times and places as such representative, or representatives, may request concerning any matters relating to the administration of this Code. Such representative or representatives shall receive such notice of all meetings of the Code Authority as is given to the members of said Code Authority.

SEC. 3. In addition to information required to be submitted to the Code Authority and the Administrator, 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. 4. Members of the Industry shall be entitled to 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 the disapproval of the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SEC. 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall this Code be construed to render any member of the Code Authority liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall this Code be construed to render any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or non-feasance.

SEC. 6. The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority.

(a) To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the trade or any other party except to such governmental agencies as may be delegated by the Administrator.

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

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

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

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the Industry who have assented to, and are complying with, this Code.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(i) In the event of violation of this Code by a member who has specifically assented in writing to the provisions of this paragraph (i), the Code Authority, subject to disapproval by the Administrator, after having afforded a fair hearing to the member of the Industry complained of, may assess as liquidated damages, where the violation involves a product a sum equivalent to twenty (20) percent of his current trade price of the product involved. When such violation does not involve a product there may be assessed as liquidated damages a sum not exceeding five hundred (500) dollars, to be paid by such member of the Industry. The Code Authority shall immediately report any such assessment to the Administrator, and such assessment shall become payable only after such report has been made. Such sums mentioned shall be payable without recourse to the Institute within thirty (30) days after the assessment by the Code Authority and shall become part of the common funds of the Institute.

## ARTICLE VII—PRICE LISTS

SECTION 1. Upon the effective date of this Code, each member of the industry shall file with the Secretary of the Institute for immediate distribution to all members who file similar reports regarding similar products, copies of all their price lists, covering all cast-iron boilers and/or cast-iron radiators and/or cast iron hot water supply boilers manufactured and/or sold, including therein all prices, terms, discounts, allowances, and conditions relating to or in anywise affecting any sales of the same to classes of purchasers defined in this Code. Such price schedule shall take effect immediately upon the filing thereof. No member of the Industry shall sell products of the industry at prices lower, or upon terms more favorable than provided in his schedule thus filed unless and until revised schedules of prices and terms have been filed by him. Such revised schedules shall likewise take effect immediately upon filing thereof. Revised price schedules may be filed temporarily by telegram.

SEC. 2. The following definitions of classes of customers are hereby adopted for this Industry.

(a) "Wholesaler" is one engaged in the distribution of heating products, plumbing products, and/or pipe, fittings, and valves, who has a substantial and proper investment in his business, maintains a warehouse, does not buy for resale, used or damaged heating materials, plumbing products, and/or pipe, fittings, and valves, whose major sales are to heating and plumbing contractors, who purchase for resale as herein provided, and who does not perform directly or indirectly the functions of a low-pressure heating contractor. The sale of pipe, fittings, and valves by a wholesaler for other than resale purposes for the fabrication of pipe will not be considered in conflict with this definition. Two classes of wholesalers shall be recognized.

(1) Those who do not stock either consigned and/or purchased boilers and/or radiators.

(2) Those who purchase and/or receive on consignment boilers and/or radiators in carload lots.

(b) A "Contractor" is defined as one who is licensed, where required by State or local Governments, and who installs heating equipment which he sells to the consumer. Federal, State and local Governments shall be classified as contractors for the purpose of this Code.

(c) A "Mail Order House" is one who has a substantial and proper investment in his business and does business nationally throughout the United States, who buys in bulk quantities, who maintains a warehouse and a sufficiently complete stock of heating fixtures to meet all normal requirements, and who maintains adequate showrooms and whose major business is selling to the consumer.

(d) A "Direct-to-you" is defined as one who has a substantial and proper investment in his business, who buys in bulk quantities, who maintains a warehouse and sufficiently complete stock of heating fixtures to meet all normal requirements and who maintains adequate showrooms and whose major business is selling to the consumer.

(e) If any of the foregoing definitions should work hardship upon any member of the Industry or any customer, such member of the Industry or such customer may apply to the Code Authority which shall have power to grant relief. If the Code Authority should deny relief, or should fail to take action upon such application within ten (10) days after receiving the same, such member or customer may appeal to the Administrator, who shall have power to grant relief.

SEC. 3. Many members of the Industry sell part of their products direct to dealers and/or heating contractors, and part of their products through wholesalers. In order to prevent indirect evasion of the provisions of this Code by members, it is hereby provided that no member shall sell any product to or through any wholesaler who is selling such product to any dealer and/or heating contractor at a lower price or on terms more favorable than the prices and terms provided in the price list of such member for sales by such member direct to dealers and/or heating contractors.<sup>1</sup>

<sup>1</sup> This section deleted as per order approving this Code.

## ARTICLE VIII—TRADE PRACTICE RULES

SECTION 1. The giving or offering to give of prizes, gifts, or gratuities in the form of money or otherwise, in connection with the sale of products, or as an inducement thereto, or the sale of more than one commodity at an aggregate price less than the sum of the member's regularly established unit prices therefor, shall constitute unfair competition.

(a) The secret payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or discrimination between purchasers by secretly extending to certain purchasers special services or privileges constitutes a violation of this Code.

(b) No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party; without knowledge of such employer, principal, or party. This paragraph shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

(c) The making or causing or permitting to be made or published any false, untrue, or deceptive statement by way of advertisement or otherwise, concerning any product of the Industry, constitutes a violation of this Code.

(d) Defamation of any member of the Industry by words or acts and/or the making, causing, or permitting to be made, or the publishing of any false, untrue, misleading, or deceptive statement by way of advertisement or otherwise concerning any member of the Industry, constitutes a violation of this Code.

(e) No member of the Industry shall knowingly solicit or accept any order after the contract therefor has been entered into in good faith or offer lower prices or better terms to force a revision of such existing contract.

(f) Each member of the Industry shall invoice his goods sold at his actual selling price.

(g) The acceptance by any member of the Industry of orders for large quantities, except for specific buildings and then making small deliveries, invoicing the same at quantity prices for the purpose and with the effect of discriminating between different purchasers of the same class, constitutes a violation of this Code.

(h) The acceptance of orders for small quantities from several different buyers and shipping the same in a carload for distribution to the separate buyers and charging each of such buyers on the basis of the carload price for the quantity intended for their separate use, constitutes a violation of this Code.

(i) Soliciting or accepting orders for future delivery for other than bona fide transactions entered on contract forms sponsored or approved by The Institute, as and when such contract forms have been approved by the Administrator, constitutes a violation of this Code.

## ARTICLE IX—RECOMMENDATIONS AND AMENDMENTS

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 destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions thereof. Also that the Code Authority may from time to time make recommendations to the Administrator relating to provisions of this Code and affecting the Industry, and such recommendations, when approved by the Administrator after such hearing as he may prescribe, shall have the same force and effect as any other provision of this Code.

## ARTICLE X—GENERAL PROVISIONS

SECTION 1. Nothing contained in this Code shall be construed, or used in such manner as to:

- (a) Promote monopolies or monopolistic practices.
- (b) Permit or encourage unfair competition.
- (c) Eliminate or oppress, or discriminate against small enterprises.

SEC. 2. This Code is hereby expressly made subject to the right of the President, pursuant to 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 said Title of said Act, and specifically but without limitation, to cancel or modify his order approving this Code, or any conditions imposed by him upon such approval.

SEC. 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 (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.

Approved Code No. 258.  
Registry No. 1103-05.





Approved Code No. 259

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**HAT MANUFACTURING INDUSTRY**

**As Approved on February 5, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE HAT 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 Hat 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 V, Section 6, insofar as they prescribe a waiting period between the filing with the Hat Institute, Incorporated (i. e. actual receipt by the Hat Institute, Incorporated) and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further notice.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 5, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: The Code of Fair Competition for the Hat Industry has been approved by the Hat Institute, Inc., and is recommended for Executive approval. The Hat Institute is an association of manufacturers representing approximately 90 percent of the combined productive capacity in the various branches of the hat industry. These branches are: (1) straw hats, including harvest hats; (2) silk or opera hats; (3) fur-felt hats for men or boys, either new, second-hand, or made-over used hats; (4) fur-felt hat bodies for men's and women's hats; (5) wool-felt hat bodies for men's and women's hats.

A proposed Code of Fair Competition for this industry was presented by the Hat Institute on July 31, 1933. Following a number of conferences, the Code as revised was considered on August 17, 1933, and on August 29, 1933, at public hearings, over which Dr. Lindsay Rogers presided. At these hearings, numerous conflicting ideas respecting Code provisions were expressed by members of the industry and other interested parties. Most of the discussions at the numerous conferences subsequent to the public hearings centered about the minimum wage provisions of the Code. The manufacturers experienced great difficulty in reconciling their divergent viewpoints on the minimum wage provisions, but have now virtually unanimously agreed upon the plan incorporated in the submitted Code. The Code submitted herewith includes the following articles:

Article I sets forth definitions of certain important terms used in the Code.

Article II prescribes the maximum hours of work for employees in the industry and provides for certain restrictions in the use of productive equipment.

Article III designates a minimum wage rate of \$.35 per hour, and outlines a number of general rules respecting the application of this rate.

Article IV embodies the general labor provisions of the Code, including the elimination of home work in the industry.

Article V constitutes a Code Authority for the industry and outlines its duties and powers.

Article VI prohibits certain unfair trade practices, defined by this section of the Code.

Article VII provides for the distribution and use of NRA labels and requires that all hats manufactured and sold must bear such labels issued by the Code Authority with the approval of the Administrator.

Article VIII outlines the manner in which the Code may be modified.



Article IX states that the purpose of the Code is not to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

Article X designates the effective date.

Annex A outlines certain principles for the guidance of employers in effectuating Section 2 of Article III of the Code which provides for the equitable adjustment of wages above the minimum.

#### NATURE OF THE INDUSTRY

The various branches of the industry may be grouped into three classifications:

1. The manufacture of men's straw hats from purchased braids, and of Panama hats from purchased bodies;
2. The manufacture of felt hat bodies of wool or fur in so-called "back shops";
3. The manufacture or finishing of wool or fur felt hats from felt hat bodies in so-called "front shops."

In terms of value of product or of number of wage earners, the fur-felt section represents by far the most important branch of the industry. Almost four fifths of the total value of hat production in 1929 was contributed by the fur-felt branch.

The fur-felt hat branch of the industry is located principally in Connecticut, Pennsylvania, and New York. Straw Hat manufacturing is also concentrated to a large extent, as is evident from the fact that in 1931 over three quarters of the production was supplied by New York, Missouri, Massachusetts, and New Jersey.

More than 75 percent of the employees in this industry are found in plants with 100 or more employees, while over one third of the industry work-force finds employment in the relatively few plants employing 1,000 workers or more. While the industry includes many small plants, they are not responsible for the large proportion of the workers employed. In 1931 the entire industry employed an average work-force of 18,450 workers, of whom 14,084 were in the fur-felt branch, as compared with 2,823 in straw-hat manufacturing, and 1,543 in the wool-felt branch. The percentage of unskilled labor in the hat industry is small, particularly in the fur-felt branch, where nearly three quarters of all employees are male. In the straw-hat section of the industry, about one half of all employees are male.

In recent years, the hat industry has encountered a decline in the demand for its product. To no small extent the "hatless fad" is responsible. The value of this industry's product in 1929 was almost \$130,000,000, but by 1931 the value had decreased nearly 40 percent to approximately \$79,000,000. The industry feels that, in view of its declining trend, it cannot increase too greatly its costs and the price for its product without inducing a greatly lowered consumption.

#### THE WAGE PROVISIONS OF THE CODE

The Code as originally submitted by the Hat Institute, Inc., provided for a guarantee of one minimum rate of \$.35 per hour, below which no employee should be paid. At the public hearing, and at

subsequent conferences, it became evident that this proposal did not have the approval of a large group of manufacturers, many of whom were members of the Hat Institute. To a large extent, they were manufacturers who, because of union agreements or otherwise, claimed to be paying wages greatly in excess of their competitors. They maintained that if fair competition were to prevail the average wage paid by the industry would have to be increased to a greater extent than would be insured through the operation of a \$.35 minimum alone. At any event, they refused to assent to the originally submitted Code, and created an association known as the Allied Hat Manufacturers, Inc., to submit a second proposed Code for the industry. This Code, presented during the conferences following the public hearing, provided for occupational classifications in great detail and provided a series of minimum wages for these classifications. The plan of this group was finally simplified to provide for the determination of several occupational basing points for which minimum hourly rates were designated. Representatives of labor insisted upon detailed occupational classifications and the provision of minimum hourly rates for these classes.

While other differences of opinion prevailed among the manufacturers, the major divergence resulted from the insistent demand of one representative group for the insertion of occupational classifications in the code, and an even more strenuous demand of another representative group that but one minimum hourly rate be specified. For many weeks, in numerous conferences, it appeared to be impossible for the manufacturers to reconcile their differences, despite the fact that literally scores of compromise plans were suggested and discussed. Finally a general agreement was obtained with respect to the plan of wage payment now embodied in the code, and which was based upon a payroll analysis of present earnings in about fifty manufacturing concerns.

By Article 3, Section 1, of the recommended code, it is provided that no employee shall be paid at less than the rate of thirty-five cents (\$.35), while Section 2 of Article 3 sets forth that wages above the thirty-five-cent (\$.35) rate are to be equitably adjusted in accordance with the principles outlined in Annex A of the Code. In that Annex, certain schedules of minimum hourly rates above the minimum provided for least skilled employees are specified for the principal branches of the industry. These minimum hourly rates are not to be effective as to specified occupational groups but to specified percentages of total number of employees. For example, wages above those received by the least skilled employees are to be equitably adjusted in the fur-felt industry, and the result of this adjustment is to be that at least fifteen percent (15%) of the employees in a plant are to receive eighty cents (\$.80) per hour or above, at least an additional twenty percent (20%) are to receive seventy cents (\$.70) an hour or above, and at least an additional twenty-five percent (25%) of the employees are to receive not less than fifty cents (\$.50) per hour.

The determination of the particular percentages of employees in each wage classification was based upon an analysis of the earnings prevailing in fifty (50) hat manufacturing plants during the summer of 1933.

That this statement of principle governing wage adjustments is considered as experimental is evidenced by the fact that Annex A provides the Administrator with the right to cancel or modify this provision of the code after due notice and hearing. In order that the adequacy of the provision may be appraised by the Administrator, the code specifies that the Code Authority shall report to the Administrator within ninety (90) days as to whether the plan as prescribed constitutes an equitable adjustment of wages and whether it tends to establish maximum as well as minimum wages.

Certain manufacturers in the industry have maintained their inability to adjust wages to conform with the principles outlined in Annex A. They have urged that a differential be provided below the code minimum wage provisions as the basis for the adjustment of their wages. These manufacturers, located largely in the Middle West, emphasize the need for this differential by pointing out their competitive disadvantage arising from (1) the production of cheaper hats in certain of their plants; (2) the employment of less skilled workers; (3) location; (4) the employment of a relatively large proportion of female employees, particularly in some straw-hat plants.

There has been no submission of sufficient and adequate facts whereby there could be an objective determination of the need for establishing this differential, the necessary size of the differential, or that exact portion of the industry to which it should prevail. In order that this problem may be further explored, the application of Annex A of the Code is stayed for a period not to exceed 35 days from the effective date. In addition, it is provided that the Code Authority shall make such recommendations as it deems proper with respect to the granting of differentials below the percentage minima of the Code to any manufacturer or group of manufacturers. Such recommendations may be approved by the Administrator after due notice and hearing.

#### HOURS OF WORK

By the terms of Article II of the Code, it is provided that no employee in the industry engaged in productive operations shall be permitted to work in excess of forty (40) hours in any one week. In June 1933 the employees in the fur-felt branch of the industry were working an average full-time schedule of 50 hours, although actual operations during most of the months were below the hours of a full-time week. The Division of Economic Research and Planning has estimated that a 40-hour week will possibly result in the re-employment of about 2,900 workers in the fur-felt branch of the industry and about 4,000 workers in the entire industry. In 1929, over 23,000 workers were attached to this industry, while the largest number employed in any month of 1933 has been estimated at about 16,000. It is possible that the 40-hour week may, therefore, relieve a considerable extent of the unemployment problem of the industry.

It has been maintained by labor representatives that the 40-hour week will not lead to a significant decrease in the number of unemployed hat workers. In support of this position, they call attention to the difference in numbers employed in 1929 as compared with 1933. The plan suggested by the labor representatives included

a 35-hour week and single-shift operation of forming equipment. Manufacturers called attention to their seasonal requirements which necessitate two-shift operation, and to the fact that the 35-hour week would unduly increase costs in an industry that is experiencing a declining trend in the demand for its product.

In order that the hours provisions of this Code may be properly evaluated, the Code Authority has the duty to conduct an investigation to ascertain whether the maximum work week as provided is effectuating the purpose of the Act. The results of this investigation are to be reported to the Administrator.

#### WOOL-FELT HATS

It is reported that ten concerns in the industry now make wool-felt hats, as compared with twenty-two factories in 1925. The production of this branch of the industry has declined steadily, while importations of wool-felt hats and hat bodies have increased. For the first nine months of 1933 it is estimated that 42.8 per cent of new wool-felt hats were of domestic manufacture, as compared with 57.2 percent which were imported. Operating under the increased costs which resulted from compliance with the President's Reemployment Agreement, these mills report increased difficulty in competing with importations. From September 1 to September 15, 1933, wool-hat plants produced 42,000 dozen women's hat bodies as compared with nearly 77,000 dozen for the same period in 1932.

Because of the peculiar circumstances prevailing in this section of the industry, the Code provides that wool-felt manufacturing be subject to but one minimum-wage requirement, that no employee receive less than \$0.35 per hour. However, the minimum wage scale payable by this branch may be revised upon a determination of a complaint it contemplates filing under Section 3 (e) 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 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.*

FEBRUARY 5, 1934.

## CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING 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 Hat Manufacturing Industry, and shall be the standard of Fair Competition for such industry, and shall be binding upon every member thereof.

### ARTICLE I—DEFINITIONS

1. The term "hat manufacturing industry" or the term "industry", as used herein, includes the manufacture, renovation in hat factories, and/or finishing, blocking and trimming, in the United States or in any territory, or insular possession, or other place under the jurisdiction of the United States, by members of the industry.

A. Straw hats and other summer headwear (except caps and millinery) including all men's and boys' summer headwear finished, blocked and/or trimmed from imported or domestic hat bodies, and straw hat bodies, and including harvest hats as hereinafter defined.

B. Silk or opera hats.

C. Fur-felt hats, either new, second-hand, or made-over-used, for men and boys.

D. Fur-felt hat bodies for men's and women's hats.

E. Wool-felt hats for men.

F. Wool-felt hat bodies for men's and women's hats.

The term "Harvest hats" means hats made of hoods and/or bodies imported under the provisions of paragraph 1504 (b) (5) of the Tariff Act of 1930, with patch sweatbands not over six inches long, and does not include Toyo bodies or any sewed braid hats.

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 and shall include apprentices.

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

4. The term "member of the Industry" includes anyone engaged in the Industry as above defined either as employer or on his own behalf, whether as a manufacturer or as a contractor or subcontractor as hereinafter defined.

5. The term "contractor" or "subcontractor" means anyone engaged in the Industry who manufactures or assembles products under contract, express or implied, whereby a customer directly or indirectly supplies to such contractor or subcontractor money, and/or

credit, and/or materials, and/or any services for, or in connection with, filling orders for such customer.

6. The term "Institute" means the Hat Institute, Inc.

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 the said Act.

#### ARTICLE II—HOURS

1. Except as hereinafter provided, no employee or member of the Industry engaged in manual and/or mechanical processes of manufacture, shall be permitted to work in excess of forty (40) hours in any one week.

The Code Authority shall make an investigation to ascertain whether the maximum work week herein provided is effectuating the purposes of the Act, and shall report thereon to the Administrator.

2. Office employees, repair shop crews, engineers, electricians, firemen, stock clerks, box packers and shippers, watching and outside crews, scrub women, charwomen, and others similarly employed, shall not be permitted to work in excess of forty (40) hours in any one week, except that during the spring and fall seasons such employees shall be permitted to work not more than an additional eight (8) hours in any one week, and shall be paid their regular rate of compensation for any time worked in excess of forty (40) hours in any one week.

The Code Authority shall report to the Administrator before March 1, 1934, with recommendations in respect to the hours of labor of the excepted employees described herein, and the Administrator may approve any such recommendations. Upon his approval they shall have full force and effect as provisions hereof.

3. The maximum hours fixed in the foregoing sections shall not apply to supervisory employees, including foremen, receiving thirty-five dollars (\$35.00) per week or more, nor to outside salesmen.

4. The foregoing provisions for maximum hours of labor mean the maximum hours of labor per week for each employee in the Industry so that under no circumstances shall such an employee be knowingly employed or permitted to work for one or more employers in the Industry in excess of the aggregate prescribed number of hours in a single week.

5. There shall be only one shift of labor per day in the finishing department in the manufacture of felt hats and in the sewing, pressing, and blocking departments in the manufacture of straw, Panama, and other body hats (except harvest hats).

#### ARTICLE III—WAGES

1. No employee shall be paid at less than the rate of thirty-five cents (\$0.35) per hour.

2. Wages above the minimum provided herein shall be equitably adjusted in accordance with the principles set forth in Annex A of this Code; provided, however, that such principles shall not be construed or applied so as to set maximum as well as minimum wages.

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 engaged in productive operations and performing substantially the same quality and quantity of work as male employees shall receive the same rates of pay as male employees.

5. Employees shall not be required or compelled to wait unreasonable lengths of time for the assignment or continuation of work unless adequate compensation is paid for such waiting periods; and it shall be prima facie evidence of a violation of this provision that employees are required to wait for assignment or continuation of work in excess of one continuous hour. The compensation for such waiting period, in excess of one continuous hour, shall be based upon the average earnings of such employees computed upon the most recent pay-roll records.

6. All employees shall be paid directly by their employers and the pay-roll records shall contain the name or identification number of, and the wages paid to, each employee.

#### 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 dangerous to life or limb. The Code Authority shall submit to the Administrator before March 1, 1934, a list of such occupations. 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, 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 of employees, so as to defeat the purposes of the Act.

7. No merchandise shall be manufactured by "home work" as hereinafter defined.

The term "home work" as used herein, is hereby defined to mean the performance of any manufacturing operation, whether by machine or hand, in any home, tenement house, or basement.



## ARTICLE V—ADMINISTRATION

Further to 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 the Code Authority.

(a) The Code Authority shall consist of twelve (12) individuals to be appointed by the Board of Directors of the Institute, and of one (1) individual to represent nonmembers of the Institute if and when elected by such nonmembers by a fair method of selection approved by the Administrator.

The Administrator may appoint two (2) additional members, without vote, to represent such groups or interests or such governmental agencies as he may designate.

Two (2) members, without vote, may be appointed by the Administrator on recommendation of the Labor Advisory Board to represent Labor.

(b) The 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.

(c) The Code Authority may appoint its own officers and employees and, except as herein provided, prescribe, subject to the approval of the Administrator, rules, regulations, and bylaws for its procedure and the conduct of its business and affairs.

(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, or any sub-Code Authority.

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

(a) Review all questions or disputes arising under this Code;

(b) Insure execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act;

(c) Shall receive complaints of violations of this Code, make investigations thereof, provide hearings thereon, adjust such complaints, and refer unadjusted violations to the Administrator with a report and recommendations for appropriate action;

(d) 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) Investigate the importation of competitive articles into the United States on such terms or under such conditions as to render ineffective or seriously endanger the maintenance of the Code, and act as the agency for making complaint in respect thereof to the President on behalf of the Industry; and

(f) To secure from members of the Industry 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) Submit to the Administrator from time to time such proposed amendments to the Code as, in its judgment will have the effect of improving the Code or improving the results secured thereunder, and any of such proposed amendments, when approved by the President, shall have force and effect as provisions of the Code. Every proposed amendment shall be so submitted only after a canvass of the opinion of the Industry by the Code Authority.

(i) To make recommendations for the limitation and supervision of handicapped persons employed below a minimum wage.

3. For the purpose of aiding the Code Authority in judging as to the observance of the Code, in gauging the extent to which the objectives of the Act are being attained, and considering any necessary amendments or additions to the Code, each member of the Industry shall furnish to the Institute properly certified reports of such character and in such form as the Code Authority may prescribe, with the approval of the Administrator, including—

(a) Number of employees;

(b) Wages paid employees;

(c) Hours of work performed by each employee;

(d) Stocks on hand, production, and unfilled orders, together with such other statistics and information as may be required from time to time.

4. For the purpose of assuring to the Code Authority the advice and suggestions of the major branches of the Industry, the Institute shall provide for the selection in each of the major branches of the Industry of an Advisory Committee. Such Advisory Committees shall make such recommendations to the Code Authority as they may deem necessary and advisable with reference to their particular branches of the Industry. They may also submit recommendations affecting the whole Industry or propose amendments to the Code.

5. The Code Authority may cause the Secretary of the Hat Institute, Incorporated, or such other confidential agency as the Code Authority may determine, with the approval of the Administrator, to make such investigations of members of the Industry as it may deem advisable in order to determine whether or not any member of the Industry is violating any provision of this Code. All information so received shall be held secret and confidential between the Secretary of the Hat Institute, Incorporated, and/or confidential agency and the reporting member.

6. Each member of the Industry shall, within ten (10) days after the effective date of the Code, file with the Institute a list showing the prices for all its products, discounts therefrom and terms of sale, and from and after the expiration of such ten (10) day period, each member of the Industry shall at all times maintain on file with the Institute a list showing the prices for all its products, together with discounts and terms, and shall not make any change therein except as provided for in this Section. Each such list shall state the date upon which it shall become effective, which date, in the event of a price increase, shall be not more than five (5) days after the date of the filing of such list as aforesaid, and, in the event of a price decrease, shall be not less than five (5) days after such date of filing; provided, however, that the first list filed by any member of the Industry as above provided, shall take effect on the date of filing thereof. None of the prices, discounts, or terms, shown in any list filed by any member of the Industry as herein provided shall be changed except by the filing by such member of the Industry with the Institute of a new list, which shall become effective on the effective date therein specified, which date, in the event of a price increase, shall be not more than five (5) days after the date of the filing of such list as aforesaid, and, in the event of a price decrease, shall be not less than five (5) days after such date of filing. The prices, discounts, and terms in effect prior to the filing of such new list shall continue in effect until those set forth in such new list shall become effective as above provided. All such lists shall be available for inspection by any member of the Industry or other interested party at all reasonable hours.

7. The Code Authority may recommend to the Administrator discounts and terms of sale, which, upon approval by the Administrator shall become effective provisions of this Code.

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 the Code, except for his own willful misfeasance or nonfeasance.

9. All information received by the Code Authority by virtue of the operation of any provision of this Code shall be deemed confidential and shall not be published, or otherwise disseminated in the Industry, but shall be available to the Administrator.

10. No action of the Code Authority on any matter shall be effective unless the same shall have been passed by the affirmative vote of not less than two thirds ( $\frac{2}{3}$ ) of the entire voting members thereof.

11. 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 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 or another in relation to the business of the employer of such employee, the principal of such agent or the representative 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.

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. *Discrimination.*—There shall be no discrimination in price between customers of the same class by paying or allowing rebates, refunds, commissions, or unearned discounts, or by giving prizes or by extending to certain customers special prices, terms, services, or privileges not extended to all customers of the same class under like terms and conditions, except that, in his discretion, a member of the Industry may grant any customer an allowance for advertising purposes of any sum which shall not exceed five percent (5%) of the net amount of the purchases of such customer from such member of the Industry before discounts in any year, provided that no such allowance shall be made by any member of the Industry unless the customer shall contribute to such advertising at least an equal amount in such year, provided that bills rendered for such allowance are accompanied by proof of the advertising expenditure.

6. *Giving of Prizes, Premiums, or Gifts.*—The offering or giving of prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

7. *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts,

questionable credit standing, or by other false representations, or by the false disparagement of the grade or quality of their goods.

8. *Threats of Litigation.*—The publishing or circularizing of threats of suits for infringement of patents or trade-marks or of any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or intimidating their customers.

9. *Espionage of Competitors.*—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

10. *Substitutions.*—Using or substituting any material superior in quality to that specified in the contract of sale, or using or substituting any method of manufacture not in substantial accordance with the contract with the purchaser for the purpose of securing an unfair competitive advantage.

11. *Invoices.*—Invoicing products with dates other than dates of shipments in order to evade published prices and terms filed in accordance with the provisions of this Code.

12. *Charges and Collections.*—Failing to charge for any product delivered to a customer in accordance with the prices on file with the Institute at the dates of sale.

13. *Cost Accounting.*—No member of the Industry shall sell any commodity at a price below his own individual 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. Distress merchandise, surplus stock, seconds, and samples shall be excepted from this provision. Subject to the approval of the Administrator, the Code Authority shall adopt rules and regulations governing the disposal of such merchandise below cost.

14. *Consignments.*—Subject to the extent necessary to carry out arrangements existing on the effective date of the Code, which arrangements shall be reported to the Code Authority, delivering products on consignment or selling with the privilege of return.

15. *Made-Over-Used Hats.*—Selling or offering for sale, old, worn, used or discarded hats which have been cleaned and/or fitted with ribbons, sweatbands, or linings, unless and until there is stamped upon the exposed surface of the sweatbands of such hats the words "Made-over-used hat" in metallic letters at least one quarter of an inch high or clearly embossed letters as prescribed by the Code Authority.

16. *Payment of Wages.*—Employees shall be paid in cash or by check at least every two weeks all wages accruing to within eight (8) days of the date of payment, and no such check shall knowingly be issued which may not be promptly cashed in full by the payee. An employee voluntarily leaving employment shall be paid in full not later than the following regular pay-day, and an employee discharged from employment shall be paid in full not later than the business day next succeeding the date of such discharge.

Provided, however, that upon proper showing of undue hardship the Code Authority may grant an exception from any of the above

provisions, subject to the right of an employer to appeal to the Administrator.

17. *Infringements.*—Using, imitating or simulating any exclusive name, trade-mark or brand owned by any other member of the Industry for the purpose of securing an unfair competitive advantage.

#### ARTICLE VII—LABELS

All hats manufactured or distributed subject to the provisions of this Code shall bear an N.R.A. label to symbolize to purchasers of said hats the conditions under which they were manufactured. Under the power vested in it by the Executive Order of October 14, 1933, and under grant of the necessary authority by the Administrator, the Code Authority shall have the exclusive right in this Industry to issue and furnish said labels to the members thereof. There shall be one type of label for new hats and one type for made-over-used hats. Each label shall bear a registration number especially assigned to each employer by the Code Authority and remain attached to such hat when sold to the retail distributor. Any and all members of the industry may apply to the Code Authority for a permit to use such N.R.A. label, which permit to use the label shall be granted to them, but only if and so long as they comply with this Code. Such labels may be attached to hats manufactured and/or delivered prior to the effective date, if manufactured by a member of the industry who is complying with the Code at the time they are so attached.

The Code Authority, subject to approval by the Administrator, shall establish rules and regulations and appropriate machinery for the issuance of labels, and the inspection, examination and supervision of the practices of employers using such labels in observing the provisions of this Code for the purpose of ascertaining the right of said employer to the continued use of said labels; of protecting purchasers in relying on said labels; to assure to each individual employer that the symbolism of said label will be maintained by virtue of compliance with the practices herein contained by all other employers using said labels.

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

With respect to the harvest hat industry, the Code Authority shall make recommendations concerning the application of this provision so that the Administrator, in his discretion, may make this section effective with respect to said Industry.

#### 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. 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—EFFECTIVE DATE

This Code shall become effective on the second Monday after date.

Approved Code No. 259.

Registry No. 233-02.

## ANNEX A

In accordance with Section 2 of Article III of the Code, the following principles shall guide employers in the adjustment of wages above the minimum provided in the Code:

A. In the production of fur-felt hat bodies and fur-felt hats, at least fifteen per cent (15%) of the total number of employees shall receive not less than eighty cents (\$0.80) per hour; at least an additional twenty per cent (20%) of the total number of employees shall receive not less than seventy cents (\$0.70) per hour; and at least an additional twenty-five per cent (25%) of the total number of employees shall receive not less than fifty cents (\$0.50) per hour.

B. In the production of straw hats and other summer headwear as defined in Article I, Section 1, paragraph A, of this Code (other than harvest hats) at least fifteen per cent (15%) of the total number of employees shall receive not less than eighty cents (\$0.80) per hour; at least an additional twenty per cent (20%) of the total number of employees shall receive not less than seventy cents (\$0.70) per hour; and at least an additional twenty-five per cent (25%) of the total number of employees shall receive not less than forty cents (\$0.40) per hour.

C. In the production of wool-felt hat bodies and wool-felt hats the minimum rate of thirty-five cents (\$0.35) per hour as provided in Article III, Section 1, of this Code, shall apply provided that the Code Authority shall make such recommendations as it deems proper and necessary to cover higher paid workers on a percentage basis similar to that set forth in the preceding subdivisions designated "A" and "B" of this section, depending upon the outcome of complaint filed under section 3 (e) of the Industrial Recovery Act. The Administrator may approve such recommendations after due notice and hearing, and upon his approval thereof they shall become effective provisions of this Code.

D. Provided, that in computing the above percentages, there shall be excluded office employees, salesmen, partners, executives, officers, and foremen.

Provided, however, that the application of the above shall be stayed for a period not to exceed thirty-five (35) days after the effective date hereof; and

Provided, further, that the Code Authority shall make such recommendations as it deems proper with respect to the granting of differentials to any manufacturer or group of manufacturers below the percentage minima herein set forth. The Administrator may approve such differentials after due notice and hearing, and upon his approval they shall become effective provisions of this Code.

The Code Authority shall report to the Administrator within one hundred twenty (120) days as to whether the operation of the above principles constitutes an equitable adjustment and whether it tends to establish maximum as well as minimum wages, and the Administrator after due notice and hearings, may cancel or modify the provisions of this Annex.



Approved Code No. 260

CODE OF FAIR COMPETITION  
FOR THE  
ORNAMENTAL MOLDING, CARVING, AND  
TURNING INDUSTRY

As Approved on February 5, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE ORNAMENTAL  
MOLDING, CARVING, AND TURNING 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 Ornamental Molding, Carving, and Turning 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.,  
*February 5, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT.

*The White House.*

SIR: This is a report on the Code of Fair Competition for the Ornamental Molding, Carving, and Turning Industry in the United States, the hearing being conducted in Washington, D.C., on December 13, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS ON HOURS AND WAGES

The maximum hours provided in this Code for employees are forty (40) hours per week and eight (8) hours per day. When production demands it, a tolerance of five hours per week is allowed provided the forty (40) hour per week average in each six months' period is maintained.

Employees engaged in emergency maintenance and repair work are excepted from hourly limitations under prescribed conditions and are allowed a one and one third overtime rate of pay. A tolerance of ten (10) percent is allowed for firemen, engineers, and shipping crews. Watchmen and night firemen are permitted to work forty-eight (48) hours per week averaged each two weeks. Truck drivers are made subject to the provisions of the Code for the appropriate division of the Trucking Industry, when such Code shall have been approved. The usual exemption is granted to executive and supervisory employees regularly receiving \$35.00 or more per week, to outside salesmen, and also to designers receiving like compensation.

The minimum wage provided for employees in designated southern territory is thirty (30) cents per hour and for employees in all other territories is thirty-four (34) cents per hour.

Apprentices, the number not to exceed five (5) percent of the employees of any one employer at any one time, may be employed for a period not to exceed three months at eighty (80) percent of these minimum rates.

### 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

The volume of the output of this industry has dropped nearly 70 percent during the depression and approximately 25 percent of the concerns ceased to operate. There was a marked improvement during the second half of 1933, but the employment under the President's Reemployment Agreement under which practically the entire industry operated, was still about fifteen (15) percent less than in 1929. This is partly due to the fact that such a large number of concerns had ceased to operate altogether. Increased volume in part has meant more man hours for those employed, but not an increased number of employees sufficient to absorb all the 1929 workers in this industry. In view of the close relationship between this

industry and the furniture industry it did not seem wise to provide less hours than allowed for that industry.

With fifteen (15) percent fewer employees than in 1929 it is not likely that the 1929 purchasing power of the workers in this industry as a group will be restored by the wage provisions of this Code. A study of the material available by the Division of Research and Planning does reveal, however, that the average purchasing power of the workers will be somewhat increased over that of 1929. The minimum wage specified in the Code is about twelve (12) percent higher than the average minimum in 1929 and about thirty (30) percent higher than the average minimum in June 1933.

#### 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 hereof; 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, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 5, 1934.

# CODE OF FAIR COMPETITION FOR THE ORNAMENTAL MOLDING, CARVING AND TURNING 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 Ornamental Molding, Carving and Turning 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. *Ornamental Molding, Carving and Turning Industry***—The term “Ornamental Molding, Carving and Turning Industry” as used herein is defined to mean the manufacture for sale of products commonly known as ornamental, cut, carved, embossed or pressed, rope, bead, metal-covered wood, veneer covered and composition moldings; embossed or pressed wood, composition, fiber, spindle, multiple spindle, hand carved and sand blasted ornaments or carvings, and marquetry; wood knobs and composition or fiber knobs for sale to the radio and furniture industries; and glue dowels, except as such dowels may be specifically included in the industry definition of any other Code approved by the President; turnings and plain wood moldings for sale to the furniture industry. The above definition shall not include the following:

(a) Original works of art carved by hand in wood from models or from free-hand drawings for use as architectural decorations in buildings.

(b) Dimension stock as covered by the Code for the Lumber and Timber Products Industry.

**SEC. 2. *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. 3. *Employees***.—The term “employees” as used herein includes any and all persons engaged in the industry, except a “member of the industry”, however compensated.

**SEC. 4. *President, Act, and Administrator***.—The terms “President”, “Act”, and “Administrator” as used herein shall mean, respectively, the President of the United States, Title 1 of the National Industrial Recovery Act, and the Administrator of said Act.

**SEC. 5. *Association***.—The term “Association” as used herein, is defined to mean the Ornamental Molding, Carving and Turning Manufacturer’s Association, an Illinois corporation not for profit.

## ARTICLE III—HOURS

SECTION 1. No employee in the industry shall be permitted to work in excess of an average of forty (40) hours per week during the period prior to April 1, 1934, and each six months' period thereafter but not more than forty-five (45) hours in any one week, except as hereinafter provided. All hours worked in excess of eight (8) in any one day shall be paid for at one and one-third times the regular hourly rate.

(a) Firemen, engineers, and shipping crews shall be granted a tolerance of ten (10) percent in the hours specified above and therefore shall not be permitted to work in excess of an average of forty-four (44) hours per week during the period prior to April 1, 1934, and each six months' period thereafter nor more than forty-nine and one half (49½) hours in any one week.

(b) Employees engaged in emergency maintenance and emergency repair work occasioned by breakdowns in production machinery or in work requiring the protection of life or property shall be permitted to work in excess of an average of forty (40) hours per week and may be employed more than forty-five (45) hours in any one week provided that all hours worked in excess of forty-five (45) hours in any one week or eight (8) hours in any one day shall be paid for at one and one third times the regular hourly rate.

(c) Persons engaged in executive and/or supervisory capacity and designers who are earning \$35.00 or more per week, and traveling salesmen shall not be subject to hourly limitations of this Article. Working foremen are not excepted from the maximum hours specified above.

(d) Watchmen and night firemen shall be permitted to work not to exceed an average of forty-eight hours per week in each two weeks' period.

(e) Truck drivers operating on trips normally requiring more than eight 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 appropriate divisions of the trucking industry.

SEC. 2. No manufacturer availing himself of the averaging privilege may use the device of temporarily laying off of successive groups of workers.

SEC. 3. 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 prescribed in this Article.

SEC. 4. 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. Except as provided in Section 2 of this Article:

(a) No employee in the States of Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Florida, Alabama, Missis-

ssippi, Louisiana, Arkansas, Oklahoma, and Texas, and that part of the State of Missouri south and west of an air line beginning at Thayer in Oregon County to Buffalo in Dallas County, thence directly west to the Kansas State line shall be paid at less than the rate of thirty cents per hour.

(b) No other employee shall be paid at less than the rate of thirty-four cents per hour.

SEC. 2. Apprentices for a period of three months, which apprenticeship period shall be served not more than once in a lifetime of each apprentice, shall be paid at the rate of not less than 80 percent of the minimum wage rates prescribed in Section 1 of this Article. The total number of such apprentices at any one time shall not exceed five percent of the total number of factory workers employed by any employer.

SEC. 3. No employee shall be paid a wage rate which will yield a less wage for a week of forty hours than employees were receiving for the same class of work for the normal working week of forty-eight hours or over immediately preceding June 16, 1933.

SEC. 4. This article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piecework, or other basis.

SEC. 5. An employer shall make payment of all wages due in lawful currency or by negotiable check therefor payable on demand. 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 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.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 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.

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 States 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. 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. 7. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage 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. 8. Each employer shall post in conspicuous places accessible to employees full copies of this Code.

SEC. 9. 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. 10. No member of the industry shall permit any product of the industry to be made in the home of any worker.

SEC. 11. Female factory employees shall be permitted to work only between the hours of 7 A.M. to 7 P.M.

SEC. 12. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SEC. 13. 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.

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

SECTION 1. *Organization and Constitution.*—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 (5) members of the industry complying with the provisions of Section 8 of this Article, to be elected as follows: Four (4) members shall be elected by the Association; not less than one (1) member shall be a nonmember of the Association, if there be any such members of the industry, and shall be elected by such nonmembers complying or agreeing to comply with the provisions of Section 8 of this Article by personal vote or by proxy at an election conducted by the Association.

SEC. 3. One alternate may be selected for each member of the Code Authority in the same manner as the respective members of

the Code Authority. Should any matter come before the Authority which specifically involves acts, conducts, 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. 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 days in advance of such election, and voting at such election may be by person, by proxy, or by letter ballot.

SEC. 5. 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. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 7. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or that any election of members of the Code Authority has not been conducted in a fair and equitable manner 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. 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 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 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 coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

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

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to and are complying with this Code.

(h) To recommend to the Administrator further fair-trade-practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the

Administrator measures for industrial planning, including stabilization of employment.

(i) The Code Authority may appoint such committees or agents as it may deem necessary and may delegate to them or to any Divisional Agency 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) 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 same to the Administrator.

(k) To issue rules, regulations, procedure, and interpretations, as may be necessary to effect the provisions of this Code.

(l) In individual cases where the enforcement of this Code would create undue hardships, to modify, with the approval of the Administrator, the application of provisions of this Code except those which are mandatory under the Act and the provisions of Articles III, IV, and V thereof.

(m) To investigate and inform the Administrator as to the importation of competitive products 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.

(n) In order to assist in eliminating unfair competition, the Code Authority may establish classifications and quality standards for the products of the industry, subject to the approval of the Administrator. No member of the industry shall falsely represent his products as complying with any classifications or standards so established.

(o) To recommend to the Administrator the establishment of an Industrial Relations Board.

## ARTICLE VII—Costs

SECTION 1. It is hereby declared to be the policy to be followed by all members of the industry to refrain from destructive price cutting. No member of the industry shall offer, sell, or exchange, or agree to sell or exchange, products of the industry at a price or upon such terms or conditions that will result in the customer paying for such products less than their cost to the member of the industry, except:

(a) To meet existing competition of lower cost producers on products of the same or equivalent design, character, quality, or specifications;

(b) Any member of the industry may sell at any price discontinued patterns (close-outs) subject, however, to the right of the Code Authority to require reports of all such sales, and, with the approval of the Administrator, to adopt rules to regulate the sale of close-outs to prevent unfair trade practice.

SEC. 2. The Code Authority is hereby empowered to establish uniform cost accounting methods for the industry, subject to the

approval of the Administrator. Immediately after approval by the Administrator information regarding the accounting system so approved shall be distributed to all members of the industry and shall thereafter be adhered to by all members of the industry.

SEC. 3. For the purpose of encouraging accurate ascertainment of costs, members of the industry may report costs of products of the industry to the Secretary of the association to be summarized and which may be made available in consolidated form to those contributing to the summary provided that the name of those reporting shall not be divulged to any other member of the industry.

#### ARTICLE VIII—PUBLICATION OF PRICES

SECTION 1. Each member of the Industry shall within thirty (30) days after the effective date of this code file with a designated representative of the Code Authority a list of all his products and the prices thereof, including all quantity or other discounts, all terms of payment, freight allowances, prepayments, and equalizations. Such prices shall be available to any member of the industry or the purchasing trade on request to the designated representative of the Code Authority.

SEC. 2. A member of the industry may make any change in such price list on file with the designated representative of the Code Authority to be effective within not more than five (5) days after such price list shall have been filed with the designated representative of the Code Authority.

SEC. 3.<sup>1</sup> The sale of any product by any member of the industry at other than the effective price or terms of such member for such product on file with the designated representative of the Code Authority at the time of such sale shall be a violation of this code.

#### ARTICLE IX—TRADE PRACTICES

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

SECTION 1. *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.

SEC. 2. *Secret and Discriminatory Rebates.*—The making of any secret or discriminatory allowance, rebate, refund, commission, credit, or unearned discount, whether in the form of money or otherwise, or the extension to certain purchasers of secret or discriminatory services or privileges not extended to all purchasers on like terms and conditions.

SEC. 3. *Giving Gratuities or Rewards to Employees.*—The giving, permitting to be given, or directly offering to give, anything of value

<sup>1</sup> See paragraph 2 of order approving this Code.

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. *Copying of Designs*.—Knowingly copying and/or reproducing any essentially original new design or new pattern of any product of the industry, or knowingly appropriating the essential selling features of any new design or new pattern of another member of the industry, within four (4) years of the introduction thereof. This section shall not supersede any State or Federal Law but shall be supplemental thereto.

SEC. 5. *False Invoicing*.—The withholding from, or insertion in, any invoice of any statement making the invoice inaccurate in any material particular, or which misrepresents the price or character of the material content of the merchandise billed.

SEC. 6. *Terms of Sale*.—Selling on more favorable terms than net 30 days or 2% cash discount within 10 days from date of shipment; provided that where it is the practice of a buyer to make monthly settlement of all invoices, the member of the industry may allow the deduction of the cash discount if payment is made not later than the 10th of the calendar month following dates of shipment.

SEC. 7. *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.

SEC. 8. *Shipment of Commodities on Consignment*.—No member of the industry shall ship commodities on consignment, except to meet special conditions or circumstances approved by the Code Authority to meet special conditions.

#### ARTICLE X—NEW DESIGNS AND PATTERNS

SECTION 1. Each member of the industry may register with the Secretary of the Association the new designs and the new patterns which are original and distinctive, and which are developed by such manufacturer after the effective date of this Code.

#### ARTICLE XI—MONOPOLIES

SECTION 1. 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 XII—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 upon application to the Administrator by the Code Authority after such notice and hearing as the Administrator shall specify, such modification to become effective upon approval by the President.

#### 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 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 increase in the seller's costs.

#### ARTICLE XIV—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. 260.  
Registry No. 315-02.





CODE OF FAIR COMPETITION  
FOR THE  
FOUNDRY SUPPLY INDUSTRY

As Approved on February 5, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE FOUNDRY SUPPLY  
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 Foundry Supply 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 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.,

*February 5, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Foundry Supply Industry, the hearing having been conducted thereon in Washington, D.C., on December 28, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### RÉSUMÉ OF CODE AS TO WAGES AND HOURS

This Code provides that 8 hours shall constitute the normal number of working hours per day, 40 hours the normal number of working hours per week, except that employees may work not exceeding 48 hours a week for four weeks in any six months' period. These provisions are applicable to all employees except traveling salesmen, outside service men and watchmen, who may be permitted to work 48 hours per week, and persons employed in managerial, executive, or supervisory capacity receiving not less than \$35.00 per week. It provides further that no employee shall be permitted to work more than 6 days in any calendar week.

The rates of pay provided for production labor are 40¢ per hour for both men and women. Time and one half will be paid production employees for hours worked in excess of the number of hours specified herein above.

All other employees will be paid at not less than the following rates:

Fifteen dollars (\$15.00) per week in any city of over 500,000 population or in an 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 or town of less than 250,000 population. Nothing in this provision shall be interpreted to mean that part-time workers shall be compensated on a full-time basis.

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 a hazardous occupation.

### GENERAL STATEMENT

The Foundry Supply Industry as defined in the Code includes the manufacture and sale of foundry facings and supplies; in particular the commodities commonly known in the Industry as foundry plumbago, sea coal, parting, core wash, core paste, pitch core compound, as well as other forms and description of foundry facings and miscellaneous foundry supplies, and its customers are, therefore, confined to the various metal foundries of the country.



The investment in the Industry is approximately \$2,500,000 estimated value and the number of wage earners in normal times about 400 people, with an estimated annual pay roll of \$550,000.

In 1929, which is considered a normal year, operations were at a rate of approximately 60% of capacity, with a value of production of about \$3,028,000. Operations in 1930 were about 37% of capacity; in 1931 about 35% of capacity; in 1932 about 19% of capacity; in 1933 about 18% of capacity.

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 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.*

FEBRUARY 5, 1934.

# CODE OF FAIR COMPETITION FOR THE FOUNDRY SUPPLY 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 Foundry Supply 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 "Foundry Supply Industry" as used herein includes the industry engaged in the manufacture and sale of foundry facings and supplies, including the commodities commonly known as foundry plumbago, seacoal, parting, core wash, core paste, pitch core compound, and other forms and descriptions of foundry facings and miscellaneous foundry supplies, and such related branches and subdivisions of said industry 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 "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 thereof.

## ARTICLE III—HOURS

1. Employees shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

*Schedule of Working Hours.*—(a) Executives and employees engaged in a supervisory capacity receiving \$35.00 or more per week: No limitation.

(b) Outside salesmen: No limitation.

(c) Repair crews, engineers, shipping clerks, and any employees engaged in emergency maintenance or repair work: No limitation, provided that at least one and one half times his normal rate shall be paid any such employee for hours worked in excess of 9 hours in any one day or 44 hours in any one week.

(d) Watchmen: 48 hours in any one week.

(e) Clerical and office employees: 9 hours in any one day (provided that the normal work day shall not exceed 8 hours) and 40 hours in any one week, and for not to exceed 4 weeks in any period of six months 48 hours in any one week.

(f) All other employees including factory, mill, and mechanical workers and artisans: 40 hours in any one week, and for not to exceed 4 weeks in any period of six months 48 hours in any one week.

2. No employee shall be permitted to work more than 6 days in any calendar week.

#### ARTICLE IV—WAGES

1. No factory, mill, mechanical worker, or artisan shall be paid at less than the rate of 40¢ per hour.

2. No other employee shall be paid at less than the following rates: not less than fifteen dollars (\$15.00) per week in any city of over 500,000 population or in the immediate trade area of such city; nor less than fourteen dollars and fifty cents (\$14.50) in any city of between 250,000 and 500,000 population or in the immediate trade area of such city; nor less than fourteen dollars (\$14.00) per week in any city or town of less than 250,000 population. Nothing in this section shall be interpreted to mean that part time workers shall be compensated on a full weekly basis.

3. This article establishes minimum rates of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

4. The weekly compensation for full time employment now in excess of the minimum wages hereby established shall not be reduced (notwithstanding that the hours worked in such employment may be hereby reduced) but this provision shall not require that hourly rates of pay shall be increased thereby more than 20%, and the pay for such employment shall be increased by an equitable readjustment of all pay schedules where the adjustment of pay schedules herein provided has not already been made in compliance with the President's Reemployment Agreement. Within 60 days after the effective date of this Code each member of the industry shall report to the Code Authority the action taken under this section since June 16, 1933.

5. 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 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. This Article establishes rates of pay which shall be exempt from any charges, fines, and/or deduction by the employer, except such deductions as are voluntarily authorized by the employee.

7. An employer shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. 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 State or Federal 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. No employer shall withhold wages.

8. 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.

9. No employee shall be dismissed for making a complaint of, or giving evidence with respect to a violation of this Code, provided said complaint or evidence is presented in good faith.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the industry, nor anyone under 18 years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within sixty 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. 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.

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

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

4. Employers shall not reclassify employees or duties of occupations performed by employees or indulge in any other subterfuge so as to defeat the purposes of this Act.

5. Each employer shall post in conspicuous places full copies of the labor provisions of this Code.

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

#### 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 persons hereinafter to be referred to as the industry members of the Code Authority, together with such person or persons, not to exceed 3, as may be appointed by the Administrator.

(b) The industry members of the Code Authority shall include the 5 members of the Board of Directors of the Foundry Supply Manufacturers Association elected as provided in the Constitution and By-Laws of said Association, and in addition, 2 persons who shall be elected at a meeting of the industry to be called by the Foundry Supply Manufacturers Association and to be held on or before thirty days after the effective date of this Code. Notice of such meeting shall be given to each member of the industry not less than ten days before the day of such meeting. Each member of the industry who shall have assented to and complied with the requirements of this Code shall be entitled to one vote in the election of industry members of the Code Authority and may cast such vote either by person or by proxy. The Administrator, in his discretion, may appoint not more than 3 additional members of the Code Authority, without vote, to represent the Administrator or such groups or interests as may be agreed upon.

(c) The Foundry Supply 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.

(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 the Act, subject to the right of the Administrator on review to disapprove or modify any action taken by the Code Authority.

(a) It may employ as its administrative staff the administrative staff of the Foundry Supply Manufacturers Association.

(b) It shall determine the amount of the expenses necessary for the administration of this Code.

(c) It shall, by agency of its administrative staff, render an invoice monthly to each member of the industry who shall have accepted the benefit of the services of the Code Authority or otherwise assented to this Code, for such member's reasonable share of the expenses of administering the Code, and each such member of the industry shall be required to pay the amount so invoiced within 30 days after the date of invoice.

(d) It may require, and authorize its administrative staff to collect, from every member of the industry such reports, statistics, and

other information as may be necessary to carry out the provisions of the Act, in such detail and at such intervals as it may prescribe.

(e) It may employ its administrative staff to make such audits of records of members of the industry as may be necessary to carry out the provisions of the Act.

(f) Reports and statistics collected by, and audits made by, the administrative staff of the Code Authority shall be kept confidential and the data of one member of the industry shall not be revealed to any other member of the industry or to any member or members of the Code Authority except in composite form or except as otherwise provided in the Act or as required by the Administrator.

(g) On complaint of interested parties or upon its own initiative it shall make such inquiry and investigation as to the operation of the Code as may be necessary and shall report the same to the Administrator.

(h) It may formulate and recommend to the Administrator for his approval such measures as may be appropriate to prevent unsound, unfair, or destructive competitive practices or prices in the industry which interfere with the effectuation of the policy of the Act.

(i) It may formulate and recommend to the Administrator uniform credit practices which shall be observed by all members of the industry when approved by the Administrator.

(j) 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 equitable to be taken into consideration.

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

#### ARTICLE VII—ACCOUNTING AND SELLING

1. The Code Authority shall as soon as practicable, formulate 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, the Code Authority shall furnish to each member of the industry a complete description of such standard method of accounting and costing.

2. The Code Authority shall fix a date on which the open-price plan of selling such standard product or products of the industry as it shall specify shall be put into effect. Notice of such date shall be announced to all known members of the industry who manufacture and/or sell such products not less than 30 days prior to the date so fixed. At least 10 days prior to such date every such member of the industry shall file with the Code Authority schedules, in such form and detail as the Code Authority shall prescribe subject

to the review and disapproval of the Administrator, of prices (including terms and conditions of sale, discounts, commissions to jobbers, freight charges, and freight allowances) of all such products offered for sale by such member. All such original schedules shall become effective on the date fixed by the Code Authority as provided hereinabove. A revised schedule or a new schedule may be filed by a member with the Code Authority at any time. Any such revised schedule or new schedule shall become effective on the fifth day after the day on which the receipt of such schedule shall have been recorded in the office of the Code Authority. When any member shall file any original schedule or any revised schedule or any new schedule, any other member may also file a revision of his own schedule, and if such other member shall so desire and state therein, the same shall be effective as of the same date as such first mentioned schedule. The Code Authority may promptly furnish to all members of the industry, who manufacture and/or sell any particular product, copies of all schedules, revised schedules, or new schedules which pertain to such product, and upon request shall furnish, at cost, to any other person concerned, copies of such schedules.<sup>1</sup>

3. After a standard method of accounting and costing shall have been formulated by the Code Authority and approved by the Administrator, a member of the industry shall submit to the Code Authority a statement to accompany each schedule of prices and conditions of sale or revision thereof filed by such member, setting forth whether such schedule is justified by such member's cost or is justified by the previously filed schedule of another member of the industry.

(a) No schedule justified by the cost of the member filing said schedule shall become effective if the price therein of any product of the industry (including terms and conditions of sale, discounts, commissions to jobbers, freight charges, and freight allowances) is less than the cost of such product to such member as determined in accordance with the aforesaid standard method of accounting and costing.

(b) No schedule justified by a schedule previously filed by another member of the industry shall become effective if the price therein of any product of the industry (including terms and conditions of sale, discounts, commissions to jobbers, freight charges, and freight allowances) is less than the lowest justified price of the same product appearing in any schedule previously filed by any other member of the industry and still in effect. No schedule justified by a schedule previously filed by another member of the industry shall remain in effect after such last named justifying schedule shall have been withdrawn, cancelled, or revised upward.

(c) If any member of the industry shall have failed to install and to maintain the aforesaid standard method of accounting and costing, then such member shall not file any schedule of prices (including terms and conditions of sale, discounts, commissions to jobbers, freight charges, and freight allowances) in which the price of any product is less than the lowest justified price of the same product appearing in any schedule previously filed by any other member of the industry and still in effect.

<sup>1</sup> See paragraph 2 of order approving this Code.

4. Except in fulfillment of bona fide contracts existing on the effective date of this Code and which shall be reported to and recorded by the administrative staff of the Code Authority, no member of the industry shall sell or offer for sale for domestic consumption any standard product of the industry described and listed in the latest schedule of prices filed by him with the Code Authority as hereinbefore provided at a price or prices other than or upon terms or conditions other than stated in such schedule.

5. 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 specific product or products of the industry.

#### ARTICLE VIII—UNFAIR TRADE PRACTICES

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.

(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.*—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. 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) *Giving of Prizes, Premiums, or Gifts.*—The offering or giving of prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

(7) *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

(8) *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.

(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) *Imitation of Trade Marks or Trade Names.*—Imitation of the trade mark or trade name of a competitor.

(11) *Consignments to Consumers.*—Consigning goods to consumers to be paid for as used.

(12) *False Dating of Invoices.*—Dating invoices as of any other date than the day of shipment.

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

#### ARTICLE X—EFFECTIVE DATE

This Code shall become effective on the 15th day after its approval by the President.

Approved Code No. 261.  
Registry No. 1112-01.





CODE OF FAIR COMPETITION  
FOR THE  
SHOULDER PAD MANUFACTURING INDUSTRY

As Approved on February 5, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE SHOULDER PAD  
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 Shoulder Pad 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.,  
*February 5, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Public Hearing on the Code of Fair Competition for the Shoulder Pad Manufacturing Industry, as proposed by the National Association of Shoulder Pad Manufacturers, Inc., was conducted in Room 2062, Department of Commerce Building, Washington, D.C., on October 31, 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 of shoulder pads and sleeve heads made from several partly processed materials, namely, carded and/or garnetted china cotton, cotton waste, wool waste, waddings, and muslin stitched together to form a padding or mattressing for building up of the shoulders, necks, and sleeves of men's and women's coats. 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.

The Shoulder Pad Manufacturing Industry is a "supply" industry selling to the manufacturers of men's and women's coats. The definition limits application of the Code to the shoulder-pad manufacturers whose product is used by and sold to the clothing manufacturing trades.

The submitting association represents 19 of the approximately 22 shoulder pad manufacturers in the United States and 93% of the industry in volume of business and number of employees. The aggregate annual sales in 1932 was \$1,452,000; the aggregate invested capital in 1932 was \$963,000, and the number of employees in 1932 was 558.

### RÉSUMÉ OF THE CODE

*Article I* gives the purpose of the Code.

*Article II* sets forth certain definitions.

*Article III* contains the maximum hour provisions of the Code and restricts the number of shifts of employees in any one day to one.

*Article IV* establishes the minimum wage for all employees employed in the industry.

*Article V* sets forth the general labor provisions.

*Article VI* provides for the organization of the Code Authority and defines its powers.

*Article VII* defines trade practices which are unfair and shall be eliminated.

*Article VIII* provides for the modification of the Code in accordance with Section 10 (b) of the National Industrial Recovery Act.

*Article IX* states that this Code shall not permit monopolies.

*Article X* fixes the effective date as the tenth day after its approval by the Administrator.

#### LABOR PROVISIONS

No part of the industry is unionized. The testimony brought out at the Public Hearing showed uniformly satisfactory labor relations. Previous to the President's Reemployment Agreement, according to testimony presented at the hearing, the wages paid in the Shoulder Pad Industry were considerably lower than those provided in this Code. The wage and hour provisions are closely related to those of the Men's Clothing Code and meet with the approval of the Labor Advisory Board.

#### 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.*

FEBRUARY 5, 1934.

# CODE OF FAIR COMPETITION FOR THE SHOULDER PAD 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 Shoulder Pad Manufacturing Industry and shall be the standards of fair competition for this industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "industry" as used herein includes the manufacture of shoulder pads and sleeve heads, made from several partly processed materials, namely, carded and/or garnetted china cotton, cotton waste, wool waste, waddings and muslins, stitched together to form a padding or mattressing for building up the shoulders, necks, and sleeves of men's and women's coats. The article 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 "apprentice" as used herein shall mean any employee performing a machine operation who has not been employed in the industry for a full period of ten (10) weeks.

## ARTICLE III—HOURS OF LABOR

1. No employee shall be permitted to work in excess of thirty-six (36) hours in any one (1) week, or eight (8) hours in any twenty-four (24) hour period, except as hereinafter provided.

2. The provisions of this Article shall not apply to employees engaged in an executive, managerial, or supervisory capacity and receiving \$35 per week or more and who are not in any way engaged in productive labor; nor to outside salesman.

3. Office employees, chauffeurs, shipping and stock clerks, and outside errand boys shall not be permitted to work in excess of forty (40) 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. 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 a rate of not less than time and one third the normal wage.

5. No overtime in addition to that herein provided for shall be permitted, except upon the recommendation of the Code Authority and approval of the Administrator and under such conditions and upon such terms as the Administrator may 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. No member of the industry shall operate more than one (1) shift of employees in any one day.

#### ARTICLE IV—RATES OF PAY

1. No employee shall be paid at less than the rate of thirteen (13) dollars per week, except as hereinafter provided.

2. No apprentice shall be paid at less than 80% of the minimum wage per week of 36 hours for the first five weeks of employment, and not less than 90% of the minimum wage per week of 36 hours for the next five weeks of employment, and thereafter at not less than the regular minimum rate otherwise provided in this Code, provided, however, that at no time shall the total number of apprentices employed by any one employer exceed in number 10% of the total number of machine operators of such employer. Each employer shall be entitled to at least one apprentice.

3. 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 out of this provision. The provisions of this section shall be subject to review by the Administrator.

4. No employee shall be paid less than the minimum wages set forth in this Article, regardless of whether such employee is compensated on a time-rate or a piece-rate basis.

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 an 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 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. 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 or of this Code.

7. Each employer shall post complete copies of Articles I, II, III, IV, and V of this Code in conspicuous places accessible to employees.

## 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 three or more members who shall be selected by the Board of Directors of the National Association of Shoulder Pad Manufacturers and of such additional members, without vote and without expense to the Industry, not to exceed three (3), as the Administrator may appoint 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, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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

(d) The 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 to change from time to time the method of selection and to change the organizations selecting the members of the Code Authority, in order that it shall be truly representative of the Industry.

(e) 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.

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

(a) To elect officers and to assign to them such duties as it may consider advisable, and to provide rules for its procedure, and its continuance as the administrative agency of this Code, in accordance with the terms of the Act and the principles herein set forth.

(b) To receive, investigate, and adjust complaints of violations of this Code and based upon such investigation and after such hearing as it may deem proper, to make recommendations thereon 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 anyone of any existing obligation to furnish reports to government agencies.

(e) 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 Code, and that nothing herein shall relieve the Code Authority of its responsibility for the administration of this Code.

(f) To coordinate the administration of this Code with such other codes, if any, as may be related to the Shoulder Pad 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 the adoption of 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 are complying with and have assented to this Code.

(j) The Code Authority shall have the power to investigate and adopt a uniform system of cost accounting for products manufactured by the Industry which when so adopted shall become the standard for the Industry; except that cost accounting systems now used by members of the Industry, which are substantially the same as the system recommended or which reflect the same basis of established cost, may be retained. The provisions of this section shall be subject to the approval of the Administrator.

3. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and 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 its administration shall be determined by the Code Authority subject to the approval of the Administrator

on the basis of the volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

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, 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 or branding 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 of 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 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.

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. *Giving of Prizes, Premiums, or Gifts.*—The offering or giving of prizes, premiums, or gifts in connection with the sale of products, or as inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

7. *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

8. *Threats of Litigation.*—The publishing or circularizing of threats or suits for infringement of patents or trade marks or of any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or intimidating their customers.

9. *Espionage of Competitors.*—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

10. *Selling Below Cost.*—No member of the industry shall sell any article at a 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).

11. 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.

#### 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 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—EFFECTIVE DATE

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

Approved Code No. 262.  
Registry No. 299-25B.



CODE OF FAIR COMPETITION

FOR THE

MACHINE KNIFE AND ALLIED STEEL PRODUCTS  
MANUFACTURING INDUSTRY

As Approved on February 6, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE MACHINE KNIFE AND  
ALLIED STEEL PRODUCTS 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 Machine Knife and Allied Steel Products 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, 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.,

*February 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Machine Knife and Allied Steel Products Manufacturing Industry, the hearing having been held in Washington on the 11th day of December in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

Employment is limited to 8 hours per day and 40 hours per week with the exception of those employees engaged in emergency maintenance and/or repair work or on emergencies occasioned by the necessity for services of specially skilled employees who cannot be replaced. To provide for seasonal demands overtime is allowed to the extent of 8 hours per week for 8 weeks in any 26-week period.

Overtime in excess of 8 hours in any 24-hour period or in excess of 40 hours in any 7-day period will be paid for at one and one half times the normal rate.

Minimum wages of 40 cents per hour for males and females are established. Female employees performing substantially the same work as male employees will receive the same rate of pay as male employees and where they displace men they will receive the same rate of earnings as men.

Clerical employees shall not be paid less than \$15.00 per week.

### ECONOMIC EFFECT OF THE CODE

In April 1933 this Industry, which comprises approximately 30 firms, employed about 350 persons. Since the adoption of the 40-hour week as provided in this Code, employment has increased to 534 persons in September 1933 or an increase of 52%.

The invested capital of the Industry is about \$3,000,000 and the average annual value of its products over the past five years is approximately \$3,000,000.

### 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 association truly representative of the afore-said 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 by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 6, 1934.

# CODE OF FAIR COMPETITION FOR THE MACHINE KNIFE AND ALLIED STEEL PRODUCTS 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 Machine Knife and Allied Steel Products Manufacturing Industry, and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—MONOPOLY AND REPRESSION

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 III—DEFINITIONS

SECTION 1. The term "Machine Knife and Allied Steel Products Manufacturing Industry" as used herein is defined to mean the manufacture for sale of machine knives and allied steel products, used as machine parts and primarily for such purposes as cutting and scraping various materials.

SEC. 2. The term "Association" as used herein is defined to mean the Machine Knife Association of the United States.

SEC. 3. The term "Membership" as used herein is defined to mean members of the Machine Knife Association of the United States.

SEC. 4. 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.

SEC. 5. The term "Apprentice" as used herein is any employee bound by a legal contract to learn a trade.

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" as used herein includes anyone engaged in the Industry as above defined, either as an employer or on his own behalf.

SEC. 8. 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 IV—WORKING HOURS

SECTION 1. *Maximum Hours.*—No 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 beginning at midnight, except as herein otherwise provided.

SEC. 2. *Exceptions as to hours—Executives and salesmen.*—(a) The provisions of Section 1 above shall not apply to either executives and supervisors and their immediate assistants receiving thirty-five (\$35.00) dollars weekly or more, or to traveling salesmen.

(b) *Emergency overtime.*—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, or on emergencies occasioned by the necessity for services of specially skilled employees which cannot be cared for by the employment of additional men. But in any such special case at least one and one half times the normal rate shall be paid for hours worked in excess of the maximum provided in Section 1 above.

(c) *Ordinary overtime for seasonal periods.*—The maximum hours fixed in Section 1 above shall not apply for eight (8) weeks in any twenty-six (26) weeks period, during which overtime shall not exceed eight (8) hours in any one (1) week. In any such case at least one and one half times the normal 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.

(d) *Reporting overtime.*—All work in excess of the hours provided in Section 1 above shall be reported to the Code Authority in such detail as may be required.

SEC. 3. *Sunday and holiday work.*—Not less than one and one half times the regular rate shall be paid for all work performed on Sundays or legal holidays, but watchmen are excepted from this provision.

SEC. 4. *Watchmen.*—Watchmen shall be permitted to work not in excess of forty-eight (48) hours per week.

SEC. 5. *Employment by several employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed for another employer or employers, exceeds the maximum permitted herein.

SEC. 6. *Maximum hours for working employers.*—Employers who personally perform manual work or are engaged in mechanical operations shall not exceed the prescribed maximum number of hours.

## ARTICLE V—WAGES

SECTION 1. (a) No employee, except as hereinafter provided, shall be paid at less than the rate of forty (40) cents an hour.

(b) Clerical employees shall be paid at a rate of not less than fifteen (\$15.00) dollars per week, provided however, that office boys and girls and messengers shall be paid at a rate not less than eighty (80) percent of the minimum salary herein provided, and provided further that the number of such office boys and girls and messengers so paid shall constitute not more than five (5) percent of the total number of office or clerical workers employed by any one employer;

but in any case, each employer shall be entitled to employ two (2) such employees.

SEC. 2. *Piece rates.*—This Article establishes a minimum rate of compensation, irrespective of whether an employee is actually paid on a time rate, on a piece rate, or other basis.

SEC. 3. *Females.*—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 file with the Administrator within ninety (90) days after the effective date of this Code a description of all occupations in the Industry in which both men and women are employed.

SEC. 4. *Apprentices.*—Regularly indentured apprentices shall be paid a starting rate not less than eighty (80) percent of the minimum set forth in Section 1 above. The number of apprentices shall not at any time exceed the ratio of one (1) apprentice to ten (10) skilled workmen engaged in production. A copy of all such apprenticeship contracts shall be filed with the Code Authority.

SEC. 5. *Disabled employees.*—An individual 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. 6. *Adjusting wage scale.*—Within thirty (30) days after the effective date of this Code, the wages paid all workers whose pay is above the minimum shall be equitably adjusted if this has not already been done since May 1, 1933. In making such readjustment, there shall be no decrease in wage rates at this time. Within sixty (60) days of effective date the Code Authority shall report to the Administrator the readjustments made.

## ARTICLE VI—GENERAL LABOR PROVISIONS

SECTION 1. In compliance with Section 7 (a) of the Act it is provided: (a) that employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (b) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (c) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 2. No person under 16 years of age shall be employed in the Industry, nor anyone under 18 years of age shall be employed at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator

before ninety (90) 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.

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, health, fire, or general working conditions, than under this Code.

SEC. 4. Employers shall not reclassify employees or duties of the occupations performed by employees or engage in any other subterfuge to defeat the purposes of the Act.

SEC. 5. Each employer shall post in conspicuous places, accessible to employees, full copies of this Code.

SEC. 6. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

#### ARTICLE VII—CODE ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to administer, supervise, and promote the performance of the provisions of this Code.

SECTION 1. The Code Authority shall consist of not less than five (5) and not more than nine (9) members, five (5) of whom shall be appointed by the Executive Committee of the Association. If any members of the Industry, who pay their proportionate share of the expense of the administration of the Code, but who are nonmembers of the Association, desire representation, they may elect, by some fair method, subject to the approval of the Administrator, one (1) member. The Administrator may appoint not over three (3) members without vote.

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.

SEC. 3. It is the intention of the Industry to keep the President informed as to the observance or nonobservance of this Code, and as to whether the Industry is taking appropriate steps to effectuate the declared policy of the Act. Therefore, each employer shall prepare and file with such person or organization as the Code Authority may designate, and at such times and in such manner as may be prescribed by the Code Authority (to be held and used subject to the limitations of Article XI hereof), statistics of plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, number of employees, wage rates, employee earnings, and hours of work.

It is, however, expressly provided, that the jurisdiction of the Code Authority under this Code over any employer is limited to that

portion of the business and employment of such employer, which is within the Industry.

SEC. 4. If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

#### ARTICLE VIII—PRICES

Members of the Industry shall file with the Code Authority a complete schedule of price lists, terms, discounts, and conditions of sale, including points of delivery, for the products of the Industry within ten (10) days after the effective date of the Code; such price lists, terms, discounts, and conditions of sale, including points of delivery, may be revised only upon notice by registered mail to the Code Authority, and shall become effective on the tenth day after such notice unless the Code Authority shall authorize a shorter period. The Code Authority shall immediately send copies of all price lists, terms, discounts, and conditions of sale, including points of delivery, so filed to all members of the Industry cooperating in the administration of this Code. Effective filed price lists, terms, discounts, and conditions of sale, including points of delivery, shall be open to the inspection of the trade factors as each may be concerned.

Members of the Industry shall not sell their products at other prices or on other terms or conditions than set forth in their own price list. When any member of the Industry revises his price list, any other member of the Industry may revise his price list accordingly to become effective on the same date as the revised price list first filed.

#### ARTICLE IX—COST PROTECTION

Costs shall be determined in accordance with the principles enumerated in an adequate cost system to be formulated by the Code Authority with the approval of the Administrator. The Code Authority shall with the approval of the Administrator specify those items of cost which shall be allowable. It is understood that a member of the Industry may use any cost system approved by the Code Authority and the Administrator.

#### ARTICLE X—CODE OPEN TO ALL EMPLOYEES

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. Each member of the Industry accepting the benefits of the activities of the Code Authority relative to the preparation and administration of this

Code shall pay to the Code Authority his proportionate share of the amounts necessary to defray the expense of assembling, analyzing and publishing such reports and data. This proportionate share shall be based on the volume of business and/or such other equitable factors which the Code Authority may prescribe and the Administrator approve.

#### ARTICLE XI—DATA CONFIDENTIAL

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.

Except as otherwise provided in the Act, all statistics, data, and information filed in accordance with the provisions of the Code shall be confidential.

The statistics, data, and information of one employer shall not be revealed to any other employer, except that, for the purpose of administering or enforcing the provisions of this Code, the Code Authority, by its duly authorized representatives (who shall not be in the employ of any employer affected by this Code), shall have access in summarized form to any and all statistics, data, and information that may be furnished in accordance with the provisions of this Code.

#### ARTICLE XII—NOT TO SELL BELOW COST

SECTION 1. No employer shall sell or exchange any product of the Industry manufactured by him at a price, or upon terms and conditions, which will result in the customer paying for the goods received, less than the cost thereof to the seller, determined in accordance with the method of costing above described; provided, however, that obsolete merchandise may be disposed of by any employer at a lesser price, but only if such employer, not less than two (2) weeks before such disposal, has filed with the Code Authority, for immediate transmittal to all direct competitors, a statement in writing setting forth an identifying description and quantity of such merchandise, and provided further, that any member may meet the price competition of any other member whose costs under this Code provision are lower.

SEC. 2. In event the Code Authority finds that any filed price would cause instability in the market, the Code Authority may require the member of the Industry filing such price to establish that such price does not involve a net return to such member less than his cost determined pursuant to Section 1 above of this Article. Until such filed price under scrutiny is held violative of Section 1 above, it may remain in effect.

#### ARTICLE XIII—UNFAIR TRADE PRACTICES

Unfair practices shall be deemed to be practices or acts which by subterfuge, concealment, misrepresentation, or by any form of discrimination, result in selling below published prices, or in deceiving

or misleading purchasers, or in misrepresenting the products of competitors. The following specific practices are examples of unfair methods of competition as defined above and shall be prohibited.

SECTION 1. *Unethical and false statements.*—No manufacturer shall, through the medium of his catalogue, advertisement, or any other printed matter or by his representative, make any statement or inference reflecting upon the methods of business procedure of his competitor or make any false and misleading statements regarding the product or price of a competitor.

SEC. 2. *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 employer 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 above defined.

SEC. 3. *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. 4. *Consignments.*—No manufacturer of Machine Knives shall carry this product in stock anywhere in the United States on consignment except in branch houses of his own or with his own agent and who shall be listed with the Secretary of the Code Authority.

SEC. 5. *Guarantee.*—No manufacturer shall replace or make allowances on any machine knives because of complaint against the quality of same on the part of the consumer, except after full examination of said knives by the manufacturer producing them, and then only when the manufacturer finds that the complaint is based on fair and reasonable grounds. Claims entered for faulty workmanship or material which are not reported within a reasonable time and until after the product has been largely consumed should not be allowed, but if any allowance is made it shall be upon the basis of the amount used.

SEC. 6. *Free service.*—No manufacturer shall render to any purchaser of any products, in or in connection with the sale of such product, any unusual service or packing, unless fair compensation for such service or packing shall be paid by such purchaser.

SEC. 7. *Selling commission.*—No manufacturer shall grant either a selling commission or dealer's discount to any concern or individual other than an established machine-knife dealer, jobber, salesman, or machine builder. An established dealer, jobber, or salesman is one whose business it is to buy and resell, or to sell, for a salary or commission, to buyers of machine knives; such dealers, jobbers, or salesmen not being controlled or paid for their purchasing efforts by the user.

SEC. 8. *Make-and-hold-orders.*—No manufacturer shall make knives of special design to be carried in stock until called for by



the customer, unless the customer places with the manufacturer a bona fide order specifying the number of knives and delivery date, which delivery date must not exceed ninety (90) days. This provision shall not prevent a Member of the Industry from manufacturing and carrying a stock a reasonable number of special knives not to exceed twenty (20) percent in excess of the number ordered for the purpose of reducing the production cost of such knives.

SEC. 9. Any discrimination between purchasers by the sale of any article having a published price, at any price below the seller's published price by means of direct or indirect price concessions, or by means of any privilege not extended to purchasers generally.

SEC. 10. Withholding from or inserting in an invoice, statements which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof.

SEC. 11. The sale or offering for sale of any product of the Machine Knife Industry under any form of guarantee to the purchaser or prospective purchaser against either advance or protection against the decline in the price of said product.

SEC. 12. Any deviation from the standards as set forth in this Article XIII, or from any amendments thereto, by any member of the Industry either directly or indirectly through his agents, shall be considered an unfair method of competition and a violation of this Code by such member.

#### ARTICLE XIV—EXPORT SALES

The provisions of this Code concerning sales shall not apply to direct export sales of any product. The term "export" shall include shipments to foreign countries and to the territories and possessions of the United States.

#### ARTICLE XV—IMPORTS

The Code Authority shall secure current information concerning the competition in domestic markets of imported Machine Knife and Allied Steel Products and if it shall find that such products are being imported into the United States in substantial quantities or increasing ratio to domestic production and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code, it shall make complaint to the President pursuant to the provisions of Section 3 (e) of the Act and petition for suitable restrictions on the importation of such Machine Knives and Allied Steel Products.

#### ARTICLE XVI—AMENDMENTS AND ADDITIONS

Such of the provisions of this Code, as are not required by the National Industrial Recovery Act to be included herein, may, with the approval of the Administrator, be modified or eliminated as changed circumstances or experience may indicate. This Code is intended to be a basic code and study of the trade practices of the Machine Knife Industry will be continued by the Code Authority

of the Machine Knife Industry with the intention of submitting from time to time, to the Administrator for approval, additions to, or revisions of this Code applicable to all employers in the Machine Knife Industry.

#### ARTICLE XVII—GENERAL PROVISIONS

SECTION 1. Pursuant to subsection (b) of Section 10 of the National Industrial Recovery Act, 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 said Act.

SEC. 2. *Effective date.*—This Code shall become effective on the tenth day after its approval by the President.

Approved Code No. 263.  
Registry No. 1331-1-01.



**CODE OF FAIR COMPETITION**  
**FOR THE**  
**FOUNDRY EQUIPMENT INDUSTRY**

As Approved on February 6, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE FOUNDRY EQUIPMENT  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Foundry Equipment 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, on condition that the words "and without expense to the Industry", in paragraph (a), Section I of Article VI be eliminated, and that the words "and members of their respective staffs", in the first and third paragraphs of Section I, of Article III, be eliminated.

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

Approval Recommended:

W. A. HARRIMAN,  
*Division Administrator.*

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

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Foundry Equipment Industry in the United States, the hearing having been conducted in Washington on November 10, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISION FOR HOURS AND WAGES

Normal working time provided in this Code is 8 hours per day and 40 hours per week, work being limited to 6 days in any 7-day period. However, to meet sharp peak demands difficult to handle by increasing the regular force, employees engaged in production are permitted to work 48 hours per week, this overtime being limited to 36 hours in any 3 months. Exception also is made in the case of employees on emergency work due to breakdowns or in protection of life or property. In the above cases time and a half is paid for time over 8 hours per day and 40 hours per week. Watchmen and heating-plant firemen are limited to 8 hours per day and 56 hours per week. The hour limitation does not apply to clerical, executive, and technical employees earning not less than \$35.00 per week, nor to outside sales and service men while their expenses are paid by the employer.

The minimum wage for factory employees is 40 cents per hour, women being paid the same as men on substantially the same work. Clerical and office employees have a minimum of \$15.00 per week except for a limited number of office boys and girls who shall be paid not less than 80 percent of the \$15.00 minimum.

### CHILD LABOR

The minimum age set by this Code is 16 years; except in hazardous occupations on which the minimum age is set at 18 years.

### ECONOMIC EFFECT OF THE CODE

This industry develops and builds the equipment used in foundries on the production of metal castings. It is one of the capital goods industries which has suffered severely from the effects of the depression. With foundries throughout the country operating at extremely low levels during four years, the falling off in the demand for foundry equipment has been such that employment in this industry fell from 1,437 in 1929 to a low of 480 in 1933, with a decrease in average hours per week from 49 in 1929 to 33 in 1933, production being only 12 percent of capacity in November 1933.

While under present conditions no additional employment is created by the 40-hour week, the industry anticipates that through increased foundry activity under the National Recovery Act there is a distinct possibility that under the Code the maximum employment in this industry eventually will be increased by at least 25 percent.

This industry employs a high proportion of skilled workers and wages in most cases already are considerably above the 40-cent minimum set by the Code, there having been very little increase in average hourly rates since 1929.

#### 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 by me, on condition that the words "and without expense to the industry" in paragraph (a) Section 1 of Article VI be eliminated.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 6, 1934.

# CODE OF FAIR COMPETITION FOR THE FOUNDRY EQUIPMENT 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 Foundry Equipment 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

1. The term "Foundry Equipment Industry" as used herein includes the designing, manufacturing for sale, and/or selling and installing by the manufacturer of all types of foundry equipment applicable to the production of metal castings in any form, and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

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

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

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

5. The term "member of the code" includes any member of the industry who shall expressly signify assent to this code.

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

## ARTICLE III—HOURS

1. No employee excepting clerical or office employees and those employed in executive, managerial, or supervisory capacities, technical employees and members of their respective staffs, who earn in no week less than \$35.00, and outside salesmen and outside service men while their expenses are paid by the employer, shall be permitted to work in excess of 8 hours in any 24-hour period or 40 hours in any week. This provision shall not apply to watchmen and firemen, maintaining fires for heating, who may be permitted to work not in excess of 8 hours per day, or 56 hours per week.

Provided further, that in cases of peak demand which cannot be met by increasing the regular force of employees, any employee engaged in production of the products of the industry whose hours of work are herein otherwise limited may be permitted to work not to exceed 48 hours per week, with time over 40 hours per week limited to not more than 36 hours in any 3 months' period, provided that such employee be paid one and one-half ( $1\frac{1}{2}$ ) times his regular hourly rate of pay for all hours worked in excess of 8 hours per day or 40 hours per week.

No clerical or office employees, excepting those employed in managerial, executive, or supervisory capacities, technical employees and members of their respective staffs, who earn in no week less than \$35.00, shall be permitted to work in excess of 8 hours in any 24-hour period or 40 hours in any one week.<sup>1</sup>

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 one and one-half ( $1\frac{1}{2}$ ) times his normal hourly rate shall be paid for hours worked in excess of the normal hours herein provided.

3. No employee except as herein above provided shall be permitted to work more than six (6) days in any seven (7) day period.

4. No employee shall work or be permitted to work for a total number of hours in excess of the number of hours herein limited for each 24-hour or 7-day period or week, whether employed by one or more employers.

#### ARTICLE IV—WAGES

1. No employee, except clerical or office employees, shall be paid at less than the rate of forty cents (40¢) per hour;

Provided, however, that 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.

2. No clerical or office employee shall be paid at less than the rate of fifteen (\$15.00) dollars per week, excepting office boys and girls, who may be paid at a rate not less than 80% of the minimum wage above provided; provided that no employer shall employ a number of such office boys and girls in any office in excess of 5% of the total number of his office employees, provided further, however, that any employer shall be permitted to employ 2 such office boys and girls in each office.

3. Nothing in this Article IV shall apply to or affect any bona fide apprentice duly indentured under a system or course of training which, when completed, will make the apprentice a skilled mechanic. A copy of each indenture shall be filed with the Code Authority.

<sup>1</sup> See paragraph 2 of order approving this Code.

4. At no time shall new apprentices be admitted to apprenticeship in the employ of any one employer when such action will bring the total number of apprentices in the employ of such employer to more than 10 percent of the total number of skilled mechanics employed by such employer, any employer being entitled to employ 2 such apprentices.

5. Wage rates for employees now being paid at more than the minimum rate, hereinabove provided, shall be equitably adjusted in accordance with such minimum rate; provided, however, that no such rate in excess of such minimum rate shall be reduced. Within sixty 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.

6. This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

7. 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 years of age shall be employed in the industry nor anyone under eighteen years of age at occupations or operations hazardous in nature or detrimental to health. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

5. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions 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 effectuate further the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code. The Administrator shall have the power to disapprove any act of the Code Authority that in his judgment violates or tends to violate the National Industrial Recovery Act, its intent and purposes.

1. *Organization and Constitution of Code Authority.*—(a) The Code Authority shall consist of not more than ten and not less than nine voting members. Nine of such members shall be appointed by the Board of Directors of the Foundry Equipment Manufacturers Association, Inc., and one may be chosen by members of the industry, if any, who are not members of the Foundry Equipment Manufacturers Association, provided such representation is desired by such members of the industry. The Administrator in his discretion may appoint not to exceed three additional members without vote and without expense to the industry, to represent such interests as he may designate.<sup>2</sup>

(b) The Foundry Equipment Manufacturers Associations, Inc., agrees to (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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

2. *Powers and Duties of Code Authority.*—The Code Authority shall have the following duties and powers to the extent permitted by the Act:

(a) *Joint Industrial Relations Board.*—To create as an agency of the Code Authority, a Joint Industrial Relations Board, consisting of an equal number of representatives of employers and employees, and an impartial chairman elected by the members of the Board, to 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 employees' representatives shall be truly representative of the employees of the industry and shall be selected by such employees.

(b) *Expense.*—The expenses of administering the Code shall be borne by members of the industry. The Code Authority may from time to time make such assessments on account of such expenses against the members of the industry as it shall deem proper and such assessments shall be payable as the Code Authority shall specify.

<sup>2</sup> See paragraph 2 of order approving this Code.

The assessments above referred to shall be apportioned among the members of the industry prorated to dollar volume of sales.

(c) *Specific Powers.*—The Code Authority, in addition to the general powers provided herein, shall have the power to require from members of the industry such reports as are necessary to effectuate the purposes of the Code; may upon its own initiative or upon complaint of any member of the industry make investigations as to the function and observance of any provision of the Code; may hear all matters developing from such investigations and attempt to determine the same; and may from time to time present to the Administrator recommendations including interpretations based on conditions in the industry which will tend to effectuate the operation of the provisions of the Act.

The Code Authority shall have the power, in addition to the specific powers herein granted, to hear all matters pertaining to the provisions of the Code which may be submitted to it by any member of the industry and to report such matters to the Administrator and to exercise any other general and lawful powers which may be necessary to secure performance thereunder.

(d) *General Improvement Recommendations.*—It shall be the duty of the Code Authority to submit to the Administrator from time to time such recommendations as in its judgment will have the effect of improving the Code, or of improving the results secured thereunder, any of which recommendations when approved by the Administrator, shall have the same force and effect as other provisions of this Code. Every recommendation shall be made only after a proper canvass of the opinion of the industry. In submitting any recommendation to the Administrator, the aggregate number of members of the industry as well as the aggregate productive capacity favoring or opposing the recommendation shall be indicated. Such recommendations shall, among others, be of the following character:

Recommendations for changes in such provisions of the Code as relate to hours of work, plant hours, minimum wages, and working conditions, as may seem desirable in the light of experience under the Code.

(e) *Procedure.*—Any complaint made by a member of the industry concerning an alleged violation of the Code by another member of the industry shall be submitted to the Code Authority in writing and by registered mail. The complaint shall contain a complete statement of the facts, and shall refer specifically to that part of the Code which is alleged to have been violated. The Code Authority shall obtain such information as, in its opinion, shall be necessary to establish the facts. If it shall appear to a majority of the Code Authority that there has been a violation of the Code, a statement of the charges shall be sent by registered mail to the member of the industry alleged to have committed the violation. The statement of charges shall fix the time and place for a hearing and at this hearing the member of the industry charged with the violation shall be given an opportunity of presenting his defense. If it is the decision of a majority of the Code Authority that a violation of the Code has been committed, it shall take such steps as may be necessary to effectuate the provisions of the Act.

(f) *General Administrative Provision.*—In addition to the information required to be submitted to the Code Authority as set forth in (c) of this Section and Article, there shall be furnished to the government agencies such statistical information as the Administrator shall deem necessary for the purposes recited in Section 8 (a) of the National Industrial Recovery Act.

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.

(g) *Personal Exemption of Code Authority.*—Nothing contained in this Code shall constitute the members of this Code or of the Code Authority 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 VII—TRADE PRACTICE

1. *Cost Accounting.*—Every employer shall use a cost accounting system which conforms to the principles of and is at least as detailed and complete as the uniform and standard method of cost accounting to be prescribed by the Code Authority and approved by the Administrator.

2. *Supplementary Codes.*—The Code Authority shall survey the trade practice conditions of the industry and various allied subdivisions thereof, that tend to defeat the purposes and effectiveness of the Act, and may present to the Administrator supplementary Codes of fair trade practices, which, upon approval by the Administrator, shall have the same force and effect as provisions of this Code.

3. *Unfair Trade Practices.*—The following practices constitute unfair competition and are prohibited:

(a) *Misrepresentation or False or Misleading Advertising.*—The making or causing or knowingly permitting to be made or published and 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.

(b) *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, with or 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; provided, however, that nothing in this paragraph shall be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein above defined.

(c) *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.

(d) *Secret Rebates.*—The secret payment or allowance of rebates, refunds, commission, 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) *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.

(f) *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or any other false representations or by false disparagement of the grade or quality of their goods.

(g) *Threats of Litigation.*—The publishing or circularizing of threats 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) *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.

(i) *Firm Bidding.*—The altering of original bids on the same equipment unless a change in specifications or requirements of the buyer has been made.

(j) *Selling Below Cost.*—Selling or offering to sell products or service of the industry at a price below the seller's cost. Cost shall be determined in accordance with Section 1 of this Article VII.

(k) *Engineering and Service Charges.*—Furnishing patterns, engineering, or erecting service without making proper charges for same, as defined in Section 1 of Article VII.

(l) *Detail Shop Drawings.*—To furnish detail drawings of standard units whether manufactured by a member or purchased by him for resale.

(m) *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—RIGHTS OF PRESIDENT

This Code and all the provision 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.

#### ARTICLE IX—MODIFICATION

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

#### ARTICLE XII—EXPORT TRADE

1. No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipment for export trade.

2. The exceptions established by this section shall apply also to sales or shipments of materials actually used in manufacture for export trade.

#### ARTICLE XIII—EFFECTIVE DATE

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

Approved Code No. 264.

Registry No. 1112-02.





Approved Code No. 265

**CODE OF FAIR COMPETITION**

FOR THE

**COFFEE INDUSTRY**

As Approved on February 6, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE COFFEE 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 Coffee 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 provisions thereof shall not become effective and they are hereby stayed for a period of ten (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, provided further, that the limitation of hours for watching crews specified in Article III, Section 1(b) shall be changed from 63 to 56.

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

Approval recommended:

WALTER WHITE,  
*Deputy Administrator.*

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

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

### INTRODUCTION

SIR: This is a report on the Hearing of the Code of Fair Competition for the Coffee Industry.

This hearing was held, in the Auditorium, National Museum, Washington, D.C., on October 24, 1933, pursuant to Notice of Hearing signed by the Secretary of Agriculture under Executive Order of June 26, 1933. By Executive Order of January 8, 1934, the jurisdiction over this Code was transferred to the National Recovery Administration. Certain changes have been made in the Code to conform to N.R.A. policy, but these changes are not in conflict with the transcript of the record of the public hearing.

### GENERAL

This Code applies to firms engaged in the importation and purchase of green coffee, and the roasting and blending and wholesale distribution of coffee. The volume of business in the Coffee Industry increased substantially up to 1929, but since that time, has remained practically unchanged. Prices, however, have declined very heavily during the last four years, and the value of importations in 1933 has not been much over one third of the 1929 value. In an effort to establish highly competitive nationally advertised brands, there have been many price concessions, which have brought the price of coffee to a low point. Seasonal fluctuations in the consumption of coffee are unimportant, even though the importations of coffee do show a considerable seasonable fluctuation. The value of importations has dropped from \$302,397,000.00 in 1929 to an estimated figure of \$127,843,000.00 in 1933. The number of employees in the Industry is estimated to be in the neighborhood of 13,000, although this is a rough estimate due to the lack of accurate figures on salesmen and office personnel.

The hour provisions of the Code probably will add about 1,500 employees to the Pre-President's Reemployment Agreement average. The minimum wage provisions will increase pay-roll disbursements by approximately \$1,500,000.00, or 19% of the wage disbursements before the President's Reemployment Agreement. While the Coffee Industry possibly might have been able to support a slightly higher minimum wage scale, it was felt desirable to harmonize the wage and hour provisions of this Industry with those of the Mayonnaise, Spice, Peanut Butter, Tea, Flavoring Extract, and other similar industries, due to the fact that many establishments are engaged in processing and distributing these other products as well.



The Coffee Industries' Committee, consisting of the Executive Committee of the Associated Coffee Industries of America, will act as Code Authority for a period of ninety days, during which a plan for the election of their successors will be submitted to the Administrator for approval. The Associated Coffee Industries of America is a trade association, truly representative of the Industry, and imposes no inequitable restrictions on membership.

#### HOUR AND WAGE PROVISIONS

The Code of the Coffee Industry proposes a maximum work week of 40 hours with a limitation of 9 hours per day and 6 days in any 7-day period. There are the usual exemptions, complete or partial, in the case of executive, managerial, and technical employees, and watchmen and outside salesmen. Chauffeurs, deliverymen, and employees engaged in shipping work directly connected with delivery, may work 48 hours per week. Delivery salesmen are exempted from hours only if they earn \$30.00 and \$25.00 per week in cities of over and under 100,000 population, respectively. In cases of unforeseen peak production, inventory, and financial closing periods, employees may work not to exceed 6 hours overtime per week if they are paid time and one third for all such time worked.

The minimum wages are set at 40¢ per hour for men and 32½¢ per hour for women with a differential of 5¢ per hour in the South. Office employees are under a minimum by population, starting at \$16.00 per week for cities of over 500,000 population.

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), and 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 Associated Coffee Industries of America is an industrial association truly rep-

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.*

FEBRUARY 6, 1934.

# CODE OF FAIR COMPETITION FOR THE COFFEE 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 Coffee 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

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

(b) The term "Administrator" means the duly designated representative of the President to administer the functions and powers delegated under Title I of the National Industrial Recovery Act.

(c) The term "Act" means Title I of the National Industrial Recovery Act, approved June 16, 1933.

(d) The term "Coffee Industry" as used herein shall be taken to mean and include the importation, purchase, distribution, and roasting of green coffee, and the distribution of coffee at wholesale by persons engaged in the roasting thereof, whether directly, through affiliates or subsidiaries, or by contract with other persons.

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

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

(g) 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.

(h) The term "State" includes any State or Territory and the District of Columbia.

(i) The term "watching crews" so used herein includes persons whose primary function is watching and guarding the premises and property of an establishment.

(j) The term "outside salesmen" as used herein shall be taken to mean any salesman who performs selling functions primarily and does not regularly deliver merchandise.

(k) The term "route delivery salesmen" as used herein shall mean deliverymen who perform selling functions.

(l) The term "Roaster" as used herein shall be taken to mean and include any person engaged in the roasting, processing, and packing of coffee and any person engaged in the distribution of coffee at wholesale where such person is likewise engaged in the roasting of green coffee, whether directly or through affiliates or subsidiaries or by contract with other persons.

(m) The term "Food Broker" as used herein means any sales representative who performs the services of negotiating the sale of roasted coffee for and on account of the seller as principal, and whose compensation is a commission or brokerage paid by the seller.

(n) The term "Coffee Industries Committee" as used herein shall mean the duly elected or selected members of the industry for the purpose of supervising the performance of the provisions of this Code.

(o) The term "population" as used herein shall be determined by reference to the latest Federal Census.

### ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one week, nor more than nine (9) hours in any one day, nor more than six (6) days in any seven (7) day period except as herein otherwise provided.

(a) The provisions of this Article and the provisions of Section 6 of Article IV shall not apply to outside salesmen, nor to persons employed in a managerial, executive, or technical capacity, who earn not less than thirty-five dollars (\$35.00) per week, nor to route delivery salesmen provided that they receive regularly not less than thirty dollars (\$30.00) per week in cities of 100,000 population or over, and not less than twenty-five dollars (\$25.00) per week in cities and towns of less than 100,000 population averaged over a four-week period. Route delivery salesmen who do not work in excess of 48 hours per week shall be paid not less than the minimum wage per hour specified in Article IV, Section 2.

(b) Watching crews, provided that no watchman shall work or be permitted to work in excess of 63 hours per week.<sup>1</sup>

(c) Chauffeurs, deliverymen, and employees engaged in shipping work directly connected with delivery, provided, however, that they shall not be permitted to work more than forty-eight (48) hours per week.

SEC. 2. In cases of unforeseen peak production, inventory periods, financial closing periods, and other unusual conditions beyond the control of the employer, employees may work in excess of the normal number of working hours per day or per week provided in this Code for the class of work performed by such employees. Such overtime shall not exceed six (6) hours in any one week except in cases of emergency repair work involving break-downs or protection of life and property, and shall be compensated by at least time and one third. Office workers receiving thirty-five dollars (\$35.00) per week or over are not subject to overtime payment. Reports shall be made to the Coffee Industries Committee when required by such Committee or by the Administrator stating the number of hours worked in excess of the maximum under the above provisions.

### ARTICLE IV—WAGES

SECTION 1. No person employed in clerical, accounting, or other office work shall be paid less than the following schedule of wages:

<sup>1</sup> See paragraph 2 of order approving this Code.

Cities of over 500,000 population or in the immediate trade area, \$16.00 per week.

Cities between 250,000 and 500,000 population or in the immediate trade area, \$15.00 per week.

Cities and towns less than 250,000 population or in the immediate trade area, \$14.00 per week.

except that office boys and messengers may be paid at a rate of two dollars (\$2.00) below the above minima, provided, however, that where more than one employee is compensated at the minimum rate not more than ten percent (10%) of the total number of office employees shall be so classified.

SEC. 2. No male employee other than those covered in paragraph 1 shall be paid at a rate of less than forty cents (40¢) per hour, and no female employee other than those covered in paragraph 1 shall be paid at rate of less than thirty-two and one half cents (32½¢) per hour except that minimum rates of thirty-five cents (35¢) per hour for male employees and twenty-seven and one half cents (27½¢) per hour for female employees may be paid in the following states: Virginia, North Carolina, South Carolina, Tennessee, Alabama, Georgia, Florida, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, and Kentucky.

SEC. 3. No watchman shall be paid at a rate of less than eighteen dollars (\$18.00) per week.

SEC. 4. 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. 5. Female employees performing substantially the same work as male employees, shall receive the same rate of pay as male employees except that in continuous operations where state law or municipal ordinance limits the time of day for the working hours of female labor, employers will not be required to pay the same rates, provided that male and female employees do not work at differential rates during the same hours.

SEC. 6. Time and one third shall be paid for all time worked (except by office workers receiving \$35.00 per week or over and those classified as managerial, executive, and technical employees in Section 1 (a) of Article III) on Sundays and the following holidays: Christmas Day, Thanksgiving Day, George Washington's Birthday, Labor Day, July Fourth, New Year's Day, and such other holidays as may be proclaimed by the President of the United States.

SEC. 7. The weekly compensation for employment in excess of the minimum wages established, notwithstanding that the hours of work in any such employment may be reduced, shall not be reduced as a result of the adoption of this Code, and the pay for such employment shall be increased by an equitable readjustment of all pay schedules in order to maintain fair differentials existing prior to the adoption of this Code. It shall be the duty of the Coffee Industries Committee of the Industry to observe the operation of these provisions and recommend to the Administrator such further provisions as experience may indicate to be appropriate to effectuate their purpose.

SEC. 8. After the effective date of this Code, wages shall be exempt from fines, deductions and/or charges except that deduc-

tions accruing to the benefit of the employee may be made with his written consent.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Coffee 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 Coffee Industries Committee shall submit to the Administrator before March 1, 1934, a list of such operations or 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 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. Employers shall not change the method of payment of employee's compensation or reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act or the provisions of this Code.

SEC. 6. No employee now employed at a rate in excess of the minimum shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

SEC. 7. 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. 8. No employer shall knowingly permit any employee 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.

SEC. 9. No increase in the amount of production or work shall be required of employees for the purpose of avoiding the benefit to employees prescribed by this Code with respect to wages and hours of employment. All requirements with respect to increases shall be reported to the Coffee Industries Committee.

SEC. 10. All employers shall post complete copies of the provisions of this Code dealing with hours, wages, and conditions of employment in conspicuous places accessible to employees.

#### ARTICLE VI—UNFAIR TRADE PRACTICES

The following shall be deemed unfair methods of competition:

SECTION 1. *False Advertising.*—The making or causing or permitting to be made, or the publication of any false, untrue, or deceptive statement, by way of advertisement, labeling, or otherwise,

concerning the grade, quality, quantity, substance, character, nature, origin, or preparation of any product of the industry.

SEC. 2. *Unethical Advertising—Disparagement of Competitors' Products.*—The false or misleading disparagement of the grade or quality of the products of competitors, or the dissemination of any false statement of information relative to a competitor, or the products manufactured and distributed by such competitor.

SEC. 3. *Adulteration and Misbranding.*—The use of cereals, chicory, coffee screenings, or other products compounded with coffee, unless containers be plainly and conspicuously labeled to indicate the presence of such fillers and the percentage content of such ingredients other than coffee or chicory.

SEC. 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. 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. 5. *False Invoicing.*—The publishing of any false or fictitious price list, and the use of invoices which falsely indicate date of invoice or shipment, prices, discounts, quantities, or terms of any sale.

SEC. 6. *Samples.*—To provide or furnish directly or indirectly samples in excess of two pounds, to hotels, restaurants, and institutions of like character.

SEC. 7. *Free Advertising or Space Allowance.*—The making or causing or permitting to be made to distributors of coffee, including retail distributors selling to the ultimate consumer, and restaurants, hotels, and institutions of like character, any advertising and/or cooperation allowance or payments of any kind, including allowances or payments for window, shelf, floor, counter display, and/or preferred space, but not including advertising allowances limited to the actual cost to such distributor for insertions in newspapers, handbills, or other printed advertising material.

SEC. 8. *Free Deals.*—The giving, using, or offering of free deals of any and every kind for the account and benefit of the distributor, including retail distributors, hotels, restaurants, and enterprises of similar character, provided, however, that nothing contained herein shall be interpreted to affect the use of premiums for the use and benefit of the ultimate household consumer, provided further, that the price for the combined premium combination deal to the consumer does not constitute destructive price cutting or selling below cost within the meaning of Article VI, Sections 17 and 18, of this Code.

SEC. 9. *Gifts to Clubs.*—To give any coffee to social clubs, card parties, or other such groups when such coffee is to be given or offered for sale in packages by such groups in competition with regular dealers unless such gift shall be made to authorized charitable agencies for strictly charitable purposes.

SEC. 10. *Loans or Free Repairs.*—For any roaster to induce or retain business by directly or indirectly lending money, giving, lending, or renting equipment such as coffee mills, urns, steam tables, gas burners, etc., or by furnishing parts, replacements, or urn bags for such equipment, or by rendering services in making free repairs, painting stores, etc., or by furnishing menus, counter cards, napkins, or other articles, whether or not such article includes the name and advertisement of the roaster, or by any direct or indirect subsidy of any nature—provided, that signs may be supplied by a roaster if such signs are confined solely and exclusively to the identification of a particular brand of coffee and the name of the dealer. Nothing in this provision shall prohibit the bona fide sale of any equipment included under the provisions of this Section, provided that such sale conforms to the rules and regulations to be adopted by the Coffee Industries Committee with the approval of the Administrator governing and defining bona fide sale. The provisions of this section with respect to gift, loan, or rental of restaurant equipment shall become effective sixty days after the effective date of this Code.

SEC. 11. *Cash Discounts.*—To allow discounts for cash which are not earned by payment in accordance with the cash discount terms specified in an open price list.

SEC. 12. *Price Declines.*—To make any guarantee against a price decline or to make any allowance with respect thereto, except that in sales for future delivery, a seller may contract to give a buyer the benefit of his own declines occurring prior to delivery.

SEC. 13. *Quantity Price.*—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.

SEC. 14. *Diversion of Sales Compensation.*—No member of the industry shall pay a brokerage to any wholesale grocer, retail grocer, or other buyer, nor pay to any wholesale grocer or retail grocer or other buyer any part of the compensation of his (the manufacturer's) food broker. No part of any commission or compensation paid for sales service shall be used to reduce the price of the merchandise for the sale of which the said commission or compensation was paid.

SEC. 15. *Compulsory Purchase.*—No member of the industry shall compel the purchase of one product in order to purchase or obtain another.

SEC. 16. *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. 17. *Destructive Price Cutting.*—No member of the industry shall engage in destructive price cutting.

SEC. 18. *Selling Below Cost.*—No member of the industry shall sell roasted coffee below his own individual cost, except that he may be permitted at any time to meet the price of a competitor which is not in violation of this Code and may make such terms to government and other charitable institutions as he may see fit. For the purpose of determining a violation of this clause, all terms of sale, including cash discounts, shall be considered.

SEC. 19. *Coordination with Other Codes.*—The Coffee 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 approved by the President or suggested by the Administrator for the entire food and grocery manufacturing industry.

#### ARTICLE VII—OPEN PRICES AND ACCOUNTING

SECTION 1. *Open Prices.*—Within ten days after the effective date of this Code each roaster shall file with the Coffee Industries Committee a list of prices together with terms of sale, including quantity and/or other discounts offered in connection therewith at which such roaster offers for sale his several grades and packs of coffee, provided that no deviation from such price list and terms of sale shall be made by such roaster unless and until notification of such deviation and of the new price list and terms of sale has been sent by registered mail or by telegram to the Coffee Industries Committee. The Coffee Industries Committee shall make all open price lists available to every member of the industry and to purchasers in general. Such price list shall be made available by each roaster to all trade buyers (actual or solicited) alike located in the same competitive markets. All open price lists shall contain every condition of sale, permitted by this code, including cash discounts.

SEC. 2. *Accounting.*—Every roaster shall use an accounting system which shall conform to the principles of and is at least as detailed and complete as the standard and uniform method of accounting that shall be formulated or approved by the Coffee Industries Committee subject to the approval of the Administrator, with such variations therefrom as may be required by the individual conditions affecting any roaster, provided such variations are approved by the Administrator, after recommendation by the Coffee Industries Committee.

SEC. 3. *Elements of Cost.*—For determination of cost, as used in Section 18, Article VI, the Coffee Industries Committee with the approval of the Administrator shall from time to time set forth the elements which shall enter into cost.

#### ARTICLE VIII—ADMINISTRATION

SECTION 1. *Selection.*—A Coffee Industries Committee consisting of nine (9) members, hereinafter called the Committee, shall be selected by the members of the industry for the purpose of supervising the performance of the provisions of this code. From and after the effective date of this code the Executive Committee of the Association shall function as the Committee, and shall, within thirty (30) days after the effective date hereof, submit for the approval of the Administrator a plan for the selection of a Committee, which shall truly represent all elements of the industry irrespective of membership in the Association.

SEC. 2. In addition to membership as above provided, there may be three additional members, without vote, to be appointed by the Administrator.

SEC. 3. The Coffee Industries Committee, with the approval of the Administrator, may appoint committees nominated by the green coffee trades in New York, New Orleans, and San Francisco, whose

specific duty it shall be to assist in the Administration of this Code as it applies to the green coffee trades in their respective markets, and may use such other agencies as it deems proper for the carrying out of any of the provisions of this Code, provided that nothing herein shall relieve the Coffee Industries Committee of its duties or responsibilities under this Code, and that such other Committees and agencies shall at all times be subject to and comply with the provisions hereof.

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

SEC. 5. In order that the Coffee Industries Committee 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 Coffee Industries Committee 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 Coffee Industries Committee.

SEC. 6. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Coffee Industries Committee 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 Coffee Industries Committee, subject to review by the Administrator, on the basis of volume of business, and/or such other factors as may be deemed equitable.

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

SEC. 8. If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

## ARTICLES IX—POWERS AND DUTIES

SECTION 1. The Coffee Industries Committee 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 Coffee Industries Committee:

(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 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 elect a representative to serve on any coordinating 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.

SEC. 2. *Violations.*—Members of the Industry and the Coffee Industries Committee shall use their best efforts to insure the full observance of the conditions of this Code. Any violations of the terms of this Code which shall come to the knowledge of any member of the industry shall immediately be communicated to the Committee by a sworn statement containing said charges of violations of the terms of this Code, together with all available substantiating evidence.

It shall be the duty of the Committee to investigate such charges and any charges which shall come to the knowledge of the Committee through any other reliable source. The Committee shall request a statement under oath from the member of the industry whose transactions are under investigation. If, after investigation, the Committee shall find that such charges are substantiated, it shall either notify the member so violating the conditions of this Code, requesting that such violations be discontinued, or it shall notify the Administrator in writing requesting him to take necessary action, or both. Provided, however, that nothing contained in this Article shall be construed in derogation of the rights of the Administrator under the Act, nor in derogation of the rights of any person to be heard when such right of hearing is granted under the Act, or otherwise by law.

SEC. 3. *Investigations.*—Upon complaint against any member of the industry of a violation of this Code, the Coffee Industries Committee may, upon authority granted by the Administrator, designate a firm of Certified Public Accountants, or public accountants having equal qualifications, to examine, during the usual hours of business, the books and records of the member of the industry against whom complaint has been made. Only such books and records as pertain to the alleged violation may be examined by the accountant employed, and said accountant shall not reveal to the Coffee Industries Committee any other information obtained than information which is pertinent to the alleged violation.

#### ARTICLE X—MONOPOLIES

SECTION 1. No provision of this Code shall be interpreted or applied in such manner as to permit monopolies, or monopolistic practices, permit, or encourage unfair competition; or eliminate, oppress, or discriminate against small enterprises.

#### 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 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.

#### ARTICLE XII—INTERPRETATION

The Administrator or the Coffee Industries Committee, with the consent of the Administrator, may from time to time, issue such administrative interpretation of the provisions of this Code as may be necessary for the effectuation or clarification of its purposes.

#### ARTICLE XIII

This Code shall become effective on the date of its approval.

Approved Code No. 265.  
Registry No. 111-1-01.



Approved Code No. 266

CODE OF FAIR COMPETITION

FOR THE

INLAND WATER CARRIER TRADE IN THE  
EASTERN DIVISION OF THE UNITED STATES  
OPERATING VIA THE NEW YORK CANAL  
SYSTEM

As Approved on February 6, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE INLAND WATER CARRIER TRADE IN THE EASTERN DIVISION OF THE UNITED STATES OPERATING VIA THE NEW YORK CANAL SYSTEM

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 Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System, 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:

K. M. SIMPSON,  
*Division Administrator.*

WASHINGTON, D.C.

*February 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code of Fair Competition for the Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System has been duly assented to by the proponents of the code, the Canal Carriers Association, representing over 90% of the operators in the Trade. The Public Hearing was conducted in Washington on November 27, 1933, at which time every person who so requested was fairly heard in accordance with the usual procedure. The Code has the approval of the Industrial, Consumers', and Labor Advisory Boards of the National Recovery Administration.

### DESCRIPTION OF THE TRADE

As defined in the code the trade embraces a specialized operation by means of which a substantial portion of the commodities moving between the Atlantic seaboard and the Great Lakes region are transported by way of the New York Canal System and the Saint Lawrence River.

The code is designed to be coordinated with a proposed code of fair competition for the Inland Water Carrier Trade in the United States which may become a section of a general code of fair competition for the Shipping Industry.

### RÉSUMÉ OF THE CODE

ARTICLE I.—States the purpose.

ART. II.—Sets forth definitions.

ART. III.—Provides for coordination with other transportation codes or regulations.

ART. IV.—Provides for participation by members of the trade.

ART. V.—Eliminates child labor, contains the labor provisions required by the Act, provides an Industrial Relations Board to deal with matters relating to labor disputes in the trade.

ART. VI.—Provides a maximum average of 43 hours weekly for shore employees other than watchmen who are permitted to work 56 hours per week. The maximum hours of labor for vessel employees will be in accordance with the revised schedule of wage scales and working conditions to be presented for the approval of the Administrator within 60 days after the effective date of the Code, or before the opening of navigation. Ship-keepers and employees in a managerial, supervisory, or executive capacity are exempted from the maximum hour provisions. In an emergency all employees may be exempted from the maximum hour provisions

if compensated for such additional time worked at one and one half times the normal rate of pay.

ART. VII.—Provides a minimum of \$15.00 per week for shore employees excepting office boys and girls who may be compensated at 80% of that amount. Provision is made for a comprehensive survey of the labor conditions and rates of pay on board ship and provides for the establishment of an adjusted schedule of minimum wages; and working conditions designed to better effectuate the policies of the Act.

ART. VIII.—Provides for the establishment of minimum rates, fares, and charges as part of a general plan for coordinating inland waterway transportation with other transportation media and regulating that portion of the trade not now supervised by State or Federal regulatory bodies.

ART. IX.—Requires the filing of statistics as required by the Code Authority, the Administrator, or other Federal and State agencies.

ART. X.—Provides for the election and duties of the Code Authority.

ART. XI.—Sets forth trade practices that are considered unfair methods of competition.

ART. XII.—Provides against monopolies and monopolistic practices or the elimination of, oppression of, or discrimination against small enterprises.

ART. XIII.—Provides for, in accordance with the provisions of the Act, the cancellation or modification of any order, license, rule, or regulation issued hereunder, by the President of the United States.

ART. XIV.—Is designed to limit the possibilities of frustrating the intent and purpose of the code and its stabilization clause when long-term contracts exist.

ART. XV.—Declares the code to be effective 10 days after approval except as provided in Article XIV, Section 1.

#### LABOR PROVISIONS OF THE CODE—POSSIBLE REEMPLOYMENT

Stabilization of this trade will in all probability provide a small amount of additional employment and benefits will accrue to ship-building and ship repair yards for rehabilitation of old equipment. The code sets a maximum of 44 hours for shore employees during the peak season, representing a decided drop from the 60 hours previously worked in some instances. The number of shore employees is so small, however, that probably not more than 50 additional shore employees will be employed as a result of this maximum hour provision.

In the case of vessel employees, due to the complexities of vessel operation and the limited facilities for berthing crews, it was not deemed practical to attempt a drastic change in the present schedule of hours without first making a comprehensive survey of the labor and operating conditions in the trade.

Provision has been made in the code for this survey which charges the Code Authority with the responsibility of submitting to the Administrator within sixty days after the effective date of the code a revised schedule of minimum wages and working conditions aboard vessels in the trade which will tend to better effectuate the

policies of the Act. This survey will be completed before the opening of navigation in the spring.

The code further provides the establishment of an Industrial Relations Board to deal with matters relating to labor disputes.

#### WAGES

The code provides a minimum of \$15.00 per week for shore employees with the exception that office boys and girls may be compensated at 80% of that amount. Few employees in the trade are compensated at these minimum rates. The code will effect little increase in wages for shore labor except in the case of watchmen who are assured of an increased pay envelope for a 30% shorter week.

#### GENERAL ECONOMIC EFFECT OF THE CODE

For the purpose of cooperating in a general plan towards the stabilization of the transportation industry as a whole the code provides for the establishment of minimum rates, fares, and charges for that portion of the trade not now regulated by State or Federal regulatory bodies.

Provision is made for such minimum rates to be established by the majority vote of the members of the code, such minimum rates are, however, subject to the disapproval of the Administrator before becoming effective.

When effective these minimum rates may be protested when it is felt that they are discriminatory and the Administrator in event of protest shall consider the examination and recommendation of the Division of Regulations of the United States Shipping Bureau, Department of Commerce, or the Interstate Commerce Commission, before making his final decision.

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 tends 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, 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 Inland Water Carrier Trade in the Eastern Division of the United States, operating via the New York Canal System normally employs less 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 Canal Carriers Association is a trade group truly representative of the aforesaid Trade; and that The Canal Carriers 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.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 6, 1934.

# CODE OF FAIR COMPETITION FOR THE INLAND WATER CARRIER TRADE IN THE EASTERN DIVISION OF THE UNITED STATES OPERATING VIA THE NEW YORK CANAL SYSTEM

## 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 Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System 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

“Eastern Division of the United States” includes all inland waters within the territory between Eastport, Maine, and Key West, Florida, westward to, but not including, the Mississippi waterway system or the Great Lakes, but including the St. Lawrence River.

“Inland Water Carrier Trade” or “trade”, as used herein, means the transporting of freight or passengers by water via the New York Canal system or the St. Lawrence River to or from ports in the Eastern Division of the United States and the Great Lakes, including intermediate ports on the New York Canal System, but excluding, however, the trade engaged solely in the transportation of petroleum products.

“Member of the trade” includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise operating owned or chartered vessels in the trade either as an employer or on his or its behalf.

“Member of the Code” means any member of the trade to whom, in accordance with the provisions herein, a Certificate of Participation has been issued.

“Act”, “Administrator”, and “President”, as used herein, means, respectively, the National Industrial Recovery Act, the Administrator for Title I of the Act, and the President of the United States.

“Emergency” means that situation whereby a danger or menace to the safety of a vessel, cargo, life, or property exists, or where the interruption of continuous processes would invoke an undue hardship upon a member of the trade by undue and excessive increase of operating costs.

“Employee” means any individual engaged in the trade, however compensated, except a member of the trade. “Shore employee” means an employee in the trade who is not a member of the crew of a vessel, and “vessel employee” means an employee in the trade who is a member of the crew of a vessel.

## ARTICLE III—COORDINATION

1. The Administrator may at his discretion make this Code a division or subdivision of a general Code of Fair Competition for the Shipping Industry.

2. The Administrator may coordinate the provisions of this Code of Fair Competition with related regulations, codes, or agreements, respecting other transportation media.

#### ARTICLE IV—PARTICIPATION

1. Any member of the trade shall be eligible to receive a Certificate of Participation by filing written assent to the provisions of this Code and agreeing to share in the proportional expenses thereof as provided for in Appendix I.

2. Commencing thirty days after the effective date of this Code every bill of lading, dock receipt, or other shipping document issued by a member of the Code shall bear the following notation: "Subscriber to, and participant in, the Code of Fair Competition for the Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System No. —."

#### ARTICLE V—GENERAL LABOR PROVISIONS

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.

2. No member of the trade shall employ any person under eighteen years of age; provided, however, that persons sixteen years of age or over may be engaged as office or clerical employees.

3. No employer shall reclassify employees, or duties of occupations, or engage in other subterfuge in such manner as to defeat the provisions and purpose of the Act and of this Code.

4. No provision of this Code shall supersede any State or Federal law which imposes more stringent requirements regulating the age of employees, wages, hours of work, or safety, health, sanitary, or general working conditions, or insurance or fire protection, than are provided herein.

5. Employers shall post copies of the parts of this Code pertaining to wages, hours of labor and general labor provisions in places accessible to their employees.

6. There shall be established by the Administrator an Industrial Relations Board for the trade consisting of an equal number of representatives of employers and employees to deal with all matters in the trade relating to labor disputes. The creation and functioning of this Board, including the selection of the representatives of employees, shall be in accordance with Section 7 of the Act. Where a majority agreement cannot be reached the Board shall select, or in the event of no selection the Administrator shall appoint, an impartial chairman to render a decision. If no truly representative

labor organization exists the employee members of such Board may, upon request of the Administrator, be chosen by the Labor Advisory Board of the National Recovery Administration. The employer representatives shall be chosen by the Code Authority. The Industrial Relations Board may establish such subsidiary agencies constituted in like manner as it finds necessary. This section shall not be deemed to provide final arbitration of labor disputes unless both parties thereto assent.

#### ARTICLE VI—HOURS OF LABOR

1. No shore employee, except outside salesmen, solicitors, and watchmen shall be permitted to work in excess of forty hours in any one week, between December 1st and April 1st; nor in excess of forty-four hours in any similar period between April 1st and December 1st.

2. No shore employee engaged in the capacity of watchman shall be permitted to work in excess of fifty-six hours in any one week.

3. The provisions as to hours of labor as provided herein shall not apply to those employees in a managerial, supervisory, or executive capacity who receive \$35.00 or more per week; or to ship keepers on vessels in laid-up or inoperative status.

4. The maximum hours of labor of vessel employees shall be in accordance with the schedule of working conditions provided for in Article VII, Section 5.

5. The maximum hours of labor prescribed herein shall not apply to any employee engaged on emergency work, provided that any employee required to work additional hours under the exemption allowed by this article shall be compensated for such additional time worked at one and one half times the normal rate of pay.

#### ARTICLE VII—WAGES

1. No shore employee shall be paid at the rate of less than \$15.00 per week except office boys and girls who may be compensated at not less than eighty percent of that amount, provided that the total number of those so compensated shall not exceed five percent of the total number of office employees with a minimum of two.

2. No shore watchmen shall be paid less than forty cents per hour.

3. The minimum monthly rate of pay for vessel employees with subsistence<sup>1</sup> and suitable living quarters shall be as follows:

Rank	Tug	Class of vessel		Rank	Tug	Class of vessel	
		Motor or steam vessel	Non-propelled vessel			Motor or steam vessel	Non-propelled vessel
Captain.....	\$200.00	\$200.00	\$90.00	Cook and steward.....	\$70.00	\$70.00	-----
Mate.....	150.00	150.00	-----	Messboys.....	50.00	50.00	-----
Deckhand.....	60.00	50.00	-----	Watchmen.....	-----	70.00	-----
Chief engineer.....	160.00	160.00	-----	Wheelsman.....	-----	90.00	-----
First assistant engineer.....	140.00	140.00	-----	Oilers.....	70.00	70.00	-----
Second assistant engineer.....	125.00	125.00	-----	Firemen.....	70.00	70.00	-----
Radio operator.....	90.00	90.00	-----	Ship keepers <sup>1</sup> .....	40.00	40.00	\$40.00

<sup>1</sup> This rate allowed only on vessels in laid-up inoperative status.

<sup>2</sup> Not provided to employees on nonpropelled vessels or ship keepers.

The foregoing minimum wage schedule shall be effective only until superseded by an adjusted wage scale as provided for herein, provided however, that in no event shall rates of pay existing November 15, 1933, be reduced.

4. Within 10 days after the effective date of this Code each member of the trade shall submit a report to the Code Authority on the wages and working conditions in effect on the vessels operated by that member.

5. The Code Authority upon receipt of this information shall compile an adjusted schedule of minimum wages for all classifications of vessel employees on all types of vessels operating within the limits of this code, and compile a schedule of working conditions which will tend to better effectuate the declared policy of the Act. The Code Authority shall submit such schedule of wages and working conditions to the Administrator within sixty days after the effective date of this Code.

6. Such schedule when approved by the Administrator shall become a part of this code and a violation thereof by a member of the trade shall be a violation of the code.

#### ARTICLE VIII—TARIFFS

The Inland Water Carrier Trade has been in a chaotic state for a number of years due to the serious and unrestrained competition both from within the trade itself and with competing transportation media. To end these destructive practices provision must be made for the establishment of minimum rates, fares, and charges by the members of the trade.

That a need for such regulation exists is borne out by a report of the Interstate Commerce Commission of August 5, 1933, which reads in part —

the unrestrained and destructive competition between motor carriers, between water carriers, and of both with rail carriers, is not only having an unduly depressing effect upon the revenues of the rail carriers but is exerting a disorganizing influence upon business in general and tending to prevent the maintenance of a stable and nondiscriminatory rate adjustment by the rail carriers. These conditions will undoubtedly exist as long as interstate motor and water carriers are exempt from requirements that their rates be published and maintained on a reasonably stable and nondiscriminatory basis.

Until such time as the Congress has been enabled to study such recommendations as may be submitted to it and enact appropriate legislation, the following provisions are made in this Code of Fair Competition for the purpose of effecting stabilization of the trade.

1. (a) The Code Authority shall immediately designate a Tariff Committee composed of three members of the Code to deal with rates, fares, and charges. This committee shall endeavor to effect agreements with competing transportation media on a differential basis under rail rates, and shall give due regard to the lowest reasonable cost of service in determining minimum tariffs.

(b) Such lowest 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 approved by the Code Authority and by the Administrator.

2. The members of the Tariff Committee shall make an analysis of the tariff situation and shall obtain from the members of the trade the data requisite to enable the Committee to take into account the factors necessary to the determination of such minimum tariffs.

3. The Tariff Committee shall submit to the members of the trade the proposed minimum tariffs within sixty days from the effective date of the Code. Upon approval of a three-fifths majority of the members of the code, who shall vote upon the basis of tonnage carried during the preceding year, or as otherwise determined by the Code Authority subject to the approval of the Administrator, these minimum tariffs, after approval by the Code Authority, shall be filed with the Administrator and become a part of this Code subject to the review and disapproval of the Administrator. These minimum tariffs shall, however, be subject to review and modification by the Administrator in event of protest.

4. Should the necessity for such review arise, the Administrator shall consider the examination and recommendation of the Division of Regulation of the United States Shipping Board Bureau of the Department of Commerce or the Interstate Commerce Commission. The decision of the Administrator, however, after such notice and hearing as he may specify, shall be final.

5. Nothing herein shall apply to rates, fares, or charges established under the jurisdiction of Federal or State regulatory bodies.

6. Adjustments of these minimum tariffs may be made at any time by the Code Authority in the manner as hereinbefore provided, subject to review and disapproval by the Administrator.

7. To meet foreign competition the Code Authority may, as it appears necessary, reduce the minimum tariffs provided for herein, and shall notify the Administrator of such reduction.

#### ARTICLE IX—STATISTICS AND REPORTS

1. Members of the trade, when requested, shall furnish to the Code Authority such information as may be necessary for the proper administration of this code, and to acquaint and keep the President informed as to the observance or nonobservance of the provisions of this code, and as to whether such members of the trade are effectuating and taking the necessary action to attain the declared policy of the Act, and these data shall be available in the office of the secretary of the Code Authority for inspection by the members of the code.

2. The Code Authority shall not require a member of the trade to disclose trade secrets or names of customers.

3. Failure of any member of the trade to furnish the information required by the Code Authority, substantially in the form requested, shall constitute a violation of the code.

4. Members of the trade, however, shall have the right to refuse to divulge information of a confidential nature to anyone except the Administrator.

5. The Code Authority or the Administrator may verify the information furnished by any member of the trade through an examination of the pertinent records of such member by a disinterested certified public accountant designated by the Code Authority or by the

Administrator. The cost of such verification shall be considered an expense of administering the code. The Administrator may also verify information furnished by a member of the trade through his own agents.

6. In addition to the information required to be submitted to the Code Authority there shall be furnished to Federal and State agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act; provided, that nothing in this Code shall relieve any member of the trade of any existing obligations to furnish reports to any government agency.

#### ARTICLE X—ADMINISTRATION

1. For the purposes of administration of this code there shall be constituted a Code Authority consisting of not more than five members to be elected from the members of the trade as hereinafter provided.

2. The Administrator in his discretion may appoint not more than three additional members without vote to represent such groups or governmental agencies as he may designate. Such members, if and when appointed, shall serve for a term of from six months to one year, and their appointments shall be so arranged that they shall not expire at the same time.

3. The members of the Code Authority provided in Section 1, shall be elected by the eligible members of the trade within ten days after the effective date of the Code, under the auspices of the Trade Association submitting the code. Three members of the Code Authority shall be elected, the basis of voting to be tonnage carried during the preceding year; two members of the Code Authority shall be elected by a majority of the eligible members of the trade, each member casting one vote.

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

6. The Code Authority shall have all the duties and powers permitted by the Act, including, but without limitation, the making of such rules and regulations, the appointing of such committees, the employing or designating of such agents and the making of inquiries or investigations as may be necessary; and shall cooperate with the Administrator, with full power to represent the trade in effectuating the policies of the Act and the provisions of this code.

7. 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.

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.

9. Members of the trade shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this code and sustaining their reasonable share of the expenses of its administration. Such proportional expenses shall be based on tonnage carried, and such assessment shall be at the rate of 1½ cents per ton of 2,240 pounds, and a report of the tonnage carried, with a check or payment for the member's share of expenses, shall be filed with the Code Authority within 15 days after the close of each calendar month. These assessments are subject to review by the Administrator; and changes as conditions may require may be made by the Code Authority, subject to review by the Administrator.

10. A member of the trade shall be eligible to vote to elect the Code Authority if such member has notified the Administrator, or the Canal Carriers Association at its headquarters, New York, N.Y., that he desires to participate in this Code of Fair Competition, as provided for in Appendix I attached hereto.

#### ARTICLE XI—TRADE PRACTICES

It shall be an unfair method of competition and a violation of the provisions of this Code for any member of the Trade:

1. To give or accept rebates, refunds, discounts, demurrage allowances other than tariff provisions; gratuities in any form, or to make discount payments or returns of any nature or description directly or indirectly on shipments, contracts, or refunds on any cargo of any nature whatsoever, or to employ any person, firm or corporation as the representative through whom or to whom a payment of compensation shall serve as any rebate, payment or return.

2. To sign a receipt for goods in good condition when the goods for which such receipt is given are in other than good condition. Any receipt for goods except in good condition shall specify and note the actual condition of the goods for which such receipt is given.

3. To pay freight brokerage respecting cargoes transported by a member of the trade. None of the provisions of this section shall



apply, however, to the booking of grain cargoes, and a commission not to exceed 2½ percent may be paid for booking grain cargoes.

4. To fail to pay assessments as provided in Article X, Section 9.

5. (a) Each member of the trade shall book all cargoes in his own name with the right to sublet the contract to other members of the trade at not less than the minimum tariffs filed less five percent. (b) All agency agreements entered into after the approval date of this code shall be filed with the Code Authority and shall be subject to the regulations of said Code Authority (regulations to be approved by a three-fifths majority of the members of the code voting on the basis of tonnage carried) subject to review and disapproval by the Administrator. A violation of this section shall be a violation of this code.

#### ARTICLE XII—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 XIII—MODIFICATION

1. This code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of 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 extended as to territory, 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 on approval by the Administrator shall become a part of this code.

#### ARTICLE XIV—ADJUSTMENTS

1. All contracts made after the approval date of this code shall conform to a form of contract prescribed by the Tariff Committee and approved by the Code Authority.

2. All members of the trade who claim exemptions from the tariff provisions herein on the basis of unfilled or unexpired contracts shall submit such contracts to either the Code Authority or the Administrator for determination as to their bona fide character; and the Code Authority or the Administrator shall endeavor to promote an equitable adjustment of the terms and conditions of said contract in conformity with the provisions of the terms of this code, but such contracts when so submitted shall be held in confidence.

#### ARTICLE XV—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval by the President, except as otherwise provided herein.

APPENDIX I

(City) -----

(Date) -----

We (I) assent to the Code of Fair Competition for the Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System as approved by the President of the United States on the ----- day of ----- 1934, and request a Certificate of Participation as provided in said Code, desiring to share in the benefits and obligations as provided in the Code.

-----  
(Company)

-----  
(Individual)

-----  
(Title)

-----  
Address



Approved Code No. 267

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**USED TEXTILE BAG INDUSTRY**

**As Approved on February 8, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE USED TEXTILE BAG 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 Used Textile Bag 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 Code Authority shall appoint a committee which shall make a study of minimum wages in the industry looking toward measures which will enable an increase in such minima, and shall report such study, with recommendations, to the Administrator prior to December 31, 1934.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*  
WASHINGTON, D.C.,  
*February 8, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the hearing on the Code of Fair Competition for the Used Textile Bag Industry, held in the Banquet Room of the Carlton Hotel, on December 13, 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 over 85% by volume and 50% by number 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 INDUSTRY

The industry comprises about 200 concerns having an investment in 1932 of approximately \$13,500,000. In 1929 the industry provided employment for 6,000 workers. This figure has fallen to 4,000 employees in 1933. The aggregate annual sales have fallen from \$100,000,000 in 1929 to \$65,000,000 in 1932.

### PROVISIONS OF THE CODE

The Code provides a minimum wage for males in the North of 32½¢, in the South 27½¢; for females in the North 27½¢, in the South 22½¢. The Code further provides that differentials existing on July 15, 1933, between wages above the minimum shall be maintained and in no event shall wages be reduced because of any reduction in the number of working hours of employees. According to the division of Research and Planning average wages in this industry will be increased by 25% in the North and up to 50% in the South.

Hours of work are limited to 40 hours per week and 8 hours per day, with the following exceptions: 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; truck drivers and shipping crews are permitted to work 48 hours per week; maintenance employees are permitted to work 44 hours per week; employees in a supervisory capacity receiving \$35.00 or more per week, outside salesmen and watchmen are not limited as to hours; employees on emergency repair work are not limited as to hours, but are to be paid time and one third for all overtime work. A study made by the division of Research and Planning indicates that the effect of this Code will be to reemploy in this industry all but 7% of those employed during 1929.

Representation on the Code Authority is provided for all members of the industry. The Trade Practices incorporated in the Code have received the support of all members of the industry and should tend to increase uniformity of practice.

#### 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.*

FEBRUARY 8, 1934.

# CODE OF FAIR COMPETITION FOR THE USED TEXTILE BAG 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 Used Textile Bag 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 "Used Textile Bag Industry" as used herein, is defined to include the buying, handling, grading, processing, for resale purposes, and/or selling of used burlap and cotton bags. Dealers handling used burlap and cotton bags along with other commodities and operating under the code for the "Scrap Iron, Non-Ferrous Scrap Metals and Waste Materials Trade", are not included within the above definition of the Industry as far as the collection and grading of used textile bags are concerned.

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, but without limitation, 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 terms "President", "Act", and "Administrator" as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

6. The term "South" as used herein includes the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Maryland, Tennessee, and Kentucky.

7. The term "North" as used herein includes all of the territory of the United States except that portion included under the term "South."

## ARTICLE III—HOURS

1. No employee, except as hereinafter provided, 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 maximum hours fixed in the foregoing section shall not apply to—

(a) Office employees, who shall be permitted to work forty-eight (48) hours in any one week, provided, however, that the number of hours worked per week over a period of two (2) months shall average not more than forty (40) hours per week.

(b) Truck drivers and shipping crews, who shall be permitted to work not in excess of forty-eight (48) hours in any one week.

(c) Employees exclusively engaged as engineers, electricians, firemen, or machinery repairmen, who shall be permitted to work not in excess of forty-four (44) hours in any one week.

(d) Employees in an executive or managerial capacity, regularly receiving not less than thirty-five dollars (\$35.00) per week, watchmen and outside salesmen.

(e) Employees on emergency maintenance or emergency repair work, involving breakdown, or protection of life and 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.

3. No employees 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.

4. Whenever any member of the Industry employs the services of members of his family, all such persons must be regarded as employees, and shall be subject to all provisions contained in this Code affecting employees of members of the Trade.

#### ARTICLE IV—WAGES

1. The following minimum wage rates are established for employees:

	North	South
Males, per hour-----	32½¢	27½¢
Females, per hour-----	27½¢	22½¢

(a) These differentials shall be based on substantially different employment, and

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

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. Differentials existing on July 15, 1933, between wages rates paid various classes of employees receiving more than the minimum wage specified above shall be maintained; wages of employees receiving more than the minimum wages specified above will not be reduced below the rates existing on July 15, 1933, notwithstanding any reduction in the number of working hours of such employees.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator

before March 1st, 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.

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 protection, 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 a conspicuous place of easy and continuous access to employees, the Articles dealing with hours, wages, and general labor provisions of this Code.

8. No home work shall be permitted in the Industry.

9. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment, furnishing a safe, sanitary, heated, and properly ventilated work place. Six months after the effective date of this Code, the Code Authority shall submit recommendations for setting up standards of health and safety for employees in this Industry.

#### 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. The Code Authority shall include as members:

(a) Twelve (12) individuals to be selected by the Board of Directors of the National Burlap Bag Dealers Association.

(b) Such additional members, not exceeding three, as may be approved from time to time by the Administrator, to be elected in a manner to be approved or prescribed by the Administrator by nonmembers of the Association who shall comply with Section 5 of this Article.

(c) Not more than three (3) additional members, without vote to be appointed by the Administrator to represent such groups or interest or such governmental agencies as he may designate.



## 2. Duties and powers of Code Authority:

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

(a) To make rules and regulations necessary for the administration of this Code within the Industry.

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

(c) To require, from time to time, from each person in the Industry, reports in such form and containing such information as the Administrator may prescribe, in order that he may be kept informed with respect to the observance of this Code. Except as otherwise provided in the Act, any reports filed in accordance with these provisions, shall be confidential, and the data of one employer shall not be revealed to any other employer.

(d) To present to the Administrator, from time to time, recommendations based on conditions in the 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 after such notice and hearing as he shall specify shall have the same force and effect as the other provisions of this Code.

(e) To submit supplementary codes of fair trade practices for the Industry which, when approved by the Administrator, shall have the same force and effect as this Code.

(f) 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.

3. Each trade association directly or indirectly participating in the selection or activities of the Code Authority shall:

(a) Impose no inequitable restrictions on membership.

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

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 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.

6. In addition to the information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.<sup>1</sup>

#### ARTICLE VII—TRADE PRACTICES

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

1. 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. Nothing herein shall 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.

2. 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.

3. The false 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.

4. Withholding from or inserting in the invoice statements which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof.

5. The use of advertising (whether printed, radio, display, or of any other nature) or other representation which is 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, values, policies, services, of the nature or form of the business conducted.

6. Inducing the breach of an existing contract between a competitor and his employee or customer or source of supply, or interfering with or obstructing the performance of such contractual duties or services.

7. To enter into contracts for the sale of any of the products of the Industry the terms of which are not specific as to quantities, prices, and delivery dates.

8. The sale or offering for sale of any products of the Industry on a basis of guarantee against decline in price.

<sup>1</sup> See paragraph 2 of order approving 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 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 after such notice and hearing as he shall specify.

## 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 10th day after its approval.

Approved Code No. 267.

Registry No. 203-3-03.





**CODE OF FAIR COMPETITION**  
FOR THE  
**SECONDARY ALUMINUM INDUSTRY**

As Approved on February 8, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE SECONDARY ALUMINUM 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 Secondary Aluminum 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, subparagraphs (a), (b), (c), (d), 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:

K. M. SIMPSON,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 8, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The original Code of Fair Competition for the Secondary Aluminum Industry was submitted August 15, 1933 (revised September 28, 1933, by the Aluminum Research Institute, an unincorporated membership society representing in excess of 80% of known members of the Industry and volume of production. The hearing was conducted in conjunction with the hearing for the Aluminum Industry on September 28, 1933. The Code was revised during the recess of this hearing and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

The Industry is nationwide in character. The factories are located with economic relationship to sources of aluminum scrap or aluminum bearing waste for refining and remelting and subsequent sale of industry products. In the main the plants are located east of the Mississippi River (St. Louis included), together with a few factories on the Pacific Coast. The Industry supplies ingots of secondary aluminum and aluminum alloys to the Steel Industry for use as a dioxidizer, to the Chemical Industry for the Non-Ferrous Foundries for the production of aluminum or aluminum alloy castings, to the Automotive Industry for the casting of crank cases, etc., to the Building Industry for decorative trim, either rolled or cast, and to the Household Industry for rolled or cast cooking utensils, household equipment, etc.

The Industry came into being about 1910 with the increasing amounts of aluminum scrap that were available. Through the offices of the Aluminum Research Institute processes for refining of aluminum scrap and aluminum-bearing waste have been developed so that the Industry products for many applications are substantially equivalent to virgin aluminum. The growth of the Industry and its relationship to virgin aluminum is indicated in the following table. Based upon these figures (compiled by the Department of Commerce Bureau of Mines) the position of the Secondary Aluminum Industry is that the price of scrap aluminum and aluminum-bearing material may one day dominate the market price for the virgin material, as is the case in other kindred metal industries. It is interesting to note that the Aluminum Company of America represents less than 5% activity in the Secondary Aluminum Industry.

Year	Primary	Secondary	Percentage	Year	Primary	Secondary	Percentage
	<i>Tons</i>	<i>Tons</i>			<i>Tons</i>	<i>Tons</i>	
1931.....	88, 777	30, 300	34	1923.....	64, 350	21, 300	33
1930.....	114, 517	38, 600	34	1922.....	36, 960	16, 200	44
1929.....	112, 500	48, 400	43	1921.....	26, 950	8, 900	33
1928.....	105, 000	47, 800	46	1920.....	68, 860	15, 500	22
1927.....	79, 860	46, 200	58	1919.....	89, 760	18, 691	20
1926.....	72, 380	44, 200	61	1918.....	112, 200	15, 050	13
1925.....	69, 850	44, 000	51	1917.....	99, 770	16, 100	16
1924.....	75, 130	27, 000	36	1916.....	69, 410	19, 300	27

The major portion of the tonnage of secondary aluminum is produced in plants primarily engaged in the manufacture of secondary aluminum and its alloys. However, a very considerable portion of the total tonnage is produced in plants that operate primarily for the production of alloys of some other nonferrous metal base. In such latter plants which produce a variety of alloys of different base, employees usually work interchangeably. It is therefore practically impossible to state the precise number of employees that are engaged in the production of secondary aluminum. In the original Code that was offered by the Secondary Aluminum Industry, an estimate of 500 employees was made and this figure is believed to be approximately correct, as of August 1, 1933, although the total number would now exceed this figure because of the substantial increase in employment which has been caused by this Industry's compliance with the terms of the President's Reemployment Agreement with exceptions as approved by the N.R.A.

A careful survey, made in September, showed that the average number of hours worked in the Secondary Aluminum Industry during the week of July 23, 1933, was 55.45 hours. At a meeting of the members of Aluminum Research Institute held on August 11, 1933, at which the first draft of a tentative Code of Fair Competition for the Secondary Aluminum Industry was prepared and approved, a resolution was unanimously adopted that all members would anticipate the Code provisions for a 40-hour week and a 35¢ per hour minimum wage by putting these provisions into effect as of August 21, 1933. To the credit of this Industry, this was lived up to by the members of Aluminum Research Institute, thus making these increases in wages and reductions in working hours per week take effect prior to the action of the N.R.A. Policy Board in approving exceptions to the P.R.A. The September survey further showed that during the week of September 10, 1933, following the labor readjustments of August 21st, the average hours per week worked in the plants of this membership, was 39.9 hours, a decrease in average hours per week, as compared with the average hours during the week of July 23, of 27.9%.

Another survey was made in November to judge the results of the increase in wages and the decrease in working hours. To avoid confusion and to eliminate guesswork, all members were asked to report on all factory employees, whether or not these employees were engaged exclusively upon the production of secondary aluminum. The months of June and October, before and after the voluntary increase in wages and decrease in hours, were chosen for the com-

parison. This careful survey indicated the following: that the total number of this membership's employees in October had increased by 50.52% over the total number in June; that the total October payroll had increased 19.60% over the total June payroll; that the average minimum wage rate of October represented an 18.37% increase over the average June minimum wage rate of 29.57¢; and that these substantial contributions to industrial recovery had been made in the face of a 7.28% decrease in production in October as compared with June. Reports from a representative cross section of the industry indicate there were more factory employees on the payrolls of the members of this Institute in October 1933 than the average number employed during the peak year of 1929.

The Aluminum Research Institute was organized in June 1929, and has actively and continuously functioned since that date. Among the outstanding accomplishments of the Aluminum Research Institute has been the formulation of a basic cost-finding procedure which is susceptible of expansion to meet the most intricate demands for the details of the costs of production and distribution. The Aluminum Research Institute has also successfully carried to conclusion, the formulation of standard methods (which are and always will be subject to improvements and extensions) for the sampling and analyzing of aluminum and its alloys. Copies of these standards are in the hands of all American aluminum users who maintain their own chemical laboratories, all technical colleges and all commercial chemists who give particular attention to the chemistry of metals. Copies of this book have also been furnished upon request to inquirers in practically all the principal countries of the world.

ARTICLE I. *Purpose*.—States the purpose of the Code.

ART. II. *Definitions*.—Accurately defines specific terms applicable to the Secondary Aluminum Industry as used in this Code.

ART. III. *Hours*.—The maximum hours are limited to 40 hours per week for employees engaged in the processing of products and labor incident thereto except that during any six weeks in any six months' period employees shall be permitted to work a maximum of 48 hours in any one week. Watchmen shall be permitted to work a maximum of 56 hours per week with one day off per week. Office, salaried, and other employees not covered above, who receive less than \$35.00 per week, shall not be permitted to work in excess of 40 hours in any one week except that during any six weeks in any six months' period such employees shall be permitted to work a maximum of 48 hours in any one week. A normal work day shall not exceed 8 hours. Employees engaged in an executive, managerial, or supervisory capacity, who receive more than \$35.00 per week, and employees, other than those engaged in processing or labor operations directly incident thereto, are not subject to any hourly limitations. The maximum hours shall not apply in case of emergencies or repairs where the safety of life and health or the protection of property necessitates longer hours.

ART. IV. *Wages*.—The minimum wage for employees engaged in the processing of products or in any labor incident thereto is at the rate of 35 cents per hour. Female employees shall be paid the same rate of pay as male employees for doing the same work or for per-



forming the same duties. No person employed in clerical or office work shall be paid less than at the rate of \$15.00 per week, except that office boys and girls may be paid a minimum wage of 80% of the established minimum for office employees. Such office boys and girls shall be limited to 5% of the total number of office employees in any given establishment, provided, however, that each establishment is entitled to at least one such employee. The established minimum rate of pay (Article IV-a) for the work performed in any period shall apply irrespective of whether an employee is actually compensated on time rate, piecework, or other basis. Provision is also made for the employing of handicapped persons, who shall be paid not less than 80% of the minimum wage scale.

**ARTICLE V. General Labor Provisions.**—Provides that no employer shall employ any person under 16 years of age and that no person under 18 years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. This article also sets forth the mandatory provision respecting the rights of employees to organize and bargain collectively. This article also provides for matters having to do with reclassification of employees, standards for safety and health, the observance of State laws, and posting of complete copies of this Code so that they are accessible to employees.

**ART. VI. Administration.**—Establishes a Code Authority consisting of five (5) persons, four (4) of whom shall be selected by the Aluminum Research Institute and one (1) of whom shall be selected by the associate members of said Institute. In addition to the five (5) members named above, there may be one or three representatives, without vote, to be appointed by the Administrator to serve without expense to the Industry for such terms as he may specify. In addition to the organization of the Code Authority, the powers and duties thereof are also outlined in this article.

**ART. VII. Marketing and Trade Practice Rules.**—Sets forth fair trade practices for the Industry.

**ART. VIII. Export Trade.**—No provision of this Code relating to prices or terms of selling, shipping, or marketing, shall apply to export trade or sales or shipments for export trade.

**ART. IX. Modification.**—This Code and all provisions thereof are expressly made subject to the right of the President, in accordance with 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. Provision is also made that at the election of the Administrator this Code may become a supplemental Code of Fair Competition for the Aluminum Industry, if and when such a Code is adopted and approved by the President for such industry, provided that the Code Authority herein constituted shall remain the Code Authority for the Industry engaged in the production and manufacture of secondary aluminum and its alloys.

**ART. 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.

**ART. XI. Effective Date.**—This Code shall become effective two weeks after its approval by the President.

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 of 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 practice, 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 industry 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 Aluminum Research Institute was and is an industrial group truly representative of the industry; and that said association imposed and 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.*

FEBRUARY 8, 1934.

# CODE OF FAIR COMPETITION FOR THE SECONDARY ALUMINUM 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 industry engaged in the production and manufacture of secondary aluminum and its alloys, 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

(a) The term "Industry engaged in the production and manufacture of secondary aluminum and its alloys" or "the industry" as used herein includes all producers who recover metal from aluminum scrap and residue and the refining and alloying thereof.

(b) 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.

(c) The term "employee" as used herein includes any and all persons engaged in the industry however compensated excepting a member of the industry.

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

(e) 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.

(f) Population for the purposes of this Code shall be determined by reference to the latest Federal census.

## ARTICLE III—HOURS

(a) *Maximum hours.*—No employees shall be permitted to work in excess of 40 hours in any one week or 8 hours in any 24-hour period, except that during any 6 weeks in any 6-month period, employees shall be permitted to work a maximum of 48 hours in any one week, and except as herein otherwise provided. Watchmen shall be permitted to work a maximum of 56 hours per week with one day off per week.

(b) *Hours for clerical and office employees.*—No person employed in clerical or office work shall be permitted to work in excess of 40 hours in any one week, except that during any 6 weeks in any 6-month period such employees shall be permitted to work a maxi-

imum of 48 hours in any one week. A normal day shall not exceed 8 hours.

(c) *Exceptions as to hours.*—The provisions of this Article shall not apply to outside salesmen or to employees engaged in executive, supervisory, or technical capacities who earn not less than \$35 per week. In case of an emergency, employees may work up to 10 hours in any one day, provided that they be paid time and one half for all hours in excess of 8 hours per day. The maximum hours shall not apply in the case of emergencies where the safety of life and health or the protection of property necessitates longer hours, provided that time and one half the regular rate be paid for all hours in excess of 8 hours per day.

(d) *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

#### ARTICLE IV—WAGES

(a) *Maximum Wages.*—No employees shall be paid in any pay period less than at the rate of 35¢ per hour, except as otherwise herein provided.

(b) *Minimum Wages for Clerical and Office Employees.*—No person employed in clerical or office work shall be paid less than at the rate of \$15 per week of 40 hours, except that office boys and girls may be paid a minimum wage of 80% of the established minimum for office employees. Such office boys and girls shall be limited to 5% of the total number of office employees in any given establishment; provided, however, that each establishment is entitled to at least one such employee.

(c) *Piecework Compensation—Minimum Wages.*—The established minimum rate of pay (Art. IV (a) for the work performed in any pay period, shall apply, irrespective of whether an employee is actually compensated on time rate, piecework, or other basis.

(a) *Handicapped Persons.*—A person whose earning capacity is limited because of age or physical or mental handicap may be employed in 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. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Such employees shall be paid not less than 80% of the minimum wage schedule.

(e) Unless a readjustment has already been made since June 16, 1933, equitable adjustments shall be made of the wages of employees now receiving more than the minimum wage as herein provided. Such equitable adjustments shall mean that differentials existing prior to the formation of this Code shall be maintained for all employees. Within thirty days each member shall report to the Administrator through the Code Authority all such readjustments.

## ARTICLE V—GENERAL LABOR PROVISIONS

(a) *Child Labor.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator for approval before May 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

(b) *Provisions from the Act.*—In compliance with Section 7 (a) of the Act it is provided:

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

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

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

(c) *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.

(d) *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.

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

(f) *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

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

(a) There shall forthwith be constituted a Code Authority consisting of five (5) persons, four (4) of whom shall be selected by the Aluminum Research Institute and one of whom shall be selected by the Associate members of said Institute.

(b) In addition to the membership as above provided there may be a representative or representatives without vote but in no case to

exceed three (3) appointed by the Administrator to serve without expense to the industry for such terms as he may specify, to act as his representative or representatives or as a representative or representatives of such interested groups as he may specify.

(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 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.

(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 accepting their reasonable share of the cost of its preparation and administration. Such reasonable share of the expenses of preparation and administration shall be determined by the Code Authority, subject to review by the Administrator on the basis of volume of business and/or such other facts as may be deemed equitable.

(f) 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.

(g) 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.

(1) To insure the execution of the provisions of this Code and provide for the compliance of the industry with the provisions of the Act.

(2) To adopt By-Laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(3) To approve recommendations for exceptions to the marketing provisions of this Code.

(4) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports

shall be submitted by members to such Administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(5) 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.

(6) 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.

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

(8) 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—MARKETING AND TRADE PRACTICE RULES

(a) Each member of the industry shall file with the Code Authority the prices at which he is offering his products for sale, which prices shall not be less than his current cost as determined by a uniform system of cost accounting as provided for in section (k) of this Article, provided that any member of the industry may file below his current cost so determined in order to meet the competition of any other member of the industry who has filed prices in accordance with this section.

(b) In determining current cost, the cost of raw materials used in the manufactured product shall be computed on the basis of the published market prices as published in any daily trade paper thereof prevailing as of the date of sale.

(c) Any member of the industry desiring to change the price or prices of his product shall notify the Code Authority of all changes to be made three (3) full business days previous to quoting such change; provided, however, that if at any time the current cost of a member of the industry becomes greater than his filed price or prices, such member shall immediately file a new price or prices with the Code Authority in accordance with all of the provisions of section (a) of this Article, such new price or prices to become effective immediately.

(d) Published prices shall include terms of payment, quantity discounts, length of bookings or contracts and F.O.B. point, and such other provisions as may be necessary to fully inform the trade of all conditions of sale.<sup>1</sup>

<sup>1</sup> See paragraph 2 of order approving this Code.

(e) Terms of sale shall be fully stated and strictly adhered to and invoice shall show same.

(f) There shall be no discrimination between customers. Difference in price based upon quantity shall not constitute discrimination.

(g) Prices and discounts shall be openly and publicly announced.

(h) A uniform sales contract shall be established and used by the industry, subject to the approval of the Administrator.

(i) All contracts shall be equally binding upon both parties and are not subject to repudiation.

(j) The following are unfair trade practices and the violation of any one or more of them constitutes a violation of this Code:

1. Selling below openly and publicly announced prices and terms as provided for in Sections (a) and (c) of this Article.

2. Secret allowances or secret rebates of any kind.

3. False dating of contracts or billings.

4. Allowances by any name or of any nature which are not justified by the facts or are made in collusion with the buyer, for the purpose or effect of defeating the provisions of this Code.

5. Storage of products in consumers' Warehouses, or sales on consignment to consumers, except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry make the practice advisable.

6. Special services or privileges to certain purchasers when not extended to all purchasers under like terms and conditions.

7. Making false or misleading statements about competitors' products, or regarding the character, management, or financial standing of a competitor.

8. False or misleading advertising, mislabeling, or misbranding.

9. The adoption of brands (either in design or name) which so closely approximate the brands or trade marks of a competitor as to deceive or confuse a buyer by similarity of appearance or brand.

10. Inducing or attempting to induce a breach of cancellation of a contract between a competitor and his customer.

11. Maliciously enticing away the employees of a competitor with the purpose and intent of unduly hampering, injuring, and embarrassing a competitor in his business. Nothing herein shall prevent any employee from offering his service to a competitor, or prevent any member from employing an employee of another member where the initiative in such change of employment comes solely from the employee.

12. 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.

13. Guaranty against decline in price.



14. Substitution of any grade of aluminum and its alloys superior in composition to that specified, for the purpose of furnishing such material at prices lower than would otherwise prevail.

15. Entering into quantity contracts with buyers without obligation on their part to take delivery of the quantities specified in the contract or on the quotation for the purpose of giving special unwarranted prices.

16. Payment of brokerage in excess of the usual and customary commission with the purpose or effect of defeating the provisions of this Code.

17. Failure to report any statistics or data required by the provisions of this Code.

18. Publishing or circulating 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.

19. Requiring that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

20. Violation of any of the fair-practice rules, regulations, or requirements of this Code.

(k) Cost accounting. Every member of the industry shall use a cost-accounting system which conforms to the principles of and is at least as detailed and complete as the uniform method of costing to be prescribed by the Code Authority and approved by the Administrator.

#### ARTICLE VIII—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping, or marketing, shall apply to export trade or sales or shipments for export trade of unfabricated products of this industry.

#### ARTICLE IX—MODIFICATION

(a) This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time, to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

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

(c) At the election of the Administrator this Code of Fair Competition may become a supplemental code to, or be coordinated with, the Code of Fair Competition for the Aluminum Industry, if and when such a Code is adopted and approved by the President for such industry, provided that the Code Authority herein constituted shall remain the Code Authority for the industry engaged in the production and manufacture of secondary aluminum and its alloys.

## ARTICLE X—MONOPOLIES

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

## ARTICLE XI—EFFECTIVE DATE

This Code shall become effective two weeks after its approval by the President.

Approved Code No. 268.  
Registry No. 1203-1-03.



CODE OF FAIR COMPETITION

FOR THE

CARBON BLACK MANUFACTURING INDUSTRY

As Approved on February 8, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE CARBON BLACK  
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 Carbon Black 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 V, Sections 1 and 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 pending my further order.

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

Approval recommended:

K. M. SIMPSON,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 8, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The proposed Code of Fair Competition for the Carbon Black Industry was submitted to the Administrator on August 23, 1933, by the Natural Gas Products Association, representing approximately 93% of the Industry. A hearing was conducted in Washington on Thursday, November 16, 1933, and the Code was revised after the hearing and is submitted in its present form for approval. All persons who requested appearances were properly heard in accordance with statutory and regulatory requirements.

### LABOR PROVISIONS

Hours of work are limited to 40 hours per week in any six-week period, 48 hours in any one week, and 8 hours in any one day with the following exceptions: executive, managerial, and supervisory employees, travelling salesmen, watchmen at idle plants and employees receiving over \$35.00 per week. Emergency maintenance and repair employees are also excepted in cases in which life or property is endangered or in case of mechanical breakdowns.

Minimum wages for common labor are as follows: 40 cents per hour in Louisiana, 50 cents per hour in Oklahoma and Stephens County, Texas, and 55 cents per hour elsewhere. Over 75% of the workers are in the 55 cents minimum area. The differentials between rates for skilled work and common labor minimums are to be equitably adjusted. Office workers are to receive not less than 40 cents per hour. The usual clauses for the protection and safety of employees and employers are included.

These provisions should bring about a decided improvement in labor conditions in the industry inasmuch as a 65-hour week and a 35-cent per hour wage were not uncommon in the early months of this year.

### EXCESS CAPACITY

A demoralized price structure has existed in the Industry for the last three years. According to reports of the Bureau of Mines carbon black has sold below the cost of production throughout this period. Stocks on hand at the end of 1932 amounted to 91% of sales in 1929 and existing plant capacity will permit the annual production of 175% of total 1929 sales. Of 71 plants now in existence only 50 were in operation at the end of 1932. This condition is due in large part to the fact that this natural resources industry is closely related to the production of natural gasoline. In the interests of economical use of natural gas and the orderly development of the carbon black industry the Code Authority is given power, subject to the approval of the Administrator, to pass upon the advisability of increasing plant capacity at any particular time in any particular locality.

## ECONOMIC EFFECT OF THE CODE

The Industry is comprised of about 24 concerns, having an investment in 1933 of approximately \$40,000,000. The rubber industry is the largest consumer of carbon black, and quantity consumption has held up well during the depression, but as a result of the price structure annual sales have fallen from about \$25,000,000 in 1929 to less than \$7,000,000 in 1932. Volume has picked up in 1933, but present contracts and extraordinarily heavy stocks have held prices down. Approximately 1,300 men are now employed in the industry. The hours provided for in the Code have resulted in a reduction of average hours worked from 65 in 1929 to less than 41 at the present time. This has resulted in a 25% increase in employment, and the present hourly rates are substantially above those paid in 1929.

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.

I have, therefore, approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 8, 1934.

# CODE OF FAIR COMPETITION FOR THE CARBON BLACK 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 Carbon Black Manufacturing Industry, and upon approval by the President, shall be the standards of fair competition for this industry, and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. The term "*carbon black*" includes any black pigments produced in whole or in part from natural gas, casing-head gas, or residue gas by the impinging of a flame upon a channel, disk, or plate.

SEC. 2. The term "*member of the industry*" as used herein includes all those engaged in the manufacture of carbon black, either as employers or on their own behalf.

SEC. 3. The term "*industry*" as used herein includes the manufacture and original sale of carbon black.

SEC. 4. The term "*employee*" as used herein includes all those engaged in the industry however compensated, except a member of the industry.

SEC. 5. The term "*employer*" as used herein includes any member of the industry by whom any such employee is compensated or employed.

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

## ARTICLE III—LABOR

SECTION 1. From and after the effective date no employee (except executive, managerial, and supervisory employees, traveling salesmen, watchmen at idle plants and employees receiving over \$35.00 per week) shall be employed for more than an average of 40 hours per week in any six-week period. No employee shall be employed for more than 48 hours in any one week, nor more than 8 hours in any one day, except above mentioned classes and except maintenance and repair employees in case of emergencies when life or property is endangered, or in case of mechanical breakdowns.

SEC. 2. The following minimum wages are hereby established from and after the effective date: The minimum wage for common labor shall be forty cents per hour in Louisiana, fifty cents per hour in

Oklahoma and Stephens County, Texas, and fifty-five cents per hour in all other portions of the United States. For clerical, laboratory, and office employees not less than forty cents per hour. The differentials between the rates for skilled jobs and the minimums established in this Code for common labor shall be equitably adjusted. Overtime work of maintenance and repair employees shall be compensated at the rate of time and one half. It is agreed that this paragraph establishes a guaranteed minimum rate of pay, regardless of whether the employee is compensated on the basis of a time rate or on a piece-work basis.

SEC. 3. 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 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. 4. No employer, for the purpose of defeating the purposes or provisions of the Act or of this Code, shall reclassify employees or duties of occupations performed or engage in any other subterfuge.

SEC. 5. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

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.

SEC. 7. All employers shall post complete copies of the labor provisions of this Code in conspicuous places accessible to employees.

SEC. 8. From and after said effective date, no Member of the Industry shall charge a rental of more than twelve dollars per month in Louisiana or sixteen dollars per month in any other part of the United States to any employee for any one family house, including water, gas, and such other services as are customarily furnished by the Member of the Industry without extra charge in connection therewith, nor engage in any subterfuge for the purpose of defeating the intent of this provision. No employee shall be required to lease or occupy a house owned or controlled by any Member of the Industry.

SEC. 9. (a) Employees in the Industry 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) No employee in the Industry and no one seeking employment therein shall be required as a condition of employment to join any

company union or to refrain from joining, organizing, or assisting a labor organization or his own choosing.

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

#### ARTICLE IV—PRODUCTION

SECTION 1. Each Member of the Industry shall, insofar as is possible without infringing obligations existing on November 28th, 1933, for the purchase of gas, so regulate its current production of all ordinary grades of carbon black as to prevent the same from exceeding its current deliveries. In case at the end of any period of six calendar months the quantity of such black held in storage by any Member of the Industry shall have increased (except through purchase of black or unavoidable purchase of gas) such member shall reduce its storage by the same amount during the next six calendar months, and failure so to do shall be deemed an unfair method of competition within the meaning of the Act. Provided, however, that in case any Member of the Industry is prevented from regulating its production to the full extent herein required by reason of such existing obligations for the purchase of gas, and this results in an unavoidable increase in his inventory, the other members shall not be compelled to restrict their inventories below a percentage of increase equal to that of such member.

SEC. 2. The present capacity of carbon black factories of the United States, as a whole, is in excess of present or any prospective needs. Therefore, any material increase in the plant capacity of the Industry shall be made only after approval of such increase by the Code Authority, whose decision shall be subject to the approval of the Administrator; provided, however, that such approval shall not be construed to supersede or modify in any way State statutes or regulations. The production of carbon black by any authorized new factory capacity for the first six months that it shall be in operation shall not be subject to the provisions of the first Section of this Article.

#### ARTICLE V—PRICES

SECTION 1. Each Member of the Industry shall, on such date as the Code Authority shall designate, publish and file with the Secretary of said Code Authority a statement of the minimum price to customers thereafter to be quoted by it for the standard grades of carbon black sold by it. No Member of the Industry shall make or quote any price lower than that filed until five days after filing with the Secretary of the Code Authority a new minimum price; nor shall any Member of the Industry or its agent offer or grant any terms, inducements, rebates, or conditions having the effect of reducing the cost to the customer below its minimum price at the time in effect hereunder; nor shall any Member of the Industry or its agent until such five days shall have elapsed suggest, intimate, or promise to a customer at any time a future price below such minimum price. The Secretary shall immediately notify each Member of the Industry by



telegraph and by letter of all initial minimum prices filed and of all price changes thereafter made by any such Member.<sup>1</sup>

SEC. 2. If the initial minimum price filed by any Member of the Industry be lower than that filed by another Member, such other Member shall have the right to reduce its price to the lower rate by notification to the Secretary of the Code Authority effective immediately. And upon any existing price being reduced by any Member of the Industry, upon five days' notice as hereinbefore provided, any other Member shall be at liberty to adopt said new minimum price as its own as soon as the same shall become effective, and such Member shall give the Secretary written notice of its adoption of said new minimum price at or before the time such action is taken. The foregoing provisions of this Article are subject to the following exceptions:

(a) In making sales of carbon black to another concern which is bound by the provisions of this Code, a Member of the Industry may allow any discount it may see fit.

(b) No Member of the Industry shall sell any carbon black as substandard without first giving the Code Authority at least five days' notice thereof, and giving the Code Authority an opportunity to investigate the true grade of the carbon black so to be sold. No carbon black found by the Code Authority not to be substandard shall be sold by a Member of the Industry at a price less than the price of said Member on file for standard carbon black.<sup>2</sup>

SEC. 3. Any violation of this Article shall be deemed an unfair competitive practice.

SEC. 4. The provisions of this Article shall not apply to contracts made prior to the approval of this Code. True copies thereof shall be filed with the Code Authority within ten days after the effective date of the Code.

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

SECTION 1. A Code Authority for the administration of this Code is hereby constituted consisting of one member to be appointed by each member of the Industry who is or shall become a member of the National Gas Products Association, and in addition thereto there may be one or more members, without vote, and without expense to the Industry, to be appointed by the Administrator. The first and succeeding terms of office of any member appointed by the Administrator shall be for a term of six months from the date of appointment.

SEC. 2. The National Gas Products Association or any other 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.

<sup>1</sup> See paragraph 2 of Order approving this Code.

<sup>2</sup> See paragraph 2 of Order approving this Code.

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

SEC. 4. The expenses of administration of the Code shall be determined and assessed against all members of the Association by the Code Authority in an equitable manner, subject to review and modification by the Administrator.

SEC. 5. The Code Authority shall have the following powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right to review and to disapprove any action taken by the Code Authority:

(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, rules, and regulations for its government and 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. The Code Authority may also gather such other statistics as it may deem advisable and make and publish from time to time such forecasts of future demand as it may see fit. 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, employ such experts, and/or agents 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 Association 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 shall have the right in its rules or regulations, to determine and provide for the following:

(1) To fix the term of office of the members of the Code Authority selected by members of the Industry which in the absence of other provisions shall be from the effective date of this Code and until June 15, 1935.

(2) To provide for the filling of vacancies in the membership of the Code Authority which are appointed by Members of the Industry, which in the absence of other provisions shall be filled by the designation of the Member of the Industry who designated the original Member. In the event of the failure or refusal of such Member of the Industry to appoint a new Member of the Code Authority within thirty days after such vacancy shall occur, the Code Authority may in its discretion fill such vacancy.

(3) From time to time to determine the number of members of the Code Authority requisite to constitute a quorum, which in no event shall be less than a majority thereof.

(4) To adopt its own rules of procedure, fix its own meeting dates, and place or places of meeting, and elect its own chairman and its secretary, who need not be members of the Code Authority.

(5) To provide that all actions of the Code Authority except such as require unanimous vote shall be either (a) by a majority vote of the members present at a meeting at which a quorum shall be present or (b) without a meeting on any question submitted in writing to the members of the Code Authority by written vote of a majority of the whole number of the members thereof.

(6) To provide that members of the Code Authority may designate alternates to act for them at meetings of the Code Authority.

(j) From time to time by unanimous vote of those present to make such recommendations as it shall deem consistent with and in furtherance of the provisions of this Code or for the modification or amendment thereof.

(k) Upon complaint of interested parties, or upon its own initiative, to inquire into and investigate the operation of this Code and any violations thereof and to aid the Administrator in the administration of this Code and the Act.

#### ARTICLE VII—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

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

## ARTICLE 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—EFFECTIVE DATE

This Code shall become effective on the second Monday, which is not a holiday, after its approval by the President.

Approved Code No. 269.

Registry No. 709-02.



Approved Code No. 270

**CODE OF FAIR COMPETITION**

FOR THE

**WOOD HEEL INDUSTRY**

As Approved on February 9, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE WOOD HEEL  
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 Wood Heel 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 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 (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:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 9, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Wood Heel Industry in the United States, the hearing being conducted in Washington, D.C., on December 6, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS ON HOURS AND WAGES

The maximum hours provided in this Code for employees is forty (40) hours per week and eight (8) hours per day. When production demands it a tolerance of five (5) hours per week is allowed for not more than eight (8) weeks in each six (6) months' period, with one and one third the normal hourly wage for all hours worked in excess of eight (8) hours per day.

Employees classified as set over men, firemen, janitors, shipping clerks, and delivery drivers are permitted a tolerance of ten (10) percent of the normal hours of work. Watchmen are permitted to work fifty-six (56) hours per week. Employees engaged in emergency maintenance or repair work and/or in continuous processes upon which the employment of other employees depends are not limited but shall be paid one and one third the normal rate for all hours worked in excess of forty-five (45) hours per week.

The minimum wage specified for male employees is thirty-seven and one half (37½) cents per hour in any city over 250,000 population and thirty-five (35) cents per hour in any city or place of 250,000 or less and that specified for female employees is thirty-two and one half (32½) cents per hour.

Learners, not to exceed five (5) percent of the employees and for not more than four weeks, may be paid not less than eighty (80) percent of the prescribed minimum. No wages of those paid in excess of the minimum of this Code shall be reduced below those paid for a normal week prior to June 16, 1933. Neither shall such wages be reduced due to a shorter normal week prescribed by this Code but shall be equitably adjusted and reported within thirty (30) days of the approval of this Code.

### 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

The volume of the output of this industry increased about twenty (20) percent from 1928 to 1932 and during the same period the

dollar value decreased about thirty-five (35) percent due to the cheaper grade of shoes serviced during the depression years and to the extreme price cutting which was generally practiced and which resulted in a loss to practically all members of the industry. The hours provided in this Code will increase the employment in this industry chiefly in the nonunion sections approximately fifteen (15) percent. They are the same maximum hour provisions under which the industry has been operating under the President's Reemployment Agreement and are more liberal than those effective in unionized territory. This industry is highly seasonal in nature, and due to the fact that it services the shoe industry, this is largely uncontrollable. The provisions for maximum hours must therefore be somewhat influenced by the like provisions in the Shoe Industry.

The minimum wage provisions will not greatly increase the purchasing power of the employees in this industry, though with equitable adjustment of wage rates above the minimum as provided their purchasing power should be restored nearly to the 1929 level according to the study reported by the Division of Economic Research and Planning. Here again the approved wage provisions of the Shoe Industry must be recognized as an important factor to be considered.

Due to price cutting in this industry there has been a high rate of mortality among its members. To reduce this rate of mortality during the emergency period the Code provides that the cost of lumber shall be figured at the minimum prices established pursuant to the Code of Fair Competition for the Lumber and Timber Products Industries in calculating costs below which the products may not be sold. This provision is intended to prevent the further bankruptcy of the industry due to large lumber stocks of distress merchandise held by a few of the larger wood heel manufacturers and due to the fact that a few members of this industry produce their own lumber for making wood heels. Without this provision, a price war would continue which would have no social value.

The final revision of this Code, as of January 4, 1934, which has the approval of each of the Advisory Boards and Functional Divisions of the National Recovery Administration has not been transmitted before this time due to inequitable provisions which existed in the Constitution and Bylaws of the National Association of Wood Heel Manufacturers. The said Constitution and Bylaws have now been amended so as to correct these inequitable provisions.

#### 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 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.

For these reasons, therefore, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 9, 1934.



# CODE OF FAIR COMPETITION FOR THE WOOD HEEL 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 Wood Heel 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. *Wood Heel Industry.*—The term “Wood Heel Industry” as used herein includes the turning, finishing, and/or sale of wood heels by the manufacturer, 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, but excludes the finishing of wood heels by Boot and Shoe manufacturers who finish them exclusively for their own use in the manufacture of footwear.

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. *Employer.*—The term “employer” as used herein means any employer engaged in the industry.

SEC. 4. *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. 5. *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 for Industrial Recovery.

SEC. 6. *Turner.*—The term “turner” as used herein shall mean those members of the industry who turn wood heels out of lumber but who may also finish them.

SEC. 7. *Finisher.*—The term “finisher” as used herein shall mean those members of the industry who complete the finishing of wood heels but who do not turn them.

SEC. 8. *Association.*—The term “Association” as used herein shall mean the National Association of Wood Heel Manufacturers.

## 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.

SEC. 2. *Executive and Supervisory Employees.*—The maximum hours prescribed in Section 1 of this Article shall not apply to executive or supervisory employees receiving thirty-five (35) dollars or more in any one week, nor to outside salesmen, provided, however, such executive or supervisory employees or outside salesmen employed in excess of forty (40) hours shall perform only the normal duties of such positions and shall not perform the duties normally performed by other employees.

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.

SEC. 4. *Set over men, Firemen, Janitors, Shipping Clerks and Delivery Drivers.*—Set over men, firemen, janitors, shipping clerks, and delivery drivers, shall be permitted to work a tolerance of not more than five (5) hours over and above the normal hours of work prescribed in Section 1 of this Article; and a tolerance of not more than six (6) hours over and above the said hours of work during the peak seasons provided in Section 6 of this Article.

SEC. 5. *Emergencies.*—The maximum hours of labor shall not apply to employees doing emergency maintenance, and emergency repair work, or work where restrictions of hours of workers on continuous processes would unavoidably reduce production or interrupt employment of the majority of employees, but in any such cases, at least time and one third shall be paid for hours worked in excess of eight (8) hours in any one day or forty-five (45) hours per week.

SEC. 6. *Peak Seasons.*—The maximum hours prescribed in Section 1 of this Article shall not apply during seasonal or peak periods, but such period shall not exceed eight (8) weeks in any six (6) months period, provided, however, that no employee engaged in such seasonal operations shall be permitted to work in excess of forty-five (45) hours in any one week. All hours worked in excess of eight (8) hours in any one day shall be paid for at one and one third times the regular hourly rate.

SEC. 7. *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.

#### ARTICLE IV—WAGES

SECTION 1. *Minimum Wages.*—No male employee of this industry shall be paid less than the rate of thirty-seven and one half ( $37\frac{1}{2}$ ) cents per hour in any city over 250,000 population nor less than the rate of thirty-five (35) cents per hour in any city or place of 250,000 population or less and no female employee in this industry shall be paid less than thirty-two and one half ( $32\frac{1}{2}$ ) cents per hour except as stated in (a) and (b).

(a) All learners may be allowed a four-weeks' apprenticeship during which time the rate of pay shall not be less than eighty (80) percent of the minimum prescribed in this Article. Such apprentices engaged by any employer at any one time shall not exceed (5) percent of his factory employees.

(b) Employers and employees may make mutually satisfactory wage agreements covering the employment of the infirm, partially disabled, or physically handicapped, if such employees do not constitute more than five (5) percent of the total number of employees engaged by any employer at any one time and are paid not less than eighty (80) percent of the minimum wage established by this Code. All such cases shall be reported immediately to the Code Authority.

SEC. 2. *Wage Adjustments*.—No employer shall reduce the rate of compensation for a normal week for the four weeks ending June 16, 1933, of employees receiving in excess of the minimum wages prescribed in this Article notwithstanding that the hours of the normal week for such employees may be hereby reduced. Not later than thirty (30) days after the approval of this Code any members of the Industry who have not heretofore made equitable adjustments of pay schedules in excess of the minimum under the President's Reemployment Agreement shall make equitable adjustments of all pay schedules. Such adjustments shall be reported to the Code Authority and the Administrator for approval.

SEC. 3. *Female Employees*.—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

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 any other basis.

#### 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 28, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SEC. 2. *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.

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

SEC. 3. *Reclassifying Employees.*—No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the labor provisions of the Act or of this Code.

SEC. 4. *Home Work Prohibited.*—All work connected with every operation of the Wood Heel Industry shall be performed in the factories of the employers. No such work whatever shall be permitted to be taken to the home of the employees.

SEC. 5. *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 three (3) months after the effective date of this Code.

SEC. 6. *State Laws Prevail Where More Stringent Than Code.*—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. 7. *Posting Code.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

## ARTICLE VI—ENFORCEMENT

SECTION 1. *Code Authority.*—The Code Authority which is hereby constituted the agency for administering, in cooperation with the Administrator, the provisions of this Code, shall consist of the Executive Committee of the Association elected as hereinafter provided, and one nonmember of the association. The Association or any other 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 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. 2. *How composed.*—The Code Authority shall consist of thirteen (13) members, to be elected as herein provided. The executive committee of the Association shall constitute twelve (12) members of the Code Authority and shall be elected as follows: nine (9) members shall represent turners, three (3) of whom shall be elected by the turners in each geographical area; three (3) members shall represent finishers and shall be elected by finishers, one (1) from the Western area and two (2) from the New England and Eastern areas. The thirteenth (13th) member of the Code Authority shall be elected by and from the members of the industry who are not members of the Association. The Geographical Areas herein referred to shall be (1) the New England Area consisting of the States of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island; (2) the Eastern Area consisting of the States of Connecticut, New York, New Jersey, Pennsylvania, and Maryland; and (3) the Western Area consisting of all other states not included in the foregoing area and territories subject to this Code. Not more than three non-

voting members may be appointed by the Administrator to serve on the Code Authority without expense to the Industry for such terms as the order of appointment may designate. In the event of resignation or inability to serve on the part of any elected member of the Code Authority such vacancy shall be filled by the appropriate members of the industry of the geographical areas in which the vacancy occurred. No two members of the Code Authority shall be representatives of or financially interested in the same firm, corporation, company, or subsidiaries of the same firm, corporation, or company which is engaged in this industry.

SEC. 3. *Powers and Duties of Code Authority.*—The Code Authority shall administer the provisions of the Code, secure adherence thereto, consider proposals for amendments thereto, hear complaints, and otherwise carry out the purposes of the National Industrial Recovery Act as set forth in the Code, subject to the approval of the Administrator and to his right on review to disapprove any action of the Code Authority.

SEC. 4. *Reports.*—A designated agent of the Code Authority may 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 except in summary and except to the Administrator or such Governmental agencies as he may designate. In addition to information required to be submitted to the Code Authority, 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 State agencies as the Administrator may designate; no provision of this code shall relieve any member of the industry of any existing obligation to furnish reports to Government agencies.

SEC. 5. *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 members of the Code Authority be liable in any manner to anyone for an act of any other member, officer, agent, or employee of the Code Authority. Nor shall a member of the Code Authority who is 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. 6. *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 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. 7. *Expenses of Code Authority.*—Each member of the Industry participating in and sharing the benefits of the activities of the Code Authority and/or participating in the selection of the members thereof, shall pay its 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 such other factors as may be deemed equitable.

## ARTICLE VII—FAIR PRICE COMPETITION

SECTION 1. *Uniform Accounting System.*—The Code Authority shall formulate or cause to be formulated a uniform accounting system which shall be adaptable to the cost accounting procedure and to the business of the industry. Such plan shall specify the factors which shall be included in determining the allowable costs of each member of the industry, provided, however, that the allowable costs of lumber used in the manufacture of wood heels shall not be less than the minimum price of the specific kind and grade of lumber, as fixed pursuant to the Code of Fair Competition of the Lumber and Timber Products Industries. The cost of lumber in stock prior to such prices becoming effective shall be included at not less than the minimum price of the appropriate kind and grade of lumber as fixed pursuant to the Code of Fair Competition of the Lumber and Timber Products Industries at the time such prices became effective or at the time such lumber is used, whichever is lower. The cost of lumber acquired by members of the Industry after such prices are in effect shall be included at not less than the minimum price so fixed at the time such lumber is stocked or purchased, or at the time it is used, whichever is lower. 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. Within thirty (30) days after each member of the Industry has received notice of the system of cost accounting so approved no member of the Industry shall initiate a selling price for any product of the Industry below his own allowable costs, or sell the products of the Industry at such prices, or upon such terms or conditions of sale as will result in the purchaser's paying for such product less than the allowable cost thereof to the seller, determined in accordance with the aforementioned system of cost accounting, except to meet the competition of another member of the Industry, provided that notice of such price to meet the competition shall be sent to the Code Authority and provided that such competitive price may be used only until such time as the Code Authority determines after investigation, and notifies such member that sales below his allowable costs are no longer necessary to meet competition.

SEC. 2. *Open prices.*—Within twenty (20) days after the above cost accounting system has been approved by the Administrator, each member of the Industry shall file with the Code Authority and publish to interested parties a price list individually prepared by him for all products of the industry sold or offered for sale by him, together with the discount, if any, allowed therefrom, and fixed terms of payment. Revised price lists or revised discounts or terms and conditions of sale may be filed from time to time thereafter by any member of the Industry provided, however, that such revision shall be filed with the Code Authority five (5) days in advance of the effective date thereof, and provided further that any member of the Industry may file revisions of his price lists, or terms, or conditions

of sale to meet revisions previously filed by other members which become effective on the same date on which such revised price lists or revised terms or conditions of sale of other members shall become effective. No member of the industry shall sell or offer for sale any products of the Industry at prices lower than the prices noted in his price list or on more favorable terms and conditions of sale than the terms and conditions of sale previously filed by such member with the Code Authority in accordance with the foregoing provisions and in effect at the time of such sale.<sup>1</sup>

#### ARTICLE VIII—UNFAIR TRADE PRACTICES

The following shall be considered unfair trade practices and in violation of this Code:

**RULE 1. *Cash discounts.***—The granting of any cash discount in excess of five percent for payments received on or before the twentieth day of the month following date of shipment or the granting of any cash discount whatever for payments received after the twentieth of the month following date of shipment. This clause shall become operative on the first day of the month following the effective date of this Code.

**RULE 2. *Notes or trade acceptance.***—Acceptance of Notes or Trade Acceptances in payment for merchandise without interest or bearing interest at the rate of less than the approximate legal rate of interest.

**RULE 3. *Allowances or credits.***—The granting of allowances or credits for damages in excess of the value of either blocks or finished heels, respectively, supplied to finishing plants or shoe manufacturers.

**RULE 4. *Invoicing.***—The invoicing of a smaller quantity of heels than is actually shipped either as a means of giving hidden discount from invoice prices, or to anticipate claims for damaged or defective heels.

**RULE 5. *Secret Rebates.***—The granting of secret rebates, discounts, or allowances of any kind.

**RULE 6. *Misbranding.***—The misbranding of heels or the wilful deception of any customer as to the kind, grade, or quality of heel invoiced.

**RULE 7. *Giving of Gratuities or Rewards to 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 8. *Shipping of Goods on Consignment.***—The shipping of goods on consignment except on such terms and conditions as may be prescribed by the Code Authority.

<sup>1</sup> See paragraph 2 of order approving this Code.

## ARTICLE IX—APPROVAL OF THE PRESIDENT

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

## ARTICLE X—REVISIONS AND ADDITIONS

SECTION 1. *Modifications.*—Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act, may, with the approval of the 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 approval of the President, to prevent unfair competition in price and other unfair and destructive competitive practices and to effect the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions hereof.

SEC. 2. *Procedure for Modification.*—Supplementary provisions or modifications of this Code before being recommended to the Administrator by the Code Authority, shall be adopted at a regular or special meeting of the Code Authority by a two-thirds affirmative vote of members of the Code Authority either present in person or by proxy. Prior to any such meeting of the Code Authority to consider supplementary provisions or modifications at least fifteen (15) days written notice shall be given to all members of the industry which notice shall specify the purpose for which such meeting of the Code Authority is called and the supplementary provisions or modifications to be considered.

## ARTICLE XI—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 XII—EFFECTIVE DATE

This Code shall become effective on the first Monday after its approval by the President.

Approved Code No. 270.  
Registry No. 325-01.





CODE OF FAIR COMPETITION

FOR THE

NONFERROUS AND STEEL CONVECTOR MANUFACTURING INDUSTRY (CONCEALED RADIATOR INDUSTRY)

As Approved on February 10, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE NONFERROUS AND STEEL CONVECTOR MANUFACTURING INDUSTRY (CONCEALED RADIATOR 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 Nonferrous and Steel Convector Manufacturing Industry (Concealed Radiator Industry), and hearings having been 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.,  
February 10, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Non-ferrous and Steel Convector Manufacturing (Concealed Radiator) Industry as revised after a public hearing conducted in Washington, D.C., on December 26, 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, engineers, and electricians 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

This industry depends chiefly on new building. Annual sales have decreased approximately fifty-seven percent from 1930, the peak year, to 1932. The Association estimated an increase in sales of twenty-eight percent for the year 1933. The number of wage earners employed by this industry decreased twenty-five percent from 1930 to 1933.

The maximum hours as provided by this Code will not reabsorb all the former employees, but a substantial increase in the demand for the products of this industry followed by an increase in man-hour requirements will stimulate employment. The Code provision that wages above the minimum shall be equitably adjusted is expected to cause a material increase in purchasing power. Trade practice provisions of the Code are expected to remedy many of the industry evils that have been prevalent in the past.

#### 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.*

FEBRUARY 10, 1934.

# CODE OF FAIR COMPETITION FOR THE NONFERROUS AND STEEL CONVECTOR MANUFACTURING INDUSTRY (CONCEALED RADIATOR 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 Nonferrous and Steel Convector Manufacturing Industry (Concealed Radiator 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 "Nonferrous and Steel Convector Manufacturing Industry," as used herein, includes the manufacture, and the assembling and sale by the manufacturer, of Nonferrous and/or Steel Connectors (concealed radiators) used for steam or hot-water heating; 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. Where a question arises as to whether a particular device is or is not a Nonferrous or Steel Convector, the decision shall rest with the Code Authority hereinafter defined, subject to the approval of the Administrator.

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 "Member of the Code" as herein used, means and includes any member of the industry who shall expressly subscribe to this Code.

4. The term "Code Authority" as herein used, shall mean the Code Authority established in Article VI of this Code.

5. The term "Employee", as used herein, includes any and all persons engaged in the industry however compensated, except a "Member of the Industry."

6. The term "President", "Act," and "Administrator", as used herein, means respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

7. The term "Association" as used herein, means the "Concealed Heater Association."

## 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) Executives, executives' staffs, and supervisors who regularly receive thirty-five (35) dollars or more per week.

(b) Outside sales and service men.

(c) Employees engaged solely at maintenance and repair work, truckmen, firemen, engineers, and electricians 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 break-down 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.

#### 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 \$15.00 per week.

(b) Office boys and office girls may be paid at not less than eighty (80) percent of the applicable 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 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 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, piecework, 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 handicaps 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. No employer shall withhold wages.

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 1st, 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 empowered 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 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. 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 provision in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, 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.

SEC. 7. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

## ARTICLE VI—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 the members from time to time of the Executive Committee of the Association, provided for in the by-laws of the Association, together with a member selected at large from the Industry. In addition to membership as above provided, there may be not more than three (3) members, without vote, and without expense to the Industry, to be appointed by the Administrator, to serve for such term or terms as he may specify. No two members of the Code Authority shall be affiliated with any single member of the Industry.

SEC. 3. The Association is hereby designated as the agency to conduct an election of the Member at large of the Code Authority by members of the Industry who are not members of the Association within fifteen (15) days after the effective date of this Code, and any subsequent elections for the successors of such Member at large. Such member shall be elected to serve for a term of one (1) year. In the event that the position of Member at large on the Code Authority becomes vacant, a special meeting shall be called for an election to fill the vacancy. Notice of the time and place of all elections shall be sent by registered mail, at least ten (10) days in advance of any election, to all members of the Industry who are not members of the Association and who are registered with the Secretary of the Association and voting at such election may be by person, by proxy, or by letter ballot. Each member of the Industry who is not a member of the Association shall have one vote. A plurality of the number of votes cast shall be necessary for election.

SEC. 4. 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.

(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, subject to such rules and regulations as may be promulgated from time to time by the Administrator.

(b) To adopt bylaws and rules and regulations for its procedure and and for the administration and enforcement of the Code.

(c) To obtain from members of the Industry such information and reports (sworn or unsworn as the Code Authority may specify) as are required for the administration of the Code. No individual information, statistics, or 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 unfair 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. 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 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. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 7. In addition to the information required to be submitted to the Code Authority and the Administrator, there shall be furnished to government agencies such statistical information as the Administrator



may deem necessary for the purpose recited in Section 3 (a) of the Act.

SEC. 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. 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. 9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall this Code be construed to render any member of the Code Authority liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall this Code be construed to render any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

#### ARTICLE VII—SPECIFIC TRADE PRACTICES

RULE 1. Each member of the Industry shall publish and make available, at all times, to each class of purchasers with whom he does business, a printed price sheet showing the net trade price of all types, varieties, and sizes of concealed radiators, accessories, and appurtenances regularly on sale by him; together with any and all discounts, including cash and/or quantity discounts, transportation terms, guarantees, and any other terms or conditions which may affect the net cost of any listed article to the purchaser of the class to which the sheet is issued.

RULE 2. All published price sheets shall be plainly dated and shall be considered published when filed in printed form with the Code Authority in sufficient numbers for distribution to all Members of the Industry.

RULE 3. Any Member of the Industry, upon publishing a price sheet, shall immediately distribute the same to his regular customers.

RULE 4. A Member of the Industry may publish revised price sheets from time to time, as market conditions shall warrant.

RULE 5. All published price sheets shall be plainly marked, "Subject to change without notice".

RULE 6. Different classes of purchasers and their trade privileges are recognized, but it is deemed essential to the prevention of unfair trade practices to adopt a uniform method of classification as it affects transactions in this Industry. For this purpose the following classes only are recognized.

(a) Contractor is one who is regularly engaged in the business of installing steam or hot water heating systems and equipment, including concealed radiators, for the purpose of resale at a profit. Federal, State, County, and Municipal purchasers, including subdivisions thereof such as School Boards, Park Commissions, and the like, may be classified as Contractors.

(b) Jobber is one who is regularly engaged in the business of buying and reselling steam and hot water heating materials and equip-

ment, including concealed radiators, in and out of stock, but who does no installing of the materials and/or equipment sold. Manufacturers purchasing concealed radiators for resale as part of their equipment may be classified as jobbers.

(c) Distributor is one who is regularly engaged in the business of buying and reselling nonferrous and/or steel convectors as a jobber, but who is under contract with a particular manufacturer to sell said manufacturer's line of nonferrous and/or steel convectors to the exclusion of other nonferrous and/or steel convectors, and who agrees to conform to all lawful limitations and restrictions upon methods of sale contained in said contract.

**RULE 7.** Nothing herein contained shall be construed to prevent a Member of the Industry, from selecting his own customers and the classes of customers through whom he wishes to market his goods, but it is deemed conducive to unfair methods of competition to discriminate between purchasers of the same class, or to discriminate between the several recognized classes of purchasers on other than a uniform basis. To effectuate this policy:

(a) The heating contractor, as the commonly recognized dealer in this class of materials, shall be sold at the published net trade price.

(b) The jobber, who in turn serves the heating contractor, may be extended a discount, provided the member extending said discount issues a published price sheet to jobbers showing said discount and extends the same discount to all jobbers with whom he does business.

(c) The distributor (as provided in Rule 6 (c)) may be extended any discount the member elects to extend, provided the member extending said discount issues a published price sheet to distributors showing said discount and extends the same discount to all distributors with whom he does business.

**RULE 8.** The conventional trade practice of allowing quantity discounts is considered rational and fair provided it is based on a quantity bought on one order, thus resulting in a saving in cost to the manufacturer and his distributor, and provided a uniform schedule is adopted and is extended alike to all purchasers of all classes. A member of the industry may, or may not, at his option extend quantity discounts, but if he does, it shall be in strict accordance with the schedule printed on his price sheet together with the statement that it applied to all purchasers where the units are bought on one order and are shipped and invoiced at one time, provided, however, that quantity discounts may be allowed on invoices covering partial shipments of an order when:

(a) The manufacturer is unable, for reasons beyond his control, to make shipment of complete order at one time.

(b) The order is for units to be installed in one building or group of buildings for which the contract was let prior to the time the order was placed and when the equipment must be shipped as the building construction progresses.

(c) Nothing in (a) and/or (b) is to be construed as permitting blanket orders for indiscriminate lots for the purpose of defeating the intent of Rule 8. Partial shipment invoices must clearly be marked as such. It shall be deemed an unfair trade practice to extend quantity discounts on any other basis.

**RULE 9.** All sales of concealed radiators, accessories, and/or appurtenances shall be made on the basis of a written quotation or

bill of sale. Said quotation or bill of sale shall be properly dated and shall be in accordance with the current published price sheet and shall be so itemized as to enable the checking of the same from the current published price sheet.

**RULE 10.** It shall be deemed an unfair method of competition to sell or dispose of a concealed radiator, accessory, or appurtenance on any lower basis than that of the current published price sheet, less such discounts as apply under these Rules.

**RULE 11.** It shall be deemed an unfair method of competition to make a particular sale of concealed radiators, accessories, or appurtenances contingent upon the sale of any other goods or materials.

**RULE 12.** It shall be deemed an unfair method of competition to mark or brand any product of the industry in any manner which has the tendency to mislead or deceive customers or prospective customers as to the substance, grade, quality, size, quantity, origin, or preparation of any product of the industry sold or offered for sale.

**RULE 13.** It shall be deemed an unfair method of competition to make or cause or permit to be made or published any false, untrue, or deceptive statement by way of advertisement or otherwise concerning the materials of construction used in, the operating characteristics of, or the quality, size, origin, or preparation of any products of the industry sold or offered for sale.

**RULE 14.** On and after September 1, 1934, all ratings of performance of concealed radiators shall be in accordance with the Code for Testing and Rating Concealed Radiators as established by the American Society of Heating & Ventilating Engineers.

**RULE 15.** The right of any manufacturer of concealed radiators to build special sizes or types on special order is recognized; but as such units are more costly to build and should sell for higher prices than his regular line, it shall be deemed an unfair method of competition to sell any special or custom-built concealed radiators at the same price or less per unit of rating than the next nearest size and type of the manufacturers' regular line.

**RULE 16.** It shall be deemed an unfair trade practice to sell concealed radiators less certain parts on a basis other than that by which the deduction for parts is proportional to the net cost to the manufacturer of the parts, or to sell separate parts, except for replacement, on a mark-up less than that employed in determining the price of the complete concealed radiator.

**RULE 17.** It shall be deemed an unfair trade practice to accept blanket orders; therefore, all quotations and orders must specify an itemized bill of goods. If, after a quotation has been made, the specified requirements are changed, a new quotation shall be issued based upon published prices prevailing at that time. If, after an order has been accepted the requirements are changed, deductions shall be credited on the basis of published prices prevailing at the time order was placed and additions shall be charged at the prices prevailing at the time additions are made.

**RULE 18.** With respect to that portion of his product which is within the industry, every employer 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 or approved by the Code Authority and the Administrator with

such variations therefrom as may be required by the individual conditions affecting any employer or group of employers, and as may be approved by the Code Authority and the Administrator.

RULE 19. No employer shall sell or exchange any product of the Industry, manufactured by him, 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, however, that dropped lines, or seconds or inventories which must be converted into cash to meet emergency needs may be disposed of by any employer, at any price and on any terms and conditions, but only if such employer, not less than ten (10) days before such disposal, has filed with Code Authority, a statement in writing, setting forth the fact of, and reasons for, such proposed disposal, and Code Authority has not, before the termination of such ten (10) days' period, in writing disapproved the proposed disposal; and provided further, that a member of the industry selling, or wishing to sell, below his own allowable cost to meet the competition of a competitor whose allowable costs are lower, may do so provided that he has first so reported to the Code Authority and in such report has cited the competition which caused him to take such action, and provided he publishes a revised price sheet. Nothing herein shall be construed to relieve a member of the Industry from strict adherence to Rule 9.

RULE 20. Consignment of goods or delayed billing shall be deemed an unfair trade practice, except under conditions prescribed by the Code Authority.

RULE 21. It shall be deemed a violation of these Rules to enter into or be a party to a written or verbal agreement or understanding which serves directly or indirectly to affect the price or terms of sale established by a current published price sheet, or which serves in any way to defeat the spirit and purpose of these Rules. However, nothing herein contained shall be construed to prevent a member of the industry from cooperating with or instructing prospective purchasers as to the proper application or installation of said member's products.

RULE 22. A violation of any of the rules in this Article VII shall be deemed an unfair method of competition.

RULE 23. 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 hereinbefore defined.

## ARTICLE VIII—GENERAL PROVISIONS

SECTION 1. No provision of this Code shall be construed or applied in such a manner as to—

- (a) Promote or permit monopolies or monopolistic practices.
- (b) Permit or encourage unfair competition.

(c) Eliminate, oppress, or discriminate against small enterprises.

SEC. 2. This Code is hereby expressly made subject to the right of the President, pursuant to 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, and specifically but without limitation to his right to cancel or modify his order approving this Code, or any conditions imposed by him upon such approval.

SEC. 3. This Code, except as to provisions required by the Act, may be modified on the basis of experience or change in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he may specify, and to become effective on approval of the Administrator. Any such application may be made by the Code Authority.

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 of the Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE IX

This Code shall become effective on the second Monday after its approval by the President

Approved Code No. 271.  
Registry No. 1131-01.





CODE OF FAIR COMPETITION

FOR THE

UNIT HEATER AND/OR UNIT VENTILATOR  
MANUFACTURING INDUSTRY

As Approved on February 10, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE UNIT HEATER AND/OR  
UNIT VENTILATOR 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 Unit Heater and/or Unit Ventilator 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, Rule 4, 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.,  
*February 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Unit Heater and/or Unit Ventilator Manufacturing 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 per cent of the total number of an employer's 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

The economic welfare of this industry depends upon building activity. Unit heaters are used mainly for factory or industrial use, whereas unit ventilators are intended largely for school and office ventilation and/or heating. Annual sales have decreased seventy-two percent from 1929 to 1932.

Invested capital and production capacity have increased about thirty-five per cent since 1929. The number of wage earners em-



ployed by this industry decreased fifty-four percent over the same period. The Research and Planning Division states that the industry employed 1,770 wage earners in 1929.

The maximum hours as provided by this Code will not reabsorb all the former employees, but a substantial increase in the demand for the products of this industry followed by an increase in man-hour requirements will stimulate employment. The Code provides for the upward adjustment of wages above the minimum, therefore, the purchasing power of the Industry's employees should be increased. Trade practice provisions of the Code are expected to remedy the unfair competition that has existed in the past within 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 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.*

FEBRUARY 10, 1934.

# CODE OF FAIR COMPETITION FOR THE UNIT HEATER AND/OR UNIT VENTILATOR MANUFACTURING IN- DUSTRY

## 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 Unit Heater and/or Unit Ventilator 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 "Unit Heater and/or Unit Ventilator Manufacturing Industry", as used herein, includes the manufacture, and the assembling and sale by the manufacturer of unit heaters and/or unit ventilators, as herein defined, and such related branches or subdivisions as may from time to time be included under the provisions of this Code with the approval of the President, after such notice and hearing as may be prescribed.

2. The term "Unit Heater", as used herein means a combination of a steam or hot-water air-heating unit and a fan or blower, having a common enclosure and intended to be placed within or adjacent to a space to be heated, and in which generally no ducts are attached to the outlets or inlets. A "Unit Ventilator" is similar in principle of operation to a unit heater but is designed to use all or part of outdoor air. Unit Heaters are mainly intended for factory or industrial use, whereas Unit Ventilators are intended largely for school and office ventilation and/or heating. Where a question arises as to whether a particular device is a Unit Heater or a Unit Ventilator, the decision shall rest with the Code Authority, hereinafter defined, subject to the approval of the Administrator.

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 "Member of the Code", as herein used, means and includes any member of the industry who shall expressly signify assent to this Code.

5. The term "Code Authority", as herein used, means the body established in Article VI of this Code, to cooperate with the Administrator in the administration of this Code.

6. The term "Employee", as used herein, includes any and all persons engaged in the industry however compensated, except a "Member of the Industry."

7. 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.

8. The term "Association", as used herein, shall mean the Industrial Unit Heater Association.

### 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 during 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.

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 handicaps 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 weeks' 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

empowered 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—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 the members from time to time of the Executive Committee of the Association, provided for in the bylaws of the Association, together with a member selected at large from the Industry. In addition to membership as above provided, there may be not more than three (3) members, without vote, and without expense to the Industry, to be appointed by the Administrator, to serve for such term or terms as he may specify. No two (2) members of the Code Authority shall be affiliated with any single member of the Industry.

SEC. 3. The Association is hereby designated as the agency to conduct an election of the Member at large of the Code Authority by members of the Industry who are not members of the Association, within fifteen (15) days after the effective date of this Code, and any subsequent elections for the successors of such Member at large. Such member shall be elected to serve for a term of one (1) year. In the event that the position of Member at large on the Code

Authority becomes vacant, a special meeting shall be called for an election to fill the vacancy. Notice of the time and place of all elections shall be sent by registered mail, at least ten (10) days in advance of any election, to all members of the Industry who are not members of the Association and who are registered with the Secretary of the Association and voting at such election may be by person, by proxy, or by letter ballot. Each member of the Industry who is not a member of the Association shall have one (1) vote. A plurality of the number of votes cast shall be necessary for election.

SEC. 4. 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.

(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, subject to such rules and regulations as may be promulgated from time to time by the Administrator.

(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 (sworn or unsworn as the Code Authority may specify) as are required for the administration of the Code. No individual information, statistics, or 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 unfair 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. 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 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. Each association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 7. In addition to the information required to be submitted to the Code Authority and the Administrator, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purpose recited in Section 3 (a) of the Act.

SEC. 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. 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. 9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall this Code be construed to render any member of the Code Authority liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall this Code be construed to render any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or nonfeasance.

#### ARTICLE VII—SPECIFIC TRADE PRACTICES

RULE 1. Each member of the Industry shall publish and make available, at all times, to each class of purchasers (except distributors) with whom he does business, a printed price sheet showing the list price of all types, varieties, and sizes of unit heaters, unit ventilators, accessories, and appurtenances regularly on sale by him; together with any and all discounts, including cash and/or quantity discounts, transportation terms, guarantees, and any other terms or conditions which may affect the net cost of any listed article to the purchaser of the class to which the sheet is issued.

RULE 2. All published price sheets shall be plainly dated and shall be considered published when filed in printed form with the Code Authority in sufficient numbers for distribution to all members of the Industry.

RULE 3. Any member of the Industry, upon publishing a price sheet, shall immediately distribute the same to his regular customers.

RULE 4. A member of the Industry may publish revised price sheets from time to time, as market conditions may warrant, upon filing ten (10) days' notice with the Code Authority.\*

\* See paragraph 2 of order approving this Code.

**RULE 5.** All published price sheets shall be plainly marked, "Subject to change without notice."

**RULE 6.** Different classes of purchasers and their trade privileges are recognized, but it is deemed essential to the prevention of unfair trade practices to adopt a uniform method of classification as it affects transactions in this Industry. For this purpose the following classes only are recognized.

(a) Consumer is the ultimate purchaser or user of unit heaters or unit ventilators.

(b) Contractor is one who is regularly engaged in the business of installing heating systems and equipment, including unit heaters or unit ventilators, for the purpose of resale at a profit. A consumer who employs an erecting crew for installing heating materials or equipment on his own properties or for his own use shall not be classed as a contractor. Federal, State, County, and Municipal purchasers, including subdivisions thereof such as School Boards, Park Commissions, and the like, may be classified as Contractors.

(c) Jobber is one who is regularly engaged in the business of buying and reselling steam and hot water heating materials and equipment, including unit heaters or unit ventilators, in and out of stock, but who does no installing of the materials and/or equipment sold. Manufacturers purchasing unit heaters for resale as part of their equipment may be classified as jobbers.

(d) Distributor is one who is regularly engaged in the business of buying and reselling unit heaters or unit ventilators as a jobber, but who is under contract with a particular manufacturer to sell said manufacturer's line of unit heaters and/or unit ventilators to the exclusion of other unit heaters and unit ventilators, and who agrees to conform to all lawful limitations and restriction upon methods of sale contained in said contract.

**RULE 7.** Nothing herein contained shall be construed to prevent a member of the Industry from selecting his own customers and the classes of customers through whom he wishes to market his goods, but it is deemed conducive to unfair methods of competition to discriminate between purchasers of the same class, or to discriminate between the several recognized classes of purchasers on other than a uniform basis except in the case of distributors or agents. To effectuate this Policy:

(a) The heating contractor, as the commonly recognized dealer in this class of materials, may be extended a trade discount, provided the member extending the discount issues a published price sheet to contractors showing said discount and extends the same discount to all contractors with whom he does business.

(b) The jobber, who in turn serves the heating contractor, may be extended the contractor's trade discount plus an additional trade discount of not to exceed ten (10) percent, provided the member extending said discount issues a published price sheet to jobbers showing said discounts and extends the same discounts to all jobbers with whom he does business.

(c) The distributor or agent, (as provided in Rule 6-d) under contract to abide by the prices and terms of sale of the published price sheet and these Rules of Fair Competition (Article 7 of this



Code), may be extended any discount which a member elects to extend.

**RULE 8.** The conventional trade practice of allowing quantity discounts is considered rational and fair provided it is based on a quantity bought on one (1) order, thus resulting in a saving in cost to the manufacturer and his distributor, and provided a uniform schedule is adopted and is extended alike to all purchasers of all classes.

A member of the Industry may, or may not, at his option extend quantity discounts, but if he does, it shall be in strict accordance with the schedule printed on his price sheet together with the statement that it applies to all purchasers where the units are bought on one (1) order and are shipped and invoiced at one (1) time, provided, however, that quantity discounts may be allowed on invoices covering partial shipments of an order when

(a) The manufacturer is unable, for reasons beyond his control, to make shipment of complete order at one time.

(b) The order is for units to be installed in one (1) building or group of buildings for which the contract was let prior to the time the order was placed and when the equipment must be shipped as the building construction progresses.

(c) When the order specifies definite partial deliveries over a period of not to exceed six (6) months, and provided that if purchaser fails to accept the entire order within the time specified, adjustment of volume discount shall be made on the basis of the volume actually shipped.

**RULE 9.** All sales of unit heaters, unit ventilators, accessories, and/or appurtenances shall be made on the basis of a written quotation or bill of sale. Said quotation or bill of sale shall be properly dated and shall be in accordance with the current published price sheet and shall be so itemized as to enable the checking of the same from the current published price sheet. Outstanding quotations may be protected for a period of thirty (30) days beyond date of price change (or in the case of quotations made for direct purchases by the Federal Government, protection may be given for sixty (60) days beyond bid opening) provided a list of such outstanding quotations be filed with the Code Authority within ten (10) days after price change.

**RULE 10.** All quotations shall be subject to change without notice and void after sixty (60) days, and all written quotations shall so state, subject however to Rule 9.

**RULE 11.** It shall be deemed an unfair method of competition to sell or dispose of a unit heater, unit ventilator, accessory or appurtenance on any lower basis than that of the current published price sheet, less such discounts as apply under these Rules.

**RULE 12.** It shall be deemed an unfair method of competition to make a particular sale of unit heaters, unit ventilators, accessories, or appurtenances contingent upon the sale of any other goods or materials.

**RULE 13.** It shall be deemed an unfair method of competition to mark or brand any product of the Industry in any manner which has the tendency to mislead or deceive customers or prospective customers as to the substance, grade, quality, size, quantity, origin, or preparation of any product of the Industry sold or offered for sale.

**RULE 14.** It shall be deemed an unfair method of competition to make or cause or permit to be made or published any false, untrue, or deceptive statement by way of advertisement or otherwise concerning the materials of construction used in, the operating characteristics of, or the quality, size, origin, or preparation of any product of the Industry sold or offered for sale.

**RULE 15.** All ratings of performance of unit heaters, and unit ventilators shall be in accordance with the respective Codes for 'Testing and Rating Unit Heaters and Unit Ventilators as established by the American Society of Heating & Ventilating Engineers except that this rule shall not apply in the case of Unit Ventilators until on and after July 1st, 1934.

**RULE 16.** The right of any manufacturer of unit heaters or unit ventilators to build special sizes or types on special order is recognized: but as such units are more costly to build and should sell for higher prices than his regular line, it shall be deemed an unfair method of competition to sell any special or custom-built unit heater or unit ventilator at the same price or less per unit of rating than the next nearest size and type of the manufacturers' regular line.

**RULE 17.** It shall be deemed an unfair trade practice to sell unit heaters or unit ventilators less certain parts on a basis other than that by which the deduction for parts is proportional to the net cost to the manufacturer of the parts, or to sell separate parts, except for replacement, on a mark-up less than that employed in determining the price of the complete unit heater or unit ventilator.

**RULE 18.** It shall be deemed an unfair trade practice to accept blanket orders; therefore, all quotations and orders must specify an itemized bill of goods. If, after a quotation has been made, the specified requirements are changed, a new quotation shall be issued based upon published prices prevailing at that time. If, after an order has been accepted the requirements are changed, deductions shall be credited on the basis of published prices prevailing at the time order was placed and additions shall be charged at the prices prevailing at the time additions are made.

**RULE 19.** With respect to that portion of his product which is within the Industry, every employer 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 or approved by the Code Authority and the Administrator with such variations therefrom as may be required by the individual conditions affecting any employer or group of employers, and as may be approved by the Code authority and the Administrator.

**RULE 20.** No employer shall sell or exchange any product of the Industry, manufactured by him, 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, however, that dropped lines, or seconds, or inventories which must be converted into cash to meet emergency needs may be disposed of by any employer, at any price and on any terms and

conditions, but only if such employer, not less than ten (10) days before such disposal, has filed with the Code Authority, a statement in writing, setting forth the fact of, and reasons for, such proposed disposal, and the Code Authority has not, before the termination of such ten (10) days' period, in writing disapproved the proposed disposal; and provided further, that a member of the Industry selling, or wishing to sell, below his own allowable cost to meet the competition of a competitor whose allowable costs on products of equivalent design, size, capacity, character, or quality are lower, may do so provided that he has first so reported to the Code Authority and in such report has cited the competition which caused him to take such action, and provided he publishes a revised price sheet. Nothing herein shall be construed to relieve a member of the Industry from strict adherence to Rule 9.

**RULE 21.** Consignment of goods or delayed billing shall be deemed an unfair trade practice, except under conditions prescribed by the Code Authority.

**RULE 22.** It shall be deemed a violation of these Rules to enter into or be a party to a written or verbal agreement or understanding which serves directly or indirectly to affect the price or terms of sale established by a current published price sheet, or which serves in any way to defeat the spirit and purposes of these Rules. However, nothing herein contained shall be construed to prevent a member of the Industry from cooperating with or instructing prospective purchasers as to the proper application or installation of said member's products.

**RULE 23.** All unit heaters and/or unit ventilators, accessories, and appurtenances shall be sold f.o.b. factory. Freight may be allowed to freight station nearest to destination, or may be prepaid.

**RULE 24.** Varying discounts may be allowed for cash and for varying periods not to exceed (30) days from date of invoice if published and with the understanding that such discounts are viewed as added collection costs.

**RULE 25.** Published guarantees of unit heaters and unit ventilators shall be subject to the following limitations:

(a) No guarantee on defective material or workmanship shall extend beyond one year from date of shipment.

(b) Replacements: F.O.B. manufacturer's factory subject to manufacturer's inspection.

(c) No liability shall be assumed for consequential damages or reinstallation labor.

(d) Foreign equipment guarantee shall be limited to the warranty of its manufacturer.

**RULE 26.** A violation of any of the rules in this Article shall be deemed an unfair method of competition.

**RULE 27.** 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.

### ARTICLE VIII—GENERAL PROVISIONS

SECTION 1. No provision of this Code shall be construed or applied in such a manner as to—

- (a) Promote or permit monopolies or monopolistic practices.
- (b) Permit or encourage unfair competition.
- (c) Eliminate, oppress, or discriminate against small enterprises.

SEC. 2. This Code is hereby expressly made subject to the right of the President, pursuant to 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, and specifically but without limitation to his right to cancel or modify his order approving this Code, or any conditions imposed by him upon such approval.

SEC. 3. This Code, except as to provisions required by the Act, may be modified on the basis of experience or change in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he may specify, and to become effective on approval of the President. Any such application may be made by the Code Authority.

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 (30) 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 IX

This Code shall become effective on the second Monday after its approval by the President of the United States.

Approved Code No. 272.  
Registry No. 1304-04.



Approved Code No. 273

**CODE OF FAIR COMPETITION**

FOR THE

**BAND INSTRUMENT MANUFACTURING  
INDUSTRY**

As Approved on February 10, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE BAND  
INSTRUMENT 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 Band Instrument 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.,  
*February 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Band Instrument Manufacturing Industry, submitted by the National Band Instrument Manufacturers Association, located at 45 West 45th Street, New York, N.Y., was conducted in Washington on the 26th of October 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 87 percent of the Industry.

The maximum hours permitted under this Code are eight (8) hours per day or forty (40) hours per week, except that for five (5) weeks of any six (6) months period, eight (8) hours of overtime per week may be worked, provided that all overtime is reported to the Code Authority. The maximum hours for clerical or office employees is forty (40) hours in any one week, except that during inventory periods, any member of the industry may be permitted to work such employees, as may be used on inventory work, not to exceed two (2) in number or twenty percent (20%) of the total number of employees covered under this paragraph, whichever is the higher, a maximum of forty-eight (48) hours per week for a period not to exceed three (3) weeks in any six (6) months period.

The minimum wage for factory employees, except apprentices, is forty cents (40¢) per hour. The minimum wage for apprentices is not less than thirty-two cents (32¢) per hour with the provision that the number of apprentices so paid shall not in any week be more than one (1) in number or five percent (5%) of the total number of factory employees actually engaged in productions during that week, whichever is the higher. All other employees shall be paid not less than thirty-five cents (35¢) per hour.

The Band Instrument Manufacturing Industry, based on the Census of Manufactures, 1929, employed 2,069 wage earners, and 1,671 during 1931. On the basis of the 40-hour week, 167 wage earners would benefit through reemployment, bringing the total number of wage earners to 1,838.

The value of commodities produced by the Band Instrument Manufacturing Industry aggregated, during 1929, \$11,126,815. During 1931, product value declined 54.2 percent under the 1929 total, or to \$5,089,566. In other words, where the value per establishment averaged \$252,882 in 1929, it declined to an average of \$127,239 in 1931.

### 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.*

FEBRUARY 10, 1934.

# CODE OF FAIR COMPETITION FOR THE BAND INSTRUMENT 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 Band Instrument Manufacturing Industry, and shall be the standard of fair competition for this industry and binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Band Instrument Manufacturing Industry" as used herein is defined to mean the fabricating, and/or assembling, repairing, reconstructing, and remodeling, of those musical instruments commonly used by bands such as wind, percussion, and similar instruments, as well as of parts and accessories thereof, 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. It shall not be deemed to include pianos, organs, stringed instruments, or instrument cases, nor shall it include repairmen who do repairing only and who do not fabricate or assemble new or used instruments.

2. The term "member of the Industry", as used herein, shall mean any employer engaged in the Band Instrument Manufacturing Industry, as defined in Section 1 of this Article.

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

5. The term "apprentice" as used herein means any employee without previous experience or employment in the Industry, who is engaged in learning any of the skilled or semiskilled operations incidental to the industry.

6. The term "jobber" shall mean a distributor of the products of the industry who regularly sells such products to retailers, maintains an established place of business, where at all times he carries a stock of such products; publishes a wholesale catalogue and maintain at least one traveling salesman.

7. The term "retailer" shall mean a distributor of the products of the industry who regularly purchases for his own account such products and sells them for use and not for resale, and who maintains an established place of business where at all times he carries a stock of such products.

8. The term "agent" shall mean anyone who sells the products of the industry on commission for the account of manufacturer.



9. The terms "Act", and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

#### ARTICLE III—HOURS

1. No factory employee shall be permitted to work in excess of eight (8) hours per day or forty (40) hours per week except that for five (5) weeks of any six (6) months' period, eight (8) hours of overtime per week may be worked, provided that all overtime is reported to the Code Authority.

2. No person employed in clerical or office work, shall be permitted to work in excess of forty (40) hours in any one week, except that during inventory periods, any member of the industry may be permitted to work such employees, as may be used on inventory work, not to exceed two in number or twenty percent (20%) of the total number of employees covered under this section, whichever is the higher, a maximum of forty-eight (48) hours per week for a period not to exceed three (3) weeks in any six (6) months' period.

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 who receive not less than thirty-five (\$35.00) dollars per week, nor shall said stipulations apply to commercial traveling salesmen.

4. Watchmen shall be employed in pairs and shall not be permitted to work more than thirty-six (36) and forty-eight (48) hours in alternate weeks or an average of more than forty-two (42) hours per week.

5. No firemen shall be permitted to work in excess of a tolerance of ten (10%) percent on the hours stipulated in section 1 of this article.

6. Technicians on research and engineering staffs receiving less than thirty-five (\$35.00) dollars per week, upon specific request to the Code Authority, may be excepted from the provisions of this article by the Code Authority with the approval of the Administrator.

7. 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

1. No factory worker shall be paid less than forty (40¢) cents per hour; provided, however, that the minimum wage that shall be paid to any apprentice shall be not less than thirty-two (32¢) cents per hour; and provided further, that the number of apprentices so paid shall not in any week be more than one (1) in number or five (5%) percent of the total number of factory employees actually engaged in production operations during that week, whichever is the higher. The period of learning for each operation shall be fixed by the Code Authority subject to the approval of the Administrator, but in no case shall it exceed six (6) months, and no person shall serve more than one (1) apprenticeship in the industry.

2. All other employees, except as provided in Section 3 of this article, shall be paid not less than thirty-five (35¢) cents per hour.

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. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons.

4. 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.

5. 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.

6. Female employees performing substantially the same work as male employees shall receive the same rates of compensation as male employees.

## 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 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. 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 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.

#### EMPLOYER IN TWO OR MORE INDUSTRIES

SEC. 6. If any employer of labor in this industry is also an employer of labor in any other industry, the provisions of this Code shall apply to and affect only that part of his business which is included in this industry.

#### POSTING

SEC. 7. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

### ARTICLE VI—ADMINISTRATION

SECTION 1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of five (5) representatives of the industry 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, 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, 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. 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 this Code and sustaining a reasonable share of the expenses of its administration. Such reasonable share of the expenses of the administration shall be determined by the Code Authority subject to 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.

SEC. 7. The Code Authority shall have the following duties and powers in addition to those elsewhere provided in this Code and to the extent permitted by the Act, subject to the right of the Administrator to disapprove of any action taken by the Code Authority.

(a) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code, in accordance with the powers herein granted, and to submit 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 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 designate the National Association of Band Instrument Manufacturers or any other trade association or agency as it deems proper for the carrying out of any of its provisions provided for herein, provided that nothing herein contained 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.

(d) 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.

(e) 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.

(f) 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. 8. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

## ARTICLE VII—TRADE PRACTICES

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

### SECTION 1. 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.

### SEC. 2. Inaccurate Advertising.

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

### SEC. 3. 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.

#### SEC. 4. 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 customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

#### SEC. 5. Secret Rebates.

No member of the industry shall secretly offer or make any payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, nor shall any member secretly extend to certain purchasers special services or privileges not extended to all purchasers on like terms and conditions.

#### SEC. 6. Giving of Prizes, Premiums, or Gifts.

No member of the industry shall give or offer to give prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

#### SEC. 7. Defamation.

No member of the industry shall cause the defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or make other false representations or false disparagement of the grade or quality of their goods.

#### SEC. 8. Threats of Litigation.

No member of the industry shall publish or circularize threats or suits for infringement of patents or trade marks or of any other legal proceedings not made in good faith, and having the tendency or effect of harassing competitors or intimidating their customers.

#### SEC. 9. Espionage of Competitors.

No member of the industry shall secure or cause to be secured confidential information concerning the business of a competitor by a false or misleading statement or representation, or by a false impersonation of one in authority, or by bribery, or by any other unfair method.

#### SEC. 10. Advertising.

Persons engaged in this industry shall be free to carry on advertising programs separately and independently, provided, however, that the failure to comply with the following requirements and regulations as a basis for fair trade practice advertising shall be considered an unfair trade practice:

(a) No advertising shall be made which is false or misleading.

(b) No instrument, discount, or other considerations shall be given to any musician or musical organization in return for photograph testimonial for use in advertising.

(c) Photographs and testimonials of individual musicians or musical organizations used in connection with advertising shall be used only when they are photographs and testimonials of players or organizations who actually play and recommend particular makes of instruments; who have themselves purchased their instruments and who have not received any excessive discount, allowance, cash, or any other valuable consideration to induce them to buy or to recommend

or to endorse such particular instruments. All such testimonials must be dated and the dates thereof printed in each advertisement.

(d) No organization or its director shall be advertised in such a manner as to imply that more of a certain make of instruments are in use than are actually in use in such organization. Reference to such make of instrument must in all cases be specific as to the number in use.

(e) No manufacturer shall place advertising in programs or other publicity material of any musical organization, or contribute any part of the cost of such program or other publicity material.

#### SEC. 11. Other Unfair Practices.

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

### ARTICLE VIII—MODIFICATION

1. This 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 Act, from time to time to cancel or modify any order, approval, license, rule or regulation, issued under said Act.

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

### ARTICLE 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 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 XI—EFFECTIVE DATE

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

Approved Code No. 273.

Registry No. 1640-05.





CODE OF FAIR COMPETITION

FOR THE

SAW AND STEEL PRODUCTS MANUFACTURING  
INDUSTRY

As Approved on February 10, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE SAW AND STEEL  
PRODUCTS 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 Saw and Steel Products Manufacturing Industry, and hearings have 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 Sections 1 and 3, Article VI, insofar as they prescribe the filing of prices, lists, terms, and conditions of sale with the Code Authority 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.,  
*February 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is the report of the Code of Fair Competition for the Saw and Steel Products Manufacturing Industry, as revised after a Public Hearing held in Washington on the 7th day of December in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

Employment is limited to 8 hours per day and 40 hours per week with the exception of those employees engaged in emergency maintenance and/or repair work or on emergencies occasioned by the necessity for services of specially skilled employees who cannot be replaced. Overtime in excess of 8 hours in any 24-hour period or in excess of 40 hours in any 7-day period shall be paid for at one and one half times the normal rate.

Minimum wages of 40 cents per hour for males and 35 cents per hour for females on light work are established, but 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 men.

Clerical employees shall not be paid less than \$15.00 per week.

### ECONOMIC EFFECT OF THE CODE

In April 1932, this Industry, which comprises approximately 75 firms, employed 1,933 persons. Since the adoption of the 40-hour week as provided in this Code, employment has increased to 2,717 persons in September 1933, or an increase of 53 percent.

The average weekly wage in April 1933, was \$15.02, but operation under the provisions of this Code raised this average to \$19.91, a gain of 32 percent. Labor costs comprise approximately 45 percent of the dollar value of sales.

The invested capital of the Industry is about \$20,000,000, and the average annual value of its products over the past 5 years is \$13,000,000. Any improvement in the lumber business, which is the market for fully 80 percent of its products, will cause immediate improvement in this 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 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 by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 10, 1934.

# CODE OF FAIR COMPETITION FOR THE SAW AND STEEL PRODUCTS 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 Saw and Steel Products Manufacturing 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 "Saw and Steel Products Manufacturing Industry" or "Industry" as used herein is defined to mean the manufacture for sale of saws of all kinds and descriptions, and accessories thereto incident to the care, upkeep, and maintenance of wood-cutting saws, which accessories are not recognized as the constituents of major basic industries. This Industry likewise includes under its jurisdiction the manufacture of miscellaneous allied steel products, such as hedge shears, trowels, and such products which, generally speaking, are made of saw or tool steel and require the processes of hardening, tempering, and/or grinding and polishing. The manufacturing of hack saw blades, metal-cutting band saw blades, milling cutters, screw slotting cutters, and metal-cutting circular saws less than eight inches in diameter is exempt from this code.

SEC. 2. The term "Apprentice" as used herein is any employee bound by a legal contract to learn a trade.

SEC. 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.

SEC. 4. The term "Employer" as used herein includes anyone by whom any such employee is compensated or employed.

SEC. 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.

SEC. 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 of said Act.

## ARTICLE III—WORKING HOURS

SECTION 1. Maximum Hours.—No 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 beginning at midnight, except as herein otherwise provided.

SEC. 2. Exceptions as to Hours.

(a) Executives and Salesmen.—The provisions of Section 1 above shall not apply to either executives and supervisors and their immediate assistants receiving thirty-five (\$35.00) dollars weekly or more, or to traveling salesmen.

(b) Emergency Overtime.—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, or on emergencies occasioned by the necessity for services of specially skilled employees which emergencies cannot be cared for by the employment of additional men. But in any such special case at least one and one half times the normal rate shall be paid for hours worked in excess of the maximum provided in Section 1 above.

(c) Ordinary Overtime for Seasonal Periods.—The maximum hours fixed in Section 1 above shall not apply for eight (8) weeks in any twenty-six (26) weeks period, during which overtime shall not exceed eight (8) hours in any one (1) week. In any such case at least one and one half times the normal 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.

(d) Reporting Overtime.—All work in excess of the hours provided in Section 1 above shall be reported to the Code Authority in such detail as may be required.

SEC. 3. Sunday and Holiday Work.—Not less than one and one half times the regular rate shall be paid for all work performed on Sundays, on New Year's Day, on Washington's Birthday, on Memorial Day, on the Fourth of July, on Labor Day, on Thanksgiving Day, or on Christmas Day—watchmen excepted.

SEC. 4. Watchmen.—Watchmen shall be permitted to work not in excess of forty-eight (48) hours per week.

SEC. 5. Employment by Several Employers. No employer shall permit any employee to work for any time which, when totaled with that already performed for another employer or employers, exceeds the maximum permitted herein.

SEC. 6. Maximum Hours for Working Employers.—Employers who personally perform manual work or are engaged in mechanical operations shall not exceed the prescribed maximum number of hours.

#### ARTICLE IV.—WAGES

SECTION 1. Minimum Wages. (a) No male employee, except as hereinafter provided, shall be paid at less than the rate of forty (40) cents an hour and no female employee shall be paid less than at the rate of thirty-five (35) cents an hour.

(b) Clerical employees shall be paid at a rate not less than fifteen (\$15.00) dollars per week; provided, however, that office boys and girls and messengers shall be paid at a rate not less than eighty (80) percent of the minimum salary herein provided, and provided further, that the number of such office boys and girls, and messengers so paid shall constitute not more than five (5) percent of the total number of employees of any one employer, but in any case, such employer shall be entitled to employ two (2) such employees.

SEC. 2. Piece Rates.—This Article establishes a minimum compensation, irrespective of whether an employee is actually paid on a time rate, on a piece rate, or other basis.

SEC. 3. Females.—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.

SEC. 4. Apprentices.—Regularly indentured apprentices shall be paid a starting rate not less than eighty (80) percent of the minimum set forth in Section 1 above. The number of apprentices shall not at any time exceed the ratio of one (1) apprentice to ten (10) skilled workmen engaged in production. Copies of all such apprenticeship contracts shall be filed by the employer with the Code Authority.

SEC. 5. Disabled Employees.—An individual 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. 6. Adjusting Wage Scale.—Within thirty (30) days after the effective date of this Code the wages paid all workers whose pay is above the minimum shall be equitably adjusted, if this has not already been done since May 1, 1933. In making such a readjustment there shall be no decrease in wage rates at this time. Within sixty (60) days of effective date the Code Authority shall report to the Administrator the readjustments made.

## ARTICLE V—ADDITIONAL LABOR PROVISIONS

SECTION I. 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; provided (a) 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 (b) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 2. No person under 16 years of age shall be employed in the Industry, nor any one under 18 years of age shall be employed at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before ninety (90) 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.

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, health, fire, or general working conditions, than under this Code.

SEC. 4. 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 the Act or of this Code.

SEC. 5. Each employer shall post in conspicuous places accessible to employees full copies of this Code.

SEC. 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.

#### ARTICLE VI—PRICES

SECTION 1. (a) Within ten (10) days after the effective date of this Code each member of the Industry shall file with the Code Authority at the office of the Secretary-Treasurer of the Saw Manufacturers Association of the United States, his prices, discount sheets and all other conditions of sale.

(b) Prices filed with the Code Authority shall cover:

*Woodcutting Saws—Mill:* Band Saws, wide and narrow; Circular Saws, including groovers, dadoes, concave, cylinder, barrel; Straight Saws, including crosscuts, drag, mulay, gang.

*Woodcutting Saws—Hardware:* Hand Saws, including pruning, keyhole, compass; Buck Saws; Web Saws, Turning, and Felloe; Coping, Jig, Jewelers' Saws.

*Circular Metal-Cutting Saws; Saws for cutting miscellaneous materials:* Ice Saws, straight and circular; Butchers' Saws, hand and band; Cane Knives, Trowels, Hedge Shears, such other classifications as the Code Authority may direct.

(c) In no case shall a member sell at a price other than his filed price for the various classes of trade.

(d) A manufacturer may change his price as filed with the Code Authority at any time. A price change shall become effective on the tenth day after it is mailed to the office of the Secretary-Treasurer of the Saw Manufacturers Association of the United States. When a member revises a price, any other member may file a revised price to meet the first one. The second price shall become effective on the same day as the first.

(e) Prices filed with the Code Authority shall be open to the inspection of the trade factors as each may be concerned. At the request of a member the Code Authority shall mail him such information about filed prices as he requests.

SEC. 2. (a) No member of the Industry shall sell any product at a price below his own individual cost. Any member may, however, meet the price competition of any other member whose costs under this Code provision are lower.

(b) Costs shall be determined in accordance with the principles enumerated in an adequate cost system formulated by the Code Authority with the approval of the Administrator. The Code Authority shall, with the approval of the Administrator, specify those items of cost which shall be allowable. It is understood that a member of the Industry may use any cost system approved by the Code Authority and the Administrator.

SEC. 3. In the event that the Code Authority finds that any filed price would cause instability in the market, the Code Authority may

require the member of the Industry filing such price to establish that such price does not involve a net return to such member less than his cost determined pursuant to Section 2 above of this Article. Until such filed price under scrutiny is held violative of Section 2 above, it may remain in effect.\*

## ARTICLE VII—UNFAIR PRACTICES

For the purpose of this Code the following shall constitute unfair trade practices:

SECTION I. Unethical and False Statements.—No member of the Industry shall, either through the medium of his catalog, advertisement, or any other printed matter, or by his representatives, make any false statements or inferences reflecting upon the methods of business of his competitors, or make any false and misleading statements regarding the products or prices of competitors, nor shall he defame or disparage competitors directly or indirectly by words or acts which untruthfully impugn their business integrity, their ability to keep their contracts, their credit standing, or the quality of their product.

SEC. 2. 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 above defined.

SEC. 3. Rebates.—Withholding from or inserting in any invoice matter which makes it a false record, wholly or in part of the transaction represented on the face thereof, and the payment or allowance of secret rebates, secret refunds, secret credits, unearned discounts, whether in the form of money or otherwise, shall constitute unfair practices.

SEC. 4. Trade-in Allowances.—No member of the Industry shall take in trade or make allowance on any old or second-hand solid or inserted tooth circular saws except upon such terms and conditions as may be determined by the Code Authority, nor shall any member of the Industry permit his agent to make an over-allowance on any such product in violation of this Section.

### SEC. 5. Guarantee.

(a) No member of the Industry shall replace or make allowances on any products because of complaints against their quality, except after full examination of such products by the manufacturer producing them, and then only when the manufacturer finds that the complaint is based on fair and reasonable grounds. Claims entered for faulty workmanship or material which are not reported until after the product has been largely consumed should not be allowed, but if any allowance is made, it shall be on the basis of the amount used.

(b) No manufacturer shall replace or make allowance on any band saw 6" wide or wider if the saw complained of has been worn down

\* See paragraph 2 of order approving this Code.



more than  $\frac{1}{2}$ "', unless the saw shows actual defects in steel, such as splits.

SEC. 6. Free Service.—No member of the Industry shall render to any purchaser of any products in or in connection with the sale of such products any unusual service or packing unless fair compensation for such service or packing shall be paid by such purchaser.

SEC. 7. Established Outlets.—No member of the Industry shall grant a selling commission, or a dealer's or wholesaler's discount to any concern or individual other than an established salesman, dealer or wholesaler as defined herewith. An established salesman is anyone paid by salary or commission for selling, while a dealer or a wholesaler is anyone who buys and resells and who is remunerated by a profit above his purchase price for reselling to users or resellers of this product. Such salesmen, dealers, or wholesalers shall not be controlled or paid for their purchasing efforts by the users of the products purchased.

SEC. 8. Piracy.—To imitate 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 shall constitute an unfair practice. Likewise shall be unfair practices the marking, branding, labeling of products, and making statements regarding products, the purpose or effect of which may be misleading or tend to deceive purchasers as to the quantity, quality, grade or substance of the goods purchased.

SEC. 9. Returned Goods.—No credit shall be given for return of obsolete stocks or discontinued sizes, but nothing herein contained shall prevent the return of sizes currently shown on current price lists of a manufacturer, provided that the credit therefor shall not be more than current prices of such manufacturer, less return freight and all other expenses incidental to such return, including repacking, if any. The provisions of this Section shall not apply to contracts in force on or before the effective date.

SEC. 10. Refunding on Stocks.—Upon a change in prices by a member of the Industry no adjustments, allowances, credits, or refunds shall be given for merchandise on the customer's premises.

SEC. 11. Terms of Payment.—It shall be an unfair practice to grant terms of payment more favorable than the following:

The terms of payment shall be thirty (30) days net. A discount of (2) percent for cash may be allowed. In no case shall the cash discount be allowed when settlement is not made by the 10th proximo, except that in the case of metal-cutting circular saws the discount may be allowed if settlement is made by the 20th proximo. The Code Authority may establish regulations covering the post-dating of invoices to apply exclusively in those products of the Industry which they specify.

SEC. 12. Carrying Charges.—It shall be an unfair practice to handle carrying charges upon a basis more favorable than the following:

All items shall be sold f.o.b. factories or branch houses, but carrying charges may be equalized to competitors' factories or branches. The Code Authority may establish regulations covering transportation allowances to apply to hedge shears, trowels, crosscut saws, circular cordwood saws, home workshop circular saws in diameters up to and including ten inches, bucksaws, saw tools, handsaws, and miscellaneous short-saw items.

SEC. 13. Standard Specifications.—It shall be an unfair practice not to comply with any program for the simplification or standardization of specifications as worked out by the Standardization Committee of the Saw Manufacturers Association of the United States and approved by the Code Authority.

#### ARTICLE VIII—ADMINISTRATION

SECTION 1. The Code Authority shall consist of not less than seven (7) and not more than eleven (11) members. The seven (7) members of the Executive Committee of the Saw Manufacturers Association of the United States shall be members of the Code Authority. If any members of the Industry who pay their proportionate share of the expense of the administration of the Code, but who are nonmembers of the Association, desire representation they may elect by some fair method, subject to the approval of the Administrator, one (1) member. The Administrator may appoint not more than three (3) members without vote.

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.

SEC. 3. Each member of the Industry shall furnish to the Code Authority such information and statistics regarding hours of operation, wages paid, and prices, as may be required by it with a view to keeping the President of the United States and the Administrator informed as to whether the Code Authority is taking appropriate steps to effectuate in all respects the declared policy of the National Industrial Recovery Act.

SEC. 4. Except as otherwise provided in the National Industrial Recovery Act, all statistical data filed in accordance with the provisions of Section 3 of this Article, shall be confidential, and the data of one member of the Industry shall not be revealed to any other member of the Industry, except for the purpose of administering or enforcing the provisions of this Code. The Code Authority, by their duly authorized representatives, shall have access to any and all statistical data that may be furnished in accordance with the provisions of this Code.

SEC. 5. Any complaints regarding an alleged infraction of this Code shall first be forwarded to the Code Authority for investigation and action.

SEC. 6. The members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority. The expense of administering this Code shall be borne by such members participating in and sharing the benefits of the activities of the Code Authority. Shares of these expenses shall be assessed in equitable and just proportionate amounts upon said members and 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 just and equitable.

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. 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 IX—GENERAL PROVISIONS

SECTION 1. Pursuant to subsection (a) of Section 10 of the National Industrial Recovery Act, 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 said Act.

SEC. 2. Export Provisions.—The fair-practice provisions of this Code, namely, Articles VI and VII, concern sales of products of the Industry for use within Continental United States alone.

SEC. 3. The Saw Manufacturers Association of the United States shall impose no inequitable restrictions on membership and shall submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendment 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. No provision of this Code shall be so applied as to permit monopolies or monopolistic practices or to eliminate, oppress, or discriminate against small enterprises.

SEC. 5. Effective Date. This Code shall become effective on the 10th day after its approval by the President.

Approved Code No. 274.  
Registry No. 1108-1-02.





Approved Code No. 275

**CODE OF FAIR COMPETITION**

FOR THE

**CHEMICAL MANUFACTURING INDUSTRY**

As Approved on February 10, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**CODE OF FAIR COMPETITION FOR THE CHEMICAL 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 my approval of a Code of Fair Competition for the Chemical Manufacturing Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act, and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

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

**FRANKLIN D. ROOSEVELT.**

Approval recommended:

**HUGH S. JOHNSON,**  
*Administrator.*

**THE WHITE HOUSE,**  
*February 10, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Chemical Manufacturing Industry conducted in Washington on the 14th of September, 1933, in accordance with the provisions of the National Industrial Recovery Act.

The Chemical Manufacturing Industry in its various branches and subdivisions is one whose welfare is very closely interlocked with that of our country. We rely upon it to keep abreast of the world in development of new agents of National Defense and we look to it to produce them in quantity in time of need. Its laboratories and factories supply us with the chemical and bacteriological aids for increasing the standards of our public health. In the past the chemical industry has accepted this burden and, I believe, performed its duties in an honest fashion.

No organization including all of the industry existed in June of 1933. The Chemical Alliance, Incorporated, an outgrowth of the war organization of the industry, was formed for the purpose of carrying out the purposes of the National Industrial Recovery Act. This new organization which represents a substantial majority of the industry has presented and fostered their code.

The products of the industry cover a very broad field ranging from serums for use on humans and animals through fine chemicals and explosives to heavy industrial chemicals such as sulphuric acid. In nearly the whole range purity is a matter of the greatest importance not only to the quality of the final product but also to the safety of the makers and consumers. Carefully trained employees with a well-developed sense of responsibility are essential in many phases and the rule in most phases of the industry. As a consequence it is an industry which, as a whole, has been fair to its employees and practically free from the accusations and troubles of others.

The scale of wages paid in the industry has been relatively high as is evidenced by the fact that the average hourly rates fell from 57.2¢ per hour in 1929 only to 50.3¢ per hour in June of 1933, a decline much less than the increase in purchasing power, and less than that of most other industries. It is believed that the increase in wages brought about by the code will restore them to the 1929 level or better.

The maximum hours of labor provided in the code probably will result in an average of between 40 and 42 hours per week. This results even at the existing rate of operation in an increase of from 7 to 10 percent in the number of employees. With increasing activity of industry the need for new employees will be even greater.

Even the voluntary adoptions of the provisions of this code by many units in the industry resulted in pay-roll increases of over 14%. The application of the code to all units in the industry will increase pay rolls still further.

## 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 association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(c) 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.

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 10, 1934.

## CODE OF FAIR COMPETITION FOR THE CHEMICAL MANUFACTURING 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 Chemical Manufacturing Industry.

### ARTICLE I—DEFINITIONS

(a) The term "President" as used herein means the President of the United States.

(b) The term "Administrator" as used herein means the duly appointed representative of the President to administer the National Industrial Recovery Act.

(c) The term "Chemical Industry" as used herein and covered by this Code, shall be defined to mean the production and sale by the producer of heavy, industrial, and fine chemicals, and their by products, unless separate codes not supplementary to this Code are submitted by any division or subdivision of this Industry and approved by the President.

(d) The term "Alliance" as used herein means The Chemical Alliance, Inc., a nonprofit sharing corporation organized and existing under the laws of the State of Connecticut.

(e) The term "employees" as used herein means all persons employed in any phase of the Chemical Industry covered by this Code.

(f) The term "effective date", as used herein, means the tenth day after this Code has been approved by the President of the United States.

### ARTICLE II—HOURS OF LABOR

On and after the effective date, no person, including accounting, clerical, office and sales employees, employed within the Chemical Industry shall be permitted to work more than an average of forty hours per week during any period of four months nor more than forty-eight hours during any week, but such limitations shall not apply to:

(a) Any person employed in an executive, administrative, supervisory and/or technical (not to include skilled operating labor nor nonprofessionally trained laboratory workers) capacity, or as an outside salesman.

(b) Any person employed as repairman, engineer, electrician, loader, truck driver, cleaner or watchman; provided that, no person specified in this subparagraph (b) shall be permitted to work during any three months' period more than an average of forty-four hours per week nor more than forty-eight hours in any one week.

(c) Those departments or divisions of the Chemical Industry in which season or peak demand places an unusual and temporary requirement for production upon such departments or divisions,



except that in such cases no employee shall be permitted to work during any three months' period more than an average of forty-four hours per week nor more than forty-eight hours in any one week.

(d) Employees engaged on continuous operation at places where adequate supply of qualified labor is not available and cannot reasonably be made available and where restriction of hours of such employees would unavoidably reduce production. In such cases the average weekly hours may not be in excess of forty-eight hours per week and at the end of each calendar month any such employer in the Chemical Industry shall report to the Alliance, in such detail as may be required by the Executive Committee or the Administrator, the number of man-hours so worked, giving the reasons therefor, and the ratio which such man-hours bear to the total number of man-hours during said month.

(e) Cases of emergency, provided that at the end of each calendar month any such employer in the Chemical Industry shall report to the Alliance, in such detail as may be required by the Executive Committee or the Administrator, the number of man-hours so worked, giving the emergency reason therefor, and the ratio which such emergency man-hours bear to the total number of man-hours during said month.

### ARTICLE III—MINIMUM WAGES

On and after the effective date the minimum wages paid by any employer in the Chemical Industry to any employee, including accounting, clerical, office and sales employees, shall be not less than thirty-five cents per hour when employed in the Southern District as defined below, nor less than forty cents per hour when employed elsewhere in the United States; provided, however, that if the hourly rate for the same class of work on July 15, 1929, was less than thirty-five cents per hour in the Southern District or less than forty cents per hour elsewhere in the United States, then in that case the minimum wages paid hereunder shall be not less than the hourly rate paid on July 15, 1929, and in no event less than twenty-five cents per hour in the Southern District and thirty cents per hour elsewhere in the United States; provided, however, that where a State law provides a higher minimum wage, no person employed within that State shall be paid a wage below that required by such State law. The above provisions shall apply in all cases except that—

(a) Apprentices and learners for not more than the first six months of employment shall be paid not less than eighty percent of the minimum wages above provided and the total number of apprentices and learners shall not exceed five percent of the total number of employees employed by any employer subject to this Code.

(b) Employees who because of age or infirmities are employed in such positions as watchmen, gatemen, caretakers, etc., shall be paid not less than eighty percent of the minimum wages hereinabove provided and the total number of such employees shall not exceed five percent of the total number of employees employed by any employer subject to the Code.

In the case of any employee whose compensation is paid on other than an hourly basis or is based upon a measure other than time, the total compensation paid shall be no less than such employee would be

entitled to receive if his compensation were determined on an hourly basis.

For the purposes of this Article "Southern District" shall be defined as that territory south of the States of Maryland, West Virginia, Kentucky, and Missouri, and including the States of Oklahoma and Texas.

#### ARTICLE IV—CHILD LABOR

On and after the effective date, no employer in the Chemical Industry shall employ any person under the age of sixteen years; provided, however, that where a State law provides a higher minimum age, no person below the age specified by such State law shall be employed within that State.

#### ARTICLE V—ADMINISTRATION

The Alliance is hereby appointed an agency for the following purposes:

(a) To collect from the members of the Industry all data and statistics in relation to number of employees, hours of labor, and rates of pay necessary for the administration of the provisions of this Code which may be called for by the Administrator. Any data and/or statistics of a confidential nature shall be collected and compiled by a firm of Certified Accountants or other suitable agents selected by the Alliance and not a member or connected with a member of the Chemical Alliance. The data and/or statistics so collected by such agents shall be furnished to the Alliance only in combination with other information of the same type and in such form as will not disclose the individual data or statistics furnished by any single employer. No officer or director of the Alliance or any other person or agency shall at any time have access to or be furnished in any manner with any information by said agents which would disclose the individual data or statistics furnished by any single employer.

(b) To represent the Chemical Industry in conferring with the Administrator with respect to the application of this Code and of said Act, and any regulations issued thereunder, and receive complaints, and if possible adjust the same, and to coordinate the administration of this Code with such codes, if any, as may affect any subdivision of the Chemical Industry, with a view to providing joint and harmonious action upon all matters of common interest, and to receive any proposals for supplementary provisions or amendments of this Code and transmit the same to the Administrator; provided, however, that as regards all matters mentioned in this paragraph (b) said Alliance shall not have the power in any way to bind the Chemical Industry or any subdivision thereof.

(c) The duties of the Alliance above enumerated shall be performed by its Executive Committee. The Administrator may name three representatives who, without expense to the Alliance or the Industry, shall have the right to attend all meetings of said Executive Committee dealing with questions concerning the administration of this Code but such representatives shall have no vote.

(d) Nothing contained in this Code shall constitute the members of the Alliance partners for any purpose. Nor shall any member of

the Alliance be liable in any manner to any one for any act of any other member officer, agent, or employee of the Alliance. Nor shall any member of the Alliance exercising reasonable diligence in the conduct of his duties hereunder be liable to anyone for any actions or omissions to act under this Code except for his own willful misfeasance or nonfeasance.

(e) The Chemical Alliance 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.

#### ARTICLE VI

All members of the Chemical Industry shall be entitled to participate in and share the benefits of the activities of the Chemical Alliance by becoming a member of the Alliance, or by 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 of each member of the Industry shall be determined by the Alliance on the basis of the total number of employees covered by this Code, as provided in the Constitution and By-Laws of the Alliance or, subject to the approval of the Administrator, on such other equitable basis as the Alliance from time to time may determine.

#### ARTICLE VII

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

#### ARTICLE VIII—EMPLOYEE ORGANIZATION AND 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, of 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.

#### ARTICLE IX

In all activities under this Code, the peculiar relation of the Chemical Industry to national defense, national health, national industry, and national agriculture must be constantly borne in mind by its employers, stockholders, directors, executives, and employees. The present products of this industry should be regarded as only byproducts; its main product and purpose the extension of chemical knowl-

edge in the public interest. It is recognized that the Chemical Industry, if it is to keep abreast of chemical progress in the world, requires employees capable of constant advancement in their technical skill and of high and loyal character. Therefore, conscious of the great purpose of the industry, by presenting this Code the employers in this industry shall not be deemed to have waived any of their constitutional and legal rights to engage, promote, or release employees, and the members of the industry shall not be deemed to have waived any other constitutional rights.

#### ARTICLE X

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

#### ARTICLE XI

Supplementary provisions covering fair trade practice rules, applicable to subdivisions of the Chemical Industry, may from time to time be submitted by the agency designated herein, or by an agency named by any subdivision, for the approval of the President. Notwithstanding any provisions of Article V, or any authority conferred thereby, any subdivision shall have the right to and shall be entitled to submit in its own behalf, direct to the National Recovery Administration, and to administer, such supplementary provisions concerning fair trade practice rules, providing that no such supplementary provisions shall be inconsistent with the purposes and provisions of this Code.

#### ARTICLE XII

Subject to the approval of the President any subdivision of the Chemical Industry operating under the provisions of this Code may elect to sell any of its products only upon open prices and/or terms and conditions publicly announced by each member of such subdivision. Any changes in prices and/or terms and conditions by any member of such subdivision shall be announced by such member immediately to all other members of the subdivision through such Agency as the subdivision may determine. Variations from such open and publicly announced prices and/or terms and conditions shall not be allowed.

#### ARTICLE XIII

By presenting this Code, and the specific provisions of Articles II and III hereof, those who have assented hereto do not thereby consent to any modification thereof, except as each shall thereto subsequently agree.

#### ARTICLE XIV

Except as to temporary exemptions or stays arising by reason of the operation of the Executive Order of July 15, 1933, any exemption or stay of application from the provisions of this Code shall be granted by the Administration only after submission of the application to the Alliance and the expiration of a reasonable time within

which to permit the Alliance to submit recommendations thereon. It shall be the policy of the Administration in granting any exemption or stay of application that no distinction shall be made between the person or persons requesting such exemption or stay of application and other persons similarly situated in the Chemical Industry.

#### ARTICLE XV

The Code shall continue in effect for a period of ninety days after the effective date thereof, subject, however, to amendment at any time as hereinbefore provided, and also subject to the reserved power of the President to cancel or modify his approval thereof. The Code shall continue in effect after the expiration of said period of ninety days in the absence of such reserved power on the part of the President, or in the absence of the exercise by members of the Alliance of the power which they hereby reserve, to terminate the Code at any time after the expiration of the said period of ninety days. Such cancellation shall be proposed by the Executive Committee of the Alliance by vote of the majority of members thereof at the time in office. The proposal to cancel shall then be submitted to all members of the Chemical Alliance who shall be given a right to vote thereon. If at least two thirds of the votes entitled to be cast by the members of the Chemical Alliance, in accordance with the provision of Article VIII, Section 5, of the Constitution and By-Laws of the Chemical Alliance, shall be in favor of cancellation, the Chemical Alliance shall have the power, after service of a thirty-day notice on the Administration, to terminate said Code. When so terminated, all subsequent liabilities and obligations hereunder shall cease. Notwithstanding such action by the Alliance, any subdivision of the industry may elect to continue the Code in effect as to itself.

Approved Code No. 275.

Registry No. 699-1-11.





Approved Code No. 276

**CODE OF FAIR COMPETITION**

FOR THE

**PLEATING, STITCHING, AND BONNAZ AND HAND  
EMBROIDERY INDUSTRY**

As Approved on February 10, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE PLEATING, STITCHING,  
AND BONNAZ AND HAND EMBROIDERY 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 Pleating, Stitching, and Bonnaz and Hand Embroidery 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 respect with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

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

That the Code Authority shall make a complete and detailed study to determine whether the minimum wages provided in Article IV of the Code are in fact tending to become maximum wages, and the Code Authority shall report to the Administrator thereon, within sixty (60) days after the effective date hereof, with recommendations for the continuation, elimination, or modification of any or all of the wage rates provided in the Code. Upon the approval of the

Administrator, after such notice and hearing as he may prescribe, the aforesaid recommendations, or any of them, shall become effective provisions of the Code.

Provided, that the Administrator may at any time after the effective date of the Code, cause hearings to be held for the purpose of determining whether the wage rates provided in the Code are in fact tending to establish maximum wages.

FRANKLIN D. ROOSEVELT.

Approval recommended.

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*February 10, 1934.*



## LETTER OF TRANSMITTAL

THE PRESIDENT,  
*The White House.*

SIR: The proposed Code of Fair Competition for the Pleating, Stitching and Bonnaz and Hand Embroidery Industry was submitted and a hearing thereon was held the third day of October 1933. Every person who filed a request for an appearance was fully heard in accordance with statutory and regulatory requirements.

Testimony at the hearing showed that this Code represents a consolidation of separate Codes which were presented by various groups throughout the United States. The letter of transmittal states that the Code is the joint work of eight associations, two of which, the National Association of Pleaters, Stitchers, and Embroidery Manufacturers, Inc., and the Embroidery Manufacturers Association, both of New York City, combined, represent approximately 75 percent of the entire industry in the United States.

Following the public hearing a succession of conferences worked diligently to harmonize divergent viewpoints among the manufacturers of the different markets and to find ways to deal with many grave abuses that were disrupting the industry. The prorated meetings were worth the effort, for the final code is the agreed-upon opinion of 95% of the industry. The dissenting 5% mostly represents those contractors who have utilized home workers in producing their output.

Though it covers a wide range of products, the industry is primarily a service industry to the wearing-apparel group, with wide seasonal variations in productivity and violent fluctuations in styles to meet changes in fashion. Most of the workers are highly skilled. Even the embroidery produced on the Bonnaz machine is an individualized product, while much of the hand work is artistry of a high order.

Stabilization of the industry has been impossible in the past. Vicious competition through exploited home workers and owner-operated shops careless of health, fatigue, night, day, or Sundays have been the source of bottomless price cutting. The problems that arose from these fundamental conditions were the object of great consideration by the conferences in the preparation of the Code and the Code represents their considered answers to those problems.

Specifically the Code covers the manufacture and production of pleating, stitching, Bonnaz embroidery, hand embroidery, crocheting, crochet beading, hand drawing (except handkerchiefs), rhinestone trimming, eyelets (except automatic eyelets), nailheads, bindings and pipings, and all other embroidery and stitching accessories to the wearing apparel industry; and the production of articles using those operations.

## RÉSUMÉ OF CODE AS TO HOURS AND WAGES

The Code provides for a 35-hour week and a normal work day of 7 hours. No employee may work more than 8 hours in any 24 hour period. The maximum hours per week for clerical or office employees is set at 40; the maximum per day is 9 hours. Designers, outside salesmen, and employees, in managerial or executive capacities, receiving more than \$30.00 per week, are excepted from the maximum hour provisions of this Code. The standard work week for shipping clerks, porters, and watchmen is 40 hours; for a maximum period not to exceed 16 weeks in any calendar year, these employees may be permitted to work 48 hours, provided that overtime work is compensated at not less than the regular rates for the 40-hour week. Employees on emergency work are permitted 10 percent tolerance in excess of the 40-hour week with payment of time and one third for overtime. Foremen and forewomen who do no productive work are permitted to work 40 hours in any one week, with 10 percent tolerance.

The minimum wage established is 35 cents per hour. The Code contains a long classification list of minimum wage rates by occupation. The minima for all the occupations or crafts in the industry range from \$12.25 to \$42.00 per week with differentials for all markets outside of the New York Metropolitan Area. The classification as it appears in the Code is uniform throughout the industry, and it was maintained in the Code because it represents a long established custom in the industry and is acceptable to all establishments without regard to their geographic location or their industrial relation status.

The wage scales and differentials are left open for investigation by the Code Authority. The purpose of such investigation (to be initiated within 10 days of the Constitution of the Code Authority) is to determine the fairness and accuracy of the differentials and classifications, and within 60 days to make recommendations to the Administrator with respect to changes or modifications, which if approved by the Administrator, after notice and hearing, shall become binding provisions of the Code.

Overtime is to be investigated by the Code Authority for the purpose of determining equitable rules to govern this type of work in the various markets. The Code provides that the Code Authority shall make recommendations to the Administrator, which upon his approval, after notice and hearing, shall become binding provisions of the Code.

The problem of "learners" or "apprentices", also is to be studied by the Code Authority and recommendations made thereon to the Administrator which, upon his approval, after notice and hearing, shall be binding provisions of the Code.

## ECONOMIC EFFECTS OF THE CODE

According to the report of the Research and Planning Division, it is estimated that there are about 5,500 workers employed in the factories in this industry at the present time (November 1933) and

about 2,000 unemployed. Assuming that the industry has been operating on the basis of a 48-hour week, the 35-hour maximum proposed in the Code will require an additional 37 percent of the labor force now employed to maintain the present production. In other words, the 35-hour week will give reemployment to about 2,000 more workers than now employed, thus absorbing the estimated number of all unemployed factory workers. The same report estimates that a 37 percent increase of the number of workers employed means—on the basis of November 1933 wages—a 37 percent increase in the pay roll. With the reduction of the work week and the establishment of the minimum wage rates it is calculated that the present pay roll may increase approximately 50 percent.

Home work was at first a serious difficulty, since there have been more workers employed by this industry in their homes than in factories, although the exact number of home workers cannot be determined. It was estimated at the public hearing by some of the employers who were sponsors of the Code that there are about 20,000 home workers in this industry, but upon examination of the list of home workers, names were found to be repeated. Checking all available sources of information, 10,000 home workers would undoubtedly be a generous estimate of those on call at any one time. It is particularly important to point out that the foregoing does not mean that 10,000 home workers are employed at any one time but are merely "on call."

There can be no question that home work as carried on in the embroidery industry is a source of disaster in any attempts at organizing a stable industry. Evidence was offered at the public hearings and in the conferences to show that hand workers were paid as little as 5¢ an hour and that the highest rate paid for home work by even reputable manufacturers was 12¢ an hour, and these rates were for embroidery requiring years of training and the utmost skill and artistry. On work requiring less degree of skill or in preparation of work of high skill, when work is taken to the homes, the children of the household are employed in most of their spare hours. The impossibility of any cost accounting control and price cutting prevention under such conditions is self-evident. The abolishment of home work was therefore decided by an overwhelming majority in the industry, notwithstanding great difficulties in readjustment that will be faced by every member of the industry.

The Code provides that all home work in the industry shall be abolished by June 1, 1934, but pending the abolishment it is provided that prices for articles done by home workers shall be determined on the basis of a minimum hourly rate of 35¢. To further aid in the process of converting the home worker into a factory worker and raising the standard of their status in the industry, it is provided that within one month after the effective date of the code every employer shall register with the Code Authority the name and address of each person who performs home work; and the Code Authority is charged with the duty of making investigation and holding conferences to determine proper wage scales for the classes of workers who shall be taken into the factories.

## 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) 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.

(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.

I recommend that you approve the Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 10, 1934.

# CODE OF FAIR COMPETITION FOR THE PLEATING, STITCHING, AND BONNAZ AND HAND EMBROIDERY INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, the following provisions constitute a Code of Fair Competition for the Pleating, Stitching, and Bonnaz and Hand Embroidery Industry, shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Pleating, Stitching and Bonnaz and Hand Embroidery Industry", as used herein includes the manufacturers engaged in producing pleating; stitching; bonnaz embroidery; hand embroidery; crocheting; crochet beading; hand drawing, except handkerchiefs; rhinestone trimming; eyelets, except automatic eyelets; nailheads; bindings and piping; and all other embroidery and stitching accessories to the wearing apparel industry, and the production of articles using the above enumerated operations; and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

2. The term "member of the industry" includes any individual, partnership, association, corporation, or other person engaged in the industry, either as an employer or on his own behalf.

3. The term "employee" as used herein includes anyone engaged in the industry, however compensated, except a member of the industry.

4. The term "employer" as used herein means any employer engaged in the industry.

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

### MAXIMUM HOURS

1. No employee shall be permitted to work in excess of thirty-five (35) hours in any one week or eight (8) hours in any twenty-four (24) hour period, except as herein otherwise provided. A normal workday shall not exceed seven (7) hours; the hours of work shall be 8:45 A.M. to 4:45 P.M., with one (1) hour for lunch.

### HOURS FOR CLERICAL AND OFFICE EMPLOYEES

2. The maximum hours fixed in the foregoing section shall not apply to:

(a) Employees in clerical or office work who shall not be permitted to work in excess of forty (40) hours in any one week or nine (9) hours in any twenty-four (24) hour period. A normal day shall not exceed eight (8) hours.

(b) Employees exclusively in a managerial or executive capacity who receive more than \$30.00 per week.

(c) Shipping Clerks, Porters, and Watchmen who shall not 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, except that such employees may be permitted to work forty-eight (48) hours per week during a maximum of sixteen (16) weeks in any calendar year, provided that for all such overtime work, such employees shall be paid at not less than the hourly rate paid to them for the regular forty (40) hour week.

(d) Employees on emergency maintenance or emergency repair work involving breakdown or protection of life or property, who shall not be permitted to work in excess of forty (40) hours with a ten percent (10%) tolerance. Such excess to be paid for at the rate of  $1\frac{1}{3}$  overtime.

(e) Foremen and forewomen who do no productive work who shall be permitted to work forty (40) hours in any one week, with 10% tolerance.

(f) Designers or outside salesmen.

#### STANDARD WEEK

3. No employee shall be permitted to work more than five (5) days in any seven (7) day period, commencing on Monday of each week and ending on Friday.

#### EMPLOYMENT BY SEVERAL EMPLOYERS

4. 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.

#### EMPLOYER WORKING AS EMPLOYEE

5. Any employer who does the work of an employee shall be subject to the provisions of this Code as to hours of labor.

### ARTICLE IV—WAGES

#### MINIMUM WAGE

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

#### MINIMUM WAGE FOR CLERICAL AND OFFICE EMPLOYEES

2. No person employed in clerical or office work shall be paid less than fourteen dollars (\$14.00) per week.

## PIECEWORK COMPENSATION—MINIMUM WAGES

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.

## MINIMUM WAGE RATES BY OCCUPATION

4. The minimum wage scale for the respective operations in the industry shall be as follows:

For the New York Metropolitan area:

	Per week		Per week
Bonnaz Embroiderers-----	\$42.00	Machine drawers-----	\$17.00
Tuckers-----	42.00	Stampers-----	25.00
Shirrs-----	25.00	Stamper's assistant-----	15.00
Air Tuckers-----	25.00	Spoolers-----	15.00
Hemstitchers-----	25.00	Pinners-----	15.00
17 W 12 Operators-----	25.00	Finishers-----	15.00
Menders-----	25.00	Pleater-Pattern makers-----	37.00
Zig-zag operators-----	18.00	Pleaters-----	35.00
Pin-hemmers-----	18.00	Pleater-helper-----	22.00
Hand Rollers-----	18.00	Machine-setter-----	22.00
Bottom-makers-----	18.00	Machine-feeder-----	15.00
German hemstitcher or ma- chine operators-----	17.00	Rhinestone & Nailhead set- ters-----	12.25

For all markets other than the New York Metropolitan area, the following differentials are established for all the above classifications of \$25.00 or above:

Philadelphia 20%; Boston 25%; Western Markets 30%.

The minimum wage scale on all classifications in the \$22.00 group above:

Philadelphia-----	\$18.00
Boston-----	17.00
West-----	16.00

The minimum wage scale on all \$18.00 and \$17.00 groups above:

Philadelphia-----	\$15.00
Boston-----	14.50
West-----	14.00

The minimum wage scale on all \$15.00 group above:

Philadelphia-----	\$15.00
Boston-----	14.00
West-----	14.00

For all markets other than those hereinabove defined and until such time as the Code Authority has had ample opportunity to investigate and make recommendations to clearly define proper market areas, such markets shall pay minimum rates of wages equal to those rates paid in the nearest market or area.

All employees not specifically enumerated herein shall receive a minimum wage rate of 35¢ per hour.

Within ten days of the constitution of the Code Authority, it shall initiate investigations and conferences to determine the fairness and accuracy of the foregoing differentials and classifications, and within sixty days thereafter make recommendations to the Administrator with respect to changes or modifications therein,

which upon his approval, after such notice and hearing as he may specify, shall become binding provisions of this Code.

Any agreement between employers and employees made in accordance with the National Industrial Recovery Act, may fix other wages and hours than those set forth in this Code, provided that no such agreement may fix maximum hours in excess of those provided in this Code, or minimum wages lower than those provided in this Code.

None of the provisions of this Article shall be construed or applied in such manner that the minimum wages provided herein become maximum wages, and the duties delegated to the Code Authority shall include a report with respect to the question of whether the minimum wages provided herein are in fact tending to become maximum wages.

#### MAINTENANCE OF EXISTING RATES

5. In no event shall compensation for any employee above the minimum wage rates herein provided be reduced, notwithstanding that his hours of labor may have been reduced by this Code.

#### OVERTIME

6. The Code Authority shall make investigations and hold hearings to determine equitable rules for overtime in the various markets and present recommendations to the Administrator, which upon his approval, after such notice and hearing as he may specify, shall become binding provisions of this Code.

#### HOMEWORK

7. After June 1, 1934, no employer shall have work done in the home of a worker. By May 1, 1934, the Code Authority, after proper investigation and conference shall recommend to the Administrator the wage scale that should be paid to the classes of workers taken into the factories from homework, which upon his approval, after such notice and hearing as he may specify, shall become binding provisions of this Code. Prices for articles done by homeworkers, until June 1, 1934, shall be determined on the basis of a minimum hourly rate of 35¢.

Within one month after the effective date of this Code, every employer shall register with the Code Authority the name and address of each person who performs homework for said employer, directly or indirectly, and no work shall be given by any employer to such person unless said person's name is registered with the Code Authority.

#### FEMALE EMPLOYEES

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

#### LEARNERS

9. The problem of apprentices in the Industry shall be studied by the Code Authority and recommendations made to the Adminis-



trator, which, upon his approval, after such notice and hearing as he may specify, shall become binding provisions of this Code.

## ARTICLE V—GENERAL LABOR PROVISIONS

### CHILD LABOR PROVISION

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.

### PROVISIONS FROM THE ACT

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.

### RECLASSIFICATION OF EMPLOYEES

3. No employer shall reclassify employees or duties or occupations performed for the purpose of defeating the provisions of the Act or of this Code.

### STANDARDS FOR SAFETY AND HEALTH

4. 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, and when approved by the Administrator, shall become a part of this Code, and be binding upon every member thereof.

### STATE LAWS

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.

## POSTING

6. All employers shall post in conspicuous places accessible to employees, copies of this Code, in whole or in part, as may be provided by the Code Authority.

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

ORGANIZATION

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

2. The Code Authority shall consist of ten (10) members to be selected by the Industry as hereinafter provided, and of such additional members, not exceeding three (3), without vote, as the Administrator may appoint to represent such groups or interests or such governmental agencies as he may designate.

One of these three may be appointed by the Administrator on recommendation of the Labor Advisory Board to represent Labor.

The industry members shall be selected as follows:

One by the Pleaters, Stitchers, and Embroiderers' Association of Philadelphia, Pennsylvania; one by the Embroidery Manufacturers' Association of Chicago and the Pleaters, Stitchers, and Button Manufacturers' Association of Chicago; one by the United Embroiders, Stitchers, and Allied Trades Association of Cleveland, Ohio; one by the Embroiders Association of Massachusetts, Inc.; three by the National Association of Pleaters, Stitchers, and Embroidery Manufacturers, Inc., of New York; three by the Bonnaz Embroidery Association of New York.

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.

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 expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Adminis-

trator, on the basis of volume of business and/or such other factors as may be deemed equitable.

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

#### POWERS AND DUTIES

7. The Code Authority shall have the following powers and duties in addition to those elsewhere provided in this Code, subject to the right of the Administrator, on review, to disapprove any action taken by the Code Authority.

(a) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the Code, in accordance with the powers herein granted, and to submit the same to the Administrator for his approval together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may deem necessary to effect the purposes of the Act.

(b) To obtain from members of the industry 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, 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 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 recommend to the Administrator regulations governing the use of the N.R.A. Code Insignia and label solely by those employers who are complying with this Code.

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

#### 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. 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.

### ARTICLE VII—TRADE PRACTICE RULES

#### GENERAL DEFINITION

For all purposes of the Code the acts described in this Article shall constitute unfair practices. Any member of the industry who shall directly, or indirectly through any officer, employee, agent, or representative, knowingly use, employ, or permit to be employed, any of such unfair practices shall be guilty of a violation of the Code.

**RULE 1. *Inaccurate Advertising.***—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 misrepresents any commodity (including 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. *"Bait" Advertising.***—No member of the industry shall use advertising or selling methods or credit terms which have the capacity or tendency to deceive or mislead the customer or prospective customer.

**RULE 3. *False Billing.***—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. *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 References to Competitors, etc.***—No member of the industry 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.

**RULE 6. *Selling Below Cost.***—No member of the industry shall sell any commodity or service at a price below his own individual cost. In calculating said individual cost, for purposes of this rule, when the employer himself does the work of an employee on production work, his labor shall be taken as that of such employee.

**RULE 7. *Threats of Law Suits.***—No member of the industry shall publish or circularize unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harrassing competitors or intimidating their customers.

**RULE 8. *Secret Rebates.***—No member of the industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, for the purpose of influencing a sale, nor shall a member secretly extend to any customer any special service or privilege not openly extended to all customers of the same class.

**RULE 9. *Selling on Consignment.***—No member of the industry shall ship commodities on consignment.

**RULE 10. *Bribing Employees.***—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. 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.

**RULE 11. *Interference with Another's Contracts.***—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services. Nothing in this rule shall qualify Section 7 (a) of the National Industrial Recovery Act or obstruct the free exercise of the rights of collective bargaining therein guaranteed.

**RULE 12. *Repudiating One's Own Contracts.***—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. *Subletting.***—The Code Authority will conduct a study covering unfair competition in the industry arising from the practice known as "subletting" and will make recommendations to the Administrator with view to eliminating such unfair competition.

**RULE 14. *Employers Working.***—Not more than one member of the industry or more than one employer in any shop or factory shall be permitted to work on any machine or at any of the crafts enumerated herein, provided, however, that the Code Authority, subject to the approval of the Administrator, may make exceptions in appropriate cases for the purpose of effecting the Act or this Code.

**RULE 15. *Design and Sample Piracy.***—No member shall violate any provisions, as they shall be adopted by the Code Authority, sub-

ject to the approval of the Administrator, governing piracy of samples and designs.

**RULE 16. Violence, Intimidation, or Unlawful Coercion.**—No member of the industry shall commit any of the following unfair practices:

(a) Use of violence to person or property, intimidation, or unlawful coercion, by a member of the industry against a member of the industry.

(b) Threat by a member of the industry to use such violence, intimidation, or unlawful coercion.

(c) Conspiracy among members of the industry, or among members of the trade and others, to use or to threaten to use such violence, intimidation, or unlawful coercion.

(d) Combining or cooperating by a member of the industry with anyone who is using or threatening to use such violence, intimidation, or coercion.

**RULE 17. Discount.**—No member shall allow other than the recognized terms of cash discount which shall be not greater than two per cent (2%), ten days from end of month, and net thereafter.

#### 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, 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 or 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 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 date.

Approved Code, No. 276.  
Registry No. 231-1-06.

Approved Code No. 277

**CODE OF FAIR COMPETITION**  
FOR THE  
**GRAY IRON FOUNDRY INDUSTRY**

As Approved on February 10, 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 Gray Iron Foundry Industry and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do 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,  
*February 10, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Gray Iron Foundry Industry in the United States and on the hearing conducted thereon in Washington, D.C., on November 9, 1933, in accordance with the provisions of the National Industrial Recovery Act.

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

The Code provides a forty (40) hour week for all employees except those performing executive or technical work, and members of their staffs individually receiving pay at the rate of thirty-five dollars (\$35) per week. Peak period employment is allowed not to exceed forty-eight (48) hours during any calendar six months' period. Repair and maintenance employees, firemen, and engineers may be employed ten percent (10%) longer hours than other employees. In cases of emergency, breakdowns, or in very special cases when restrictions of hours of highly skilled workers would unavoidably reduce or delay production, overtime is permitted but must be paid for at the rate of time and one half. Watchmen may work fifty-six (56) hours per week, but not more than six (6) out of any seven (7) days. Child labor is prohibited, and no person under eighteen (18) years of age may be employed in any dangerous or hazardous occupation.

Minimum rates of pay are twenty-five cents (25¢) per hour in the extreme Southern District, and thirty cents (30¢) per hour for other parts of the South, with the rate of thirty-five cents (35¢) per hour for the States of Delaware, Maryland, West Virginia, and Kentucky; thirty-seven (37¢) and forty cents (40¢) per hour are provided for the Northern District. Eighty percent (80%) of these rates are paid to learners, and to superannuated and maimed employees.

Provision in the Code is made for an equitable adjustment of wages above the minima prescribed in the Code.

### GENERAL STATEMENT AND ECONOMIC EFFECT OF THE CODE

The Gray Iron Foundry Industry consists of establishments engaged in producing gray iron castings for sale as such. The principal products of the Industry are automotive and motor, machinery, street equipment, agricultural, boiler, machine tool, engine, heater, sewing machine, and lawn mower castings. It is estimated that there are approximately sixteen hundred (1,600) plants which, in 1926, had on the average, sixty-two (62) employees each.

The Gray Iron Founders' Society, Inc., which presented the Code and which represents nearly seventy percent of the Industry in production of castings, presents the following figures:

Invested Capital.....	\$243, 504, 000
Rate of Production, July 1933, tons per year.....	1, 400, 000
Production Capacity, tons per year.....	11, 650, 000
Number of Employees, July 1933.....	71, 000



Statistical information in regard to the Industry is exceedingly meager.

Such statistics as are available indicate that in 1926 the average hours of labor were fifty-five (55), and that hours of fifty-eight (58) or sixty (60) were not uncommon; some plants working even longer hours. In that year, less than three percent (3%) of the employees worked as few as forty (40) hours a week. Even in the first quarter of 1933, over sixteen percent (16%) of the employees worked over forty (40) hours a week. Hours of employment since the first quarter of this year are not available; but, as production in July 1933 (the latest month for which we have data), was double the rate of production in the first quarter, it is safe to assume that this percentage has materially increased and that a maximum of forty (40) hours a week, as the Code provides, will materially increase the number of employees.

Pertinent figures relative to the Industry since 1928 are as follows:

Year	Estimated tonnage	Estimated number of employees	Minimum wages
1928.....	2,400,000	94,000	
1929.....	2,810,000	99,500	
1930.....	1,680,000	70,000	
1931.....	1,260,000	72,000	
1932.....	790,000	57,500	
1933, first quarter.....	700,000	46,200	} North, 30.7 cents; South, 19.5 cents per hour.
1933, July.....	1,400,000	71,000	
Estimated under Code at July level of production.	1,400,000	81,000	} North, 37 and 40 cents per hour; South 25, 30, and 35 cents per hour.

It is estimated that operations under the Code will add nearly ten thousand (10,000) employees to the payroll and two hundred thousand dollars (\$200,000) to the weekly payroll and ten million dollars (\$10,000,000) to the annual payroll of the Industry, based on operations at levels of July 1, 1933, for the Industry in general.

Administration of the Code is provided by an adequate Code Authority on which membership of Administration Representatives is provided.

#### 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) 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.

(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 that this Code be approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 10, 1934.

# CODE OF FAIR COMPETITION FOR THE GRAY IRON FOUNDRY INDUSTRY

## ARTICLE I—PURPOSE

To effectuate the policies of Title 1 of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Gray Iron Foundry Industry, and upon approval by the President, shall be the standards of Fair Competition for this Industry.

## ARTICLE II—DEFINITIONS

The terms used in this Code are defined as follows:

SECTION 1. The term "United States" means and includes all of the territory subject to the jurisdiction of the United States of America.

SEC. 2. The term "the President" means the President of the United States of America.

SEC. 3. The term "the Industry" means and includes the business of producing and selling in the open market ferrous or ferrous base castings other than steel or malleable iron castings, whether cast in sand or other type of mold, and commonly known as Gray Iron Castings and sold in competition with similar Gray Iron Castings either with or without any subsequent processing thereon performed by the producer; provided, however, that such term shall not include said castings when produced by a manufacturer in another industry (including any affiliated or parent company of such manufacturer) (1) as part of his own products in such other industry (including finished and semifinished parts therefor) or (2) as materials for servicing products of such other industry (including finished and semifinished parts therefor) when such servicing materials are distributed by such manufacturer to the user of products of such other industry either directly or through such manufacturer's usual distribution channels.

SEC. 4. The term "Affiliated Company" means a company connected with another company where at least more than a half of such affiliated company's voting stock is owned by such other company, either directly or indirectly.

SEC. 5. The term "Parent Company" means a company that owns more than half of the voting stock of another company or business, either directly or indirectly.

SEC. 6. The term "Employees" as used herein includes any and all persons engaged in the Industry, however compensated.

SEC. 7. The term "Employer" as used herein includes anyone for whose benefit such an employee is so engaged.

SEC. 8. 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. 9. The term "the Society" means Gray Iron Founders' Society, Inc.

SEC. 10. The term "the Board of Directors" means the Board of Directors of the Gray Iron Founders' Society, Inc.

SEC. 11. The term "Code Authority" means the Administrative body for this Code, as set forth in Section 1 of Article III.

SEC. 12. The term "the Administrator" as used in this Code means the Administrator at the time in office, who has been appointed by the President to administer Title 1 of the Act.

SEC. 13. The term "export" means and includes shipments of Gray Iron Castings to foreign countries and to territories and possessions of the United States.

SEC. 14. The term "Act" means the National Industrial Recovery Act as approved by the President June 16, 1933.

### ARTICLE III—ADMINISTRATION

SECTION 1. The Code Authority shall be the general agency for the administration of this Code, and shall consist of eight (8) members, all of whom shall be experienced in and actively connected with the business of the Industry, six (6) of whom are to be chosen from among the Board of Directors of the Society, two (2) of whom shall be representatives of nonmembers to be selected by ballot by said nonmembers from amongst their numbers. If said nonmembers do not select their two (2) representatives within a reasonable length of time, they shall be then chosen by the Code Authority from among the said nonmembers. At least one (1) member of the Code Authority shall be elected from the States enumerated in Article IV, Section 3 (a), Subparagraphs (1) and (2). In addition, the Administrator may appoint not to exceed three (3) members to serve (without vote) with the Code Authority in the administration of this Code. Members appointed by the Administrator shall serve for terms of from six (6) months to one (1) year, and their terms of appointment shall be so arranged that they do not expire at the same time. The Code Authority shall:

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

(b) For the purpose of keeping the President informed as to the observance or nonobservance of this Code and as to whether the Industry is taking appropriate steps to effectuate in all respects the declared policy of the Act, require from any member of the Industry, in the event of complaint or otherwise, duly certified reports in such form as may hereafter be required by the President.

(c) Obtain from members of the Industry, such information and reports as are required for the administration of the Code; and shall 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. Except as otherwise provided in the Act, all information and reports obtained from members of the Industry as are required for the administration of the Code shall be confidential. Such information and reports shall not be revealed except as published in composite form to any other member of the Industry, except that for the purpose of administering or enforcing the provisions of this Code, the Code Authority shall have access to any and all such information and reports.

(d) Make rules and regulations as may be necessary for the administration and enforcement of this Code, and generally insure the execution of the provisions of this Code, and provide for compliance of the Industry with the Code.

SEC. 2. Members of the Industry having a common interest and common problems may group themselves for administrative purposes in various territorial subdivisions or product classifications. The majority of members in each territorial subdivision or product classification may, with the approval of the Code Authority, appoint its own agency with supervisory and/or administrative powers. If formal complaint is made to the Code Authority that the provisions of this Code have been violated by any member or members of any territorial subdivision or product classification, the agency for the territorial subdivision or product classification to which the complaint refers shall institute such inquiry as may be necessary to develop the facts, adjusting said complaint according to the provisions of the Code, and finally submitting their findings and conclusions to the Code Authority.

SEC. 3. The jurisdiction, under this Code, of the Code Authority and of any supervisory agency as provided in Section 2 of this Article, is expressly limited to that portion of such member's business as falls within the definition of the term "the Industry."

SEC. 4. The expense of administering the Code shall be equitably apportioned among all members of the Industry in the following manner:

The Code Authority shall, from time to time, make such assessments on account of such expenses against all members of the Industry as shall be equitable and proper. It shall apportion such assessments upon the basis of shipments in net tons of castings within the Industry by each member of the Industry for the preceding calendar year, or it shall apportion such assessments in such other form as may be reasonable and equitable. Such assessments shall be payable as the Code Authority shall specify. In the event any member of the Industry shall not have been in operation during all of the preceding calendar year, such assessments shall be based on such period as the member was in operation.

SEC. 5. In order to fully comply with the Act, the Society shall impose no inequitable restrictions on members, and shall submit to the Administrator true copies of its Articles of Association, By-Laws, Regulations, and any amendments when and as made thereto, together with such other information as to membership, organization, and any and all activities as the Administrator may deem necessary.

SEC. 6. Nothing contained in this Code shall constitute the members of the Industry or of the Code Authority partners for any purpose. Nor shall any member of the Industry or of the Code Authority be or become liable in any manner to anyone for any act

of any other member of the Industry, or of the Code Authority, or of any officer, agent, or employee of either; 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 non-feasance.

ARTICLE IV—RATES OF PAY, HOURS OF LABOR AND OTHER CONDITIONS OF EMPLOYMENT

SECTION 1. Pursuant to subsection (a) of Section 7 of the Act, and so long as the Code shall be in effect, the Industry shall be subject to the following conditions:

(1) 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;

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

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

SEC. 2. On or after the effective date, no employer shall employ any minor under sixteen (16) years of age, and no one under eighteen (18) years of age shall be employed in hazardous occupations. The Code Authority shall file with the Administrator within ninety (90) days a list of such occupations.

Sec. 3. (a) On and after the effective date, the minimum wage which shall be paid by any employer to common labor engaged in the Gray Iron Foundry Industry, shall be as follows:

(1) For the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana—twenty-eight cents (28¢) per hour, or the rate in effect July 15, 1929, whichever is lower, but in no event less than twenty five-cents (25¢) per hour. (The optional use of July 15, 1929, rate applies only to the foregoing specified territory.)

(2) For the States of Virginia, Tennessee, Arkansas, Oklahoma, and Texas—thirty cents (30¢) per hour.

(3) For the States of Delaware, Maryland, West Virginia, and Kentucky—thirty-five cents (35¢) per hour.

(4) For the remainder of the United States, the minimum wage which shall be paid by any employer to common labor in the Gray Iron Foundry Industry shall be as follows:

In Metropolitan Districts and Cities having a population of 25,000 and over—forty cents (40¢) per hour.

For Cities, Towns, and political subdivisions not included in any Metropolitan District, having a population of less than 25,000—thirty-seven cents (37¢) per hour.

Provided, that superannuated and maimed employees may be paid not less than eighty percent (80%) of the above minimum wage, but

the total number of such superannuated and maimed employees paid at such reduced rates shall not exceed five percent (5%) of the total employees in any calendar month.

Provided further that nothing in Section 3 (a) of 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 journeyman mechanic, and provided further, that beginners or learners who are not so apprenticed, may be paid for a period of not more than three (3) months, from the date of their employment, a wage rate of not less than eighty percent (80%) of the minimum wages prescribed in Section 3 (a) of Article IV. At no time shall the total number of such apprentices and learners or beginners, receiving less than the minimum rate, exceed five percent (5%) of the total employees.

(b) On and after the effective date the minimum wage that shall be paid office and salaried employees shall not be less than the following weekly rates:

In Metropolitan Districts and Cities having a population of 25,000 and over, at the rate of Fifteen Dollars (\$15.00) per week.

For Cities, Towns and political subdivisions not included in any Metropolitan District, having a population of less than 25,000, not less than at the rate of Fourteen Dollars (\$14.00) per week.

The population and outlying Metropolitan Districts used for dividing the areas mentioned in Article IV will be that shown in the "Fifteenth Census of the United States, Metropolitan District Population Areas."

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 wage, and provided further, that the number of such office boys and girls shall not exceed one (1) to every twenty (20) persons or fraction thereof employed in any office of any member of the Industry, provided further that each employer shall be entitled to at least one (1) office boy or girl.

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.

There shall be an equitable adjustment of wages above the minimum herein prescribed to the end that so far as may be equitable, the differential which now exists in the Industry between the wage rates paid to skilled workers and those paid for unskilled labor shall be preserved, it being understood, however, that the hourly earnings of those employees receiving above the minimum rate, shall not be reduced thereby.

SEC. 4. On and after the effective date, employers shall not operate on a schedule of hours of labor in excess of forty (40) hours per week per employee; provided, however, that because of any seasonal or peak demand which places a temporary burden on the Industry that the number of hours that may be worked by any employee in excess of that provided in the preceding paragraph shall not be more than forty-eight (48) in any calendar six (6) months' period, and provided, further, that in no case shall the number of hours worked by any employee in any one (1) week exceed forty-eight (48), and provided, further, that in cases of emergency, breakdowns, or in very special cases where restrictions of hours of highly skilled workers would

unavoidably reduce or delay production, overtime shall be permitted beyond those hours specified in this Article IV and such overtime shall be paid for at the rate of time and one half, and provided, further, repair-work, maintenance employees, firemen, and engineers may be employed ten percent (10%) longer hours than other employees. They may, however, work additional hours beyond the ten percent (10%) longer hours specified in this paragraph, provided such additional hours beyond the ten percent (10%) allowed shall be paid for at the rate of one and one half, and provided, further, that watchmen may work fifty-six (56) hours in any seven (7) days' period, without payment of overtime, but not more than six (6) out of any seven (7) days.

The Industry recognizes the desirability of the eight (8) hour working day for labor and, insofar as it reasonably can, will endeavor to employ its labor on that basis.

No employee shall be regularly employed more than six (6) out of seven (7) days.

No employee shall knowingly be permitted to work for one (1) or more employers in the aggregate in excess of the above-prescribed number of hours.

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.

No provision herein shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or general working conditions, than are imposed by this Code.

SEC. 5. Nothing in the foregoing provisions with reference to hours shall apply to Executive, Administrative, Supervisory and Technical employees who receive at the rate of Thirty-five (\$35.00) Dollars or more per week, and outside salesmen.

#### ARTICLE V—MODIFICATIONS AND SUPPLEMENTS

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, amended, or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time, and with the approval of a majority of the Code Authority, amendments and supplementary provisions to this Code or additional Codes may be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the Act. Pursuant to subsection (b) of Section 10 of Title I of the Act, the President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under said Title.

#### ARTICLE VI—UNFAIR TRADE PRACTICES

SECTION 1. To accomplish the purposes contemplated by the Act, the following practices are hereby declared to be "unfair methods of competition":

(1) *Cost Accounting*.—To sell or offer to sell any product(s) or service(s) below the cost of such product(s) or service(s).

For this purpose, cost is defined as the cost of direct labor, plus the cost of materials, plus a normally adequate amount of overhead,



fairly spread over all articles of manufacture, including an amount for the use of any plant facilities employed, as determined by cost accounting methods recognized in the Industry (such cost accounting methods to be approved by the Code Authority and the Administrator).

(2) *Rebates, Subsidies, Commissions, Etc.*—To secretly make any allowance of rebates, credits, subsidies, discounts, commissions, or like concessions, whether in the form of money or otherwise, not given to all customers of the same class or to change an order for the purpose of giving a customer any advantage.

(3) *Allowances—Preferences, Etc.*—To make allowances for machining and/or welding (except to repair specific defective castings), pattern repairs, pattern construction, pattern insurance, or other services not extended to all buyers, under like terms and conditions.

(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 defined.

(5) *Defamation.*—To make, cause, or permit to be made or published, any false statement or misrepresentation of, or concerning the business, policies, methods, or products of a competitor.

(6) *Terms.*—To make terms more favorable than a cash discount of one percent (1%), or in any event to permit cash discounts for payments made beyond thirty (30) days from the date of shipment.

(7) *Assuming responsibility for losses.*—To assume responsibility (except to repair a specific defective casting) for machine work, welding, labor charges, or losses or damages caused in any manner by defective castings.

(8) *Interference with Contractual Relations.*—For a member of the Industry to attempt to induce the breach of an existing contract between a competitor and his employee, or customer, or source of supply; or interfere with or obstruct the performance of such contractual duties or services.

#### ARTICLE VII—SALES FOR EXPORT

No provision of this Code relating to prices or terms of selling, shipping, or marketing shall apply to gray-iron castings shipped directly by a member of the Industry for Export Trade; provided, however, that the provisions of Article IV shall apply to gray-iron castings shipped for Export Trade.

#### ARTICLE VIII—VIOLATIONS

Violations by any member of the Industry of any provisions of this Code, or of any rule or regulation issued thereunder, and approved by the President, shall constitute an unfair method of competition, and the offender shall be subject to the penalties imposed by the Act.

## ARTICLE IX—POSTING

All employers shall post the hours and wages provisions of this Code in conspicuous places, accessible to employees, and in such form as shall be prescribed by the Code Authority.

## ARTICLE X

All action taken by the Code Authority, or any other agency, within the Industry in connection with the Administration of this Code, except where made specifically subject to the approval of the Administrator, shall be subject to review and disapproval by the Administrator.

## ARTICLE XI—EFFECTIVE DATE AND DURATION

This Code shall be effective the second Monday after the fourth day following the date on which this Code shall have been approved by the President of the United States, and shall continue in effect until June 16th, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or that Congress shall, by Joint Resolution, declare that the emergency recognized by Section 1 of the Act has ended.

Approved Code No. 277.  
Registry No. 1111-04.



**CODE OF FAIR COMPETITION**

FOR THE

**TRUCKING INDUSTRY**

**As Approved on February 10, 1934**

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY**

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

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

Vehicles owned and operated by enterprises engaged principally in the warehousing of furniture and household goods which are included within the terms of paragraph (1) of Subsection A of Section 1 of Article II of said Code of Fair Competition for the Trucking Industry shall be registered, in such form and manner and within such period as the Administrator may determine, with the Code Committee which has proposed a Code of Fair Competition for the Household Goods Storage and Moving Trade, and, if such a Code is approved, then, thereafter with the Code Authority established under said Code.

**FRANKLIN D. ROOSEVELT.**

Approval recommended:

**HUGH S. JOHNSON,**  
*Administrator.*

**THE WHITE HOUSE,**  
*February 10, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Trucking Industry of the United States, held in Washington on the 16th and 17th of November 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS OF THE CODE AS TO HOURS, WAGES, AND GENERAL LABOR CONDITIONS

This Code provides for Industrial Relations Boards consisting of equal representation of employers and employees to deal with compliance and with labor disputes. Powers are granted to this body to develop the necessary agencies in areas and divisions in the Industry.

Maximum hours for employees are established as follows: Clerical employees—forty (40) hours per week; for other employees, including drivers, mechanics, and helpers—a basic week of forty-eight (48) hours. Overtime beyond eight (8) hours a day is provided for general employees and beyond forty-eight (48) hours a week for drivers and helpers. Provision is further made whereby seasonal tolerance may be permitted in cases of seasonal and emergency demand.

Area and divisional agreements may be made to improve the conditions of employment, and it is provided that Trade Agreements among employers shall not impair the rights granted employees in Section 7 (a) of the Act, nor shall these terms tend to set maximum as well as minimum wages.

Minimum wage rates are set forth: (1) for unskilled labor ranging from twenty-five (25¢) cents to forty (40¢) per hour; (2) for drivers and skilled labor ranging from thirty (30¢) cents to fifty-five (55¢) cents per hour; and (3) for office employees ranging from fourteen (\$14.00) dollars to fifteen (\$15.00) dollars per week. Wage adjustments are required to be made so that employees whose hours are reduced by fifteen (15%) percent suffer no wage reduction in full time earnings, but those whose hours are reduced more than fifteen (15%) percent will have their wages adjusted equitably. Provision is made for wages of learners and handicapped persons.

Minors under eighteen (18) years of age are prohibited from employment at hazardous occupations and no person under sixteen (16) years of age is permitted to be employed in the Industry.

In addition to providing for Section 7 (a) of the Act, protection is given to labor against reclassification. More favorable labor conditions set by State law, governmental authorities, or by labor contract are protected in the Code.

Inasmuch as the Trucking Code deals with a transportation service and not with a general industrial activity, it is considered that

the wage and hour provisions are all that can be reasonably applied to the Trucking Industry at this time. As a step towards adopting a shorter work day and week, and improving the rates of pay and terms and conditions of employment, the Industry is required to collect data and report findings and recommendations to the Administrator not later than August 1, 1934.

#### ECONOMIC EFFECT OF THE CODE

During the past decade the transportation of property over the public highways has assumed significant proportions. Today it constitutes an integral part of the transportation system of the country. The Code of Fair Competition for the Trucking Industry relates to this portion of the transportation system. By reason of special circumstances, however, certain highway transportation operations have been exempted from the provisions of this Code. Having taken these exemptions into account, the trucking operations which remain subject to the provisions of the Code are conservatively estimated to utilize about 750,000 vehicles and to give employment to approximately 1,200,000 workers.

Under the Code as recommended, it is estimated that the Trucking Industry will give employment to approximately 300,000 additional wage earners, representing an increase of about 25% over the employment prevailing prior to the inauguration of the National Industrial Recovery program. This reemployment, it is estimated, will increase the annual pay roll of the codified Industry by about \$260,000,000, or about 27%.

In contrast with other major forms of transportation, the Trucking Industry is typically a small unit, owner-operated and flexible type of transportation activity. The natural operation of these factors has produced a disorganized condition within the Industry, resulting in unstable competitive conditions. Not only has this situation tended to produce destructive competitive conditions within the Industry, but the influences have extended substantially beyond the Industry itself and have created particularly complex problems with relation to the coordination and regulation of various transportation agencies. To date no complete and accurate data have been available to serve as a basis for the solution of these complex problems.

The Industry anticipates that the effective operation of the provisions of this Code will tend not only to stabilize the employment and operating conditions within the Industry but will provide data which are essential to the satisfactory solution of the complex problems created by the rapid and extensive growth of highway transportation.

#### FINDINGS

The Administrator finds that:

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

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

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

From evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards, it is believed that this Code as now proposed and revised is satisfactory to this Industry, labor, the public, and this Administration. It is recommended, therefore, that this Code, as herewith submitted, be approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 10, 1934.

# CODE OF FAIR COMPETITION FOR THE TRUCKING 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 Trucking Industry and shall be the standard of fair competition for that Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Industry" as used herein means the transportation of property and all services ordinarily incidental thereto in connection with any trade, industry, or business to the extent that such transportation is over publicly used roadways by:

A. Vehicles for hire, with the following exceptions:

(1) Vehicles used principally for the transportation of used household goods, used office furniture, and used office equipment shall be exempted, except as otherwise in this Article provided, from all provisions of this Code, pending a public hearing and determination by the Administrator on a date to be set by him prior to June 15, 1934.<sup>1</sup>

(2) The aforesaid exemptions provided in this Article shall apply to vehicles engaged in transportation of used household goods, used office furniture, and used office equipment, even though they may occasionally transport other goods, if the revenue derived from such occasional transportation shall not exceed ten (10%) percent of the total revenue derived through such vehicles; and provided that any such vehicles, when engaged in such occasional transportation: (a) shall not be operated in violation of the provisions of this Code dealing with wages and hours, (b) that the rate charged for all such occasional transportation shall be not less than the lowest rate on file with the appropriate Code Authority of the Trucking Industry for similar services in the particular locality, and (c) that Article IX, Section 1, of the Trucking Code dealing with freight bills, shipping orders, and bills of lading shall be conformed to.

(3) At the hearing provided for above, evidence shall be presented to the Administrator, and he shall thereafter make a determination in respect to the modification or extension in whole or in part of such exemption provided for in this Article. Said determination by the Administrator shall become effective as a part of this Code.

(4) Pending the determination by the Administrator as provided for above, anyone claiming exemption within the terms of this Arti-

<sup>1</sup> See paragraph 2 of order approving this Code.

cle, hereof shall register, in such form and manner as the Administrator may determine, either with the Code Committee or the Code Authority of the Household Goods Storage and Moving Trade or with the appropriate Code Authority established under this Code. Any operator claiming exemption under this Article shall file his registration in triplicate accompanied by a certified statement supporting his claim for exemption, one copy of the same shall be furnished to the other registration agency and the third copy shall be furnished to the Administrator.

(5) The National Code Authority shall appoint two representatives who, with two representatives similarly appointed by the Code Authority of any related trade or industry, shall have the power to review and adjust all differences of the jurisdiction of this Code and if they are unable to agree, the matter shall be referred to and determined by the Administrator.

(6) The authorized representatives of the Code Authority of the Household Goods Storage and Moving Trade shall have access to the registration lists of this Industry, provided reciprocal authority is granted to the Code Authority of this Industry to have access to the registration lists of that Industry.

**B. Vehicles not for hire except:**

(1) To the extent that such transportation is subject to any other Code of Fair Competition approved pursuant to Title I of the National Industrial Recovery Act;

(2) Where a farmer is transporting his own property or produce to primary markets or his own supplies on return, or cooperatively transporting to or on return from primary markets, the property, produce, or supplies for neighboring farmers for which he does not receive compensation other than by the exchange of services; and

(3) The Trucking operations of bona fide farmers' cooperative associations to the following extent. When bona fide farmers' cooperative associations carrying on trucking operations in their own vehicles at cost are engaged in transporting the property or produce of such associations or of its farmer members to primary markets, or are engaged in the return transportation of supplies purchased by such associations or farmer members thereof, and are not engaging in transporting for hire or serving the general public, then such associations shall be exempt from all provisions of this Code except: (a) the provisions of Article IV dealing with industrial relations; (b) the provisions of Article V dealing with maximum hours of labor, minimum rates of pay and conditions of employment; (c) the provisions of Article VI, Section 4, dealing with registration; (d) the provisions of Article III, Section A, Subsection (1) (b), dealing with reporting; and (e) the provisions of Article III, Section I, Subsection (1) (i).

2. The term "employee" as used herein includes any person engaged in any phase of the Industry in any capacity however compensated except a member of the Industry.

3. The term "employer" as used herein includes any employer in the Industry.

4. The term "member of the Industry" as used herein includes any individual, partnership, corporation, or other form of enterprise that is engaged in the Industry as an employer, and any person en-



gaged in the Industry who drives a vehicle on his own behalf, whether or not he employs anyone else in connection therewith, and any person engaged in the Industry who leases or subleases a vehicle to another or the use thereof as a part of a trucking service if he retains responsibility for the employment of drivers or for the maintenance and repair of the vehicles, whether or not he retains responsibility for the safety of the property transported, or receives compensation for the transportation of such property.

5. The term "for hire member" as used herein means any member of the Industry who receives compensation or remuneration directly or indirectly for the transportation of property (a) of others, or (b) of his own property for sale or disposal when the principal purpose or effect of such sale or disposal is to obtain revenue by such transportation. It includes, but is not limited to any member of the Industry who leases or subleases any vehicle or the use thereof to another as a part of a trucking service if he retains responsibility for the employment of drivers or for the maintenance and repair of the vehicles, whether or not he retains responsibility for the safety of the property transported, or receives compensation for its transportation. Such trucking service shall include the transportation of automobiles as merchandise operating under their own power.

6. The term "not for hire member" as used herein means any member of the Industry not included in the definition of "for hire member."

7. The term "vehicle" as used herein includes any vehicle used in the Industry, regardless of how propelled.

8. The term "shipper" as used herein shall include both consignor and consignee.

9. The term "State" as used herein shall include the several states of the United States and the District of Columbia.

10. The term "Natural Division" as used herein means a grouping of members of the Industry resulting by reason of the nature of the service performed and recognized as such a Natural Division by the National Code Authority because of Code problems peculiar to such group.

11. The South shall include Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Kentucky, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, and Arizona. The remaining portion of the United States not included above shall be referred to as the North.

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

13. The terms "Act" and "Administrator" as used herein mean, respectively, Title I of the National Industrial Recovery Act and the Administrator of Title I of said Act.

14. The term "National Code Authority" as used herein means the Code Authority having supervision over the Industry in the entire United States, as hereinafter provided.

15. The term "Regional Code Authority" as used herein means the Code Authority having supervision over interstate operations between two (2) or more states, as hereinafter provided.

16. The term "State Code Authority" as used herein means the Code Authority having supervision over one area in a region, as hereinafter provided.

17. The term "Divisional Code Authority" as used herein means the Code Authority having supervision over a natural or area division of the Industry within a state area, as hereinafter provided.

18. The term "Trade Agreement" as used herein includes trade practice agreements and agreements formulated by members of the Industry tending to liberalize labor conditions as contained in the Code, which agreements have been formulated by members of the Industry under the provisions of this Code and in accordance with rules and regulations with respect thereto made by the National Code Authority.

### ARTICLE III—CODE ADMINISTRATION

#### A. CODE AUTHORITIES

To further effectuate the policies of the Act, the following agencies of the Industry are hereby created to cooperate with the Administrator in the administration of the provisions of this Code: (1) National Code Authority; (2) Regional Code Authorities; (3) State Code Authorities; and, in addition, (4) such Divisional Code Authorities as may be created. The Administrator may appoint on each or any Code Authority, three nonvoting members. When appointed, such members shall receive all notices and be entitled to sit at all meetings of the Code Authority on which appointed.

##### (1) NATIONAL CODE AUTHORITY

*Organization.*—The National Code Authority shall consist of one (1) member from each region as hereinafter provided. The voting members of the National Code Authority shall be elected by the members of the Regional Code Authorities. In such election all Regional Code Authorities shall be entitled to an equal number of votes.

*Powers and Duties.*—The National Code Authority shall be charged with the general administration of the Code and shall have power to appoint such agents, committees, and employees as it shall deem necessary to the proper administration of the Code and shall have the following specific powers which it may, subject to review by the Administrator, exercise through or delegate to any Regional, State, or other Code Authority provided for in this Code.

(a) To adopt bylaws, rules, and regulations governing its procedure in the administration and enforcement of the Code, furnishing to the Administrator such true copies thereof together with 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 require periodical reports from the members of the Industry and from the various Code Authorities, with respect to revenues, expenses and other charges, wages, hours of labor, conditions of employment, number of employees, and other matters pertinent to the purposes of the administration of this Code. In

addition to the information required to be submitted to Code Authorities, 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; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any government agency. Bona fide farmers' cooperative associations shall be required to report to Code Authorities only in such manner and form and to give such information as may be provided for in rules governing such reports, which rules shall be formulated by the National Code Authority with the advice of a representative of such associations to be named by the Administrator, and with the approval of the Administrator. The specific intent of this latter requirement is to secure basic information relative to the character and volume of trucking operations conducted by farmers' cooperative associations, such information to be secured at the least possible cost to said associations.

All individual reports of members of the Industry shall be kept confidential and only general summaries thereof may be published.

(c) To recommend to the Administrator within ninety (90) days after the approval of the Code, systems of uniform accounting and reports, which upon his approval, and subject to such notice and hearing as he may prescribe, shall be used in carrying out the provisions of this Code.

(d) To make studies of the advisability of requiring evidence of responsibility or insurance with reference to public liability for injury to persons or property and with reference to security of property transported by members of the Industry, and to report and recommend thereon to the Administrator within six (6) months after the effective date of this Code.

(e) Subject to the rules and regulations prescribed by the Administrator, to receive complaints of violations of this Code, to make investigations thereof, and to adjust such complaints or bring to the attention of the Administrator any information relative to violations with recommendation with respect thereto.

(f) To function through such trade associations and other agencies as it deems proper and through the Regional, State, and Divisional Code Authorities for carrying out any of its activities provided herein and to pay such Code Authorities, trade associations, and agencies the cost thereof, provided that nothing herein shall relieve the National Code Authority of its duties or responsibilities under this Code, and provided further that such subordinate Code Authorities, trade associations, and agencies shall at all times be subject to and comply with the rules, regulations, and restrictions laid down for them by the National Code Authority and the provisions of this Code and of the Act.

(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 approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

(h) To secure from the members of the Industry, an equitable and proportionate payment of the expenses of establishing this Code

and of maintaining the various Code Authorities and agencies thereunder. The approval of the Administrator shall be necessary before any assessment is made against those who are specifically exempted from any part of this Code.

(i) 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.

(j) To initiate, consider, and make recommendations for the modification or amendment of this Code, which, upon approval by the Administrator after such notice and hearing as he shall prescribe, shall become a part hereof.

(k) To make rules and regulations governing the procedure of Regional, State, and Divisional Code Authorities and any other agencies engaged in carrying out the provisions of this Code and to make such other rules and regulations as may be necessary to carry out the provisions of this Code.

(l) To designate Natural Divisions of the Industry and prescribe rules and regulations for presentation of information necessary in determining such divisions. If directed by the Administrator the National Code Authority shall without delay designate such divisions as the Administrator shall direct.

(m) To designate the States to be included in the separate Regions hereinafter provided for.

(n) To prescribe rules and regulations for the registration of members of the Industry as hereinafter provided.

(o) To establish administrative rules governing the filing of minima for rates and tariffs, the formulation of trade agreements and the procedure for appeal from the action of subordinate Code Authorities.

(p) To do such other things and to perform such other duties and exercise such other powers as may hereinafter be delegated to the National Code Authority.

## (2) REGIONAL CODE AUTHORITY

*Organization.*—For the purpose of administering the Code, the National Code Authority shall divide the United States into regions consisting of three or more states. For each of the regions there shall be set up a Regional Code Authority which shall be elected by the various State Code Authorities coming within the Region. The Regional Code Authority shall be composed of one member from each State within the Region. In case of an even number of States in any Region, an additional member at large shall be elected by the State Code Authorities within the Region.

*Powers and Duties.*—The Regional Code Authority shall have jurisdiction over interstate matters within its Region and concurrent jurisdiction as defined in Article VIII of this Code with other Regions involved on inter-regional matters. It shall have the power to employ or appoint such committees, agents, and employees as may be necessary to carry out its functions and to cooperate with other Regional Code Authorities in inter-regional matters.

(a) It shall, with other Regional Code Authorities, elect the National Code Authority pursuant to rules prescribed by the National Code Authority.

(b) It shall accept a member with full participation in the proceedings, designated by the interstate operators of any one organized natural division, when deliberating on matters peculiar to the interstate operations of that particular division.

(c) It shall have power to hold hearings on trade agreements presented by members of the Industry subject to the provisions of Article VIII of this Code and to cooperate with the Administrator in the enforcement of the same.

(d) It shall collect and maintain full statistical and other informative data respecting the operations of the Industry within its jurisdiction and shall forward to the National Code Authority such information therefrom as may be required by the National Code Authority or by the Administrator.

(e) It shall perform such other functions as may be delegated to it by the National Code Authority.

### (3) STATE CODE AUTHORITY

The National Code Authority shall divide each Region into areas, each of which shall have a separate Code Authority for such area, referred to as a "State Code Authority."

*Organization.*—Each State Code Authority shall consist of four (4) members elected in the following manner by the registered members of the Industry assenting to the Code within the area. Within sixty (60) days after the effective date of this Code there shall be held an election by those members of the Industry who have registered within thirty (30) days after the effective date of this Code. The State Code Authority set up at the first election held shall be constituted as follows: Two (2) members shall be elected to serve for a term of two (2) years each, or until their successors have been elected and qualified, one (1) on the basis of votes cast by registered members voting as firms and one (1) on the basis of votes cast by registered members voting according to vehicles registered under this Code; the remaining two (2) members shall be elected for a term of one (1) year each, or until their successors have been elected and qualified, on the same basis as prescribed for the members serving two (2) years each. Annually thereafter, two (2) members shall be elected by the registered members of the Industry on the same basis of representation as prescribed above for the first election, to serve for terms of two (2) years each, or until their successors have been elected and qualified. Any State Code Authority with the permission of the National Code Authority may be composed of six (6) instead of four (4) members, the additional two (2) members to be elected in the same manner and on the same basis of representation as provided above.

In case of an even vote in a State Code Authority, the Administrator may appoint an impartial member from the members of the Industry to vote with the duly elected members of the State Code Authority.

*Powers and Duties.*—Each State Code Authority shall have primary jurisdiction within its area, except as to such matters falling within the scope of Divisional Code Authorities constituted within such area, and shall have jurisdiction in such matters if they affect

more than one Division of the Industry within the area. It shall have power to employ such committees, agents, and employees as may be necessary to carry out its functions.

(a) It shall have power to hear application for setting up Divisional Code Authorities for established natural divisions within the State, and, after hearing, shall report the results of such hearing to the Administrator, through the National Code Authority, together with its recommendation for approval or disapproval of the application. When desiring to establish or change the area of a Divisional Code Authority for a subordinate area within the State, the State Code Authority shall make application to the Administrator for the approval or disapproval of the establishment of or change in the area of such Divisional Code Authority. In making such application, the State Code Authority shall furnish full data relative to the area to be included in the scope of jurisdiction proposed for the Divisional Code Authority. It shall have power to hear applications for the discontinuance of or change in the scope of Divisional Code Authorities within its area when application for such discontinuance or change is made by a duly constituted Divisional Code Authority and shall submit such application to the Administrator for approval. It shall also have power to make recommendations to the Administrator for the discontinuance of any inactive Divisional Code Authority within its area on approval by the National Code Authority. All applications and recommendations shall be submitted to the Administrator through the National Code Authority.

(b) It shall maintain a record of all schedules of minima for rates and tariffs filed by members of the Industry and a record of all trade agreements formulated by members of the Industry in its area and with the aid of the Divisional Code Authority shall cooperate with the Administrator in the enforcement of the same.

(c) It shall have power to hold hearings on trade agreements presented by members of the Industry, subject to the provisions of Article VIII, and to cooperate with the Administrator in the enforcement of the same.

(d) The State Code Authority shall have power to hold hearings on trade agreements proposed by Divisional Code Authorities under the procedure set up in Article VIII and shall have power to formulate trade agreements for established area or natural divisions of the Industry when such trade agreements have not been proposed by Divisional Code Authorities and to present such trade agreements to the Administrator for approval or disapproval.

(e) When deliberating on matters affecting only one established Natural Division of the Industry, the Natural Divisional Code Authority holding primary jurisdiction over the matter shall be invited to appoint one of its members for full participation in the proceedings.

(f) It shall collect and maintain full statistical and other informative data respecting the character and volume of the operation of the Industry within the State and shall forward to the National Code Authority such information therefrom as may be requested by the National Code Authority or by the Administrator.

(g) It shall cooperate with Divisional Code Authorities within its area to secure the enforcement of this Code.

(h) It shall, in convention with other State Code Authorities within its Region, elect the Regional Code Authority for such Region.

(i) It shall have such other functions as may be delegated to it by the National Code Authority.

#### (4) DIVISIONAL CODE AUTHORITIES

A divisional Code Authority may be set up within any State in the manner prescribed below for either of the two following purposes: (a) to exercise primary jurisdiction over matters peculiar to any natural division of the Industry within the scope approved for its establishment; (b) to exercise primary jurisdiction over any area division within the State in matters not subject to an established Code Authority for a natural division.

##### (A) NATURAL DIVISION OF INDUSTRY

*Organization.*—Any group of members of the Industry qualified as at natural division of the Industry under the definitions formulated by the National Code Authority with the approval of the Administrator, may file application with the State Code Authority for permission to establish a Divisional Code Authority for such natural division of the Industry. If, after hearing on such application and review by the Administrator as provided in Article III, Section A, Subsection (1) (1), the Administrator grants the application for establishment of a Divisional Code Authority, it shall exercise primary jurisdiction over matters specifically stated in the permission granted for its establishment.

Such divisional Code Authority shall be comprised of four (4) voting members elected by the registered members of the Industry within its jurisdiction in the same manner and on the same basis of representation as provided for in the election of State Code Authorities.

*Powers and Duties.*—Each Divisional Code Authority shall have power to employ such committees, agents, and employees and perform such other functions as may be necessary to carry out the powers and duties granted in the permission for its establishment. In case of an even vote in a Divisional Code Authority the Administrator may appoint an impartial member from the members of the Industry to vote with the duly elected members of such Divisional Code Authority. In addition:

(1) it shall receive schedules of minima for rates and tariffs presented by individual members of the Industry in the natural division and shall forward such schedules to the State Code Authority for filing as provided in Article VII of this Code;

(2) it shall facilitate the formulation of trade agreements among members falling within its jurisdiction and shall present the same to the State Code Authority for hearing as provided in Article VIII of this Code;

(3) it may appoint one of its members to sit with the State Code Authority when invited to do so;

(4) it shall cooperate with the State Code Authority and with the Administrator in the administration of this Code;

(5) It shall have power to appeal to the Administrator, through the National Code Authority, from decisions of the State or Regional Code Authorities;

(6) it shall collect and furnish to the State Code Authority such statistical and other informative data as may be required by the State Code Authority respecting the operations of the members of the Industry within its jurisdiction.

#### (B) AREA DIVISIONS OF STATE

*Organization.*—The State Code Authority may set up, subject to the approval of the Administrator as provided in Article III, Section A, Subsection (1) (1), Divisional Code Authorities to exercise, within a prescribed area in the State, primary jurisdiction over the operations of the members of the Industry not subject to an established Code Authority for a natural division of the Industry. Its membership shall be chosen by members of the Industry within its area in the same manner as provided for a Code Authority of a natural division of the Industry.

*Powers and Duties.*—It shall have powers and duties with respect to the members of the Industry within its scope, similar to those possessed by a Code Authority for a natural division as set forth above.

#### B. GENERAL ADMINISTRATIVE PROVISIONS

1. 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 subject to the approval of the Administrator. The rules and regulations of any Code Authority or other administrative agency under this Code shall be subject to the approval of the Administrator.

2. Each trade or industrial association directly or indirectly participating in the selection or activities of any Code Authority shall (a) impose no inequitable restriction on membership, and (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 effectuate the purposes of the Act.

3. In order that the several Code Authorities 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 any 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 such Code Authority.

4. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the various code authorities 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. Such reasonable share of the expense of administration shall be determined by the National Code Authority, subject to review by the Administrator, on the basis of such factors as may be deemed equitable.

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

### C. TEMPORARY ORGANIZATIONS

Pending the election of the members of the National Code Authority, as hereinabove provided, the voting members shall be temporarily appointed as follows: Seven (7) shall be chosen by the Board of Trustees of the American Trucking Associations, Inc., and two (2) shall be selected in a manner approved by the Administrator. Such National Code Authority shall divide the United States into regions consisting of three (3) or more states, designate areas for State Code Authority jurisdiction and shall appoint, subject to the approval of the Administrator, temporary members of the Regional, State, and Divisional Code Authorities. Temporary members of all Code Authorities shall continue in office until their successors are duly elected and qualified.

### ARTICLE IV—INDUSTRIAL RELATIONS BOARDS

There shall be established a National Industrial Relations Board for the Industry, consisting of three (3) representatives of members of the Industry and three (3) representatives of employees of members of the Industry. This Board shall have the power to deal with alleged violations and non-observance of the labor provisions of this Code and disputes between employers and employees; to provide, subject to the approval of the Administrator, rules for the selection of its own members and those of local Boards, and rules and regulations for procedure and conduct of these Boards; to establish Regional, State, and Divisional Boards similarly constituted; and to provide for the selection of the members of these Boards; and it shall also advise and cooperate with the National Code Authority and the Administrator on all matters of industrial relations.

Until such time as an election for members of the National Industrial Relations Board is conducted as above provided and representatives so chosen assume membership on such Board, the employee representatives shall be appointed by the Administrator from a panel of nominees submitted by the Labor Advisory Board of the N.R.A. The representatives of members of the Industry shall be appointed by the National Code Authority. These Industrial Relations Boards may select an impartial chairman to reach a majority agreement.

In the selection and functioning of the National Industrial Relations Board or any Industrial Relations Board established under rules made by it, the employees shall enjoy the protection extended to them under Section 7 (a) of the Act.

## ARTICLE V—HOURS AND WAGES

### A. HOURS

1. No employee in clerical or office work except rate clerks and dispatchers shall be permitted to work in excess of forty (40) hours in any one week, nor more than six (6) days in any seven (7) day period.

2. No other employees except those driving vehicles and their helper or helpers on the vehicle shall be permitted to work in excess of forty-eight (48) hours per week, averaged over a period of three (3) weeks, with a maximum of fifty-four (54) hours in any one week, nor more than twelve (12) days out of fourteen (14) days, provided, however, that they shall be paid at the rate of one and one third ( $1\frac{1}{3}$ ) their normal rate for all hours worked in excess of eight (8) hours in any one day or forty-eight (48) hours in any one week.

3. No person driving a vehicle or his helper or helpers on the vehicle shall be permitted to work in excess of one hundred eight (108) hours in any consecutive two (2) week period, nor more than one hundred ninety-two (192) hours in any consecutive four (4) week period, nor more than twelve (12) days in any fourteen (14) day period; except as herein otherwise provided, and they shall be paid at the rate of one and one-third ( $1\frac{1}{3}$ ) their normal rate for all hours worked in excess of forty-eight (48) hours in any one week, except in cases of emergency demand falling under Section 5 hereof.

4. It shall be the duty of the National Code Authority, in cooperation with the National Industrial Relations Board, to investigate, collect data and report findings and recommendations to the Administrator as soon as possible, but not later than August 1, 1934, with respect to achieving and providing a normal eight (8) hour day for all employees, with equitable overtime rates of pay for time worked beyond such normal eight (8) hour day and for the purpose of generally determining the feasibility and desirability of adoption of a shorter working day and week and improvement of the rates of pay and terms and conditions of employment for employees in the Industry over those provided under this Code.

5. When seasonal demands arise involving movements of perishable goods or seasonal crops, or in case of emergency demands, an employee may, with the approval in advance of the appropriate State or Regional Code Authority and the Administrator, be permitted to work an additional twelve (12) hours in any two (2) week period beyond one hundred and eight (108) hours, which additional hours need not be averaged out within the consecutive four (4) week period. The total period for which seasonal or emergency demand may be considered to exist is to be limited to three (3) consecutive months for any type of haulage in any area or for an individual employee, except that the overtime provision in Section 3 may be

stayed by the Administrator for a longer period than three (3) months for those operations where State laws restricting tonnage create an emergency lasting for a longer period.

6. Any natural or territorial group or members of the Industry, in accordance with the procedure established for making group trade agreements as provided in Article VIII hereof, or groups of representative employers and representative employees through collective agreements arrived at by bona fide collective bargaining may, with the approval of the Administrator after such notice and hearing as he may prescribe, establish maximum hours and minimum wages applicable to employees in any such division or area and shall be binding on all members of the Industry in such division or area, provided, however, that any such maximum hours so established shall in no event, exceed the maximum hours fixed in this Code nor minimum wages be less than the minimum wages established in this Code. No trade agreement shall be approved pursuant to this section which tends to set a maximum as well as a minimum wage, or in any way to impair rights guaranteed to employees under Section 7 (a) of the Act.

7. The maximum hours provided above shall not apply to employees engaged in a managerial or executive capacity who receive thirty-five (\$35.00) dollars per week or more in the North, or thirty (\$30.00) dollars or more in the South, or solicitors performing no manual work, or station managers, where such employees are intermittently employed.

Persons engaged solely as 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 seven (7) day period.

8. All time spent by any employee on or in any vehicle shall be considered time worked, regardless of whether such employee is engaged in driving or in the performance of other labor, unless such employee is a relief employee off duty engaged on a vehicle equipped with a sleeping compartment. A committee constituted in like manner as the National Industrial Relations Board shall, within ninety (90) days after the effective date of this Code, submit definitions and regulations governing "off duty" and governing the practice known as "dead-heading", to be effective when approved by the Administrator.

9. No employer shall knowingly engage any employee already employed by another for any time which, when totaled with the hours of any other employment, exceeds the maximum weekly hours permitted herein.

#### B. WAGES

1. Drivers and skilled labor in the North shall be paid not less than at the rate of (a) fifty-five (55) cents an hour in cities of 2,000,000 population or over, or in the immediate trade area thereof; (b) forty-five (45) cents an hour in any city of between 200,000 and 2,000,000 population, or in the immediate trade area thereof; (c) forty (40) cents an hour in cities of between 15,000 and 200,000 population, or in the immediate trade area thereof; and (d) thirty-seven and one half (37½) cents an hour in towns or places of less than 15,000 population. In the South, drivers and skilled labor shall be

paid not less than at the rate of (a) thirty-five (35) cents an hour in cities of 200,000 population or over, or in the immediate trade area thereof; (b) thirty-two and one half (32½) cents an hour in cities of between 15,000 and 200,000 population, or in the immediate trade area thereof; and (c) thirty (30) cents an hour in towns or places of less than 15,000 population.

2. The minimum for unskilled employees in the North shall be at the rate of not less than (a) forty (40) cents an hour in cities of 200,000 population and over, or in the immediate trade area thereof; (b) thirty-seven and one half (37½) cents an hour in cities of 15,000 to 200,000 population, or in the immediate trade area thereof; and (c) thirty-five (35) cents an hour in towns or places of less than 15,000 population and in the South, (a) thirty (30) cents an hour in cities of 200,000 population and over, or in the immediate trade area thereof; (b) twenty-eight (28) cents an hour in cities of 15,000 to 200,000 population, or in the immediate trade area thereof; (c) twenty-five (25) cents in towns or places of less than 15,000 population; except that in the States of Alabama, Florida, Georgia, Mississippi, and South Carolina, the minimum rate shall be not less than twenty-five (25) cents.

3. Helpers to drivers and helpers to skilled employees, which helpers are principally engaged in such skilled operations, shall be paid at not less than the rates specified in Section 1.

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

5. This Section establishes a minimum rate of pay which shall apply irrespective of whether an employee is actually compensated on a time-rate, piece-work, mileage, or other basis.

6. No employee whose normal full-time weekly hours for the week ending June 17, 1933, are reduced by less than fifteen (15) percent shall have his full-time weekly earnings reduced. Any employee whose said full-time weekly hours are reduced by fifty (50) percent or more shall not have his said earnings reduced by more than twenty-five (25) percent. All other employees whose hours are reduced in excess of the said fifteen (15) percent shall have their earnings adjusted proportionately. The principle of this paragraph shall apply by class of worker to all other employees whose hours have been reduced.

7. No provision of this Section shall modify established practices or privileges as to vacation periods, leaves of absence, or temporary absence from work heretofore granted to employees.

8. Persons learning an occupation shall be paid not less than eighty (80) 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 employees of any one employer and that learners shall not be employed as such for a period in excess of four (4) weeks, irrespective of whether they are employed by one or more employers.

9. 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 Body 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 appropriate Code Authority, a list of all such persons employed by him.

### C. 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 National Code Authority shall submit to the Administrator within thirty (30) days after the approval of this Code, a list of such operations and 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 any agency 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, and 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.

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. 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 National Code Authority to the Administrator within six (6) months after the effective date of this Code.

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

6. 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, unless the employees require the termination of such contracts and future labor agreements shall not lower conditions of labor.

7. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

8. An employer shall not make payment of wages due other than in lawful currency or by negotiable check therefor payable on demand. 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 State law. Pay-periods for wages shall be at least at the end of every two weeks, and for salaries at least at the end of every month. The employer or his agent shall accept no rebates directly or indirectly, 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 VI—REGISTRATION

1. Every member of the Industry shall, within thirty (30) days after the effective date of this Code, or within ten (10) days after becoming a member of the Industry, and annually thereafter, register his name, number and type of vehicles operated and such other information in such form, under such rules and regulations, and with such agency as may be prescribed by the National Code Authority with the approval of the Administrator or as may be required by him.

2. Each member of the Industry, upon complying with the provisions of Section 1 hereof, shall be issued an annual registration certificate and registration insignia indicating such registration. The cost of registering vehicles and furnishing insignia for the same shall be assessed against the member registering.

3. After forty-five (45) days after the effective date of this Code, it shall be a violation of this Code for any member of the Industry to operate any vehicle without such registration insignia prominently displayed at all times upon the outside of the vehicle.

4. Each vehicle owned and operated by a farmers' cooperative association shall be registered by the association with the appropriate code authority and such authority shall issue a modified type of insignia, which insignia shall be clearly distinguishable from that carried by other classes of members of the Industry. The cost of registering vehicles owned and operated by farmers' cooperative associations and the cost of furnishing modified insignia for the same shall be assessed by the appropriate Code Authority against the farmers' cooperative associations, subject to the approval of the Administrator.

#### ARTICLE VII—RATES AND TARIFFS

1. Within forty-five (45) days after the effective date of this Code, each for hire member of the Industry shall file with the appropriate State or Regional Code Authority schedules of minima for rates and tariffs covering his operations, subject to the right, however, to file amendments or alterations thereto from time to time. No for

hire member of the Industry shall perform any service not covered by a schedule filed by him nor charge, collect or demand less than the minima provided in such schedules for the service to be performed without first having filed requisite alterations or amendments to provide for such reduction.

2. Rates and tariffs charged by each for hire member of the Industry shall be sufficient to meet the cost of the service to be performed except such lesser rate as may be approved by the appropriate Code Authority permitting such for hire member to meet the rates and tariffs of a competitor outside the Industry.

Costs shall be determined in accordance with a cost formula to be established by the National Code Authority with the approval of the Administrator as hereinafter provided. If the appropriate State or Regional Code Authority shall find, after hearing, that a schedule of minima for rates and tariffs filed by any for hire member of the Industry provides rate or rates insufficient to meet the cost of the service to be performed, it may suspend such rate or rates and shall require the filing of a schedule of minima for such rate or rates sufficient to cover the cost of such service.

3. Cost formula for determination of rates and tariffs in the divisions or areas of the Industry, rules and regulations to make effective the provisions of this Article, and rules and regulations to govern hearings by State and Regional Code Authorities and to govern appeals from the action of Divisional, State and Regional Code Authorities shall be formulated by the National Code Authority to be effective on approval by the Administrator. Additional provisions for rates and tariffs may be submitted by the National Code Authority to be effective on approval by the Administrator, after due notice and hearing.

#### ARTICLE VIII—TRADE AGREEMENTS

Agreements respecting trade practices and agreements formulated by members of the Industry tending to liberalize labor conditions, provided that such agreements are not in violation of any of the provisions of Articles IV and V hereof, may be formulated by members of the Industry subject to rules and regulations with respect thereto made by the National Code Authority with approval of the Administrator.

When a trade agreement covering any one of the above subjects is formulated it shall be submitted to the appropriate Regional or State Code Authority, which Code Authority shall give notice to all registered members of the Industry who might be affected by said agreement, and after such notice shall hold a hearing thereon. The notice shall be given and the hearing held according to rules and regulations prescribed by the National Code Authority.

Trade agreements involving only members of the Industry falling under the jurisdiction of Divisional or State Code Authorities shall be submitted to the appropriate State Code Authority. Trade agreements extending beyond the jurisdiction of a State Code Authority shall be submitted to the appropriate Regional Code Authority and if extending beyond the jurisdiction of one Regional Code Authority, shall be presented to the Code Authority for one of the regions in-

involved and shall be dealt with by a joint committee of all the regional code authorities within whose jurisdiction such group agreement is effective. The Code Authority to which such trade agreement is originally presented shall give notice to all other regional code authorities in order that such joint committee may be set up. In dealing with such trade agreement, the joint committee of all the regions involved shall be vested with the powers of the several regional code authorities from which its members are appointed. The proceedings of such inter-regional committee shall be conducted according to rules and regulations prescribed by the National Code Authority and each Regional Code Authority involved shall be kept fully informed of the activities of the joint committee.

If the appropriate Code Authority shall find after hearing that the proposed agreement complies with the provisions of this Code and that it is assented to by members of the Industry operating a majority of the vehicles involved or carrying a major portion of the tonnage involved, and that the members presenting the agreement are truly representative of the members of the Industry bound thereby, it shall submit the agreement through the National Code Authority to the Administrator together with its recommendations on the same, accompanied by evidence in support of its recommendations. If approved by the Administrator the provisions of such trade agreement shall be binding upon all members of the Industry falling within the jurisdiction of the Code Authority presenting the agreement.

Each trade agreement submitted shall definitely set forth the scope thereof by area and by operation, and shall designate therein a committee of three members of the Industry with power to consent to any modification or change which the Administrator may require in order that such agreement shall conform to the provisions of the Act. Such committee shall act through the Code Authority to which the agreement was submitted and the National Code Authority, as the occasion may require.

#### ARTICLE IX—TRADE PRACTICE RULES

Violation of any of the following Trade Practice Rules shall constitute unfair practices under the provisions of this Code. 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 such unfair practices shall be guilty of a violation of the Code.

1. No member of the Industry, shall transport property for hire unless a freight bill, shipping order, bill of lading, or other written memorandum shall be issued within forty-eight (48) hours of the beginning of the transportation, and each member of the Industry shall make a true copy of the original a part of his permanent records; provided that exceptions from this Section may be prescribed or granted by the appropriate Code Authority, where in the judgment of such Code Authority exception is appropriate.

No member of the Industry shall transport property for hire unless the shipment is accompanied by a memorandum receipt showing (a) the point of origin, (b) the name of the consigner, (c) the date,



(d) a general description of the shipment, (e) destination, and (f) the name of the consignee, provided that exception from this Section may be prescribed or granted by the appropriate Code Authority where in the judgment of such Code Authority, exception is appropriate.

2. 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 shipment, nor shall a member secretly extend to any shipper any special service or privilege not extended to all shippers under like terms and conditions.

3. No member of the Industry shall allow any shipper to bill freight at less than its actual weight or to falsely describe any shipment.

4. No member of the Industry shall in any way misrepresent any service or use advertising (whether printed, radio, display, or of any other nature) or other representation which is inaccurate in any material particular.

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

6. No member of the Industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations.

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 harrassing competitors or intimidating their customers.

8. 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.

9. No member of the Industry shall drive a vehicle without conforming to the provisions as to maximum hours established in this Code.

Such other rules with respect to Trade Practices as may be considered necessary to prevent unfair competition in the Industry may be formulated through Trade Agreements among members of the Industry according to the provisions of Article VIII of this Code.

#### ARTICLE X—GENERAL

1. This Code and all the provisions thereof are expressly made subject to the right of the President of the United States, in accordance with the provisions of subsection (b), (Title I, 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 of the United States 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, 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 of the United States.

3. The records of the National, Regional, State, and Divisional Code Authorities, including information obtained from the Industry and in respect to any and all other affairs of such Code Authorities, shall be open to the inspection of the Administrator or his duly authorized representatives.

4. Where the costs of executing contracts entered into prior to the approval of this Code are increased by the application of this Code under the Act, it is equitable and promotive of the purposes of this Code that appropriate adjustments of such contracts to reflect increased costs be had.

5. Full recognition is accorded the effect of State laws, and it is neither the intent nor purpose of this Code to abrogate, change, or modify the effect of any State law.

6. 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.

7. The provisions of this Code shall become effective fifteen (15) days after the approval of the Code by the President of the United States and shall remain in effect until and for sixty (60) days after Title I of the Act shall have ceased to be effective either by expiration under its terms or by proclamation of the President of the United States. When so terminated, all obligation and liabilities under the Code shall cease, except those for unpaid dues and assessments theretofore made in accordance with the provisions of this Code.

Approved Code No. 278.

Registry No. 1411-61.



Approved Code No. 279

**CODE OF FAIR COMPETITION**  
FOR THE  
**STEAM HEATING EQUIPMENT INDUSTRY**

As Approved on February 12, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE STEAM HEATING  
EQUIPMENT INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Steam Heating Equipment 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.,  
*February 12, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Steam Heating Equipment Industry as revised after a public hearing conducted in Washington, D.C., on January 23, 1934, 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 sixty 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 is permissible. Those engaged in executive, managerial and supervisory capacities (except foremen) who regularly receive thirty-five dollars or more per week, outside salesmen and service men 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 nine hours per day or forty hours per 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 or eight hours per day.

### ECONOMIC EFFECTS OF THE CODE

The Industry to a large extent is controlled by the activities of the construction industry. Annual sales of the Industry have decreased eighty percent from 1929 to 1933. The Research and Planning Division states in their report that the Industry employed 4,716 wage earners in 1929. From 1929 to the first quarter of 1933, factory employment decreased fifty-five percent. Because of increased business

and the President's Reemployment Agreement the number of wage earners increased forty-one percent from the first quarter of 1933 to October 15, 1933.

Data furnished the Division of Research and Planning would indicate that reemployment will be affected by the maximum hours as provided in this Code. Employment will increase further as the result of an increase in production. The minimum wage rate established in this Code should increase the wages of approximately thirty-two 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. Trade practice provisions of the Code are expected to remedy the unfair competition that has existed in the past within 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 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.*

FEBRUARY 12, 1934.

# CODE OF FAIR COMPETITION FOR THE STEAM HEATING EQUIPMENT 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 Steam Heating Equipment 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 "Steam Heating Equipment Industry" as used herein means and includes the manufacture and distributing under their own trade names of all equipment for low pressure steam heating, comprising:

Radiator Traps, Packless Radiator Supply Valves (all types), Radiator Supply Valve Orifices, Float and Thermostatic Traps, Boiler Return Traps, Air Eliminators (Vapor Type), Strainers for Protection of Traps and Valves, Lift Fittings, Vapor Damper Regulators and other products which may come within the general classification of low pressure steam heating equipment.

2. "President" means the President of the United States of America.

3. "Association" means the Steam Heating Equipment Manufacturers Association, a trade association.

4. 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.

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 any such employee is compensated or employed.

7. "Effective Date" means the second Monday after this Code is duly approved by the President of the United States.

8. "Member of the Industry" or "Member" means any individual, partnership, association, corporation or other form of enterprise engaged in the Industry as above defined, 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 engaged in executive, managerial and supervisory capacities (except foremen) who regularly receive thirty-five (35) dollars or more per week.

(b) Outside sales and service men.

(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 and 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. One and one-half ( $1\frac{1}{2}$ ) 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.

SECTION 2. No accounting, clerical or office employee shall be employed in excess of forty (40) hours a week or nine (9) hours per day. Eight (8) hours shall constitute a normal working day.

SECTION 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.

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid at less than the rate of forty (40) cents per hour, except:

(a) Accounting, clerical and office employees may be paid at not less than \$15.00 per week.

(b) Office boys and office girls may be paid at not less than eighty (80) per cent 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) per cent of the total 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) per cent of the total number of factory employees of such employer.

SECTION 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.

SECTION 3. 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.

SECTION 4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 5. A person whose earning capacity is limited because of age or physical or other handicaps 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.

SECTION 6. 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. No employer shall withhold wages.

SECTION 7. 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 within ninety (90) 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 any State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 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.

(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.

SECTION 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.

SECTION 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.

SECTION 5. No provision in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, sanitary, or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 6. All employers shall post complete copies of the labor provisions of this Code in conspicuous places accessible to employees.

SECTION 7. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

#### ARTICLE VI—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.

SECTION 2. The Code Authority shall consist of the members from time to time of the Board of Directors of the Association, provided for in the by-laws of the Association, together with a member selected at large from the Industry. In addition to membership as above provided, there may be not more than three (3) members, without vote and without expense to the Industry, to be appointed by the Administrator, to serve for such term or terms as he may specify. No two members of the Code Authority shall be affiliated with any single member of the Industry.

SECTION 3. The Association is hereby designated as the agency to conduct an election of the Member at large of the Code Authority by members of the Industry who are not members of the Association, within thirty (30) days after the effective date of this Code, and any subsequent elections for the successors of such Member at large. Such member shall be elected to serve for a term of one (1) years, or until his successor is elected at the next annual meeting of the members of the Industry. In the event of the position of Member at large on the Code Authority becomes vacant, a special meeting shall be called for an election to fill the vacancy. Notice of the time and place of all elections shall be sent by registered mail, at least ten (10) days in advance of any election, to all members of the Industry who are not members of the Association and who are registered with the Secretary of the Association, and voting at such election may be by person, by proxy, or by letter ballot. Each

member of the Industry who is not a member of the Association shall have one vote. A plurality of the number of votes cast shall be necessary for election.

SECTION 4. 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.

(a) To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and for facilitating the enforcement of the Code.

(c) To appoint committees to carry out its duties such as the following: Administration, Compliance, Finance, Industrial Relations, Trade Relations, Subdivisional, and such other committees as may be required.

(d) To obtain from members of the Industry such information and reports (sworn or unsworn as the Code Authority may specify) as are required for the administration of the Code. No individual information, statistics or 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 establish, if found desirable, classifications, dimensional standards, and quality and/or performance specifications for products of the Industry.

(f) 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.

(g) 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.

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

(i) 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.

(j) 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, Uniform Cost of Accounting, Industry Merchandising Plans, System of Exchange of Credit Information, Inequalities Affecting the Stability of the Industry, which recommendations after such notice and hearing as the Administrator may specify shall become effective as a part of this Code upon approval by the Administrator or the President with the same force and effect as if originally made a part hereof.

SECTION 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 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.

SECTION 6. The Association, or any other trade association, directly or indirectly participating in the selection or activities of the Code Authority, shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 7. In addition to the information required to be submitted to the Code Authority, all or any of the persons subject to such code, agreement, or license furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of said Act to such Federal and State agencies as the Administrator may designate; nor shall anything in any code, agreement, or license relieve any person of any existing obligation to furnish reports to Government agencies.

SECTION 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. 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.

SECTION 9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall this Code be construed to render any member of the Code Authority liable in any manner to anyone for any act of any other member, officer, agent or employees of the Code Authority. Nor shall this Code be construed to render any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or non-feasance.

## ARTICLE VII—PUBLICITY OF PRICES, TERMS, AND CONDITIONS OF SALE

SECTION 1. Within seven (7) days after the effective date of this Code each member of the Industry shall publish his prices, terms and conditions of sale on all products, with the prices, terms, and conditions of sale affecting each such class of trade in the territory to which such prices, terms, and conditions of sale apply. 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.

SECTION 2. In the event of any change by any member of the Industry in any price, terms, or condition of sale, he shall file full and complete copies of every change with the Code Authority, all such changes shall become effective immediately upon such filing unless and until the Code Authority shall designate periods within which any such changes shall become effective, subject to the approval of the Administrator, but in no case shall any such period exceed seven (7) days after the date of the filing of the change. Copies of all changes filed shall be immediately distributed by the Code Authority to the members of the Industry. Information on such price changes shall be available to the trade to which it is applicable, on the effective date of such change and each member shall coincidentally file such information in the office designated by the Code Authority for immediate distribution by the Code Authority to the members of the Industry.

SECTION 3. In the event that any member of the Industry shall not receive sufficient notice of the filing by any other member of any change in prices or terms and conditions of sale as will enable the member first mentioned to meet the said change on the effective date thereof, such member may file with the Code Authority such changes in his prices, terms and conditions of sale as may be required to meet the change filed by the other member. Changes so filed shall become effective on the same date as the effective date of the change of the member first filing as aforesaid, or if such change has already become effective, then the changes subsequently filed shall become effective immediately.

SECTION 4. No member of the Industry shall sell, pay a rebate, or allow a deduction at any time to any person except in accordance with his prices, terms, and conditions of sale then in effect and published in the manner describe herein. 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 VIII—PUBLICITY OF TRADE QUALIFICATIONS

SECTION 1. Within seven (7) days after the effective date of this Code, and until a merchandising plan shall be approved for the Industry, 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, 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.

SECTION 2. 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 his trade who buy at less than his published prices, grouped according to his own stated qualifications then in effect. The names and locations so filed shall be available to customers and to the members of the Industry, provided that the name of the manufacturer submitting any such names and locations shall not be disclosed without his consent.

## ARTICLE IX—SPECIFIC TRADE PRACTICES

**RULE 1.** All sales of products covered by this Code shall be made on the basis of a written quotation or bill of sale. Said quotation or bill of sale shall be properly dated and shall be in accordance with current prices and shall be so listed as to enable checking with the current published price sheet. Outstanding quotations for specific projects may be protected for a period of thirty (30) days beyond date of price change (or in the case of quotations made for specified projects, having a definite date for public opening of bids, protection may be given for sixty (60) days beyond bid opening) provided a list of such outstanding quotations is filed with the Code Authority within ten (10) days after price change.

**RULE 2.** All quotations shall be plainly marked "Subject to change without notice and void after sixty (60) days", and all written quotations shall so state, subject however to Rule 1.

**RULE 3.** It shall be deemed an unfair method of competition to sell or dispose of any product of this Industry on any lower basis than that of the current published price sheet of each individual manufacturer, less such discounts as apply under these Rules, except as provided in Rule 9.

**RULE 4.** It shall be deemed an unfair method of competition to make a particular sale of products of the Industry contingent upon the sale of any other goods or materials not covered by this Code, provided that this rule shall not apply to patented heating systems or other products not covered by this Code in which the products of this Industry serve as component parts.

**RULE 5.** It shall be deemed an unfair method of competition to make or cause or permit to be made or published any false, untrue, or deceptive statement by way of advertisement or otherwise concerning the materials of construction used in, the operating characteristics of, or the quality, size, origin, or preparation of any product of the Industry, sold or offered for sale.

**RULE 6.** It shall be deemed an unfair method of competition to mark or brand any product of the Industry in any manner which has the tendency to mislead or deceive customers or prospective customers as to the substance, grade, quality, size, quantity, origin, or preparation of any product of the Industry sold or offered for sale.

**RULE 7.** It shall be deemed an unfair trade practice to accept blanket orders; therefore, all quotations and orders must specify an itemized bill of goods. If, after a quotation has been made, the specified requirements are changed, a new quotation shall be issued based upon published prices prevailing at that time. If, after an order has been accepted the requirements are changed, deductions shall be credited on the basis of prices prevailing at the time order was placed and additions shall be charged at the price prevailing at the time additions are made.

**RULE 8.** The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry. After such system and methods have been formulated, full details concerning them shall be made available to all members. Thereafter all members shall

determine and/or estimate costs in accordance with the principles of such methods.

RULE 9. No employer shall sell or exchange any product of the Industry, manufactured by him, at a price, or upon terms and conditions, which will result in the purchaser paying for the goods received, less than the cost thereof to the seller, determined in accordance with the system and methods of costing formulated under the provisions of Rule 8 of this Article IX; *provided, however*, that dropped lines, or seconds, or inventories which must be converted into cash to meet emergency needs may be disposed of by any employer, at any price and on any terms and conditions, but only if such employer, not less than two (2) weeks before such disposal, has filed with Code Authority, a statement in writing, setting forth the fact of, and reasons for, such proposed disposal, and Code Authority has not, before the termination of such two (2) weeks' period, in writing disapproved the proposed disposal; provided that no article so approved for sale as obsolete, or for emergency needs shall be reinstated without approval of the Code Authority, and provided, further, that a member of the Industry selling or wishing to sell, below his own cost to meet the competition of a competitor whose costs are lower, may do so provided that he has first so reported to the Code Authority and in such report has cited the facts of the competition which caused him to take such action.

RULE 10. Consignment of goods or delayed billing shall be deemed an unfair trade practice, except under conditions approved by the Code Authority.

RULE 11. It shall be deemed a violation of these Rules to enter into or be a party to a written or verbal agreement or understanding which serves directly or indirectly to affect the price or terms of sale established by a current published price sheet, or which serves in any way to defeat the spirit and purpose of these Rules. However, nothing herein contained shall be construed to prevent a member of the Industry from cooperating with or instructing prospective purchasers as to the proper application or installation of said member's products.

RULE 12. All products covered by this Code shall be sold f.o.b. factory, shipping point or the equivalent of freight may be allowed or prepaid to freight station nearest to destination, or may be prepaid.

RULE 13. No member of the Industry shall sell his product subject to a guarantee more favorable to the purchaser than the following:

(a) No guarantee to furnish parts to replace defective material or workmanship shall extend beyond one year from date of shipment.

(b) Replacements of defective material shall be f.o.b. manufacturer's factory subject to manufacturer's inspection.

(c) Foreign component part equipment guarantee shall be limited to the warranty of its manufacturer.

RULE 14. The members of the Industry hereby agree that it shall constitute unfair trade practice for any member, or any employee to furnish heating plans and/or specifications to architects or others, unless such plans or service shall be charged for as set forth by the Code Authority, provided, that nothing in this rule shall limit the

right of members of this Industry to furnish catalogues, dimensioned sketches, application drawings and the usual trade or advisory information concerning the products of the Industry and their application and use to Architects, Engineers, Contractors, and others, either for general or specific cases.

RULE 15. No member shall make any false or deceptive statements to the detriment of a competitor.

RULE 16. No member shall accept, for the purpose or with the effect of influencing a sale, securities, bonds, mortgages, stock or other personal or real property at other than the current market value thereof as whole or part payment for services rendered or material furnished.

RULE 17. No member shall induce or attempt to induce the cancellation of any order for a specific installation given to any other member by his or its customers.

RULE 18. No member shall make secret payment or allowance to customers of rebates, credits, refunds, commissions or unearned discounts, whether in the form of money or otherwise.

RULE 19. No member shall sell equipment as listed in Section 1, Article II without identifying trade mark or the name of the manufacturer or distributor clearly marked thereon.

RULE 20. 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.

#### ARTICLE X—GENERAL PROVISIONS

SECTION 1. No provision of this Code shall be construed or applied in such a manner as to—

- (a) Promote or permit monopolies or monopolistic practices.
- (b) Permit or encourage unfair competition.
- (c) Eliminate, oppress, or discriminate against small enterprises.

SECTION 2. This Code is hereby expressly made subject to the right of the President, pursuant to 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, specifically but without limitation to his right to cancel or modify his order approving this Code, or any conditions imposed by him upon such approval.

SECTION 3. This Code, except as to provisions required by the Act, may be modified on the basis of experience or change in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he may specify, and to become effective on approval of the Administrator. Any such applications may be made by the Code Authority.

SECTION 4. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

#### ARTICLE XI

This Code shall become effective on the second Monday after its approval by the President of the United States.

Approved Code No. 279.  
Registry No. 1129-1-05.





**CODE OF FAIR COMPETITION**  
**FOR THE**  
**RETAIL SOLID FUEL INDUSTRY**  
**As Approved on February 14, 1934**

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**EXECUTIVE ORDER**

**CODE OF FAIR COMPETITION FOR THE RETAIL SOLID FUEL 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 Retail Solid Fuel Industry, and hearing 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 Industry Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved, subject to the following condition:**

Within 120 days after the effective date of this Code the Administrator shall make a report to the President showing the effect of the Code, and particularly the effect of the provisions of Article V thereof, during the period of 90 days following its effective date, in such detail as to permit the President to determine within said 120 days whether, in order to effectuate the policy of the Act, any of the provisions of the Code should be modified or eliminated. The Code is approved with the specific reservation of the power of the President to make such a determination and to modify this approval in accordance therewith.

**FRANKLIN D. ROOSEVELT.**

Approval recommended:

**HUGH S. JOHNSON,**  
*Administrator.*

**THE WHITE HOUSE,**  
*February 14, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: The proposed Code of Fair Competition for the Retail Solid Fuel Industry was submitted to the Administrator on July 26, 1933, by the National Retail Coal Merchants Association. The Public Hearing was conducted in Washington, D.C., on November 13 and 14, 1933. The Code was revised and a Reconvened Public Hearing was held on December 15, 1933. It was further revised and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

### WAGE AND HOUR PROVISIONS

*Normal Hours.*—For clerical employees—Eight (8) hours per day, forty-two (42) hours per week for eight (8) months and thirty-six (36) hours per week for the remaining four (4) months of the year. For employees engaged directly in connection with unloading, storage, and delivery service—Eight (8) hours per day, forty-eight (48) hours per week during eight (8) months and forty (40) hours per week for the remaining four (4) months of the year. Exceptions include executive and supervisory employees receiving not less than certain specified salaries, branch yard managers in towns of less than 15,000 population, watchmen and outside salesmen.

*Minimum Wages.*—Hourly rates vary from a low of twenty-five (25) cents per hour in the south to a high of fifty (50) cents per hour in certain metropolitan trade areas in the north. The weekly wage of any clerical or office employees shall not be less than forty times the hourly rate provided for in any locality and in no case less than \$14 per week. Part-time employees of this character shall not be paid less than thirty-five (35) cents per hour.

*Overtime Penalty.*—Provision is made for payment at the rate of time and one-half for any hours worked in excess of the normal day or week.

*Age Limit.*—The employment of any person under sixteen (16) years of age is prohibited, and further, the employment of any person under eighteen (18) years of age in the use of power-driven loading or unloading equipment or power or horse drawn vehicles is prohibited.

*Estimated Effect.*—In 1933 prior to the President's Reemployment Agreement approximately 315,000 wage earners were employed in the Retail Solid Fuel Industry as compared with approximately 346,500 in 1929. The hour provisions of this Code should add 31,500 employees to the payrolls of this Industry increasing employment 10% over the 1933 total, thereby approximating the 1929 employ-

ment level. It is estimated that payrolls will increase 20%. In this connection consideration must be given to the high labor cost in the production and distribution of solid fuels as compared with its chief competitors, liquid and gaseous fuels.

#### MARKETING PROVISIONS

The Code provides for continuous posting of service charges, prices, terms and conditions of sale, as well as classification of customers, by all members of the Industry. Such schedules shall be immediately filed with the Divisional Code Authority. A report of all sales showing quantities and prices shall also be filed immediately with the Divisional Code Authority.

Further provision is made that the National Code Authority may notify the Divisional Code Authorities that it is their opinion that an emergency exists within the Industry arising from destructive price cutting to such an extent as to endanger the effectuation of the purposes of the Code or of the Act. It shall then be the duty of each Divisional Code Authority after due notice and full hearing to determine if such an emergency does exist within one or more of its local trade areas. When such an emergency is found to exist the hearing will be opened for presentation of all matters pertaining to reasonable costs in those areas. From the facts presented and all other available data, the Divisional Code Authority will then determine for those areas the lowest costs of their several products and services reasonably compatible with the maintenance of rates of pay, hours of labor, fair competition and other purposes of this Code and of the Act. Such costs will include all items of actual cost but will exclude any items of profit or return on invested capital.

All such determinations of reasonable costs are subject to the approval or disapproval of the Administration member on each Divisional Code Authority and also subject to the right of the Administrator or National Code Authority upon review to approve, disapprove or modify.

Further provision is made that it is a violation of this Code to sell below such lowest costs as determined above and approved.

#### REMARKS

The Retail Solid Fuel Industry sold approximately 125,000,000 tons of solid fuel in 1933 valued at approximately \$1,073,000,000. This represents a decline of 28 $\frac{9}{10}$ % below the corresponding sales of 1926. The reduction in tonnage and values since 1926 is due to severe competition with oil and gas as well as to the general business depression. This severe competition makes any appreciable increase in the price of coal prohibitive. The Code as proposed with its balances and checks is fair to the consumer, to labor and to 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) 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.

(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.

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 10, 1934.

# CODE OF FAIR COMPETITION FOR THE RETAIL SOLID FUEL 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 Retail Solid Fuel Industry, and shall be binding on all the members thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. "Solid fuel" shall mean any anthracite, semi-anthracite, bituminous, semi-bituminous or lignite coal, briquettes, boulets, coke, gas-house coke, petroleum coke, petroleum carbon or any other manufactured or patented fuel not sold by liquid or metered measure, and wood or wood-fuel products except charcoal.

SECTION 2. "Retailing" shall mean the selling or selling and delivering of solid fuel in other than railroad cars or cargo vessels, subject, however, to the provisions of Article III, Section 13, of this Code.

SECTION 3. "Wholesaling" shall mean the selling or selling and delivering of solid fuel in railroad cars or cargo vessels, subject, however, to the provisions of Article III, Section 13, of this Code.

SECTION 4. "Retail Solid Fuel Industry" or "Industry" shall mean the retailing of solid fuel.

SECTION 5. "President," "Act" and "Administrator" shall mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator under Title I of said Act.

SECTION 6. "Employee" shall mean anyone engaged in the Retail Solid Fuel Industry in any capacity receiving compensation for his services, irrespective of the nature or method of such compensation.

SECTION 7. "Employer" shall mean anyone by whom any such employee is compensated or employed.

SECTION 8. "Population," for the purpose of this Code, shall be determined by reference to the latest Federal Census.

SECTION 9. "Member of the Industry" shall include all those engaged in the industry, as an employer or on his own behalf.

SECTION 10. "Blend" shall mean a mixture of two or more kinds of solid fuels, sold by name or designation, the constituents and proportions of each and the name or designation having been duly registered with the Divisional Code Authority.

SECTION 11. For the purpose of facilitating the administration of this Code, members of the Retail Solid Fuel Industry shall be described as:

(a) An equipped retailer shall mean a person regularly engaged in the Retail Solid Fuel Industry who maintains properly equipped unloading, storage, and service facilities reasonably commensurate

with the nature of the business, equipped with and using wagon or truck scale of sufficient size and capacity and maintained in condition accurately to weigh the maximum gross load for which it is utilized, maintaining an office accessible to the public with a competent person on duty and who carries a sufficient stock of solid fuel at all times for the purpose of retailing and not for his own consumption to supply the general requirements of the community; provided, however, that in any retail trade area where solid fuel mines, docks, coke or briquetting plants, or wholesale yards are located so as to insure a continuous supply, a member of the industry dependent upon and using such facilities exclusively shall be included in this definition notwithstanding the fact that such member does not maintain his own storage, loading and scale facilities provided his facilities conform in every other respect to the requirements above.

(b) An unequipped retailer shall mean all other persons engaged in the Retail Solid Fuel Industry not meeting the requirements of an equipped retailer.

### ARTICLE III—ADMINISTRATION

SECTION 1. For the purposes of administration of this Code, the following agencies are hereby established:

- (a) A National Code Authority;
- (b) Divisional Code Authorities.

SECTION 2. The National Code Authority shall consist of not less than five nor more than seven voting members. Five such members shall be elected by the Board of Directors of the National Retail Coal Merchants' Association, subject to the approval of the Administrator, and the Administrator, if he so elects, may appoint not more than two additional members of the industry representing other retailers. The Administrator may also appoint one non-voting member of the National Code Authority, who may also sit with any Divisional Code Authority at the request of the Administrator. The term of office of voting members shall be for one year or until their successors shall qualify. Any vacancy occurring among such members as are elected by the Board of Directors of the National Retail Coal Merchants' Association shall be filled by appointment for the balance of such term by the Executive Committee of such association. Any vacancy occurring among the appointees of the Administrator shall be filled by him.

SECTION 3. The National Code Authority shall administer and enforce this Code, and may review and may disapprove any rule, regulation or finding of any Divisional Code Authority and make written report of its conclusions to the Administrator. The National Code Authority shall have power to adopt appropriate rules and regulations for the exercise of its functions, appoint agents or agencies and delegate to such agent or agencies, necessary power.

SECTION 4. The National Code Authority shall make such reports as the Administrator shall require periodically, or as often as he may direct, and each Divisional Code Authority shall make such sworn or unsworn reports to the National Code Authority, periodically, or as often as it may direct, on wages, hours of labor, tonnage, and such

other matters pertinent to the purposes of this Code as the National Code Authority may require.

SECTION 5. In addition to information required to be submitted to the National 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 Title I of the Act. Nothing in this Code shall relieve any member of the industry of any existing obligation to furnish reports to government agencies.

SECTION 6. The National Code Authority may conduct such investigations as are necessary to the discharge of its duties hereunder. All information obtained shall be confidential, and shall not in any case be disclosed in such a manner as to indicate the individual transactions of anyone subject to this Code; provided, however, that the National Code Authority and the Administrator shall have access to such information for the purpose of administering this Code.

SECTION 7. The National Code Authority may directly, or through duly authorized agents, hear and adjust complaints, consider proposals for changes and amendments to this Code, and make recommendations to the Administrator. When such authority has been delegated by this Code or by the National Code Authority to an agent, any of the parties at interest shall have the right of appeal to the National Code Authority or to the Administrator.

SECTION 8. The expense of administering this Code by the National Code Authority shall be borne by those subject to this Code, each Divisional Code Authority or Trade Conference or Trade Association paying a proportionate share, computed on a tonnage basis or such other bases as the National Code Authority may determine in accordance with regulations prescribed by the National Code Authority subject to the disapproval of the Administrator. All reasonable costs, as approved by the National Code Authority, incurred in initiating, submitting, and securing the approval of this Code, may be assessed against members and associations within the industry assenting thereto.

SECTION 9. The Retail Solid Fuel Industry shall be divided by the National Code Authority into such Divisions as may be necessary to the proper administration and enforcement of this Code, and any retail trade area of 500,000 population or more may be constituted such a Division, if the majority of the tonnage of the industry in such Division so elects.

SECTION 10. For each Division there shall be established, as soon as possible after the effective date hereof, a Divisional Code Authority for the administration of this Code within such Division. It shall be comprised of not less than three voting members, all but one of whom shall be from the industry and that one may be from within or without the industry as may be determined by each division; in addition to which the Administrator may appoint one non-voting member. The term of office of voting members of the Divisional Code Authority shall be for one year, or until their successors shall qualify. They shall be selected by joint action of all members of the industry in the Division under such rules and regulations as the National Code Authority may provide. A full report of any action to create a Divisional Code Authority shall

be made to the National Code Authority and shall become effective upon approval by it.

SECTION 11. Each Divisional Code Authority shall administer this Code in its Division and shall have the duties and exercise the powers which are conferred upon it by this Code or may be delegated by the National Code Authority, and shall have authority to adopt appropriate rules and regulations for the exercise of its functions.

SECTION 12. Each Divisional Code Authority shall appoint a committee to meet with a committee of the Code Authority of any related industry and when so meeting to act as a Coordination Board in the determination of disputes over the jurisdiction of the respective Code Authorities. Each committee shall be equal in number to the respective committee of the related industry appointed to the same Coordination Board. In addition to the members appointed by the Divisional Code Authorities, each Coordination Board shall have one member appointed by the Administrator with authority to vote in the event of a tie.

SECTION 13. Any business included in the definition of "wholesaling" in Article II, Section 3, of this Code, which has been by custom served by the Retail Solid Fuel Industry in any trade area, shall be included within the definition of "retailing", and any business included in the definition of "retailing" in Article II, Section 2, of this Code, which has been by custom served by the wholesale coal industry in any trade area, shall be included within the definition of "wholesaling". Any dispute arising out of these provisions and involving any related industry or industries for which a Code of Fair Competition shall exist, shall be forthwith reviewed and determined by the procedure established in the last preceding Section, provided that no such determination shall prevent any retailer doing wholesale business, or the converse.

SECTION 14. Where a Trade Conference or Trade Association does not exist, such an organization may be established or maintained within any Division by a voluntary association of members of the industry within any retail trade area therein, as such area may be defined by the Divisional Code Authority.

SECTION 15. The National Code Authority or any Divisional Code Authority shall have power to use any trade association, trade conference, organization or group in the industry as it deems proper for carrying out any of its activities provided for herein, provided that nothing herein shall relieve the National Code Authority or any Divisional Code Authority from its duties or responsibilities under this Code, and that any such trade association, trade conference, organization or group shall at all times be subject to and comply with the provisions of this Code.

SECTION 16. Each member of the industry shall make such sworn or unsworn reports to the Divisional Code Authority, periodically or as often as it may direct, on wages, hours of labor, tonnage and such other matters pertinent to the purposes of this Code as the National Code Authority may require.

SECTION 17. Each Trade Association or Trade Conference participating directly or indirectly in the selection or activities of the National Code Authority or a Divisional Code Authority shall im-



pose no inequitable restrictions on membership and shall submit to the Administrator, if required, 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 is necessary to effectuate the purposes of Title I of the Act.

SECTION 18. In order that the National Code Authority and Divisional Code Authorities shall at all times be truly representative of the industry and in other respects comply with the provisions of Title I of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the National Code Authority or any Divisional Code Authority is not truly representative or does not in other respects comply with the provisions of Title I of the Act, may require an appropriate modification in the method of selection of the National Code Authority or any Divisional Code Authority.

SECTION 19. The expense of administering this Code by a Divisional Code Authority shall be borne by those subject to such Divisional Code Authority, each paying his proportionate share, which shall be computed on a tonnage basis or such other bases as the Divisional Code Authority may determine, in accordance with regulations prescribed by the National Code Authority subject to the disapproval of the Administrator.

SECTION 20. Nothing contained in this Code shall constitute the members of the National Code Authority or any Divisional Code Authority partners for any purpose. Nor shall any member of the National Code Authority or of any Divisional Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the National Code Authority or of any Divisional Code Authority; nor shall any member of the National Code Authority or of any Divisional 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 non-feasance.

SECTION 21. The National Code Authority shall have power to make recommendations to the Administrator for the coordination of the administration of this Code with such other codes as may be related to the Retail Solid Fuel Industry.

SECTION 22. Any action, rule or regulation of the National Code Authority, or of a Divisional Code Authority, Trade Conference or Trade Association under the Code or Title I of the Act shall be subject to review and disapproval by the Administrator. If the Administrator shall at any time determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

## ARTICLE IV—LABOR

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

SECTION 2. Within each State members of the industry shall comply with any laws of such State imposing more stringent requirements regulating the age of employees, wages, hours of work, or health, welfare, or general working conditions, than are imposed by this Code, but in no case shall any person under the age of 18 years be employed in the use of power-driven loading or unloading equipment or power or horse-drawn vehicles and provided further that no person under the age of 16 years shall be employed.

SECTION 3. Employers shall not reclassify employees so as to defeat the purpose of the Act.

SECTION 4. Except as hereinafter expressly stipulated otherwise—

(a) No employee engaged directly in connection with unloading, storage and delivery service shall be permitted to work more than 8 hours per day or 40 hours per week, from May 1 to August 31, inclusive, or for such alternate four months per year as may be substituted therefor by any Divisional Code Authority unless, during this period, all hours worked in excess of 8 hours per day or in excess of 40 hours per week are paid for at the rate of time and one half. For the remaining 8 months of each year no employee shall be permitted to work more than 8 hours per day nor more than 48 hours per week unless time and one half is paid for each hour in excess of 8 hours per day or in excess of 48 hours per week.

(b) No clerical employees shall be permitted to work more than 8 hours per day or 36 hours per week for the period from May 1 to August 31, inclusive, or for such alternate four-months' period per year as may be substituted therefor by any Divisional Code Authority unless, during this period, all hours worked in excess of 8 hours per day or in excess of 36 hours per week are paid for at the rate of time and one half. For the remaining 8 months of each year no clerical employee shall be permitted to work more than 8 hours per day or 42 hours per week, unless time and one half is paid for each hour in excess of 8 hours per day or in excess of 42 hours per week.

SECTION 5. The maximum hours fixed in the foregoing section shall not apply to—

(a) Executive and supervisory employees receiving not less than \$35 per week in any city of 100,000 population or more and its retail trade area; not less than \$30 per week in any city, town, or place of less than 100,000 and its retail trade area, which rate shall also prevail without population limitation in Kentucky, Virginia, West

Virginia and that portion of Tennessee lying to the east of the eastern boundary of the counties of Hardin, Decatur, Benton and Henry; not less than \$25 per week in Alabama, North Carolina, South Carolina, Florida, Georgia, Louisiana, Mississippi, Arkansas, Texas and that portion of Tennessee lying to the west of the eastern boundary of the counties of Hardin, Decatur, Benton and Henry.

(b) Branch yard managers in towns of less than 15,000 population, which towns are not part of a larger retail trade area, each branch yard to be restricted to one branch yard manager.

(c) Watchmen.

(d) Outside salesmen, provided that employees engaged in unloading, loading, storage or delivery service shall not be classified as outside salesmen.

SECTION 6. Subject to the exceptions noted in Sections 10 and 11 of this Article, no employee shall be paid less than the following hourly rates of wages, whether such wages are calculated upon a time, piece-work, commission, or other basis:

District I—New England States:	
Boston retail trade area.....	50 cents
Outside Boston retail trade area.....	40 cents
District II—New York:	
New York City retail trade area.....	50 cents
Outside New York City retail trade area.....	40 cents
District III—New Jersey.....	40 cents
Delaware: Wilmington retail trade area.....	35 cents
Delaware: Remainder of State.....	30 cents
Maryland: Baltimore retail trade area.....	35 cents
Maryland: Remainder of State.....	30 cents
District of Columbia.....	40 cents
Eastern Pennsylvania Cities of over 500,000 and their retail trade area.....	45 cents
Remainder of Eastern Pennsylvania.....	40 cents
District IV—	
Alabama.....	25 cents
North Carolina.....	25 cents
South Carolina.....	25 cents
Georgia.....	25 cents
Florida.....	25 cents
Mississippi.....	25 cents
Louisiana.....	25 cents
Tennessee (western, as defined in Sec. 5a).....	25 cents
Tennessee (eastern, as defined in Sec. 5a).....	30 cents
Kentucky.....	30 cents
Virginia.....	30 cents
West Virginia.....	30 cents
District V—	
Chicago retail trade area.....	50 cents
Other cities over 500,000 population and their retail trade area in the following states.....	40 cents
Remainder of the following states:	
Illinois.....	35 cents
Indiana.....	35 cents
Michigan.....	35 cents
Ohio.....	35 cents
Wisconsin.....	35 cents
Pennsylvania (western part).....	40 cents
District VI—	
North Dakota.....	35 cents
South Dakota.....	35 cents
Kansas.....	35 cents
Iowa.....	35 cents
Minnesota.....	35 cents
Missouri.....	35 cents
Nebraska.....	35 cents
Arkansas.....	25 cents

District VI—	Texas.....	25 cents
	Cities over 100,000 population, including retail trade area, in Oklahoma.....	35 cents
	Remainder of Oklahoma.....	30 cents
District VII—	Arizona.....	35 cents
	California.....	40 cents
	Nevada.....	35 cents
	Colorado.....	35 cents
	Idaho.....	35 cents
	Montana.....	35 cents
	New Mexico.....	35 cents
	Oregon.....	40 cents
	Utah.....	35 cents
	Washington.....	40 cents
	Wyoming.....	35 cents

Provided, however, that in any territory where rates are over 30 cents, the wage scale set forth above shall not be required in towns of less than 2,500 population which are not part of a larger retail trade area, but in no such case shall the minimum rate be less than 30 cents an hour.

SECTION 7 (a) Except as hereinafter provided no hourly, daily or weekly rates of pay shall be reduced below those in effect on July 1, 1933.

(b) Except as to clerical or office employees—No employee whose full time weekly hours as of July 1, 1933 are reduced by 20% or less, 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 more than 20% shall have his full time weekly earnings as of July 1, 1933 reduced by more than one half of the percentage reduction in hours in excess of 20%.

(c) The foregoing provisions of this section shall not apply to employees engaged directly in connection with unloading, storage and delivery service in the Chicago trade area. In the Chicago trade area the hourly rates of pay of those engaged directly in connection with unloading, storage and delivery service in effect on July 1, 1933, shall not be reduced.

SECTION 8. The weekly wage of any clerical or office employee shall not be less than that provided by 40 times the hourly rate in Section 6 for the area specified, regardless of whether the week worked is on a basis of 36 hours or 42 hours as provided in Section 4 (b), but in no case less than \$14 per week. Part time clerical or office employees shall be paid not less than the hourly rate in Section 6 for the area specified, but in no case less than 35¢ per hour for each hour worked.

SECTION 9. Where any owner, partner or stockholder performs any of the functions of labor, except executive work, he shall be bound to observe the maximum hours provided in this Article.

SECTION 10. Employees engaged solely to store solid fuel in or about the premises of the consumer may be paid on a tonnage basis in those trade areas where an established schedule of tonnage rates for such work has been in effect since 1929, and shall be paid not less than the 1929 tonnage rates, which shall be subject to the approval of the Divisional Code Authority and the Administrator, and it shall be the duty of each Divisional Code Authority to fix and report such 1929 tonnage rates within 30 days after the effective date of this Code.

SECTION 11. Superannuated employees or those who are physically incapable of performing manual labor, and office workers with less than 6 months' previous office experience shall be paid not less than 75% of the minimum wages prescribed in Section 6, provided that the number of such employees at any one time shall not exceed 10% of the total number of yard, office and service employees, provided, however, that any yard with less than ten such employees may employ one such sub-minimum employee.

SECTION 12. The weekly wages of any salesman, regardless of whether he be compensated upon a commission or salary basis or both, shall not, unless specifically approved in writing by the Divisional Code Authority, be less than 40 times the hourly rate provided in Section 6 of this Article for the area specified.

SECTION 13. The use of contractors, sub-contractors, haulers, truckers, or others to perform any of the functions of this industry is prohibited unless the employees of such contractors, sub-contractors, haulers, truckers or other employers shall receive wages as high and shall be required to work hours not in excess of those provided for in this Code for employees in the same classification of this industry.

SECTION 14. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed for another employer or employers in this industry, exceeds the maximum permitted in this Article.

SECTION 15. All members of the industry shall post and keep posted in a conspicuous place on the premises, a copy of the provisions of this Code relative to Unfair Practices, maximum hours and the minimum wages applicable to the retail trade area in which the member is located, as set out in Articles IV and VI of this Code.

#### ARTICLE V—MARKETING PRACTICES

SECTION 1. Each member of the industry shall, within ten days after the effective date of this Code, file with the Divisional Code Authority a list showing the prices, terms and conditions of sale for each kind, grade, size and blend of solid fuel and for each classification of customers which such member of the industry expects to sell, and a list of charges for handling services. Such lists of prices and charges shall become effective immediately upon the posting thereof by the members of the industry as hereinafter provided, unless in contravention of other provisions of this Code. Listed prices and charges may be revised from time to time by the member of the industry filing them. All revisions shall be filed with the Divisional Code Authority and shall become effective in the same manner as in the case of original filing.

SECTION 2. All prices, terms and conditions of sale shall be conspicuously and continuously posted for public inspection in that portion of each member's premises, if any, where solid fuel is offered for sale and to which the public has free access during business hours. Any member of the industry not maintaining premises in the retail trade area served by such member shall post prices, terms and conditions of sale on each vehicle. Employees on duty shall be required upon request to assist any person to a proper understanding of such

posted prices, terms and conditions of sale and such applicant shall not be required to assign any reason for his desire to inspect such notices nor to reveal his identity.

SECTION 3. A report of all sales, showing quantity and prices, shall be filed by each member of the industry with the Divisional Code Authority immediately.

SECTION 4. Whenever, upon complaint or upon its own initiative without complaint, the National Code Authority is of the opinion that an emergency exists within the industry or within any retail trade area thereof, in that destructive price-cutting is being engaged in to such an extent as to render ineffectual or seriously endanger the effectuation of the purposes of this Code or of the Act, the National Code Authority shall forthwith certify such conclusion to the Divisional Code Authorities.

(a) Upon receipt of such notice each Divisional Code Authority, after a full hearing upon notice to all known interested parties within the respective trade areas, shall determine whether or not such an emergency exists within the Division or within any one or more trade areas thereof, and in the event it appears necessary to declare such an emergency to exist, thereupon to open the hearing for presentation of all matters which may have a bearing upon costs to be ascertained and determined as provided in sub-divisions (b) and (c) hereof.

(b) In any retail trade area of any Division where such emergency has been declared to exist the Divisional Code Authority shall forthwith ascertain to the extent reasonably practicable for such retail trade area the cost to members of the industry of their products and services on the basis of actual cost sheets of members of the industry within such retail trade area and all other available data, for each kind, grade, size and blend of solid fuel and each classification of customers within such retail trade area.

(c) On the basis of costs ascertained as above, the lowest cost (which shall include an allowance for all items of actual cost, but exclusive of any elements of profit or return on capital) which shall still insure within such retail trade area the maintenance of rates of pay, hours of labor, fair competition, and other purposes of this Code and of the Act, shall be determined by the Divisional Code Authority, such figure to be the lowest figure reasonably compatible with the maintenance of the purposes herein set forth.

(d) Such determinations of cost shall promptly be approved or disapproved in writing by the Administrative appointee on the Divisional Code Authority, and upon approval shall become effective, subject to the right of the Administrator to approve, disapprove or modify the same. All such determinations of cost by the Divisional Code Authorities shall forthwith be filed with the National Code Authority and the Administrator.

(e) When it shall be made to appear that conditions have changed, the National Code Authority or any Divisional Code Authority, upon its own initiative or upon the request of any interested party, shall cause such determinations of cost to be reviewed and new determinations to be established in the same manner as above provided.

SECTION 5. The selling or offering for sale of any of the products or services of this industry for which the costs may have been determined as provided in Section 4 of this Article V, at such prices or upon such terms or conditions of sale that the buyer shall pay less therefor than such determined cost, shall be deemed an unfair competitive practice in violation of the requirements of this code.

SECTION 6. Sales and deliveries in contravention of any cost determined as provided in Section 4 of this Article V or of terms and conditions duly established pursuant to this Code, where made in compliance with bona fide contracts antedating January 31, 1934, shall not be deemed in violation of this Code provided that a written statement showing date, price, terms and conditions of sale and duration of the contract, together with the name and address of the buyer and points of delivery, shall have been filed with the Divisional Code Authority within ten days after the effective date of this Code.

SECTION 7. Nothing in this Code shall be construed to prohibit members of the industry in a trade area from meeting such competition as may be duly authorized or permitted by any existing statute or competent authority, subject, however, to the approval of the Divisional Code Authority and the Administrative appointee thereon.\*

#### ARTICLE VI—UNFAIR PRACTICES

SECTION 1. The publishing of advertising (whether printed, radio, display or of any other nature) which fails to give correct name and address and which is misleading or inaccurate in any material particular (including the imitation of trade marks, trade names, slogans, or other marks of identification) or the misrepresenting of any solid fuel (including, but without limitation, size, kind, grade, quality, quantity, origin, character, nature, analysis, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted, is a violation of this Code.

SECTION 2. The selling, offering for sale, advertising, or delivering of solid fuel without proper designation of such fuel, clearly to indicate its character and grade or the delivery of any kind, grade, size or blend of solid fuel, other than that ordered, with intent or effect of deceiving purchasers, is a violation of this Code.

SECTION 3. Failure to deliver full weight or to leave for the customer a delivery ticket on each delivery showing the name and address of the customer, the name and address of the seller, the weight and the kind, grade, size or blend of the fuel delivered, is a violation of this Code.

SECTION 4. The delivery of more than one kind, grade, size or blend of solid fuel, if loaded on the same wagon or truck, or the loading of separate units of delivery for more than one buyer on the same wagon or truck, where each kind, grade, size, blend, or unit has not been weighed and loaded separately and the weight of each such kind, grade, size or blend has not been specified on the delivery ticket, is a violation of this Code; provided, however, that

\* See paragraph 3 of order approving this Code.

nothing herein shall be deemed to prevent the sale of solid fuel in closed containers or closed bags, if the name of the seller, producer or manufacturer, the kind, grade, size or blend, and the net contents of such bag or container expressed in pounds is plainly stamped or printed thereon or upon a tag securely attached thereto. It is further provided that any Divisional Code Authority may prohibit the marketing of "blends" in all or any part of its Division, if it shall so elect.

SECTION 5. No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party; provided that this shall not prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 6. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade or quality of their goods, with the tendency and capacity to mislead or deceive purchasers or prospective purchasers, is a violation of this Code.

SECTION 7. Enticing an employee from the service of a competitor for the purpose of harassing such competitor or interfering with his business, is a violation of this Code, but nothing in this Section shall prevent any employee from offering his services to a competitor nor prevent any member of the industry from employing the employee of another where the initiative in such change of employment is taken by the employee.

SECTION 8. Any attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply, or to interfere with or obstruct the performance of such contractual duties or services, is a violation of this Code.

SECTION 9. Failure to show the true date on any quotation, order, contract, delivery ticket, or invoice is a violation of this Code.

SECTION 10. The use of lotteries, prizes, wheels of fortune, or other games of chance in connection with the sale of solid fuel, is a violation of this Code.

SECTION. 11. The giving of premiums, trading stamps, free goods, or other things of value or granting of any special inducement in connection with the sale of solid fuel, except by permission of the Divisional Code Authority, is a violation of this Code.

SECTION 12. Any deviation by the seller from his posted prices, terms or conditions of sale, or the use of any plan, device or scheme which may directly or indirectly permit the buyer to obtain solid fuel at a lower net cost to him is a violation of this Code.

SECTION 13. Discrimination between purchasers of the same class as to price, terms or conditions of sale whether by pretended classification or otherwise shall be a violation of this Code.

SECTION 14. Any adjustment, allowance, credit or refund given to any buyer on deliveries already made, solely by reason of a change in the posted price, is a violation of this Code.



SECTION 15. The delivery of any order at other than the posted price in effect at time of delivery is a violation of this Code, provided that a reasonable period may be established by any Divisional Code Authority within which an order received before a price change may be filled at the posted price in effect on the date such order was received.

#### ARTICLE VII—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 Title I of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act.

SECTION 2. This Code, except as to provisions required by Title I of 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—MONOPOLISTIC PRACTICES

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—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 280.  
Registry No. 701-11.





Approved Code No. 281

**CODE OF FAIR COMPETITION**

FOR THE

**LAUNDRY TRADE**

As Approved on February 16, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

CODE OF FAIR COMPETITION FOR THE LAUNDRY 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 my approval of a Code of Fair Competition for the Laundry 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 is hereby approved for a period of 90 days, within which period the adequacy of the minimum wages established in this Code shall be given further study by the Administrator, who shall submit his report and recommendation to me for my further order.

Provided, however, that this Code, other than as shall be necessary to facilitate the accomplishment of the following requirements, shall not become effective as to any given trade area in the United States unless and until the following requirements shall have been fulfilled for each such trade area:

(1) The Code Authority shall have designated the boundaries of such trade area as provided in Article VI, Section 6 (c) of the Code and the Administrator shall have approved the same;

(2) The Code Authority shall have established a Code Control Board for such trade area as provided in Article VI, Section 6 (d) of the Code;

(3) The Code Control Board for such trade area shall have caused to be determined the uniform service names for laundry services, definitions of said services, a uniform method of billing said services, and the fair and reasonable minimum wholesale and retail prices for the several services for such trade area; and shall have secured the approval of the Administrator thereto, as provided in Article VI, Section 6 (i) and (j) of the Code.

(4) The Code Control Board shall have obtained signatures to a petition in such trade area from not less than seventy per cent (70%), determined according to the method of voting prescribed for the election of the Board of Directors of the Laundry-owners National Association, of the members of the trade within such trade area, in which petition there is a showing that there exists within such trade area an emergency productive of widespread unemployment and disorganization of the Laundry Trade.

(5) The Administrator shall have approved such petition or a petition containing a less percentage of signatures than hereinabove provided in the discretion of the Administrator. The Code shall become fully effective in such trade area upon such approval.

Prior to the full effectiveness of the Code in any given trade area any member of the trade within such trade area who has signed such petition, and who certifies that he is complying with the requirements of said Code, including approved prices for said trade area, shall be entitled while so employing to make full use of appropriate National Recovery Administration insignia.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*February 16, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: I have the honor to submit and recommend for your approval the Code of Fair Competition for the Laundry Trade. This Code was proposed by the Laundryowners National Association, which represents approximately 82% of power laundries of the trade.

The Public Hearing was conducted in Washington on November 20 and 21, 1933, and every person who filed a request for appearance in accordance with statutory and regulatory requirements was fully heard.

### CONDITIONS IN THE INDUSTRY

Due to excessive plant facilities, lack of adequate reserve, and to an unusual competitive position, this trade has suffered severely during the past three years. In many sections vicious price wars have been initiated in an attempt to bolster falling volume. The competitive position of the Laundry Trade is extremely unfortunate. An increase in price meets immediate sales resistance and the erstwhile consumer frequently becomes a competitor. The services of laundresses can be procured by the housewife at extremely low nominal rates, especially in the South. Laundry work in the home has been made a far less unpleasant chore in recent years due to the introduction of the washing machine and it is pertinent to observe in this connection that more electric washing machines were sold during the first 9 months of the current year than during all of 1929.

As a result of these conditions the Laundry Trade during the first 6 months of 1933 was contending against severe handicaps. Volume had fallen to 56% of the level prevailing during 1929 and in not one of the 48 states did the Laundry Trade as a whole show an operating profit during the first half of this year.

Since July, instead of the improvement characterizing other industries, the Laundry Trade has suffered a further decline. This may be explained in part by its position as a service industry and by the fact that the trend in such industries lags distinctly behind the trend in manufacturing industries. No immediate improvement in the Laundry Trade can, therefore, be expected as a result of general business recovery. Such improvement may be expected to be delayed for many months.

Two problems received paramount consideration in the drafting of this Code. The first was the necessity for stabilizing the price structure in such form as to prevent the recurrence of vicious price cutting. The second was the development of a formula for the gradual re-adjustment of the extremely low wage scale prevailing in this trade to levels commensurate with those prevailing in other branches of industry without imposing intolerable burdens upon a large section of the trade throughout the country.

## LABOR PROVISIONS

Maximum hours are established according to classes of employees, consisting of 40 hours for plant employees and 48 hours for firemen, engineers and/or maintenance employees. These hours represent a substantial reduction in those prevailing prior to the inauguration of the Recovery program and, in addition, impose requirements more rigid than those specified under the substitution to the President's Reemployment Agreement, under which the Trade is at present operating.

Minimum wages are established for plant employees ranging from 30¢ in cities having a population greater than 600,000 in the north-east and far west to 14¢ in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, the trade area of Albuquerque, New Mexico, North Carolina, South Carolina, Tennessee, the portion of Texas east of the counties of Chambers, Harris, Waller, Grimes, Madison, Leon, Freestone, Navarra, Ellis, Kaufman, Hunt and Fennin, the trade areas of El Paso and San Antonio, Texas, and the portion of Virginia not included in Group D. These last rates are applicable to establishments employing less than 9% of the laundry workers of the country.

It is not contended that the 14¢ rate represents a satisfactory level. Its application has, however, resulted in an increase in operating payroll of 46% in plants affected. Inasmuch as practically all the laundries in this section were operating at losses even prior to these pay-roll increases, it was not felt that any higher rate was at present economically feasible. It is, however, believed that the effects of a general up-turn in business combined with the application of the provisions regulating trade practices in this Code may so improve the position of the southern laundries as to enable them to pay rates more nearly commensurate with those which have been approved for other industries.

## MINIMUM PRICE PROVISION

In my letter to you transmitting the Code of Fair Competition for the Cleaning and Dyeing Trade, the considerations making essential the adopting of price control for that trade were analyzed. Similar conditions exist in the Laundry Trade and it was felt advisable to recommend the adoption of a similar method of price stabilization. This Code provides safeguards for the consumer and for the trade in that no rates may be established prior to public hearings to be held in the localities affected and all such rates are subject to the approval of the Administrator. It is not felt that this provision will work any undue hardship on the consumer owing to the fact that the competitive position of the Trade makes unwarranted price increases impossible and it appears that the adoption of this provision affords the only method of insuring fair competition.

## TRADE PRACTICES

Certain practices now current in this trade have the effect of causing an unfair competitive advantage in favor of small groups. The

trade has sought to eradicate such practices by making them violations of this Code.

#### ADMINISTRATION

The provisions for administration of this Code are capable of providing the National Recovery Administration and the Laundry Trade with sufficient data to make recommendations for the limitation of certain provisions of the Code as herewith presented and/or the addition of further provisions to this Code which would be beneficial to the trade as a whole.

#### GENERAL

Recognizing the great necessity for flexibility in the operation of service codes, it has been provided in the Executive Order that this Code shall not become effective as to any given trade area until the following requirements shall have been fulfilled for each such trade area:

(1) The Code Authority, subject to the approval of the Administrator, shall have designated the boundaries of such trade area;

(2) The Code Authority shall have established a Code Control Board for such trade area;

(3) The Code Control Board, subject to the approval of the Administrator, shall have caused to be determined fair and reasonable minimum wholesale and retail prices for such trade area;

(4) The Code Control Board shall have obtained signatures to a petition in such trade area from not less than seventy percent of the members of the trade within such trade area;

(5) The Administrator, in his discretion, shall have approved such petitions, or a petition, containing a less percentage of signatures than hereinabove provided.

Prior to the full effectiveness of the Code, any member of the trade who has signed such petition and who certifies that he is complying with the requirements of the Code shall be entitled to full use of appropriate National Recovery Administration insignia.

#### FINDINGS

I find that:

The Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including, without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

The Laundryowners National Association is truly representative of the Laundry Trade, and the by-laws of this association provide no inequitable restrictions to membership.

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.

Accordingly, I hereby recommend the approval of the Code of Fair Competition for the Laundry Trade.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 15, 1934.

# CODE OF FAIR COMPETITION FOR THE LAUNDRY 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 Laundry Trade and shall be the standard of fair competition for this trade and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "laundry trade" as used herein includes (a) the washing, and/or ironing, and/or processing incidental thereto for compensation of any article of clothing, napery, blanket, bed clothing, or fabric of any kind whatsoever; (b) the collection, distribution, sale, and/or resale for compensation at retail or wholesale of laundry service, and (c) any subdivision which may from time to time be included herein. For the purpose of assisting the Administrator in the administration of the Act, the Laundry Industry is classified as a trade.

2. The term "laundry establishment" as used herein includes any place or vehicle in which anyone engages in any phase of the laundry trade.

3. The term "retail outlet" as used herein includes any laundry establishment where laundry service is sold, or offered for sale, directly to the consumer; the term "retailer" means any member of the laundry trade by or for whom a retail outlet is operated.

4. The term "member of the laundry trade" or "member of the trade" as used herein includes anyone engaged in any phase of the laundry trade either as an employer or on his own behalf, except washerwomen engaged solely on their own behalf.

5. The term "employee" as used herein includes anyone engaged in the laundry trade in any capacity, receiving compensation for his services, irrespective of the method of payment of such compensation.

(a) The term "clerk" as used herein includes any employee working in the office of a laundry establishment who is engaged in work of a clerical, accounting, sales, or service character.

(b) The term "route salesmen" as used herein includes anyone employed by a member of the laundry trade on a commission or salary and commission basis to solicit the sale of laundry service of such member, to call for articles to be laundered, to deliver such articles, and to collect payment for the laundering thereof.

(c) The term "deliverymen" as used herein includes anyone whose sole function is to deliver and/or to collect articles to be laundered and/or to collect payment for the laundering thereof.

(d) The term "executive" as used herein includes any employee responsible for the management of a laundry establishment or of a recognized subdivision thereof.



(c) The term "watchman" as used herein includes any employee engaged primarily in safeguarding the premises and property of a laundry establishment.

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

7. Population, for the purposes of this Code, shall be determined by reference to the Fifteenth Census of the United States (U.S. Department of Commerce, Bureau of Census, 1930).

8. 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 for Industrial Recovery.

9. The term "National Association" as used herein means the Laundryowners National Association of the United States and Canada, Inc.

10. The term "Authorized Association" as used herein means and includes any Regional, State, or Local Association designated as an Authorized Association by the National Association.

11. The term "trade area" as used herein means any area designated as a trade area by the Code Authority and approved by the Administrator. Trade areas may be filed without regard for city, county, sectional, or State lines.<sup>1</sup>

12. The term "Code Authority" as used herein means the national administrative agency of the laundry trade as established in Article VI of the Code.

### ARTICLE III—HOURS

1. Except as hereinafter expressly stipulated otherwise.

(a) No engineer, fireman, or maintenance employee shall be permitted to work in excess of forty-eight (48) hours in any one week.

(b) No clerk employed in any retail outlet shall be permitted to work in excess of forty-eight (48) hours in any one week.

(c) No deliveryman in cities of a population of 25,000 or more and their immediate trading areas shall be permitted to work in excess of forty-eight (48) hours in any one week. No deliveryman in cities or towns of less than a population of 25,000 and their immediate trading areas be permitted to work more than six (6) hours per week in excess of forty-eight (48) hours.

(d) No other employee shall be permitted to work in excess of forty (40) hours in any one week.

2. The maximum hours fixed in the foregoing section shall not apply to:

(a) Executives receiving regularly a salary of \$30 or more per week, included employers.

(b) Employees on emergency maintenance, or emergency repair work involving breakdowns, or protection of life or of property, but in any such special case at least  $1\frac{1}{3}$  times the normal rate shall be paid for hours worked in excess of the maximum hours herein provided.

(c) Watchmen.

(d) Route-salesmen.

<sup>1</sup> See paragraph 3 of order approving this Code.

3. (a) Due to fluctuations in the demand in this trade, the maximum hours fixed in paragraphs (a) and (d) of section 1 of this Article shall not apply during six (6) weeks in any thirteen (13) week period. During any week in which such maximum hours do not apply no employee covered in said paragraph (a) shall be permitted to work in excess of fifty-four (54) hours in any one week, and no employee covered in said paragraph (d) shall be permitted to work in excess of forty-six (46) hours in any one week, provided, however, that no employee shall work more than thirty (30) hours in excess of those specified in paragraphs (a) and (d) of Section 1 of this Article during any thirteen (13) week period.

(b) In any trade area where, due to seasonal peak demands, a sufficient number of employees qualified for the work is not available, the Code Control Board having jurisdiction over such trade area may submit to the Code Authority for approval, subject to review by the Administrator, exceptions to the maximum hours specified in Section 1 of this Article.

4. Upon the formation of a Code Control Board in any trade area:

(a) No member of the trade shall be open for the production of laundry service between the hours of 10 P.M. and 6 A.M. or on Sunday.

5. No member of the trade shall receive work from or deliver work to customers between the hours of 8 P.M. and 5 A.M. or on Sunday.

6. The Code Control Board having jurisdiction over any trade area may, subject to the approval of the Administrator, make exceptions to the hours of operation fixed in Sections 4 and 5 of this Article to allow for unavoidable peak periods, emergencies, or conditions peculiar to such trade area, provided, however, that any member of the trade who is refused an exception by the Code Control Board having jurisdiction may file a request for review by the Administrator of the refusal of the Code Control Board within ten days after such refusal and shall be given a stay of section 4 of this Article for 30 days or until his request is reviewed and approved or disapproved by the Administrator.

7. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

8. Notwithstanding the exemptions from maximum hours, provided by section 2 (a) of this Article, such exemptions shall not, in any case, apply to more than one worker to every ten workers or fraction thereof. For the purpose of this Section, the word "worker" shall be deemed to include employees, employers, owners, managers, and persons not receiving monetary wages, when such persons are actually engaged in any work other than of managerial or supervisory character. The word "worker" shall not include, however, those covered by paragraphs (b), (c), and (d) of Section 2 of this Article.

#### ARTICLE IV—WAGES

1. No office employees shall be paid at less than the rate of:

Zone 1—In cities of more than 500,000 population and their immediate trading areas:

Northern Area \$14.00 per week.

Southern Area \$13.00 per week.

Zone 2—In cities of 100,000 to 500,000 population and their immediate trading areas:

Northern Area \$13.50 per week.

Southern Area \$12.50 per week.

Zone 3—In cities of less than 100,000 population not covered above, and their immediate trading areas:

Northern Area \$13.00 per week.

Southern Area \$12.00 per week.

For the purpose of this Section the "Southern Area" shall include the following states: Virginia, West Virginia, North Carolina, Kentucky, Maryland, Oklahoma, Texas, Florida, South Carolina, Georgia, Louisiana, Mississippi, Alabama, Tennessee, and Arkansas; the term "Northern Area" shall include all of the territory of the continental United States except that portion included under the term "Southern Area."

2. (a) No other employee shall be paid at less than the rate per hour specified in Schedule A:

#### SCHEDULE A

In cities of more than 600,000 population and their immediate trading areas:

Group A—\$0.30.

Group B—\$0.25.

Group C—\$0.22½.

Group D—\$0.20.

Group E—\$0.14.

In cities of 100,000 to 600,000 population and their immediate trading areas:

Group A—\$0.27½.

Group B—\$0.25.

Group C—\$0.22½.

Group D—\$0.20.

Group E—\$0.14.

In cities of less than 100,000 population not covered above, and their immediate trading areas:

Group A—\$0.25.

Group B—\$0.22½.

Group C—\$0.20.

Group D—\$0.18.

Group E—\$0.14.

These minimum rates of pay shall apply only to common labor or other totally unskilled labor.

For the purpose of this Schedule, Group A shall include the following states and portions of states: California, Connecticut, Maine, Massachusetts, Montana, Nevada, New Hampshire, the portion of New Jersey north of the counties of Mercer, Burlington, and Ocean, New York, the portion of Oregon west of the counties of Wasco, Jefferson, Deschutes, and Klamath, Rhode Island, Vermont, the portion of Washington west of the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat, and Wyoming.

Group B shall include the following states and portions of states: Arizona, Colorado, District of Columbia, Idaho, the portion of

Illinois north of the counties of Madison, Bond, Fayette, Effingham, Jasper and Crawford, the portion of Indiana north of the counties of Sullivan, Greene, Lawrence, Jackson, Scott, Jefferson and Switzerland, Iowa, Michigan, Minnesota, Nebraska, the portion of New Jersey not included in Group A North Dakota, Ohio, the portion of Oregon not included in Group A, Pennsylvania, South Dakota, Utah, the portion of Washington not included in Group A, and Wisconsin.

Group C shall include the following states and portions of states: Delaware, the portion of Illinois not included in Group B, the portion of Indiana not included in Group B, Kansas, Maryland, and the portion of Missouri north of the counties of Jasper, Lawrence, Greene, Webster, Wright, Texas, Shannon, Reynolds, Wayne, Stoddard, and Scott.

Group D shall include the following states and portions of states: Kentucky, the portion of Missouri not included in Group C, the portion of New Mexico not included in Group E, Oklahoma, the portion of Texas not included in Group E, the portion of Virginia north of the counties of Craig, Botetourt, Bedford, Amherst, Nelson, Albemarle, Louisa, Hanover, Caroline, Essex and Westmoreland, and West Virginia.

Group E shall include the following states and portions of states: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, the trade area of Albuquerque, New Mexico, North Carolina, South Carolina, Tennessee, the portion of Texas east of the counties of Chambers, Harris, Waller, Grimes, Madison, Leon, Freestone, Navarra, Ellis, Kaufman, Hunt and Fannin, the trade areas of El Paso and San Antonio, Texas, and the portion of Virginia not included in Group D.

Where a trade area falls partly in one group and partly in another, the Code Authority shall have the power, subject to review by the Administrator, to authorize deviations from the boundary line between the two groups as above defined.

2. (b) The following minimum rates shall be established for the following states and portions of states until July 1, 1934, or such time thereafter as the Administrator, after due notice and hearing, shall approve new minimum rates:

In Michigan, the portion of Indiana included in Group B, and the portion of Pennsylvania south and west of the counties of Mercer, Venango, Clarion, Jefferson, Clearfield, Centre, Huntingdon, Perry, Cumberland, and York—ten percent (10%) less than the rates specified in Schedule A.

2. (c) Should the rates specified in this Section of Article IV cause an intolerable hardship on members of the trade in any trade area the Code Control Board having jurisdiction, subject to review by the Administrator, may allow a reduction not to exceed 10% from such rates; such reductions to be effective for a period not to exceed three months; and in any case to expire on or before July 1, 1934.

3. Sections 1 and 2 of this Article establish a minimum rate of pay in any pay period, regardless of whether an employee is compensated on a time rate, piecework, commission, or other basis.

4. There shall be an equitable adjustment of all wages above minimum, and to that end, by July 1, 1934, the Code Authority shall

submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval by the Administrator, after such hearing as he may prescribe, such proposal shall become binding as a part of this Code, provided, however, that in no event shall hourly rates of pay be reduced.

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

6. No deduction from wages shall be made or permitted for the housing and/or boarding of any employee within a laundry establishment, or for the laundering of worker's uniforms soiled while on duty.<sup>2</sup>

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under seventeen (17) years of age shall be employed in the laundry 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. 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 employees and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his choosing.

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

3. No 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. Where a State law or orders promulgated thereunder provide a higher minimum wage than is provided in this code, no person employed within that State shall be paid a wage below that required by such State law or orders. Where such State law or orders affect only females and/or male minors, the minimum rates specified for such employees shall apply under this code to all employees, whether male or female, so that such minimum rates shall apply equally to employees of both sexes.

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. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of

<sup>2</sup> See paragraph 2 of order approving this Code.

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. Every member of the trade shall display a placard adjacent to the time clock, or employees' entrance, and at three (3) other prominent locations in his place of business, stating the minimum wages and the maximum hours of labor which govern the operations of said member.

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

### ORGANIZATION

1. A Code Authority is hereby constituted to Administer this Code.

2. (a) The Code Authority shall consist of from sixteen (16) to twenty-one (21) members of the trade, 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 such groups or governmental agencies as he may designate and to serve without expense to the laundry trade.

(b) The members of the Code Authority representing the trade shall consist of sixteen (16) individuals who shall be members of the Board of Directors of the National Association representing the geographical districts of said association in the United States; and, at the discretion of the Administrator, of not more than five (5) members of the trade who are not members of the National Association to be appointed by the Administrator or selected in a manner prescribed by him.

(c) In order that a 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.

3. Each trade association directly or indirectly participating in the selection or activities of the Code Authority or Code Control Boards shall (a) impose no inequitable restrictions on membership, and (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 effectuate the purposes of the Act.

4. Any member of the trade shall be entitled to make use of the insignia approved by the Administrator for the Laundry trade, and to participate in and share the benefits of the activities of the Code Authority and the Code Control Board having jurisdiction over his trade area by assenting to and complying with the requirements of this Code, and by either becoming a member of the National Asso-

ciation and the Authorized Association serving his trade area or paying his reasonable share of the expenses of the creation and administration of this Code. Such reasonable share shall be determined by the Code Authority, subject to the right of review by the Administrator, on the basis of volume of business and such other factors as may be deemed equitable.

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

6. The Code Authority shall have the following 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 trade with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of this 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.

(c) To define trade areas and designate the boundaries thereof, subject to the approval of the Administrator.<sup>3</sup>

(d) To establish a Code Control Board for any trade area, either through the channels of such laundry trade associations as the National Association may designate as Authorized Associations, or through such individuals or groups as the Code Authority shall designate, and to provide that each such board shall be truly representative of the trade, and such other group or groups as the Code Authority shall direct, within the trade area under its jurisdiction; to designate the trade area over which each Code Control Board shall have jurisdiction, subject to the approval of the Administrator; and, to delegate to such boards such of the powers and duties reposed in the Code Authority as may be necessary for the effective administration and enforcement of this code in their respective trade areas.<sup>4</sup>

(e) To choose from among its membership an executive committee of not more than five (5) persons and to delegate to such executive committee, during intervals between meetings of the Code Authority, any of the powers and duties reposed in it by this Code, provided, however, that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code.

<sup>3</sup> See paragraph 3 (1) of order approving this Code.

<sup>4</sup> See paragraph 3 (2) of order approving this Code.

The Chairman of the Code Authority shall be a member of the Executive Committee; one member of such Committee shall be chosen from among those members of the Code Authority appointed by the Administrator or selected in the manner prescribed by him as provided in Section 2 (b) of Article VI; one shall be chosen from those elected by the States of Washington, Oregon, Montana, Wyoming, Colorado, Utah, Idaho, California, Nevada, Arizona, Minnesota, Nebraska, South Dakota, North Dakota, Wisconsin, Missouri, Kansas and Iowa; one shall be chosen from among those elected by the States of Texas, Oklahoma, New Mexico, Arkansas, Mississippi, Tennessee, Alabama, Louisiana, Kentucky, North Carolina, South Carolina, Georgia, Florida, District of Columbia, Maryland, Virginia and West Virginia; and one shall be chosen from among those elected by the States of Michigan, Indiana, Ohio, Massachusetts, Rhode Island, Connecticut, Vermont, Maine, New Hampshire, New York, New Jersey, Pennsylvania, Delaware and Illinois.

The representatives of the Administrator as appointed in Section 2 (a) of this Article, shall be notified of all meetings of the Executive Committee and may attend such meetings without vote.

(f) To revoke any delegation of any of its powers and duties whenever it shall determine that they are not being fully or properly exercised.

(g) To coordinate and harmonize the activities of the various Code Control Boards.

(h) To prescribe an equitable method of voting at meetings of members of the trade participating in this Code.

(i) To delegate to any Code Control Board the power to establish uniform service names for laundry services, to define said services, to establish a uniform method of billing such services, and to prescribe their use within its trade area or areas.<sup>5</sup>

(j) To cause the Code Control Board, subject to the approval of the Administrator, to establish and prescribe, after due notice to members of the trade and to representatives of consumers and others affected by this provision and a public hearing in each trade area at which representatives of consumers and other groups affected thereby shall be given an opportunity to be heard, fair and reasonable minimum wholesale and retail prices by trade areas for the several services comprised within the definition of the laundry trade; such minimum wholesale and retail prices to be sufficient to provide for carrying out the purposes of the Act, to be consistent with maintenance of the minimum standards of quality prescribed by the Code Authority, to enable the trade to maintain the payment of at least minimum wages herein established and other wages properly based thereon, the furnishing of stable employment necessary to maintain the trade, and such other considerations reasonably pertinent thereto. In the event that any member of the trade complying with the provisions of this code can show to the State Director of the National Emergency Council nearest the locality within which such member is situated, that his normal and usual price schedule, during the three consecutive years prior to approval thereof, have been below the minimum prices established hereunder, and such fact shall have been certified to the Code Control Board for the trade area in which he is

<sup>5</sup> See paragraph 3 (3) of order approving this Code.



located, such member shall not be required, by such established minimum prices to increase his said price schedule in excess of 20%; nor thereafter to increase his former price schedule by more than 20% at any one time in order to comply with any revision of such established minimum prices.

In the event that 30% of the votes cast by members of the trade in any trade area, voting according to the method of voting prescribed for the election of the Board of Directors of the National Association, shall object to the prices so established for such trade area, such prices shall be automatically suspended pending a further hearing and restudy, and findings shall have been made by the Code Control Board for such trade area sustaining such prices as fair and reasonable minimum wholesale and retail prices, or establishing revised prices, and the Administrator shall have approved such prices first established or such revised prices.

Any minimum prices thus established may from time to time be increased or decreased by the Code Authority, with the approval of the Administrator, according to changing conditions.

Immediately after any such prices, increases, and/or reductions have been approved by the Administrator, the Code Authority shall take such steps as are reasonably calculated to notify all members of the trade thereof. Such prices, increases and/or reductions shall go into effect upon such date or dates as the Code Authority shall fix, subject to the approval of the Administrator.<sup>5</sup>

(k) To adopt and prescribe minimum standards of quality for each of the several types of service performed by the laundry trade, and, to this end to cooperate with a committee to be selected by the following methods:

(1) One (1) active member of the National Association shall be appointed by the Board of Directors of that Association.

(2) One (1) technician from the staff of the National Association shall be appointed by the Board of Directors of that Association.

(3) One (1) person may be appointed by the American Home Economics Association.

(4) One (1) technician (who may be selected from without the trade, preferably from the United States Bureau of Standards) shall be agreed upon by the three (3) persons appointed under the preceding three (3) sub-paragraphs or, in the event they fail to agree, by the Administrator.

(1) To make studies and investigations of conditions and practices current in the trade; to gather statistics from governmental and other agencies; to require and secure from all members of the trade, in such form as the Code Authority may prescribe, such reports and information as is reasonably pertinent to effectuate the purposes of the Act and of this Code, for use of the Code Authority and the Administrator in the administration and enforcement of the Code, and for the information of the President; to compile, tabulate, publish, and distribute reports based on such studies, investigations, statistics, and information; to assist members of the trade participating in this Code by developing improved methods for operations incidental to and in connection with the laundry trade and a uniform system of

<sup>5</sup> See paragraph 3 (3) of order approving this Code.

accounting and reporting. All individual reports shall be kept confidential and only general summaries thereof may be published.

(m) To promote, under the auspices of some impartial organization, the formation of a Board of Arbitration in the jurisdiction of each Code Control Board to settle unadjusted customer claims against members of the trade which, by mutual consent of the interested parties, are presented to such Board of Arbitration.

(n) To require that all individual and group cost data, as may be necessary under this Code, be ascertained, and costs allocated to the various laundry services and articles in a manner approved by the Code Authority. All such data shall be obtained by accountants recognized by the Code Authority as qualified.

(o) In any trade area the members of the trade may, by agreement of two-thirds of the total number of votes cast according to the method of voting prescribed for the election of the Board of Directors of the National Association, subject to the approval of the Administrator, establish uniform hours for opening and closing all retail outlets within such trade area which, when approved by the Administrator or his deputy, shall be binding upon all members of the trade within such trade area, provided, however, in no case shall any retail outlet receive work from or deliver work to customers before 5 A.M. or after 8 P.M. or on Sunday.

(p) To establish and prescribe, subject to the approval of the Administrator, a uniform contract for the sale of laundry service for resale to be used by all members of the trade.

(q) To designate any trade association or any other agency or agencies to assist it in performing its duties herein prescribed.

(r) To cooperate with the Administrator in the establishment of an advisory council for all textile maintenance service trades, to consider and advise with the Administrator on matters of concern to two or more such service trades operating under separate codes of fair competition, and to appoint representatives of the laundry trade to such advisory council.

(s) To initiate, consider, and make recommendations for the modification or amendment of this Code.<sup>6</sup>

7. 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.

8. If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action, which shall not be effected unless the Administrator approves or unless he shall fail to disapprove after 30 days' notice to him of intention to proceed with such action in its original or modified form.<sup>7</sup>

<sup>6</sup> See paragraphs 3 (4) and 3 (5) of order approving this Code.

<sup>7</sup> See paragraph 4 of order approving this Code.

## ARTICLE VII—TRADE PRACTICES

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

1. *False Marking or Labeling.*—The false marking or labeling of any laundry service which has a tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality, finish, or otherwise.

2. *Misrepresentation or False or Misleading Advertising.*—The use (or participation therein) of, the publication or the broadcasting of any untrue, deceptive, or misleading representation, statement, or illustration, or the making of unfair competitive claims in connection with and for the purpose of furthering the sale of laundry service.

3. *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 interfering or obstructing the performance of any such contractual duties or service.

4. *Rebates.*—The secret payment or secret allowance to any customer, or to any employee of a customer of rebates, refunds, commissions, credits, free laundry service, or unearned discounts, whether in the form of money or otherwise, including the extension to certain customers of special services or privileges, false invoicing, and rebates under the guise of allowance for lost, misplaced, or damaged articles.

5. *Unfair Merchandising Devices.*—(a) The furnishing of free work to anyone except an employee or a bona fide charity.

(b) The use of lotteries.

(c) The use of coupon books, discount coupons or premiums.

(d) The giving, permitting to be given or directly offering to give free service, commissions, or any other consideration to any employee of any apartment house, club, or institution as an inducement to secure or retain the patronage of customers residing therein.

The provisions of this section shall not, however, prohibit (1) the use of coupon books, discount coupons, premiums, or certificates by a member of the trade who was using such coupon books, discount coupons, premiums, or certificates on the effective date of this Code, under a subsisting and binding contract with a person not a member of the trade, but only until the expiration of such contract, or (2) the use of coupon books or of discount coupons provided the Code Control Board in any trade area approves such use for all members of the trade in such area.

6. *Defamation.*—The defamation of a competitor by falsely imputing to him 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 his service.

7. *Espionage of Competitors.*—Securing confidential information concerning the business of a competitor by false or misleading statement or representation, by false impersonation of one in authority, by bribery, or by any other unfair method.

8. *Imitation of Competitor.*—The use or imitation of the trade mark, trade name, slogan, or characteristic design or color scheme of a competitor with the intention or having the tendency or capacity of deceiving the customers of such competitors.

9. *Furnishing any Service, Material or Equipment.*—Rendering any service other than laundry service or furnishing any materials or equipment to anyone unless adequately compensated therefor.

10. *Enticing Away Employees.*—Maliciously enticing away an employee of a competitor with the purpose and intent of unduly hampering, injuring or embarrassing a competitor in his business. Nothing herein shall prevent any employee from offering his services to a competitor or prevent any member of the trade from employing an employee of another member of the trade where the initiative in such change of employment comes solely from the employee.

11. *Selling For Resale.*—(a) The sale of laundry services knowingly to anyone for resale who fails to comply with the provisions of this Code and the rules, regulations and interpretations promulgated hereunder. (b) Selling laundry service at wholesale to anyone for resale unless the charges for such wholesale laundry service exceeds \$20 per week, for each four week period.

12. *Selling Below Minimum Prices.*—The sale of any laundry service in, or for delivery in, or for resale in, any trade area at less than the minimum retail or wholesale price (as the case may be) for such service as and when established for such trade area under the provisions of Article VI, Section 6 (j) of this Code.

13. *Selling Below Standard Quality.*—The offering of any laundry service to the public below the minimum standards of quality for such service as and when prescribed by the Code Authority pursuant to the provisions of Article VI, Section 6 (k) of this Code.

14. *Extension of Credit.*—Requiring the extension of credit to any customer by a route salesman unless the employer has authorized such credit and assumed full responsibility for the payment thereof.

15. *Posting of Insurance Information.*—Failure to display in a conspicuous place a printed or written placard stating whether, to what extent, and against what hazards articles accepted for laundering are protected by insurance for the benefit of the customer.

16. *Employee Deposits.*—Failure of a member of the trade, who receives from any employee a deposit in the nature of a security or bond, to segregate from the assets of such member such deposit to be held in trust from which no withdrawals are to be permitted except for repayment to the employee or for payment to the employer for obligations of the employee to the employer. Any such funds not now so segregated shall be segregated at no later date than six (6) months after the effective date of this Code.

## ARTICLE VIII—MISCELLANEOUS OBLIGATIONS OF MEMBERS OF THE TRADE

1. When minimum prices shall have been established, as prescribed in Article VI covering any or all services, every member of the trade shall have available at all offices and vehicles from which delivery to customers is made, a price list clearly defining such services and such of the minimum prices as shall have been so established at which such services are sold.

2. All offices or vehicles distributing laundry service not owned or carrying the name of the member of the trade where the major part of such laundry service is produced shall prominently display

either the term "Agency" or "Distributor" (as the case may be), provided, however, that this section shall not become effective until sixty (60) days after the effective date of this Code.

3. Every member of the trade shall display his name at each office and on each vehicle owned and/or operated by him.

#### ARTICLE IX—MODIFICATIONS AND SUPPLEMENTS

1. The President may from time to time cancel or modify any order, approval, license, rule or regulation, issued under the 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 and hearing as he shall specify, and to become effective on approval of the President.

3. Any authorized association may, with the approval of the Code Authority, submit to the Administrator supplements to this Code affecting any trade area or areas served by them, providing said supplements carry out the purposes of Title I of the Act.

#### ARTICLE X—MONOPOLIES

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

#### ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 281.

Registry No. 1735-2-10.





Approved Code No. 282

**CODE OF FAIR COMPETITION**

FOR THE

**RESTAURANT INDUSTRY**

As Approved on February 16, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**CODE OF FAIR COMPETITION FOR THE RESTAURANT INDUSTRY**

An application having been 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 Restaurant Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

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

1. That Article V, Section 7 of said Code of Fair Competition be and it is hereby suspended from operation until the first day of June, 1934, or until such time as the Administrator shall have reviewed the operation of said Code pursuant to the provisions of Article IX, Section 3 thereof, as to employees:

(a) who are paid for a forty-eight (48) hour work week, not less than the minimum wages prescribed in Article VI, Section 1, subsection (a) of said Code for a fifty-four (54) hour work week;

(b) not less than fifty (50) percent of whom are lodged by their employers on or in the vicinity of the restaurant premises; and

(c) who are employed in a restaurant which serves food only at restricted meal periods for a limited number of hours at each meal

period, at prices which customarily are included in a combination price for board and lodging furnished by the same establishment; provided:

(i) that not more than fourteen (14) consecutive hours shall elapse between the beginning and termination of the hours worked by the above described employees in any twenty-four (24) hour period;

(ii) that not more than two intervals off duty shall be permitted during the course of any twenty-four (24) hour period of employment, and

(iii) that no such employee shall be permitted to work more than nine (9) hours in any twenty-four (24) hour period nor more than forty-eight (48) hours in any one week.

2. That Article V, Section 7 of said Code of Fair Competition be and it is hereby suspended from operation until the first day of June, 1934, or until such time as the Administrator shall have reviewed the operation of said Code pursuant to the provisions of Article IX, Section 3 thereof, as to employees of hotel restaurants employing not more than fifteen (15) persons in the operation of said restaurants, provided:

(a) that no such employee shall be permitted to work in excess of forty-eight (48) hours in any one week nor more than nine (9) hours in any twenty-four (24) hour period;

(b) that no such employee shall be paid for such forty-eight (48) hour work week, less than the minimum wages prescribed in Article VI, Section 1, subsection (a) of said Code for a fifty-four (54) hour work week;

(c) that not more than fourteen (14) consecutive hours shall elapse between the beginning and termination of the hours worked by such employees in any twenty-four (24) hour period; and

(d) that not more than two intervals off duty shall be permitted during the course of any twenty-four (24) hour period of employment.

3. That the regular full time work week of any class of employees immediately prior to the date of this order, shall not be increased, irrespective of the regular full time work week of such class of employees on June 16, 1933; and that under no circumstances whatsoever shall any female employee be permitted to work in excess of forty-eight (48) hours in any one week except as provided in Article V, Section 5 of said Code.

4. That because the Administrator believes that further investigation of the stop loss provision of this Code is required, the provisions of Article VII, Section 12, be and hereby are suspended from operation and shall not become effective pending further investigation and report from the Code Authority and further investigation by the Administrator to determine whether such provisions shall be indefinitely suspended or modified, or become effective and pending further order by the Administrator.

5. That within ninety (90) days after the effective date of this Code, the Administrator may, after due notice, hold such further hearings as he may deem necessary for the purpose of determining



the adequacy of the minimum wages established in this Code, and thereafter shall submit to me his report and recommendations for my further order, which further order by me shall constitute a modification of, and shall have the effect of a further condition of, my approval of this Code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*February 16, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House, Washington, D.C.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Restaurant Industry, conducted in accordance with the provisions of the National Industrial Recovery Act.

The hearings on the labor provisions of the Code were held in the Main Auditorium of the United States Chamber of Commerce Building on November 27, 28 and 29, 1933. The hearing on the fair trade practice provisions was held in Room "B" of the United States Chamber of Commerce Building on December 11, 1933.

The Code was presented by the National Restaurant Association, which comprises in its own membership the leaders of the Industry throughout the United States. There are affiliated with this association over 150 state and local restaurant associations, who joined with the parent association in presenting the Code. These associations are said to represent at least 70 percent of the Industry by volume of business.

During the preparation of this Code the National Restaurant Association caused meetings to be held in the various regional sections of the country, and an opportunity was given to all members of the Industry to state their views as to the pertinent provisions of the Code.

### THE INDUSTRY

It is estimated that the Industry as defined in the Code comprises at least 450,000 units, and that between 1,250,000 and 1,500,000 persons are now employed in the Restaurant Industry. It is said that the number of persons now employed in restaurants is considerably larger than the number employed in 1929. It is estimated that the annual payrolls of the Industry amount to between \$1,000,000,000 and \$1,200,000,000.

### PROVISIONS OF THE CODE

The work hours may not be entirely satisfactory from a purely social standpoint, but they represent a very substantial reduction from the hours which prevailed in the Restaurant Industry and will result in an estimated employment of between 125,000 and 150,000 persons in the Industry above the number employed on June 15, 1933. The Code provides for a six day work week, which is a definite innovation in the Industry.

The Code provides for minimum wages for all classes of employees and it is estimated by the Industry that the resultant increase in total payrolls will be at least 25 percent above the amounts paid as of June 15, 1933.

The Code further provides that it may be reviewed by the Administrator not later than June 1, 1934, to ascertain whether the provisions thereof have effectuated or will effectuate the policy and purposes 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 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 association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(c) 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, I recommend that this Code be approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 15, 1934.

# CODE OF FAIR COMPETITION FOR THE RESTAURANT 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 Restaurant Industry.

## ARTICLE II—APPLICATION OF THE CODE

The provisions of this Code, and such other provisions as may subsequently be approved and annexed hereto, and except as specifically hereinafter otherwise provided, shall apply and be binding upon every member of the Restaurant Industry, as hereinafter defined in Article III.

## ARTICLE III—DEFINITIONS

### RESTAURANT INDUSTRY

SECTION 1. The term "restaurant industry" as used herein, shall mean the business of operating, directly or indirectly or through any subdivision, a restaurant, as hereinafter defined in Section 2.

### RESTAURANT

SECTION 2. The term "restaurant" as used herein shall include any establishment which, for compensation, prepares and offers food for consumption either on any of its premises, or by catering and banquet service, or by box lunch service, or by curb service, and customarily serves at least ten (10) people per day.

### FOOD

SECTION 3. The term "food" as used herein, shall mean nutritive material intended for human consumption, in solid and/or liquid form, whether simple, mixed, compounded, cooked, uncooked, or otherwise prepared, excluding however, preparations sold or produced primarily for their vitamin content, or medicinal or quasi-medicinal preparations.

### MEMBER OF THE INDUSTRY

SECTION 4. The term "member of the industry" as used herein, includes, 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.

## EMPLOYER

SECTION 5. The term "employer" as used herein, shall mean any one by whom an employee is compensated or employed.

## EMPLOYEE

SECTION 6. The term "employee" as used herein, shall mean any person employed in the restaurant industry.

## CURB EMPLOYEE

SECTION 7. The term "curb employee" as used herein, shall mean employees engaged exclusively as outside salesmen serving curb customers.

## DEFINITION OF PERSONNEL

SECTION 8. (a) *Maintenance Employee*.—The term "maintenance employee" as used herein, shall mean an employee essential to the upkeep and/or preservation of the premises and property of a restaurant.

(b) *Watchmen and Guards*.—The term "watchmen and guards" as used herein, shall mean employees engaged in watching and safeguarding the premises and property of a restaurant.

(c) *Service Employee*.—The term "service employee" as used herein shall include waiters and waitresses engaged in table, counter, and/or room service and hat and coat checkers, whose duties consist chiefly in rendering direct service to customers, and who regularly receive monetary recognition from such customers for the services rendered; provided, however, that if the classification of any employee or group of employees as service or non-service employees should operate to discriminate unjustly between employees of the same restaurant establishment or between restaurant establishments of the same class operating under similar conditions, the Administrator on application by such affected parties, and on recommendation of the Code Authority, may, after such notice and hearing as he may deem necessary, make such reclassification as justice may require.

(d) *Executive*.—The term "executive" as used herein, shall mean an employee responsible for the management of the business or a recognized subdivision thereof.

(e) *Part-time employee*.—The term "part-time employee" as used herein shall mean an employee who works less than the maximum work week prescribed herein.

## SOUTH

SECTION 9. 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 and Texas.

## PRESIDENT, ACT AND ADMINISTRATOR

SECTION 10. 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

SECTION 11. "Population" for the purposes of this Code shall be determined by references to the Fifteenth Census of the United States (U. S. Department of Commerce, Bureau of the Census, 1930).

### ARTICLE IV—GENERAL LABOR PROVISIONS

#### COLLECTIVE BARGAINING

SECTION 1. (a) 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) 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.

#### CHILD LABOR

SECTION 2. On and after the effective date of this Code, no person under the age of sixteen (16) years shall be employed in the Restaurant Industry.

This provision shall not relieve any employer from complying with any state or federal law which imposes more stringent requirements as to age of employees than are prescribed by this section.

### ARTICLE V—HOURS OF LABOR

#### BASIC WORKING DAYS

SECTION 1. No employee shall be permitted to work more than six (6) days in any one week, except as hereinafter otherwise provided.

#### BASIC WORKING HOURS

SECTION 2. No male employee except as hereinafter otherwise provided, shall be permitted to work more than fifty-four (54) hours in any one week and no female employee shall be permitted to work more than forty-eight (48) hours in any one week; provided, however that where the normal full-time work week for any particular class of employees was forty-eight (48) hours, or any number of hours less than fifty-four (54) hours per week on June 16, 1933, or

for the employees first full week of employment after June 16, 1933, such full-time work week of such class of employees shall not be increased, nor shall the full time weekly wage of such class of employees be reduced below their full time weekly wage on June 16, 1933, for performing the same work.

#### EMPLOYMENT BY SEVERAL EMPLOYERS

SECTION 3. No employer shall knowingly engage any employee for any time which totaled with that already performed with another employer or employers, exceeds the maximum hours prescribed herein.

#### NOTICE OF MAXIMUM HOURS TO BE POSTED

SECTION 4. Within eight (8) days after the effective date of this Code every member of the industry shall post and maintain in a conspicuous place, readily accessible to all employees during the ordinary course of their duties, a notice of the maximum hours permitted under this Code.

#### EXCEPTIONS TO MAXIMUM HOURS OR PERIODS OF LABOR

SECTION 5. (a) *Watchmen and Guards*.—The maximum hours of work prescribed in this Article shall not apply to watchmen and guards.

(b) *Maintenance Employees*.—The maximum hours of work prescribed in this Article shall not apply to maintenance employees, provided, however, that such employees shall be paid at not less than one and one-third times their normal rate for all hours worked in excess of their fifty-four (54) hours in any one week.

(c) *Executives*.—Subject to the conditions set forth in Section 6 of this Article, executives regularly receiving not less than the salaries hereinbelow set forth, exclusive of any charges for meals may be permitted to work in excess of the maximum hours of work prescribed in this Article. In the South executives regularly receiving not less than fifteen per cent (15%) less than the salaries hereinbelow set forth, exclusive of any charges for meals, may be permitted to work in excess of the maximum hours of work prescribed in this Article. In Kansas and Missouri, executives regularly receiving not less than ten per cent (10%) less than the salaries hereinbelow set forth, exclusive of any charges for meals may be permitted to work in excess of the maximum hours of work prescribed in this Article.

	<i>Per week</i>
Cities of over 300,000 population.....	\$30. 00
Cities of from 100,000 to 300,000 population.....	27. 50
Cities of from 25,000 to 100,000 population.....	25. 00
Cities or places of less than 25,000 population.....	22. 50

(d) *Limited Overtime*.—In cases of temporary peak times, when the maximum hour provisions of this Article would unduly restrict business operations, the Code Authority may, upon application setting forth the facts substantiating the necessity therefor, approve, subject to review by the Administrator, the extension of the max-

imum hours of any employee whose basic work week is fixed by Section 2 of this Article, by not more than 10% of his normal maximum hours for a period not to exceed 3 weeks in the first six months of the calendar year and not to exceed 3 weeks in the second six months calendar year; or, in the case of such an employee of a restaurant which is open for business for any period of not more than six (6) months in any calendar year by not more than ten per cent (10%) of his normal maximum hours for a period of not to exceed six (6) weeks. All such additional hours of work shall be paid for at not less than one and one-third ( $1\frac{1}{3}$ ) times the normal rate for all hours worked in any one week in excess of the employee's normal maximum hours.

(e) *Emergency.*—In cases of very special emergency requiring the specific attention of a particular executive, maintenance employee, watchman or guard, or threatening damage or destruction to the property of a restaurant, establishment, executives receiving the salaries hereinabove specified, maintenance employees, watchmen and guards may be permitted to work in excess of six (6) days per week.<sup>1</sup>

#### LIMITATION UPON NUMBER OF PERSONS WORKING UNRESTRICTED HOURS

SECTION 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 restaurant (whether such workers are executives, proprietors, partners, persons not receiving monetary wages, or others) who may be permitted to work unrestricted hours, shall not exceed the following ratio:

In restaurants comprised of twenty (20) workers or less, the total number of workers who may be permitted to work unrestricted hours (not including the workers specified in Section 5 (a) of this Article) shall not exceed one worker for every five workers or fraction thereof.

In establishments comprised of more than twenty (20) workers, the total number of workers (not including those workers specified in Section 5 (a) of this Article) shall not exceed one worker for every five (4) workers for the first twenty (20) workers, and shall not exceed one worker for every eight (8) workers above twenty (20).

#### SPREAD OF WORKING HOURS AND NUMBER OF SHIFTS PER DAY

SECTION 7. Not more than twelve (12) consecutive hours shall elapse between the beginning and the termination of the hours worked by any employee in any twenty-four (24) hour period, and not more than one interval off duty shall be permitted during the course of such twelve (12) consecutive hour period of employment. Time out for meals within the twelve (12) hour spread but not to exceed a total of one hour, shall not constitute an interval off duty between split shifts.<sup>2</sup>

<sup>1</sup> See paragraph 3 of order approving this Code.

<sup>2</sup> See paragraphs 2 (1) and 2 (2) of order approving this Code.



## CONFLICT WITH STATE LAWS

SECTION 8. No provision of this Article shall relieve any employer from complying with any Federal law or law of any state or subdivision thereof which imposes more stringent requirements as to hours of labor than are prescribed in this Article.

## ARTICLE VI—WAGES

## BASIC SCHEDULE OF WAGES

SECTION 1. (a) Except as hereinafter otherwise provided, employees shall be paid each week at not less than the minimum rates of wages hereinbelow set forth for a fifty-four (54) hour week.

Population of cities or places	Nonservice employees	Service employees	Population of cities or places	Nonservice employees	Service employees
Over 500,000.....	\$15.00	\$10.50	25,000-100,000.....	\$13.50	\$10.25
250,000-500,000.....	14.50	10.50	10,000-25,000.....	12.75	10.00
100,000-250,000.....	14.00	10.25	Less than 10,000.....	12.00	9.50

(b) *Curb Employees.*—The minimum wages prescribed in Section 1 of this Article shall not apply to curb employees; the Code Authority shall appoint a joint committee of employers of curb employees and employers who do not employ curb employees to investigate the effect of the provisions of this subsection upon the entire restaurant industry, which committee shall within four (4) months after the effective date of this Code submit to the Administrator recommendations based upon its investigation and study, for his further consideration of this provision or for the modification thereof. The Administrator may, after such notice and hearing as he may prescribe, approve such recommendations, and upon such approval by the Administrator such recommendations shall constitute a part of and have the same force and effect as the provisions of this Code.

## CHARGES

SECTION 2. (a) *Charge for Meals.*—Where it has been mutually agreed between an employee and an employer that such employee shall receive meals as a part of the remuneration of such employee, a sum of not to exceed twenty-five (25) cents for each meal furnished to such employee, but not to exceed a total of three (3) dollars per week, may be deducted from the wages of such employee. In no case shall an employee receive less cash per week because of this charge than that employee received on June 16, 1933, for performing the same work.

(b) *Charge for Lodging.*—No employer shall make any deductions from the minimum wages prescribed in this Article for lodging except under the following terms and conditions:

1. Where lodging has been furnished to employees by established custom in the restaurant establishment or by reason of peculiar location requiring that employees be lodged;

2. In no case shall such deductions exceed the sum of \$2.50 per week;

3. In no case shall an employee receive less cash per week because of this charge than that employee received on June 16, 1933 for performing the same work.

4. In no case shall such deductions be made except by mutual agreement between employer and employee.

5. In no case shall such deductions be made unless prior thereto, application has been made to the Code Authority, setting forth the pertinent facts specified in paragraphs 1 to 4 inclusive of this subsection, and the approval of the Code Authority, subject to review by the Administrator, has been obtained.

(c) *Charge for Uniforms.*—Where an employee is required by his employer to wear a uniform no deductions from the minimum wages prescribed in this Article shall be made by such employers, except that such uniform may, by agreement between such employee and his employer, be obtained and sold by the employer to such employee at a price of not to exceed the actual cost to the employer, subject to the following conditions:

(1) that in the case of a female employee such price shall not exceed five dollars (\$5) per uniform;

(2) that in the case of a male employee such price shall not exceed five dollars (\$5) per uniform, unless such uniform is of such standard design that it may be used by such male employee in performing the same work for other employers in the same city or place, in which case such price shall not exceed twenty dollars (\$20) per uniform;

(3) that no employer shall permit any of his agents or employees, or engage or conspire with any third party, to pursue any course of action not permitted such employers by this section.

(4) that in those cases where uniforms are purchased, employees shall have the option to purchase such uniforms outright, or to reimburse the employer at the rate of ten per cent (10%) of the price per week, except that after notice to the Code Authority, setting forth pertinent facts, and approval by the Code Authority, subject to review by the Administrator, other rates may be agreed upon and authorized. If, upon termination of employment, such purchase price shall not have been paid in full, such employee shall, in the absence of a contrary agreement by such employee, have the option to pay the unpaid balance due forthwith and retain the uniform, or to surrender such uniform to the employer and thereby cancel the obligation to make any further payments therefor. In lieu of such purchase or in the case of uniforms requiring laundering, the employee may at his option rent such uniform from the employer or compensate the employer for laundry services, at a rate of not to exceed the actual cost to the employer of laundering and in no event to exceed twenty-five (25) cents for each laundering.

(d) No deductions from the minimum wages prescribed in this Article, other than those specifically permitted in this section or as may be required by law, shall be made for any purposes whatsoever.

## LIMITATIONS ON WAGE REDUCTIONS

SECTION 3. (a) In the event that the full time weekly hours worked by any employee on June 16, 1933, are required by this Code to be reduced, the gross weekly wages of such employee as of June 16, 1933, shall not be reduced by more than one-half the difference between such gross weekly wages as of June 16, 1933, and the gross weekly wages of such employee for the maximum hours prescribed by this Code computed at the hourly rate received by such employee on June 16, 1933; provided, however, that no employee shall be paid less cash per hour than he was paid on June 16, 1933, and in no case less than the minimum rates prescribed in this Code.

(b) Notwithstanding any other provisions of this Article, the total cash paid per week to any service employee shall not be less than the amount paid to such employee in cash on June 16, 1933, for performing the same work.

## CONFLICT WITH STATE LAWS

SECTION 4. No provisions of this Article shall relieve any employer from complying with any federal law or law of any state or subdivision thereof which imposes more stringent requirements as to wages than are prescribed by this Article.

## NOTICE OF MINIMUM WAGES RATES TO BE POSTED

SECTION 5. Within eight (8) days after the effective date of this Code every member of the industry shall post and maintain in a conspicuous place readily accessible to all employees, during the ordinary course of their duties, a notice of the minimum wage rates required to be paid under this Code.

## SOUTHERN WAGE DIFFERENTIAL

SECTION 6. The minimum rates of pay prescribed in this Article may be reduced by not more than fifteen per cent (15%) in the South and by not more than ten per cent (10%) in the states of Kansas and Missouri.

## CHANGE OF EMPLOYMENT

SECTION 7. Where any employee has, since June 16, 1933, secured employment in the restaurant industry or has changed or may hereafter change his employment within the restaurant industry from one employer to another employer, the provisions of Section 2 of Article V and Section 2 of this Article with respect to "full time weekly wage" and "cash per week" shall be deemed to be the cash per week paid for the same work on June 16, 1933, by the employer for whom such employee now works or may hereafter work.

## MINIMUM WAGE ESTABLISHED

SECTION 8. This Article establishes a minimum rate of pay irrespective of the basis on which an employee is compensated.

## PART-TIME EMPLOYEES

SECTION 9. Part-time employees shall be paid not less than an hourly rate proportionate to the rates prescribed in the foregoing sections of this Article in accordance with hours worked.<sup>3</sup>

## ARTICLE VII—TRADE PRACTICES

## MISREPRESENTATION

SECTION 1. No member of the industry shall use advertising, whether printed, radio, display, or bill-of-fare, or any other form of publicity which is inaccurate in any material particular or misrepresents food, merchandise, service, credit terms, values, or policies, and no member of the industry shall use advertising and/or selling methods which tend to deceive or mislead customers or prospective customers.

## FREE DEALS

SECTION 2. No member of the industry shall offer or give a free deal. The term "free deal", as used in this paragraph means a gift of free food, money, presents, advertising space, or specimen meal, as an inducement to secure business; provided, however, that this section shall not be construed to prohibit free and general distribution of articles for advertising purposes.

## PRIZES AND PREMIUMS

SECTION 3. No member of the industry shall offer any prize or premium or gift in pursuance of a plan which involves fraud or deception or lottery.

## DEFAMATION

SECTION 4. No member of the industry shall defame a competitor by publishing or circulating false and disparaging statements about his merchandise or his business.

## BREACH OF CONTRACT

SECTION 5. No member of the industry shall maliciously induce or attempt to induce, by any false or deceptive means whatsoever, the breach of an existing contract between a competitor and his source of supply or between a competitor and his customer; or interfere with or obstruct the performance of any such contractual relations with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

## TRADE MARKS AND TRADE NAMES

SECTION 6. No member of the industry shall wilfully imitate the trade marks, trade names, slogans, or other marks of identification of competitors, which imitation has the tendency and capacity of misleading or deceiving customers or prospective customers.

<sup>3</sup> See paragraph 4 of order approving this Code.

## FREE ADVERTISING

SECTION 7. No member of the industry shall accept contributions for advertising his restaurant establishment from any manufacturer, wholesaler or purveyor.

## CLAIMING TO UNDERSSELL COMPETITORS

SECTION 8. No member of the industry shall use advertising which inaccurately lays claim to a policy or continuing practice of generally underselling competitors.

## ENTICEMENT OF EMPLOYEES

SECTION 9. No member of the industry shall entice employees of any competitor for the purpose of harassing such competitor or interfering with his business.

## UNLAWFULLY COERCED GIFTS

SECTION 10. No member of the industry shall pay any money or make any gifts or gratuities of any nature to any individual, organization, or association, for privilege or protection inherently his under the law.

## PAYMENTS FOR PRIVILEGE OF WORKING

SECTION 11. No employer shall accept, nor shall he knowingly permit any of his employees to accept money or gifts of any kind from an employee or prospective employee for the privilege of working or for any other advantage.

## STOP LOSS PROVISION

SECTION 12. In order to prevent and discourage the unfair competition resulting from the operation of restaurants at continuing and excessive losses with the consequent pressure exerted against labor and the producer of raw materials to absorb such losses, frequent labor turnover and increasing unemployment, no member of the industry shall sell food at retail prices which result in a foodstuff purchase cost to him in excess of fifty per cent (50%) of his gross monthly food sales; provided however, that the foregoing provision shall not prohibit any member of the industry from selling food at retail without a profit to himself and provided further that where in exceptional cases any member of the industry demonstrates to the Code Authority or its duly authorized agent that it is able to operate without losses on a percentage of foodstuff purchase cost in excess of fifty per cent (50%), the Code Authority may approve, subject to review by the Administrator, the use of a higher maximum percentage of foodstuff purchase cost by such member of the industry.<sup>4</sup>

<sup>4</sup> See paragraph 4 of order approving this Code.

## ARTICLE VIII—ADMINISTRATION

## NATIONAL RESTAURANT CODE AUTHORITY

SECTION 1. (a) A Code Authority of five (5) members of the industry and not more than three (3) representatives of the Administrator, to be known as the National Restaurant Code Authority, shall be established by the industry for the purpose of administering, supervising and promoting the performance of the provisions of this Code. The Code Authority shall assist the Administrator in all matters relating to the administration of the provisions of this Code.

(b) The Code Authority shall be selected immediately upon the approval of this Code and in accordance with the following rules:

(1) Five members of the industry shall be chosen; three shall be selected by the National Restaurant Association and two shall be appointed by the Administrator to represent those members of the industry who are not members of said association.

(2) The Administrator may appoint not more than three representatives to participate, but without vote, in the activities of the Code Authority and of any committee thereof.

(3) Any vacancies occurring in the membership of the Code Authority shall be filled by the selection of a new member in the same manner and from the same class as that of the member whom he replaces.

(4) The Code Authority shall have as its chairman one of its members duly elected by said Code Authority.

(5) Members of the Code Authority shall serve for such term as may be designated or until their successors are selected.

(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, after such hearings as he may deem proper, require an appropriate modification in the method of selection of the Code Authority.

(d) 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 operations of this Code. The Code Authority shall consult with the Administrator as to such administrative interpretations of this Code as he or it may propose. Such recommendations, upon the approval of the Administrator, after such notice and hearing as he may prescribe, and such interpretations, upon their issuance by him after consultation with the Code Authority, shall become operative as a part of the Code.

(e) The Code Authority shall, subject to the approval of the Administrator, supervise the organization and operation within States of State Code Authorities, which shall be subject to the National Restaurant Code Authority, for the purpose of assisting in the administration and enforcement of this Code within such States, and further, of local trade area codes authorities which shall be subject to the National and State Code Authorities. All such State and local code authorities shall be truly representative of the industry in their respective areas.

Subject to such regulations as the National Restaurant Code Authority shall issue, each State Code Authority shall be responsible for the administration of this Code within the State, and shall make such reports to the National Restaurant Code Authority on all matters of local administration, finance, enforcement methods and progress as the National Restaurant Code Authority may direct.

(f) The National Restaurant Code Authority may provide for the payment by each member of the industry of his equitable share of the expenses of the administration of this Code, subject to the approval of the Administrator.

#### RULES, REGULATIONS AND DECISIONS

SECTION 2. (a) Rules, regulations and decisions of the National Restaurant Code Authority pertaining to the administration of this Code shall be submitted for consideration to the Administrator, and such rules, regulations and decisions shall be subject to his disapproval; *provided* that if such decision by the Administrator is not announced within ten days, the National Restaurant Code Authority may act in accordance with such rule, regulation or decision until such time as the rule, regulation or decision shall be disapproved.

(b) If the Administrator shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Code Authority pending final action, which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days notice to him of intention to proceed with such action in its original or modified form.

#### HOTEL RESTAURANTS ADMINISTRATION: LIAISON COMMITTEE

SECTION 3. (a) The provisions of this Code in their application to restaurants operated in conjunction with hotels as defined in the Code of Fair Competition for the Hotel Industry, approved by the President on November 17, 1933, shall be administered by the Code Authority constituted by Article VIII of said Code of Fair Competition for the Hotel Industry, subject, however, to the provisions of the following paragraphs of this Section. This Section shall not be construed as relieving any hotel restaurant from the provisions of this Code.

(b) The Code Authority hereby constituted for the Restaurant Industry and the Code Authority constituted for the Hotel Industry by the aforesaid Code as approved November 17, 1933, shall each appoint from their respective Code Authority members one representative. The two representatives so appointed shall constitute the Hotel and Restaurant National Liaison Committee.

(c) The National Liaison Committee, as a body separate from the Hotel and Restaurant Code Authorities, shall have the power to determine and to make recommendations concerning the respective jurisdiction of the Hotel and Restaurant Code Authorities; and any dispute which may arise in either industry as to the respective juris-

diction or as to any conflicting rules, regulations and decisions of the said two Code Authorities, shall be referred to the National Liaison Committee for determination. All determinations and recommendations of the National Liaison Committee shall be subject to the approval of the Administrator. Except as is in this Section 3 (c) otherwise provided, the National Liaison Committee shall have no power to administer any of the provisions of this Code.

(d) Where deemed necessary by the National Liaison Committee or by the Administrator, the National Liaison Committee shall cause to be constituted for limited periods in any state or local area a state or local liaison committee, to consist of two members similarly appointed by the respective State Hotel and Restaurant Code Authorities functioning in such State. Within the area for which any such state or local liaison committee shall have been constituted, the powers of such state or local committee shall be the same as are hereby conferred upon the National Liaison Committee, subject, however, to review and approval by the latter and by the Administrator.

(e) All records of the Hotel and Restaurant Code Authorities (pertaining to restaurants) shall at all times be open to examination by the National Liaison Committee and all similar records of any state or local code authority in each industry shall be at all times open for examination by the National Liaison Committee and by the appropriate state or local liaison committee, if any, constituted for such area.

(f) The expenses of the National, State and Local Liaison Committee, shall, upon approval thereof by the National Liaison Committee, be borne equally by the said two Code Authorities.

#### SANITATION COMMITTEE

SECTION 4. Within sixty (60) days after the effective date of this Code, the Code Authority shall appoint a committee to cooperate with the United States Public Health Service and a committee appointed by the Conference of State and Provincial Health Authorities of North America in formulating and recommending for the approval of the Administrator, minimum standards of cleanliness, maintenance of equipment and other sanitary safeguards. Upon the approval of such standards by the Administrator, members of the restaurant industry shall conform with such minimum standards, provided, however, that nothing contained in this section shall relieve any member of the industry from complying with any state or local laws, regulations or ordinances, either prior to the formulation and approval of such standards, nor thereafter, if the requirements of such laws, regulations or ordinances are more stringent than the minimum standards approved by the Administrator pursuant to the foregoing provision.

#### ARTICLE IX—GENERAL

##### MEMBERSHIP IN ASSOCIATION

SECTION 1. Membership in the National Restaurant Association or any affiliated or state associations, or in any other trade or indus-



trial association participating in the selection or activities of the National Restaurant Code Authority, or represented upon the National Restaurant Code Authority, shall be open to all members of the Restaurant Industry, and said associations shall impose no inequitable restrictions upon admission to membership therein.

#### EXCEPTIONS IN CASES OF UNUSUAL OR UNDUE HARDSHIP

SECTION 2. Where the operation of the provisions of this Code imposes an unusual or undue hardship upon any member of the Restaurant Industry or group of such members, such member or group of members may make application for relief to the Administrator through the Code Authority and the Administrator may, after such public notice and hearing as he may deem necessary, grant such exception to or modification of the provisions of this Code as may be required to effectuate the purposes of the National Industrial Recovery Act.

#### REVIEW BY ADMINISTRATOR

SECTION 3. The operation of this Code may be reviewed by the Administrator not later than June 1, 1934, to ascertain whether the provisions thereof have effectuated or will effectuate the policy and purposes of the National Industrial Recovery Act.

#### REPORTS AND INVESTIGATIONS

SECTION 4. The National Restaurant Code Authority shall, subject to the approval or upon the request of the Administrator, require from members of the Restaurant Industry such reports as are necessary to effectuate the purposes of this Code and may, upon its own initiative or upon complaint of any person affected, make investigation as to the functioning and observance of any provisions of the Code and report the results of such investigations to the Administrator. Any reports required by the Code Authority shall be submitted to an impartial agency designated by the Code Authority, and not a member of the industry, and shall not be revealed to any member of the industry, except in summary, provided however, that such information shall be available to the Administrator upon request and provided further that such information may be divulged if necessary to facilitate the administration of this Code. In addition to information to be submitted to the Code Authority, there shall be furnished 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; no provision of this Code shall relieve any member of the industry of any existing obligation to furnish reports to governmental agencies.

#### PROHIBITION AGAINST MONOPOLIES

SECTION 5. 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.

## DURATION OF IMMUNITIES

SECTION 6. The benefits, privileges, and immunities conferred by this Code shall cease upon its termination except with respect to acts done prior thereto.

## PROHIBITION AGAINST USE OF SUBTERFUGE

SECTION 7. No member of the industry shall use any subterfuge to frustrate the spirit and intent of this Code, which is, among other things, to increase employment by universal covenant, to remove obstructions to commerce, to shorten hours of work, and to raise wages to a living basis.

## RIGHT OF PRESIDENT TO CANCEL OR MODIFY

SECTION 8. 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.

## MODIFICATIONS AND SUPPLEMENTARY PROVISIONS

SECTION 9. 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 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.

## EXPIRATION

SECTION 10. This Code 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.

## ARTICLE X—EFFECTIVE DATE

The effective date of the Code shall be the second Monday after its approval by the President of the United States.

Approved Code No. 282.  
Registry No. 1728-2-11.



Approved Code No. 283

CODE OF FAIR COMPETITION

FOR THE

READY-MADE FURNITURE SLIP COVERS  
MANUFACTURING INDUSTRY

As Approved on February 16, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE READY-MADE FURNITURE SLIP COVERS 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 Ready-Made Furniture Slip Covers 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.,  
*February 16, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Ready-Made Furniture Slip Covers Manufacturing Industry, submitted by the National Association of Ready-Made Furniture Slip Cover Manufacturers, Inc., located at 261 Fifth Avenue, New York, N. Y., was conducted in Washington on the 23rd of November, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 95 percent of the Industry.

The maximum hours permitted under this Code are 40 per week. From April 1st to June 30th of any year employees may work 48 hours per week, time and one-half to be paid for all hours worked by any employee in excess of 40 per week. Firemen and shipping crews are permitted to work 42 hours per week. A normal work week is limited to six (6) days.

The minimum rate of pay is  $32\frac{1}{2}\text{¢}$  per hour or \$13.00 per week. Learners, who are limited to a 4 weeks learning period and shall not exceed 5% of the total number of employees, are provided for at the rate of \$10.50 per week during the learning period. Provision is made for an equitable adjustment of wages above the minimum.

This Code covers only the manufacture of ready-made furniture slip covers and has nothing to do with the manufacturers of custom-made slip covers. There are no wholesale or retail outlets for slip covers owned or controlled by the manufacturer, nor is there a diversified field of distribution for them. Practically the entire output of all the manufacturers is purchased by department stores.

The peak demand for products of this Industry occurs during the months from January to June, inclusive. Because of the change in design and texture of materials from season to season it is not advisable to manufacture stock in advance.

The value of the products of this Industry increased 14.6 in 1931 over 1929. During 1932 they decreased 8.5. It is estimated that the value in 1933 will be about the same as 1932.

By adopting a 40-hour week, 49 wage earners should benefit through reemployment, thus increasing the total wage earners to 294, which is greater than at any time since 1929.

On the basis of the 1932 weekly average earnings the total payroll on the basis of a 40-hour week, should increase 18.3 over the 1933 total.

### 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.*

FEBRUARY 16, 1934.

# CODE OF FAIR COMPETITION FOR THE READY-MADE FURNITURE SLIP COVERS 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 Ready-Made Furniture Slip Covers Manufacturing Industry, and its provisions shall be the standard of fair competition for such industry and binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Ready-Made Furniture Slip Covers Manufacturing Industry" or "Industry" as used herein, includes the manufacture, in whole or in part, of ready-made slip covers for living room furniture, studio couches, day beds, dining room furniture and boudoir chairs, or other articles of furniture, and/or the furnishing of labor or labor and material, or both, as part of a larger or further operation in the process of manufacturing ready-made furniture slip covers, and such related branches or subdivisions thereof as may from time to time be included under the provisions of this Code by the Administrator after such notice and hearing as he may prescribe. Custom-made furniture slip covers and Trade Shops are not included in this industry.

2. The term "ready-made furniture slip covers" as used herein shall mean slip covers that are not especially cut and made for any particular piece of furniture or made on special order in accordance with specific measurements.

3. The term "custom-made slip covers" as used herein means slip covers that are especially cut for a particular piece of furniture and in accordance with specific measurements.

4. The term "trade shop" as used herein shall mean a shop that furnishes labor or labor and material for custom-made slip covers.

5. 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.

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

7. 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

1. No employee shall be permitted to work in excess of forty (40) hours in any one week or more than eight (8) hours in any one day,

except during the period from April 1 to June 30, employees may be permitted to work not to exceed forty-eight (48) hours in any one week or eight (8) hours in any one day, provided, however, that time and one-half shall be paid for all hours worked by any employee in excess of forty (40) hours per week, except as herein otherwise provided.

(a) The maximum hours herein established shall not apply to employees engaged in an executive capacity, office employees, executives and all other employees engaged in a managerial capacity, who receive more than thirty-five dollars (\$35.00) per week, or to outside salesmen.

(b) The maximum hours herein established shall not apply to firemen and shipping crews who may be employed not more than forty-two (42) hours in any one week or eight and one-half (8½) hours in any one day.

(c) The maximum hours herein fixed shall not apply to any employee on emergency repair work involving break-downs or protection of life or property, but in any such special case at least one and one-half times the normal rate of pay shall be paid for all hours worked in excess of forty (40) per week.

2. A normal work week shall not exceed six (6) days.

3. No member of the industry shall operate more than one (1) shift.

4. No employee shall work or be permitted to work for a total number of hours in excess of the hours prescribed, whether he be employed by one or more employers.

#### ARTICLE IV—WAGES

1. No employee shall be paid less than at the rate of thirteen dollars (\$13.00) per week of forty (40) hours or thirty-two and one half cents (32½¢) per hour; except learners, who are persons having had no previous experience or employment in this industry, shall be paid not less than ten dollars and fifty cents (\$10.50) per week; provided that if such employees are employed on piece-work performance they shall be paid not less than at the established rate paid skilled employees for such work; provided, further, that the number of learners employed by any one employer, shall not exceed five percent (5%) of the total number of employees of such employer; said period of learning shall not exceed four (4) weeks and no learner shall serve more than one apprenticeship, whether for one or more employers.

(a) Females performing substantially the same work as males shall receive the same pay.

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 sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. 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 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.

4. No employer shall reclassify employees or duties of occupations performed as they existed on October 1, 1933, or engage in any other subterfuge, for the purpose of defeating the purposes of the Act or of this Code.

5. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment.

6. If any member of the Ready-Made Furniture Slip Covers Manufacturing Industry is also an employer of labor in any other industry the provisions of this code shall apply to and affect only that part of his business which is engaged in the manufacture of ready-made slip covers as herein defined.

7. Any member of this industry who performs productive work shall, while performing such work, observe the maximum working hours herein provided.

8. Each employer shall post and keep posted full copies of this code in conspicuous places accessible to employees.

## ARTICLE VI—HOME WORK

1. Members of this industry shall not permit work of any kind to be done in the home or homes, either directly or indirectly, or by contracts with those who let out work on subcontracts.



## ARTICLE VII—ADMINISTRATION

## Organization and Constitution.

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this code and shall consist of five (5) members to be chosen by the industry through a fair method of selection approved by the Administrator to serve for a period of one year from the date of their election. The Administrator in his discretion may appoint not more than three (3) additional members without vote and without compensation from the industry, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

(a) Vacancies in the personnel of the Code Authority selected by the industry shall be filled upon nomination of the Code Authority, approved by the Administrator.

2. 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, 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.

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 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.

4. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful mis-feasance or non-feasance.

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

(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 amendments, exceptions and/or modifications and sub-

mit them to the Administrator for his approval; such amendments and/or modifications, when approved, shall become a part of this Code after such notice and hearing as he may specify.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To receive, subject to rules and regulations issued by the Administrator, 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. An appeal from any action by the Code Authority affecting the rights of any employer or employees in the industry may be taken to the Administrator.

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

(f) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

(g) To secure from members of the industry, who assent to this Code and/or participate in the activities of the Code Authority, such proportionate payment of the reasonable expenses of maintaining the Code Authority as may be determined by the Code Authority and approved by the Administrator.

(h) To cooperate with the Administrator in regulating the use of any N.R.A. insigna 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) If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation

of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

#### ARTICLE VIII—PRICE LISTS AND COST FINDING METHOD

1. Members of the industry shall file with the Code Authority, within fifteen (15) days after the effective date of this Code, a schedule of prices and terms of sale for the products of the industry. No member of the industry shall sell his products at a price lower or on more favorable terms than set forth in his schedule on file with the Code Authority, except as provided in Article IX, Section 1 of this Code.

(a) Price lists may be revised and filed with the Code Authority at any time to take effect immediately upon the filing thereof.

2. Each member of the industry shall install an adequate cost finding method formulated by the Code Authority and approved by the Administrator, within a reasonable time and as soon as practicable after the approval of this Code by the President.

#### ARTICLE IX—TRADE PRACTICES

1. No member of the industry shall sell or offer for sale any product of this industry at a price below his own individual cost, as determined by the cost finding method provided for in Section 2 of Article VIII, when approved by the Administrator, except that any member of the industry may meet competition in any specific instance by selling his product at a price not less than the lowest price of a comparable article on file with the Code Authority; provided, however, that "Discontinued" distress merchandise, job lots or seconds may be sold, as approved by the Code Authority, during the period from August 1st to November 30th of any year.

2. No member of the industry shall perform work or labor on material or merchandise other than his own, unless the owner thereof shall have billed to the member of the industry, the material or merchandise at actual replacement value and shall have agreed in writing not to sell such finished product for less than actual cost including the replacement value of such material or merchandise, unless and until the same shall have become seconds, discontinued, or distress merchandise.

3. 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.

4. No member of the industry shall brand or mark or pack any commodity 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.

5. 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.

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.

7. No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

8. No member of the industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry require the practice.

9. No member of the industry shall make any advertising allowance or 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 services or privileges not extended to all customers of the same quantity and quality.

10. No member of the industry shall attempt to induce the breach of any 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.

11. No member of the industry shall require that the purchase or lease of any commodity be a prerequisite to the purchase or lease of any other commodity.

12. No member of the industry shall sell or invoice merchandise on more favorable terms of discount than three percent (3%), ten (10) days, E.O.M.

13. No member of the industry shall ship goods other than f.o.b. factory except in cities where other ship cover manufacturers are located where the seller may ship f.o.b. destination.

#### 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 Title I 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.

2. This Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon

application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President, unless otherwise provided.

#### ARTICLE XI—MONOPOLIES, ETC.

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

#### ARTICLE XII—PRICE INCREASES

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

#### ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 283.

Registry No. 299-39.





Approved Code No. 284

**CODE OF FAIR COMPETITION**

FOR THE

**POTTERY SUPPLIES AND BACKWALL AND  
RADIANT INDUSTRIES**

As Approved on February 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE POTTERY SUPPLIES AND  
BACKWALL AND RADIANT INDUSTRIES**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Pottery Supplies and Backwall and Radiant Industries, 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.,  
*February 16, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Pottery Supplies Industry, submitted by a Code Committee representing 70 percent of said Industry was held in Washington on the 20th of November, 1933, in accordance with the provisions of the National Industrial Recovery Act.

Subsequently, a Code Committee representing approximately 90 percent of the Backwall and Radiant Industry petitioned the Administration to bring that Industry under the provisions of the Code for the Pottery Supplies Industry by incorporating members of their Industry as co-proponents of the said Code. A Public Hearing was held on January 22, 1934 for the purpose of bringing about the above change, and incorporating in the Code for the Pottery Supplies Industry certain provisions necessary for the government of the Backwall and Radiant Industry. The name of the Code has now been changed to Code of Fair Competition for the Pottery Supplies and Backwall and Radiant Industries.

Mr. H. S. Russell of the Louthan Manufacturing Company of East Liverpool, Ohio is Chairman of the Code Committees of both Industries.

The maximum hours permitted under this Code are 40 per week. Excepted from these maximum hours are kiln loaders and clay makers who may work 50 hours per week, with time and one-third for all hours over 40 per week; also excepted are watchmen who may work 42 hours per week when averaged over a period of two weeks; also excepted are kiln firemen and engineers, the former of whom may work 48 hours per week and the latter 56 hours per week, provided, that they are paid time and one-third for all hours worked per week in excess of 40.

The minimum wage is 40¢ per hour for males and 32¢ per hour for females. Clerical employees are to be paid \$16.00 per week of 40 hours. Where female employees perform substantially the same work as males they shall receive the same rate of pay as male employees.

There are 5 establishments engaged in the Pottery Supplies Industry with an estimated invested capital of \$630,000. Sales in this Industry declined \$250,000 from 1929 to 1933.

There are also 5 establishments engaged in the Backwall and Radiant Industry with an estimated invested capital of \$800,000. Sales in this Industry declined from \$1,200,000 in 1929 to \$350,000 in 1933.

There has been a decline in the price of the products of both of these industries and this decline is reflected in the sales. Products of the Pottery Supplies Industry are used by the manufacturers



of pottery and chinaware and those of the Backwall and Radiant Industry are used by the manufacturers of stoves, furnaces and other heating devices.

The number of employees in the Pottery Supplies Industry declined from 200 in 1929 to 135 in 1933. It is estimated that under the provisions of the Code employment for 30 additional wage earners will be provided. This will be an increase of 22%. The increase in the annual payroll is estimated to be 40%.

In 1929 the Backwall and Radiant Industry had 380 employees which had declined to 220 in 1933. The Code will provide employment for 60 additional wage earners, an increase of 27%. The increase in the annual payroll is estimated to be 38%.

#### 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 lassified 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.*

FEBRUARY 16, 1934.

# CODE OF FAIR COMPETITION FOR THE POTTERY SUPPLIES AND BACKWALL AND RADIANT INDUSTRIES

## 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 Pottery Supplies and Backwall and Radiant Industries, and its provisions shall be the standards of fair competition for such industries and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Pottery Supplies Industry" as used herein is defined to mean all the articles manufactured from clay which are used in the processing of pottery, viz: Pins, Stilts, Spurs, Saddles, Thimbles, Saggars, Bats, Props, and articles of a like nature.

2. The term "Backwall and Radiant Industry" as used herein is defined to mean all of the articles manufactured from clay which are used in the manufacture of Heating Stoves, Furnaces and like equipment, viz: Backwalls, Radiants, Baffles and articles of a like nature.

3. The term "member of these industries" includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in these industries, 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 these industries, however compensated, except a member of these industries.

5. 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

1. 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 one day, except as herein otherwise provided:

(a) Employees engaged in the loading of kilns and making of clay may work not in excess of fifty (50) hours per week or ten (10) hours in any twenty-four (24) hour period, provided, that time and one-third shall be paid for all hours worked by any such employee in excess of forty (40) hours per week.

2. Watchmen may be employed in pairs and shall work thirty-six (36) and forty-eight hours on alternate weeks, or not more than forty-two (42) hours per week averaged over any period of two (2) weeks.

3. The maximum hours fixed in Section 1 shall not apply to any employee on 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 all hours worked in excess of the maximum hours herein provided.

4. The above provisions shall not apply to employees engaged in a managerial, supervisory or executive capacity who receive over thirty-five dollars (\$35.00) per week.

5. Kiln firemen may be permitted to work not more than forty-eight (48) hours per week, and engineers may be permitted to work not more than fifty-six (56) hours per week, provided, however, that time and one-third shall be paid for all hours worked in excess of forty (40) hours per week.

6. No employee shall be permitted to work for a total number of hours in excess of the hours prescribed, whether he be employed by one or more employers.

#### ARTICLE IV—WAGES

1. No male employee shall be paid less than forty cents (40¢) per hour and no female employee shall be paid less than thirty-two cents (32¢) per hour, provided, however, that female employees performing substantially the same work as male employees shall receive the same rate of pay.

2. No clerical or office employee shall be paid at a rate of less than sixteen dollars (\$16.00) 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, piece-work performance or other basis.

4. It is the policy of members of these industries to refrain from reducing the rate of compensation for employment, which rate was prior to June 16, 1933, in excess of the minimum wage rate 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 these industries shall endeavor to increase the pay of all employees in excess of the minimum wage herein set forth by an equitable adjustment of all pay schedules.

5. Wages shall be paid only in cash or by negotiable check of even date at intervals of not more than sixteen (16) days to cover the work done in the preceding work period. These wages shall be exempt from any payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earner or required by law. No employer shall withhold wages without the consent of the employee.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in these industries. 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 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 provision in this Code shall supersede any law, State or Federal, which imposes on employers more stringent requirements as to age of employees, wages, hours of work, safety, health, sanitary or general working conditions, than are imposed by this Code.

4. No employer shall contract his work to any person except when such person is subject to the provisions of this Code or another code adopted for the industry in which such person is engaged.

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. If any employer of labor in these industries is also an employer of labor in any other industry, the provisions of this Code shall apply to and affect only that part of his business covered by this Code.

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.

8. Each employer shall post and keep posted complete copies of this Code in conspicuous places accessible to all employees.

## ARTICLE VI—ADMINISTRATION

### ORGANIZATION AND CONSTITUTION

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of five (5) members to be chosen by the Pottery Supplies Industry and five (5) members to be chosen by the Backwall and Radiant Industry, through a fair method of selection approved by the Administrator. The Administrator in his discretion may appoint not more than three (3) additional members without vote, and without compensation from these industries, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

2. In order that the Code Authority shall at all times be truly representative of these industries and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may take such action as he may deem necessary under the circumstances.

3. Members of the Industries 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. 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 mis-feasance or non-feasance.

#### POWERS AND DUTIES

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

(a) To administer the provisions of this Code, provide for the compliance of these industries with the provisions of the Act, and to propose amendments, exceptions and/or modifications, which, when approved by the Administrator after such notice and hearing as he may specify, shall become a part of this Code and have the same force and effect as any other provision hereof.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of these industries 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 these industries of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of these industries or any other party except to such governmental agencies as may be directed by the Administrator.

(d) 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 these industries.

(e) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of these industries who have assented to, and are complying with, this Code.

(f) To secure from members of these industries who assent to this Code and/or participate in the activities of the Code Authority such proportionate payment of the reasonable expenses of maintaining the Code Authority as may be determined by the Code Authority and approved by the Administrator.

6. If the Administrator shall determine that any such action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

#### ARTICLE VII—TRADE PRACTICES FOR BOTH INDUSTRIES

The commission by any member of these industries of any of the acts prohibited by this article shall constitute an unfair method of competition and a violation of this Code.

1. No member of these industries 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.

2. No member of these industries shall make or cause or knowingly permit to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish or preparation of any product of these industries, or the credit terms, values, policies or services of any member of these industries, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

3. No member of these industries shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

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

5. No member of these industries 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 any member of these industries 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.

6. No member of these industries shall offer or give prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentation or fraud, provided nothing contained herein shall be construed to alter in any way the provisions of Section 3 of this Article.

7. No member of these industries shall cause the defamation of competitors by falsely imputing to them dishonorable conduct, 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.

8. No member of these industries 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.

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

10. No member of these industries shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

11. No member of these industries shall deliver quotations which do not include freight and package charges.

12. 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.

#### ADDITIONAL TRADE PRACTICES APPLYING ONLY TO THE BACKWALL AND RADIANT INDUSTRY

13. No member of the Backwall and Radiant Industry shall ship goods on consignment except under bona fide contract or order.

14. No member of the Backwall and Radiant Industry when furnishing dies, patterns, molds or tools necessary for production of special shapes shall charge less than his individual cost for such equipment.

15. No member of the Backwall and Radiant Industry shall quote terms of sale more favorable than two percent (2%), ten (10) days or thirty (30) days net from date of invoice, except to such customers who on account of their accounting systems prefer to pay twice monthly or once monthly, in which case the two percent (2%) may be deducted if paid not later than the tenth (10th) day of the following month.

#### ARTICLE VIII—SALES PROVISIONS

1. The Code Authority shall prescribe an adequate method for cost finding, capable of uniform application within these industries



which thirty (30) days after its approval by the Administrator, shall be used by all members of these industries as a basis for determining individual cost, and thereafter no member of these industries shall sell such products below his individual cost as determined by the use of such cost finding method, except as hereinafter provided.

2. Any member of these industries may dispose of products which are known as seconds, close-out numbers and sample stocks below cost, provided he first submits to the Code Authority by registered mail a descriptive list of such products, together with quantities and prices at which they will be offered for sale, and the price so named shall not be reduced unless and until such member files revised price lists with the Code Authority. Thereafter, upon the sale of such products, such members shall immediately notify the Code Authority advising the name and address of the buyer.

3. Any member of these industries, in order to meet bona fide competition in any specific instance, may sell the products of these industries at a price not less than the lowest competing cost of comparable items.

4. When such cost finding method shall have been adopted as prescribed above and it appears to the Code Authority that a member of the industry is selling his products in violation of this article, it may require such member to furnish complete information relating to his cost, which shall be verified by a certified, registered, chartered or any other lawful practitioner of public accountancy. All such data and statistics shall be and remain confidential as between the member submitting the same, the Code Authority and the Administrator or his duly appointed representative, depending upon the necessities in each case.

#### ARTICLE IX—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of Title I of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under this Act.

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

#### ARTICLE X—MONOPOLIES, ETC.

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

#### ARTICLE XI—PRICE INCREASES

1. Whereas the policy of the Act to increase real purchasing power will be made more difficult of consumation 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 President.

Approved Code No. 284.  
Registry No. 1016-05.



**CODE OF FAIR COMPETITION**  
**FOR THE**  
**RAILWAY CAR BUILDING INDUSTRY**

As Approved on February 16, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE RAILWAY CAR  
BUILDING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Railway Car Building 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 conditions: that the Definition of the Railway Car Building Industry as contained in Article II be deleted therefrom and the words "The term 'Railway Car Building Industry' or 'Industry' means and includes the manufacturing or building for sale and selling or commercially repairing within the United States of passenger, freight, tank, service and maintenance cars of every kind (including trackless and other trolley cars), however drawn, operated or propelled, used on and/or in the operation and/or maintenance of steam and/or electric railways and/or trolley lines, or any of such cars, and/or parts and accessories manufactured by a member of this Industry, when such parts and accessories are to be assembled by the manufacturer for sale as part of the finished product" be substituted therefor; that the Definition of the products of the Industry as contained in Article II be deleted therefrom and the words "The term 'Products of the Industry' means and includes

passenger, freight, tank, service and maintenance cars of every kind (including trackless and other trolley cars), however drawn, operated or propelled, used on and/or in the operation and/or maintenance of steam and/or electric railways and/or trolley lines, or any of such cars, and/or parts and accessories manufactured by a member of this Industry, when such parts and accessories are to be assembled by the manufacturer for sale as part of the finished product" be substituted therefor; that the words "and their respective staffs" as contained in Article III, Section 2 (a) be deleted therefrom; that the words "fifty-six (56) hours in any one week" as contained in Article III, Section 3, be deleted therefrom, and that the words "forty-five (45) hours in any one week or nine (9) hours in any one day" be substituted therefor; that the words "and their respective staffs" as contained in Article IV, Section 5, be deleted therefrom; that the continued participation of the American Railway Car Institute in the Code Authority, after thirty (30) 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.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,

*Division Administrator.*

WASHINGTON, D.C.,

*February 16, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Railway Car Building Industry as revised after the Public Hearing conducted thereon in Washington, D.C., on December 27, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

The Code establishes a 40-hour week and an 8-hour day, except as hereinafter provided.

1. The above provisions shall not apply to those employed in an executive, supervisory, or administrative capacity, or in technical work, who receive at least \$35 per week, nor to outside salesmen.

2. Employees engaged in emergency, maintenance, or repair work involving breakdowns, or the protection of life or property will be excepted provided that they shall be paid at the rate of one and one-half times the normal rates of pay for all work in excess of the standard number of hours. The Industry will be allowed a period of 6 weeks in each consecutive 6 months' period, beginning on the effective date of the Code, during which overtime shall not exceed 8 hours in any one week and time and one-half again shall be paid for work in excess of standard.

3. Power plant employees may be employed a maximum of 45 hours in any one week, but not more than 9 hours in any one day.

4. Watchmen may work a maximum of 56 hours per week.

The minimum wage for all employees engaged in plant operation shall be 40¢ per hour except as hereinafter outlined.

1. A minimum wage of from 35¢ to 37¢ has been provided for 12 cities individually listed in the Code. Also, plants located in North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, Louisiana, and Mississippi shall be permitted a minimum wage of 32¢ per hour.

2. Female employees performing substantially the same work as male employees shall receive the same rates of pay although they may be paid 87½% of the minimum rates if they do not perform substantially the same type of work as male employees.

3. Apprentices and learners, the total number of whom may not exceed 5% of the employees, shall be paid not less than 80% of the minimum wage.

4. Clerical and office employees shall be paid a minimum wage ranging from \$15 a week in cities of 500,000 population or over, to \$14 a week in cities or towns of less than 250,000 population. Office boys and girls may be paid not less than 80% of this minimum, but their number shall not exceed 5% of the total.

There shall be one day of rest in every seven.

## GENERAL STATEMENT

The Railway Car Building Industry is a capital goods industry and is engaged in the manufacture and building for sale and for rebuilding and repairing of (a) passenger, freight, tank, service, and maintenance cars of every kind used for or on steam and electric railways or trolley lines; and (b) fabricated or processed component, repair, or replacement parts produced for such cars.

This Industry has been seriously affected by the depression, as its prosperity is in direct ratio to the purchasing power of the railroads. Available statistics show a total production for the entire Industry in 1929 of \$328,220,204, whereas in 1931 this decreased to \$99,657,122, and undoubtedly the figures for 1933, when available, will show a continued decrease. The American Railway Car Institute, representing 79% of the Industry, has presented the Code. This Institute is comprised of 21 concerns operating 52 plants representing a capital investment of \$259,955,000 in 1929 and \$270,905,000 in 1933, an increase of 4.2%. These 21 concerns showed a total volume of production in 1929 of \$258,927,000 and in 1931, of \$51,749,000. Figures submitted by the Industry for the first 6 months of 1933 show a volume of only \$7,001,000, indicating a further drastic decrease from previous years.

Competition within the Industry is limited, but the railroads themselves maintain their own shops for repair work and also build cars. In 1929, there were 1,851 such shops which produced a volume of \$433,930,272 in repair work and, in addition, built cars having a total value of \$24,235,151. Of the total amount of repair work done on railway cars, approximately 19% is commercial and 81% is done by railway repair shops.

Employment for the entire Industry in 1929 amounted to 46,119. In 1933, this number decreased 60% to 16,508. The 21 concerns mentioned above employed 37,731 persons in 1929, but only 6,556 in 1933. The Northern wage districts account for 93% of the total employment, and 70% of all employment is centered in the five States of Illinois, Pennsylvania, Indiana, New York, and Massachusetts.

The 21 concerns above paid an average hourly rate of 62¢ in 1929 and of 44¢ in 1933. Weekly wages in the former year average \$27.40, in the latter, \$16.85. In operating under the Code, the hourly rates will be restored to the 1929 level and in some cases over that level, showing an approximate increase over 1933 of 35%. Factory employment under the Code will show an increase of 10.6% over 1933, and, given similar conditions, an increase of 30% over 1929. There will be no material increase in salaries at the present time, although it is estimated that payrolls will increase 29% over 1933, and, given similar conditions, will increase 6% over 1929.

Increased employment will be largely dependent upon general improvement in business. The government's program of making funds available to railroads for the purchase of new equipment will greatly help this 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 subject to the following conditions: that the Definition of the Railway Car Building Industry as contained in Article II be deleted therefrom and the words "The term 'Railway Car Building Industry' or 'Industry' means and includes the manufacturing or building for sale and selling or commercially repairing within the United States of passenger, freight, tank, service and maintenance cars of every kind (including trackless and other trolley cars), however drawn, operated or propelled, used on and/or in the operation and/or maintenance of steam and/or electric railways and/or trolley lines, or any of such cars, and/or parts and accessories manufactured by a member of this Industry, when such parts and accessories are to be assembled by the manufacturer for sale as part of the finished product" be substituted therefor; that the Definition of the products of the Industry as contained in Article II be deleted therefrom and the words "The term 'Products of the Industry' means and includes passenger, freight, tank, service and maintenance cars of every kind (including trackless and other trolley cars), however drawn, operated or propelled, used on and/or in the operation and/or maintenance of steam and/or electric railways and/or trolley lines, or any of such cars, and/or parts and accessories manufactured by a member of this

Industry, when such parts and accessories are to be assembled by the manufacturer for sale as part of the finished product" be substituted therefor; that the words "and their respective staffs" as contained in Article III, Section 2 (a) be deleted therefrom; that the words "fifty-six (56) hours in any one week" as contained in Article III, Section 3, be deleted therefrom, and that the words "forty-five (45) hours in any one week or nine (9) hours in any one day" be substituted therefor; that the words "and their respective staffs" as contained in Article IV, Section 5, be deleted therefrom; that the continued participation of the American Railway Car Institute in the Code Authority, after thirty (30) 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.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

WASHINGTON, D.C.,  
*February 16, 1934.*



# CODE OF FAIR COMPETITION FOR THE RAILWAY CAR BUILDING 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 Railway Car Building Industry, and shall be the standard of fair competition for such Industry and shall be binding upon every employer engaged in such Industry.

## ARTICLE II—DEFINITIONS

The term "United States" means the continental United States, not including Alaska or the Panama Canal zone.

The term "person" means and includes a natural person, a partnership, an association, a corporation, trustee or receiver, or other form of enterprise.

The term "Railway Car Building Industry" or "Industry" means and includes the manufacturing or building for sale and selling or commercially repairing within the United States of (a) passenger, freight, tank, service and maintenance cars of every kind (including trackless and other trolley cars), however drawn, operated or propelled, used on and/or in the operation and/or maintenance of steam and/or electric railways and/or trolley lines, or any of such cars, and/or (b) fabricated or processed component, repair or replacement parts for use or for sale as such for installation in or for replacements or repairs of any of such cars but excepting specialties (and component repair and/or replacement parts therefor) manufactured, assembled or sold by others than persons engaged in the business of building or commercially repairing any of such cars.<sup>1</sup>

The terms "President", "Act" and "Administrator" means, respectively, the President of the United States, Title I of the National Recovery Act, and the Administrator for Industrial Recovery.

The term "products of the Industry" means and includes (a) passenger, freight, tank, service and maintenance cars of every kind (including trackless and other trolley cars), however drawn, operated or propelled, used on and/or in the operation and/or maintenance of steam and/or electric railways and/or trolley lines, or any of such cars, and/or (b) fabricated or processed component or repair or replacement parts for use or for sale as such for installation in or for replacements or repairs of any of such cars but excepting specialties (and component repair and/or replacement parts therefor) manufactured, assembled or sold by others than persons engaged in the business of building or commercially repairing any of such cars.<sup>2</sup>

<sup>1</sup> See paragraph 2 of order approving this Code.

<sup>2</sup> See paragraph 2 of order approving this Code.

The term "employer" means and includes any person engaged in the business of manufacturing or building for sale and selling or commercially repairing products of the Industry or any of them.

The term "employee" means and includes an employee employed in the Industry by any employer.

The term "Institute" means the American Railway Car Institute, 19 Rector Street, New York City, New York.

The term "Assenter to the Code" means an employer who or which has expressly assented to the Code and paid or agreed to pay as and when assessed his or its share of the expenses of its administration, as hereinafter in Article VI, Section 2, provided.

The term "effective date" means the date on which the Code shall become effective, as hereinafter provided.

### ARTICLE III—WORKING 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, nor more than six (6) days per week.

SECTION 2. *Exceptions as to Hours.*—(a) *Executives, etc.*—The provisions of Section 1 above shall not apply to executives, those employed in a supervisory or administrative capacity or in technical work, and their respective staffs, compensated at the rate of thirty-five (35) dollars or more per week, and outside salesmen.<sup>3</sup>

(b) *Emergency Overtime.*—The provisions of Section 1 above shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, or on emergencies occasioned by the necessity for services of specially skilled employees which cannot be cared for by the employment of additional men. But in any such special case at least one and one-half times the normal rate shall be paid for hours worked in excess of the maximum provided in Section 1 above.

(c) *Ordinary Overtime for Seasonal Periods.*—The maximum hours fixed in Section 1 above shall not apply for six (6) weeks in each consecutive six (6) months' period beginning with the effective date, during which overtime shall not exceed eight (8) hours in any one week. In any such case at least one and one-half times the normal rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hours' period, or in excess of forty (40) hours in any seven (7) days' period.

SECTION 3. *Power Plant Employees.*—Power plant employees whose regular occupation during the entire time of their employment is confined to the power house, and/or boiler house, or to the hydraulic, air generating or electrical sub-station when such sub-station is not located within the power plant proper, may be regularly employed over the daily and/or weekly maximum number of hours above specified up to but not exceeding fifty-six hours in any one week.<sup>4</sup>

<sup>3</sup> See paragraph 2 of order approving this Code.

<sup>4</sup> See paragraph 2 of order approving this Code.

**SECTION 4. Watchmen.**—Watchmen may be regularly employed over the daily and/or weekly maximum number of hours above specified up to but not exceeding fifty-six (56) hours in any one week.

#### ARTICLE IV—WAGES

**SECTION 1. (a)** The minimum rate of pay to be paid by any employer to employees engaged in plant operations shall be forty (40) cents per hour except as hereinafter provided.

(b) The minimum rates of pay per hour to be paid to employees engaged in plant operations in the following plant locations and their immediate vicinity shall be the respective rates hereinafter set forth, viz:

Bettendorf, Iowa	37
Berwick, Pa	35
Huntington, West Va	37
Jeffersonville, Ind	37
Johnstown, Pa	37
Madison, Ill	37
Milton, Pa	35
Mt. Vernon, Ill	37
Richmond, Va	37
Roanoke, Va	37
St. Charles, Mo	35
Terre Haute, Ind	37

(c) The minimum rate of pay per hour to be paid to employees engaged in plant operations at plants located in North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, Louisiana and Mississippi shall be thirty two (32) cents.

**SECTION 2. Rates for Female Employees Engaged in Plant Operations.**—(a) The minimum rate of pay for female employees at any plant not performing the same kind of work as male employees at said plant shall be eighty seven and one-half (87½) per cent of the minimum rate hereinbefore provided for such plant.

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

**SECTION 3. Apprentices and Learners Engaged in Plant Operations.**—The minimum rate of pay for apprentices for a period of one year and for learners for a period of three months shall be eighty (80) per cent of the minimum rate hereinbefore provided for the plant where such apprentices or learners work, provided that apprentices after a period of one year and learners after a period of three months shall no longer be classed as such, but the total number of such apprentices and learners paid by any employer at such reduced rates shall not exceed five (5) per cent of the total number of employees employed by such employer in plant operations.

**SECTION 4. Minimum rates for office and other Employees.**—The minimum rate of pay for all employees other than those engaged in plant operations, including office employees, shall be not less than at the rate of \$15.00 per week in any city of more than 500,000 population; nor less than at the rate of \$14.50 per week in any city of between 250,000 and 500,000 population; nor less than at the rate of \$14.00 per week in any city of less than 250,000 population, the rates

for each city to apply to the immediate trade area of such city, provided that learners and office boys and girls may be paid not less than eighty (80) per cent of such minimum wage, but the total number of such learners and office boys and girls who are paid such reduced rates shall not exceed five (5) per cent of the total number of employees covered by the provisions of this Section 4. The population, for the purpose of this Code, shall be determined by reference to the 1930 Federal Census.

SECTION 5. *Adjustment in Rates of Pay.*—The rates of pay of all employees receiving more than the minimum rates of pay hereinbefore provided (except executives, those employed in a supervisory or administrative capacity or in technical work, and their respective staffs, receiving at the rate of thirty-five (35) dollars or more per week, and outside salesmen), which have not subsequent to June 16, 1933 been equitably adjusted, shall be so adjusted not later than fifteen (15) days subsequent to the effective date of this Code, provided, however, that in no event shall rates of pay of such employees be reduced. Not later than sixty (60) days after the effective date of this Code the Code Authority shall report to the Administrator the action taken by all employers in the Industry since May 1, 1933, in making such adjustments.<sup>5</sup>

SECTION 6. *Piece Rates.*—This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate, piece rate or other basis.

SECTION 7. *Handicapped Workers.*—The minimum rate of pay for employees who by reason of disability and/or infirmity are competent only for light employment shall be eighty (80) percent of the applicable minimum wage rates established in Sections 1 and 4 of this Article, and the total number of such employees employed at such reduced rates by any one employer shall not exceed two (2) percent of the total number of employees employed by such employer.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. Pursuant to Section 7 (a) of Title I of the Act, the Code shall be subject to the following conditions:

“(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.”

SECTION 2. No person under sixteen (16) years of age shall be employed in the Industry and no person under eighteen (18) years

<sup>5</sup> See paragraph 2 of order approving this Code.

of age shall be employed in an employer's plant in the Industry in the manufacture, repair and/or handling of the products of the Industry. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 3. Within each State the Code shall not supercede any laws of such State imposing more stringent requirements on employers, regulating age of employees, or wages and hours of work.

SECTION 4. Employers shall not reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes of the Act.

SECTION 5. All employers shall post complete copies of this Code in conspicuous places accessible to all employees.

#### ARTICLE VI—ADMINISTRATION

SECTION 1. A Code Authority, constituted and elected as hereinafter provided, shall be established by the Industry to effectuate the purposes of the Code and shall have such powers as shall enable it to administer, supervise and facilitate the enforcement of the provisions of the Code.

SECTION 2. Employers may become Assenters to the Code and 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 Industry Members by (a) assenting to the Code in a letter in the form or substantially the form hereto annexed as Schedule A, filed with the Institute, and (b) paying or agreeing to pay as and when assessed their respective proportionate shares of the expenses of the administration of the Code as determined by the Code Authority. Such expenses shall be borne by the Assenters to the Code pro-rated in the proportion that the number of votes which the respective Assenters to the Code are at the time entitled to cast bears to the total number of votes which all the Assenters to the Code are at the time entitled to cast at a meeting of Assenters to the Code.

Any employer is eligible to membership in the Institute.

SECTION 3. The Code Authority shall consist of seven (7) members, to be elected as hereinafter provided (hereinafter called the "Industry Members"). In addition to the foregoing members there may be from one to three members (without vote) appointed by the Administrator (hereinafter called the "Administrator's Representatives").

SECTION 4. For a period not exceeding sixty (60) days following the effective date and pending the election and appointment of the permanent Code Authority, as hereinafter provided, the members of the Board of Directors of the Institute as the Industry Members and the appointees, if any, of the Administrator (appointed as in Section 3 of this Article provided) as the Administrator's Representatives shall constitute a temporary Code Authority.<sup>6</sup>

<sup>6</sup> See paragraph 2 of order approving this Code.

SECTION 5. The Institute, as soon as practicable after the approval by the President of the Code, shall, by written notice mailed to all employers known to the Institute, call a meeting of such employers for the purpose of electing the Industry Members of the permanent Code Authority. At such meeting each employer who shall have become an Assenter to the Code and shall have made report of the information specified in Section 1 of Article II as a basis for the computation of his or its vote to the Secretary of the Institute shall have the right to vote in person or by duly authorized proxy. The Industry Members to be elected at such meeting shall be classified. Two of such members shall be elected by a plurality of the votes cast by such employers present or represented at such meeting—each such employer, for such purpose, having the right to cast one vote. Five of such members shall be elected by such employers present or represented at such meeting by a majority of the votes that might be cast if all the Assenters to the Code were present at such meeting—each such employer present or represented at the meeting, for such purpose, having the right to cast the same number of votes which he or it would, pursuant to Section 1 of Article XI hereof, have the right to cast at a meeting of Assenters to the Code. Employers who are members of the same affiliated group, as that term is defined in Section 1 of Article XI hereof, shall, at elections of Industry Members of the permanent Code Authority, vote as one employer. More than one Industry Member from among the officers, agents, representatives or nominees of the corporations which are members of one affiliated group, as that term is defined in Section 1 of Article XI hereof, shall at no time be elected or appointed or, subject to Section 14 of this Article, allowed to serve on the permanent Code Authority. The Industry Members so elected at such meeting shall serve until the meeting of the Assenters to the Code to be held in January, 1935, as hereinafter provided, and until their respective successors are elected and have qualified. The Industry Members so elected and the Administrator's Representatives, if any, shall constitute the permanent Code Authority.

A meeting of the Assenters to the Code shall be held in January, 1935, at the time and place of the annual meetings of members of the Institute, for the purpose of electing successors to the Industry Members of the Code Authority first elected as hereinabove provided. At such election the method of voting described above shall be employed.

SECTION 6. With a view to keeping the President and the Administrator informed as to the observance or nonobservance by the Industry of the Code, and as to whether the Industry is taking appropriate measures to effectuate the declared policy of the Act, each employer shall prepare and file with the Secretary of the Institute or such other agency as the Code Authority shall designate, and at such times and in such manner as the Code Authority shall prescribe, statistics and data with respect to so much of the employer's business as is within the Industry, covering the number of employees employed, wage rates, earnings of employees, hours of work, and such other related data as may be necessary for the purposes stated in this Section.

SECTION 7. All statistics, data, and information filed pursuant to the provisions of the Code shall, except as otherwise provided in the

Act or herein, be kept and treated as confidential and shall be used only for the purposes herein set forth. Nothing herein contained, however, shall prevent the publication by the Code Authority of general summaries of such statistics, data, and information.

SECTION 8. The Code Authority, by its duly authorized representatives (who shall not be in the employ of any employer affected by the Code), shall have access to the statistics and data filed with the Secretary of the Institute or other agency designated by the Code Authority, pursuant to the provisions of Section 6 of this Article, for the purpose of administering and facilitating the enforcement of the provisions of the Code.

SECTION 9. The Code Authority may, upon its own initiative or upon complaint of any person affected, make investigation as to the functioning and observance of any provisions of the Code, and report the results of such investigation to the Administrator.

SECTION 10. The Code Authority may adopt such rules and regulations and constitute or appoint such agency or agencies as it shall deem necessary for the administration and/or facilitation of the enforcement of the provisions of the Code. The Code Authority shall be deemed to have discharged its full duty under the Code with respect to any violation or alleged violation of the Code when the Code Authority or the agency constituted or appointed by it to handle the matter shall have taken such action as may be legally available to it or shall have certified the facts available to it with respect to such violation or alleged violation to the Administrator. The Code Authority may adopt rules and regulations for its own procedure which shall not be inconsistent with the provisions hereof.

SECTION 11. The Code Authority may use and/or employ such trade associations and other agencies as it deems proper, including the Institute, for the carrying out of any of its activities or duties provided for herein.

SECTION 12. At each meeting of the Code Authority each Industry Member shall have one vote and the concurring vote of a majority of the full number of the Industry Members shall be necessary to carry any question. Due notice of all meetings of the Code Authority shall be given to the Administrator's Representatives.

SECTION 13. Any vacancy among the Industry Members occurring by reason of the death or resignation of a member or otherwise, shall be filled at a meeting of the employers called upon at least ten days' notice. In electing an Industry Member to fill the vacancy the same method of voting shall be employed as was employed in electing the member who has died, resigned or whose place has otherwise become vacant.

SECTION 14. Each Industry Member may appoint and certify to the Secretary of the Institute an alternate who, during the absence or disability of the Industry Member appointing him may attend and act at meetings of the Code Authority with the same rights, powers and duties that the Industry Member appointing him would have if present.

SECTION 15. 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 (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 after approval by the Administrator.

#### ARTICLE VII—CONCERNING SALES

SECTION 1. In each case wherein two or more employers shall be invited to submit proposals or bids to manufacture or build and sell or to repair any products of the Industry, each employer so invited shall within forty-eight hours after receipt by him or it of such invitation notify in writing the Secretary of the Institute or other agency designated by the Code Authority of the receipt of such invitation, the name of the customer inviting the proposals or bids, the number and kind of products of the Industry and/or repairs with respect to which the proposals or bids are invited, the date, if any, on or by which the proposals or bids are to be submitted to the customer and whether or not such employer intends to submit a proposal or bid and each employer submitting a proposal or bid (a) shall reduce the same to writing, (b) shall state therein, among other things, terms of payment and delivery and the price, including the price of such alternates as shall be required or proposed, which price shall be not less than such employer's estimated cost (as hereinafter defined) in respect of the products and/or repairs covered by said proposal or bid, and (c) shall, coincident with the submission of such proposal or bid, send by mail or cause to be delivered (whichever shall be the more expeditious method of transmittal), a sealed, full, true and correct copy of such proposal or bid to the Secretary of the Institute or other agency designated by the Code Authority for the purpose. The employer's estimated cost shall be his or its estimated cost computed according to the method approved by the Code Authority and the Administrator. The Secretary of the Institute or other agency designated as aforesaid shall on the date on or by which the proposals or bids are to be submitted to the customer as stated in the invitation for bids, or upon the receipt by him or it of proposals or bids from all the employers who or which shall, as aforesaid, have notified him of their intention to submit proposals or bids (whichever shall be earlier) open the sealed copies which shall have been deposited with the said Secretary or said other agency and send by mail or cause to be delivered (whichever shall be the more expeditious method of transmittal) to each employer from whom or which he shall have received a copy of a proposal or bid in respect to any given products of the Industry and/or repairs, a copy of every proposal or bid received by him from each other employer in respect of such products and/or repairs. A bidding employer failing or refusing in any case in accordance with the foregoing to submit a written proposal or bid and/or deliver a copy thereof to the said Secretary shall be guilty of a violation of the Code. No employer shall sell the products of the Industry at a price or on terms or conditions more favorable to the purchaser than the prices, terms and conditions set forth in that proposal or bid from among those of which a copy shall have been sent or delivered to the Secretary of the Institute or other designated agency, as aforesaid, most favorable to the purchaser, except upon the reopening of bids.



SECTION 2. For all the purposes of Section 1 of this Article, a proposal or bid submitted and a sale made and/or repair work done by any employer indirectly through any affiliated company of such employer or otherwise shall be deemed to be a proposal or bid submitted or a sale made and/or repair work done by such employer.

#### ARTICLE VIII—EXPORTS

Nothing in Article VII hereof shall be deemed to apply to or affect any proposal or bid upon, or the sale of any product of the industry destined for direct or ultimate shipment in export trade. The term "export trade" as used herein means and includes shipments made to foreign countries, Alaska, Panama Canal Zone and/or the Insular Possessions of the United States of America.

#### ARTICLE IX—UNFAIR PRACTICES

For all the purposes of the Code, the following described acts shall constitute unfair practices:

(a) The offering, giving, accepting or arranging for the giving of a secret rebate in any form or manner, which rebate is not stated in the quotation to the customer and results in lowering the price to the customer stated in the quotation.

(b) The granting of an option or the making of an agreement in connection with an order for products of the Industry, or any of them, wherein or whereunder the customer is given the right to require the employer to manufacture or build and deliver, but is under no obligation to take or pay for, any products of the Industry additional to those stated in the order, at the price or approximately at the price stated in the order.

The Code Authority shall within fifteen (15) days after the effective date formulate additional Trade Practice provisions for approval by the Administrator.

#### ARTICLE X—CANCELLATION OR MODIFICATION BY THE PRESIDENT

As required by Section 10 (b) of Title I of the Act:

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

#### ARTICLE XI—GENERAL PROVISIONS

SECTION 1. At meetings of Assenters to the Code each Assenter to the Code shall be entitled to cast as many votes as shall equal the quotient obtained by dividing by 100,000 the amount in dollars of the average annual invoice value as reported to the Secretary of the Institute of (a) products of the Industry (other than cars built or manufactured for operation by such Assenter to the Code to a firm or corporation, which, or the successor of which, on January 1 of the year in which the votes are cast is a member of the same affiliated group as such Assenter to the Code) completed, delivered and invoiced by such Assenter to the Code within the United States and (b) all repairs made within the United States to products of the Industry (other than repairs made by an Assenter to the Code

for a firm or corporation which, or the successor of which, on January 1 of the year in which the votes are cast is a member of the same affiliated group as such Assenter to the Code, or to cars owned by, under lease to or controlled by such Assenter to the Code, or a firm or corporation which, or the successor of which, on January 1 of the year in which the votes are cast is a member of the same affiliated group as such Assenter to the Code) by such Assenter to the Code during the preceding five calendar years, provided, however, that fractions in such quotient shall be disregarded and each Assenter to the Code shall have at least one vote. The term "sold" as used in this Section 1 includes conditional sales, bailment leases and similar forms of disposition of cars. The term "affiliated group" as used herein means one or more corporations connected through stock ownership with a common parent corporation and the common parent corporation if (1) at least fifty per cent of the voting stock of each of such corporations (except such common parent corporation) is owned directly by the common parent corporation or (2) at least fifty per cent of the voting stock of each of such corporations except such parent corporation is owned directly by one or more of the other corporations and (3) such common parent corporation owns directly at least fifty per cent of the voting stock of at least one of the other corporations. All questions as to the number of votes which each Assenter to the Code shall be entitled to cast at any meeting of Assenters to the Code, other than the meeting at which the Industry Members of the permanent Code Authority are elected, shall be determined by the Code Authority.

SECTION 2. At meetings of Assenters to the Code, each Assenter to the Code may vote in person or by proxy appointed by an instrument in writing duly executed by such Assenter to the Code and filed with the Secretary of the meeting. No employer who or which shall not also be an Assenter to the Code shall be entitled to vote at any meeting of Assenters to the Code.

SECTION 3. 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 wilful misfeasance or non-feasance.

## ARTICLE XII—AMENDMENTS

SECTION 1. It is contemplated that as changed conditions or experience may indicate, the provisions of this Code other than those required by the Act to be included therein, may, with the approval of the President, if approval thereof by him shall then be required by law, be modified or eliminated and that from time to time amendments or revisions of, or additions or supplements to this Code may be submitted to the President for approval, if approval by him shall then be required as aforesaid, and that such amendments, additions, revisions and/or supplements when approved by the President, if approval by him shall then be required as aforesaid, shall be in full force and effect. Any employer may submit for consideration of

the Code Authority any amendment to the Code which he or it considers desirable.

SECTION 2. The Code may be amended, revised, added to or supplemented at any time and from time to time in the manner in this Section 2 provided. All amendments and revisions of or additions and supplements to this Code shall be proposed either (a) by the Code Authority by resolution duly adopted at a regular or special meeting of the Code Authority, or (b) by a written proposal signed by at least one-third in number of the Assenters to the Code, and each amendment, revision, addition or supplement so proposed shall be submitted to a meeting of Assenters to the Code specially called for that purpose upon at least ten days' written notice. If at such meeting Assenters to the Code entitled to cast at least a majority of all the votes that might be cast at the meeting if all the then Assenters to the Code were present thereat shall vote for the adoption of the amendment, revision, addition or supplement, such amendment, revision, addition or supplement shall be submitted by the Code Authority to the President for his approval, if approval thereof by him shall then be required by law. Every such amendment, revision, addition or supplement shall take effect as a part of the Code upon the adoption thereof as above provided and the approval thereof by the President, if approval thereof by him shall then be required as aforesaid.

#### ARTICLE XIII—EXPIRATION DATE

In no event shall the Code continue in effect after the Act shall cease to be in effect, nor shall it in any event continue in effect after June 16, 1935, regardless of whether the Act shall then be in effect.

#### ARTICLE XIV—MONOPOLIES, ETC.

The Code is not designed to promote monopoly and shall not be so construed or applied as to oppress or discriminate against small enterprises.

#### ARTICLE XV—EFFECTIVE DATE

The Code shall become effective five (5) days after its approval by the President.

Approved Code No. 285.  
Registry No. 1414-05.

SCHEDULE A

AMERICAN RAILWAY CAR INSTITUTE,  
19 Rector Street, New York City.

GENTLEMEN: The undersigned, desiring to become an Assenter to the Code of Fair Competition for the Railway Car Building Industry, a copy of which is hereto annexed (hereinafter called the "Code"), hereby assents to all the terms and conditions of the Code and, effective on the date on which the Code is approved by the President of the United States or as of the date on which this letter is delivered, if delivery is made after such date of approval by the said President, the undersigned by the signing and delivering of this letter becomes an Assenter to the Code as provided in and subject to the provisions of Article VI, Section 2 of the Code.

Yours very truly,

-----  
*Name of Corporation.*

By -----  
*Signature of Authorized Officer.*

-----  
*Title of Authorized Officer.*

(568)

○

Approved Code No. 286

CODE OF FAIR COMPETITION

FOR THE

BEAUTY AND BARBER SHOP MECHANICAL  
EQUIPMENT MANUFACTURING INDUSTRY

As Approved on February 16, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE BEAUTY AND BARBER  
SHOP MECHANICAL EQUIPMENT MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Beauty and Barber Shop Mechanical Equipment 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 Section 3 (c) of Article VI, 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.,  
*February 16, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Beauty and Barber Shop Mechanical Equipment Manufacturing Industry in the United States as revised after a hearing conducted in Washington, D.C., on December 21, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### HOURS AND WAGES

The Code provides that the employees engaged on continuous process operations may work more than eight (8) hours per day, but not to exceed forty (40) hours per week in normal periods and the hours in one day in excess of eight (8) hours shall be paid for at the rate of one and one-half times the normal rate. During a peak period, not to exceed twelve (12) weeks in any one calendar year, employees may work forty-four (44) hours per week but the hours in excess of forty (40) hours per week shall be paid for at the rate of one and one-half times the normal rate. Exceptions to these hours are provided for watchmen, who are permitted to work a maximum of forty-eight (48) hours per week, averaged over a consecutive 2-weeks' period. Also, exceptions are made for outside salesmen and outside service employees, executive, chemists, and research workers earning more than thirty-five (35) dollars per week.

The limitations of hours shall not apply in cases of emergency but in such special cases, the wage rate for the hours worked in excess of the maximum hours shall be one and one-half times the normal rate.

A minimum rate of pay of forty (40) cents per hour is established with the provisions that office boys or girls shall not be paid less than eighty (80) per cent of the minimum rate.

Standards for sanitation and safety, as recommended by the United States Public Health Service, shall be submitted by the Code Authority to the Administrator. No home work is to be allowed.

No person under sixteen (16) years of age shall be employed and none under eighteen (18) years of age in occupations detrimental to health.

Employees shall not be reclassified so as to defeat the purposes of the Act, and labor agreements now in force shall be affected only by provisions that prescribe higher rates of pay and shorter hours of work.

### ECONOMIC AND STATISTICAL MATERIAL

The Industry is not large as there were only about 2,300 persons employed during the month of August 1933, and less than forty firms

were engaged in the business. The capital invested in 1932 was estimated at twelve million dollars (\$12,000,000) and the annual sales at twenty-five million dollars (\$25,000,000). Of the thirty-eight firms who replied to questionnaires, twenty-four of them, who are members of the Association, employed 1,900 persons.

The statistics on wages that were compiled are quite meagre but they show that very low wages were paid, in several instances, not more than fifteen (15) cents per hour, and the average minimum wage for the entire Industry was twenty-nine cents (29¢) per hour in August, 1933. It is estimated that under the Code employment will be increased ten per cent, and the amount paid out in wages will be increased substantially. The Industry indicated that the peak of employment comes in the spring and early summer months.

#### 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; provided, however, that the provisions of Section 3 (c) of Article VI, 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 said Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 16, 1934.



# CODE OF FAIR COMPETITION FOR THE BEAUTY AND BARBER SHOP MECHANICAL EQUIPMENT MANUFACTURING INDUSTRY

## ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act the following provisions are established as a Code of Fair Competition for the Beauty and Barber Shop Mechanical Equipment Manufacturing Industry and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

As used herein, the term, "Industry" shall mean the Industry engaged in the United States, its territories and possessions, in the business of manufacturing permanent waving machines, equipment, accessories and supplies used in the process of permanent waving, hair dryers, scalp steamers, massage machines, electrical eyebrow tweezers, and articles of mechanical equipment (excluding chairs and furniture, used in beauty shops and barber shops) and such other related branches 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 as above defined, either as 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.

## ARTICLE III—HOURS

SECTION 1. No watchman shall be permitted to work in excess of forty-eight (48) hours per week averaged over a consecutive two weeks' period, and in no event shall be permitted to work in excess of six (6) days in any consecutive seven (7) days' period.

SECTION 2. Employees working on continuous process operations shall be permitted to work in excess of eight (8) hours in any one day but not to exceed forty (40) hours in any one week except as hereinafter provided in Section 5 of this Article. Such additional hours of labor in excess of eight (8) hours in any one day are to be

paid for at least at the rate of time and one-half ( $1\frac{1}{2}$ ) of the normal rate of pay and the total number of such employees working on continuous process operations shall at no time exceed two (2) per cent of the total number of employees in the plant.

SECTION 3. No other employees except chemists, executives, and research and scientific workers, earning in excess of thirty-five dollars per week, and outside salesmen and outside service employees, shall work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period, except as hereinafter provided in Section 5 of this Article, and in no event shall be permitted to work in excess of six (6) days in any consecutive seven (7) days' period.

SECTION 4. 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 such employees shall be paid at the rate of at least time and one-half ( $1\frac{1}{2}$ ) for hours worked in excess of the maximum hours herein provided.

SECTION 5. During a peak period not to exceed twelve weeks in any one calendar year, no employee shall be permitted to work in excess of forty-four (44) hours per week and extra time over and above forty (40) hours per week shall be paid for at the rate of time and one-half ( $1\frac{1}{2}$ ) of the normal rate of pay.

SECTION 6. Employers who personally perform manual work, or are engaged in mechanical operation, shall not exceed the prescribed maximum number of hours as specified in this Code.

#### ARTICLE IV—WAGES

SECTION 1. No employee other than office boys and girls shall be paid at less than the rate of forty (40) cents per hour, which shall apply irrespective of whether an employee is actually compensated on a time rate, piece work or other basis.

SECTION 2. No office boy or girl shall be paid less than eighty (80) per cent of the rate specified in Section 1 of this Article. This class of employee shall not exceed five (5) per cent of the total number of office employees.

SECTION 3. In the payment of wages there shall be no discrimination as to sex and the same rate per hour shall be paid for male or female labor where like service is rendered.

SECTION 4. Equitable adjustments of all wages above the minimum shall be made not later than thirty (30) days from the effective date by the employers who have not heretofore made such adjustments. The first monthly report of the wages to be filed under this Code shall contain all wage increases made since May 1, 1933. Such adjustments shall not reduce the hourly wage rates.

SECTION 5. Payment of all wages due shall be made in lawful currency or by negotiable check payable on demand. Wages shall be paid at regular intervals either weekly or semimonthly. These wages shall be exempt from any payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earners.

An employee shall be paid at least his full time hourly rate for all time his presence is required at place of employment.

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

SECTION 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. Within sixty (60) days from the effective date of this Code, the Code Authority shall submit to the Administrator for approval a list of such occupations or operations. 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 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

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

SECTION 8. No home work shall be allowed and no work shall be done or permitted in tenement, private houses, basements, or in any unsanitary or unsafe buildings. A manual for standards in sanitation and safety shall be submitted by the Code Authority to the Administrator and shall be recommended by the American Standards Association of the U.S. Public Health Service.

SECTION 9. Each 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.

SECTION 10. 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 as are provided for in such agreements.

SECTION 11. An employer shall so administer work in his charge as to provide the maximum practical continuity of employment for his personnel. The Joint Industrial Relations Board shall submit a plan for regularization and stabilization of employment in the Industry for approval by the Administrator within six (6) months.

#### ARTICLE VI—TRADE PRACTICE PROVISIONS

SECTION 1. (a) No member of the Industry shall use advertising, whether printed, radio, display, or of any other nature, which is inaccurate in any material particular or misrepresents merchandise, credit terms, values, policies, or services; and no member of the Industry shall use advertising and/or selling methods which tend to deceive or mislead the customer.

(b) No member of the Industry shall use advertising which refers inaccurately in any material particular to any competitor or his merchandise prices, values, credit terms, policies, or services.

SECTION 2. No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This paragraph shall not be construed to prohibit free and general distribution of articles commonly used for advertising, except so far as such articles are actually used for commercial bribery as hereinbefore defined.

SECTION 3. (a) Each member of the Industry shall sell only upon the basis of open prices which are uniform to all trade buyers of the same class of distributors for the same quality and quantity.

(b) The term "open prices", as used in this Section, means a price list which is published for the equal information of all trade buyers and which states all the manufacturers prevailing terms of sale.

(c) Each member of the Industry shall file his current price list and discount sheet with the Code Authority within ten (10) days after the approval of this Code. Revised price lists and/or discount sheets may be filed from time to time thereafter with the Code Authority by any member of the Industry, to become effective upon the date specified therein, but such revised price lists and/or discount sheets shall be filed with the Code Authority ten (10) days in advance of the effective date. Copies of such revised price lists and/or discount sheets, with notice of the effective date specified, shall be sent immediately to all members of the Industry, who thereupon may file, to become effective upon the date when the revised price list and/or discount sheet first filed shall go into effect, revisions of their price lists and/or discount sheets establishing prices or prices and discounts not lower than those established in the revised price lists and/or discount sheets first filed.<sup>1</sup>

(d) 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

<sup>1</sup> See paragraph 2 or order approving this Code.

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.

SECTION 4. No member of the Industry shall imitate or simulate any design, style, mark or brand used by any other member of the Industry or knowingly sell or pass off any product with any such imitated or simulated design, style, mark or brand, with intent to deceive or mislead purchasers or prospective purchasers.

SECTION 5. No member of the Industry shall in promoting sales to the public or in offering his goods to wholesalers, retailers, or to the public generally, malign, disparage, or utter untrue statements regarding competing merchandise.

SECTION 6. (a) No member of the Industry shall accept from any customer the return of shopworn, damaged or obsolete merchandise unless said customer shall have obtained the written authorization of the member of the Industry to make such return. The member of the Industry shall charge the customer a minimum of five (5) per cent of the purchase price for handling all goods returned and, in addition, the necessary cost of reconditioning, repairing or modernizing the goods to put them in a saleable condition. The provisions of this Section shall not apply to any article which is defective in material or workmanship.

(b) No member of the Industry shall accept in part payment or in any way give credit to a customer for a second hand article of equipment at any price or upon any terms other than those determined from time to time by the Code Authority and approved by the Administrator.

SECTION 7. No member of the Industry shall manufacture or sell any permanent wave supplies which do not have plainly stamped or printed upon the pads and upon all labels, boxes and containers the words "Manufactured by" followed by the name and address of the member of the Industry. A "member of the Industry" for the purposes of this Section shall be the actual maker or the owner of the patent or trade-mark for whom the article is manufactured.

SECTION 8. No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Code Authority where peculiar circumstances of the Industry require the practice.

SECTION 9. No member of the Industry shall lend any piece of equipment for trial purposes for a period exceeding three days.

#### ARTICLE VII—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. A Code Authority is hereby constituted to administer this Code.

SECTION 2. The Code Authority shall consist of five members to be selected as hereinafter provided and, in addition thereto, there may be not more than three representatives who may be appointed by the Administrator.

The Industry members shall be selected as follows: Three members shall be appointed by the President of the Allied Manufacturers of the Beauty and Barber Industry, Inc., of New York, and two members who assent to this Code and who are not members

of the Allied Manufacturers of the Beauty and Barber Industry, Inc., of New York, shall be selected by a fair method of election approved 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.

SECTION 3. Any 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.

SECTION 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.

SECTION 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 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 subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SECTION 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose.

#### POWERS AND DUTIES

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

(a) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code, in accordance with the powers therein 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 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 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 such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To co-ordinate 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) There shall be established by the Administrator, a National Industrial Relations Board for the Industry consisting of an equal number of representatives of employers and employees to deal with all matters in the Code relating to labor. Where a majority agreement cannot be reached, the Board shall select an impartial chairman to render a decision. The creation and functioning of these Boards including the selection of representatives of employees shall be in accordance with Section 7 of the Act. If no truly representative labor organization exists, the employee members of such Board shall be chosen by the Labor Advisory Board of the National Recovery Administration. The employer representatives shall be chosen by the Code Authority. The Industrial Relations Board may establish such subsidiary agencies constituted in like manner as it finds necessary.

(g) 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.

(h) To cooperate with the Administrator in regulating the use of the NRA Code Insignia solely by those employers who have agreed to, and are complying with, this Code.

(i) To establish or designate an agency on planning and fair practice which shall cooperate with the Code Authority in developing fair inter and intra trade practices and industrial planning, including the regularization and stabilization of employment for the Industry.

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

SECTION 8. In addition to the information required to be submitted to the Code Authority as set forth in this Article, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3(a) of the National Industrial Recovery Act.

## ARTICLE 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 sub-Section (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.

SECTION 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 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, 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. 286.  
Registry No. 1606-05.









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**AMENDMENTS**

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Approved Code No. 13—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## FISHING TACKLE INDUSTRY

As Approved on November 14, 1933

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### ORDER

#### MODIFICATION OF CODE OF FAIR COMPETITION FOR THE FISHING TACKLE INDUSTRY

##### MODIFICATION OF ARTICLE III, SECTION 5

Pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and by virtue of the Executive Orders of the President of the United States issued June 16, 1933, and July 15, 1933, and in accordance with Article IV, Section 1 of the Code of Fair Competition for the Fishing Tackle Industry, approved August 19, 1933, and upon recommendation by the Fishing Tackle Industry Code Committee after approval by vote of the Industry, I hereby approve the following amendment to Article III, Section 5, of the said Code and do order that said amendment become operative as part of the Code:

“Article III, Section 5, shall be amended to read as follows:

“SECTION 5. *Terms.*—Terms to those buying at jobber prices, or at prices more favorable than jobber prices, except as provided in Section 2 of Article III, shall not exceed 2% ten days E. O. M. (end of month of shipment), 60 days net from date of shipment, March first dating. The subterfuge of any manufacturer creating fictitious or special dealer prices, which do not materially differ from said manufacturer's jobber prices and which are not said manufacturer's regular dealer prices, for the purpose of evading this section and giving dating beyond March first is unfair competition.

“Any interest allowed for anticipated payment of invoices shall not exceed the rate of 6% per annum. Past due accounts shall be charged with interest at the rate of not less than 6% per annum, which rate of interest shall also be the minimum charged on any notes, trade acceptances or other paper of any kind accepted in payment of accounts.

“No sales or shipment shall be made on consignment to any customer, and it shall be unfair competition to evade or to offer to evade this section of the Code by any so-called warehousing agreement,

storage allowance, deferred payment plan, or other method, understanding or subterfuge of any kind, the effect of which amounts to consignment or to more favorable terms than provided herein."

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*November 14, 1933.*

Approved Code No. 13—Amendment No. 1.  
Registry No. 1657-1-03.

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## COTTON TEXTILE INDUSTRY

As Approved on December 29, 1933

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### TRADE PRACTICES GOVERNING THE MERCHANDISING OF CARDED COTTON YARN

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 as to trade practices governing the merchandising of carded cotton yarn:

“TRADE PRACTICES GOVERNING THE MERCHANDISING OF CARDED COTTON  
YARN

“1. *Definitions.*

“(a) ‘Spinning mill’ is any manufacturer spinning carded cotton yarn to be sold as such, whether selling with or without the employment of a selling agent.

“(b) ‘Selling agent’ is any person, whether known as a commission house, yarn merchant or otherwise, who sells carded cotton yarn in the relation of an agent for a spinning mill, who receives a commission for his services, assumes the obligation of effecting sales in the interest of the spinning mill and guarantees the account of the purchaser, the mill being the principal in all transactions and being furnished with the names of all prospective purchasers when sales negotiations are opened, the guarantee of performance of the contract being a matter for special agreement between the spinning mill and the selling agent.

“(c) ‘Commission’ is the sum paid or allowed to an agent for his services to a spinning mill in the sale of carded cotton yarn.

“(d) ‘Broker’ is one who brings together spinning mills and purchasers and receives, on each transaction which the mill completes by delivery, a brokerage fee on the price of the order, but does not guarantee the account.

“(e) ‘Purchaser’ is anyone who buys carded cotton yarn for his own account or for that of an affiliate or subsidiary or parent organization.

“2. Spinning mills shall furnish duly certified reports each week to the Statistical Bureau of The Cotton-Textile Institute, Inc., 320

Broadway, New York City, of all sales of carded cotton yarn during the week immediately prior (except sales made through selling agents), stating same by date of order, quantity and description of yarn, delivery specifications, price to be paid, and terms of sale. Selling agents shall file similar reports as to all sales made on behalf of spinning mills. Statistical reports shall be issued weekly by the Institute to all spinners and selling agents summarizing such statistical information received.

"3. No spinning mill, selling directly, shall make any price to a purchaser or any allowance to a purchaser in the guise of commission, brokerage, dealer's discount or fee, either directly or indirectly, or by any secret rebate, advantage, inducement, compensation, gift or otherwise, by which any purchaser shall, in effect, pay a less price than the price which such spinning mill would quote if dealing through selling agents. Commission shall be paid only to bona fide selling agents registered as such with The Cotton-Textile Institute, Inc.

"4. No selling agent shall, directly or indirectly, by way of commission, discount, fee, secret rebate, advantage, inducement, compensation, gift or otherwise, split or divide with or pass on to the purchaser the commission or any part thereof which he receives from the spinning mill.

"5. Selling agents shall not, directly or indirectly, whether through a subsidiary or an affiliate or otherwise, buy stocks of carded yarn for their own account or for that of a subsidiary or affiliate or parent organization, engage in short selling or guaranteeing prices against decline; but a selling agent may sell for his own account any yarn which he may be required to take over by reason of his guarantee of a purchaser's account or contract.

"6. No spinning mill shall, either directly or through a selling agent, guarantee prices against decline, or directly or indirectly abate prices on unfinished contracts, except to the extent that costs are affected by subsequent Governmental action.

"7. No spinning mill shall, either directly or through a selling agent, grant to any purchaser on any sale of any type of carded yarn sold as such more favorable terms of cash discount than 2% discount for payment within 30 days or 2% discount up to the 10th proximo, as may be elected by the purchaser. All yarn, other than as herein-after mentioned, shall be sold net weight. Not more than five days' grace shall be allowed in any discount period. All sales providing for settlement either in any medium other than cash or for longer periods of time than those above specified shall be absolutely net. On sales of ball warps, chain warps, warps on beams and similar put-ups such yarn shall be sold on the basis of calculated weight with 2% tolerance. The foregoing stipulations in this clause apply only to domestic sales.

"8. In all sales effected by spinning mills, whether directly or through a selling agent, there shall be used a 'uniform form of contract', after such form shall have been submitted to the Administrator by the Code Authority and received his approval.

"9. No provision herein shall apply in respect to orders placed before the effective date of these provisions which remain uncompleted on that date.



"10. Administration of these provisions 'Governing the Merchandising of Carded Cotton Yarn' is entrusted to the 'Carded Yarn Sub-Committee,' constituted by the Cotton Textile Industry Committee, subject to the authority and jurisdiction of the latter committee, i.e., the Code Authority for the Cotton Textile Industry."

Pursuant to the authority vested in me by said Section VI of the Code, I hereby approve said recommendations and order that beginning January 1, 1934, they become effective as part of the Code.

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

Approval recommended:

LEO WOLMAN,  
NELSON SLATER,  
*December 29, 1933.*

Approved Code No. 1—Amendment No. 3.  
Registry No. 299-25.



Approved Code No. 36—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

GLASS CONTAINER INDUSTRY

As Approved on February 1, 1934

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ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE  
GLASS CONTAINER INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Glass Container Industry, 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. Said amendments shall become effective ten (10) days after the date hereof and shall thereupon be binding upon all members of the Industry unless prior to the date, good cause to the contrary shall be shown to me by any affected party or parties.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,

*Division Administrator.*

WASHINGTON, D.C.,

*February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report of the Amendments to the Code of Fair Competition for the Glass Container Industry to permit certain changes in the provisions as to hours. These Amendments are submitted for Executive approval in accordance with Section 3, Article VIII of said Code as approved on October 3, 1933.

### PROVISIONS AS TO HOURS

The labor provisions in the Code have been amended by limiting watchmen to maximum working hours not in excess of ninety-six (96) hours in any two (2) week period, and not more than six (6) days in any seven (7) day period.

Heretofore, watchmen have not been limited as to daily or weekly hours under this Code, but were paid at the rate of time and one half for all hours in excess of forty (40) hours per week. Since watchmen are usually crippled, or superannuated employees, objection to paying time and one half resulted in no overtime above forty (40) hours per week, with consequent reduced wages, and in some cases to actual dispensing with watchmen. The provision in the amended Code will correct this condition.

### 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 Glass Container Association 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 these amendments.

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

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

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

For these reasons, these amendments have been approved by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 1, 1934.

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

1. Article III, Section 3 (a), of the Code of Fair Competition for the Glass Container Industry shall be and hereby is amended by adding the words "Except as hereinafter otherwise provided the" so that said Subsection as amended shall read:

"Except as hereinafter otherwise provided the maximum number of working hours for factory employees in the Industry shall not be in excess of forty (40) hours per week averaged over a six months' period, and not in excess of forty-eight (48) hours in any one week. For the purpose of this section the balance of the year 1933, from the effective date of this Code to December 31, 1933, inclusive, shall be considered the first period. Subsequent periods shall begin on January 1 and July 1, to end on June 30 and December 31, respectively."

2. Article III, Section 3, of said Code shall be and hereby is amended by adding thereto a new Subsection to be designated (c) as follows:

"The maximum number of working hours for watchmen shall not be in excess of ninety-six (96) hours in any two weeks period, but no more than 6 days in any 7-day period."

3. Article III, Section 8, of said Code shall be and hereby is amended by deleting the word "and" in the second line, by adding thereto after the words "outside salesmen" the following "and watchmen", and further by adding after the words "for all hours" the following "worked" so that said Section as amended shall read:

"Any employee other than executives and supervisors who receive more than thirty-five dollars (\$35) per week, outside salesmen, and watchmen shall be paid overtime at the rate of time and a half for all hours worked in excess of 40 hours per week averaged over a six-months' period."

4. These amendments shall become effective on the 10th day after their approval by the President.

Approved Code No. 36. Amendment No. 1.  
Registry No. 1022-1-01.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR

INVESTMENT BANKERS

As Approved on February 1, 1934

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ORDER

APPROVING MODIFICATION OF THE CODE OF FAIR COMPETITION FOR  
INVESTMENT 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, and particularly with Section 10 (b) thereof, approved June 16, 1933, for approval of a modification of a Code of Fair Competition for Investment 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 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:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on a modification of the Code of Fair Competition for Investment Bankers, increasing the membership of the Investment Bankers Code Committee from five members representing Investment Bankers to twenty-one such members.

The Assistant 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 and said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Investment Bankers Association of America was and is truly representative of the Investment Bankers and that said Association imposed and imposes no inequitable restrictions on admission to membership therein and has applied for or consents to this modification.

(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.

(g) The enlargement of membership on the Investment Bankers Code Committee is desirable and will result in the Committee being more representative of Investment Bankers, as a whole, by making it possible to have representatives thereon from all parts of the country.

For these reasons this modification has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 1, 1934.



AMENDMENT TO CODE OF FAIR COMPETITION FOR  
INVESTMENT BANKERS

Modification of Section 1, Article III:

To cooperate with the Administrator in the administration of this Code there is hereby constituted an Investment Bankers Code Committee. Such Committee shall consist of fifteen members appointed by the President of the Investment Bankers Association of America; six members chosen by a fair method approved by the Administrator to represent employers not members of the Investment Bankers Association of America; and a representative or representatives without vote appointed by the Administrator. The twenty-one voting members of the said Committee shall be appointed or chosen from assenting employers.

Approved Code No. 141. Amendment No. 1.  
Registry No. 1707-04.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

HOSIERY INDUSTRY

As Approved on February 2, 1934

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ORDER

APPROVING MODIFICATION OF THE CODE OF FAIR COMPETITION FOR THE  
HOSIERY INDUSTRY

MODIFICATION NUMBER 4—MODIFICATION OF SECTION 7 OF ARTICLE IV,  
CONCERNING OPERATIONS OF FULL-FASHIONED FOOTING EQUIPMENT

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification of a Code of Fair Competition for the Hosiery Industry, 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 such 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 modification to take effect seven 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.,  
*February 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Deputy Administrator in his final report to me on the 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.

Said modification is accordingly approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 2, 1934.

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

The Code of Fair Competition for the Hosiery Industry is hereby modified by the substitution of the following language in place of Section 7 of Article IV of the Code as approved by the President on August 26, 1933:

“Members of the Industry may operate their full-fashioned foot-ing equipment either on a one-shift or a two-shift basis. If a member of the Industry operates on a one-shift basis, the length of such shift shall not exceed forty (40) hours in any one week, and if he operates such equipment on a two-shift basis, the length of each shift shall not exceed thirty-six (36) hours in any one week. In the latter event, the rates paid to knitters, knitting-helpers, and toppers working on such thirty-six (36) hour shifts shall be such as to provide them earnings equal to those which they would receive if they were working on a forty (40) hour shift.”

Approved Code No. 16—Amendment No. 1.  
Registry No. 241-02.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

THROWING INDUSTRY

As Approved on February 2, 1934

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ORDER

APPROVING AMENDMENTS TO THE CODE OF FAIR COMPETITION FOR THE  
THROWING 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 Throwing 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 provisions of Section 3 (e) 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.

This order shall become effective ten (10) days after the date hereof.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This report concerns the amendments to the Code of Fair Competition for the Throwing Industry which were submitted by the Code Administration Committee of that Industry.

The hearing was conducted in Washington, D.C., on January 4, 1934. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

### RÉSUMÉ OF AMENDMENTS

The amendments may be classified under four general headings; restriction against selling below cost, open listing of prices, prohibition against commercial bribery, and the secret payment of refunds or rebates.

These provisions do not apply to employers throwing materials for their own use only in their own plants. In other words, only commission throwing will be governed by these amendments.

### 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 is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining 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 Throwsters Research Institute 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 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, the amendments have been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 2, 1934.

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

Pursuant to the provisions of Section 6 of the Code of Fair Competition for the Throwing Industry, said Code is hereby amended by adding at the end of Section 3, the following paragraphs:

(d) Effective ten days after the approval by the Administrator of a standard and uniform method of costing formulated by the Code Administration Committee in accordance with subsection (b) of this Section, no employer shall sell the products or services of the Industry at such prices or upon such terms and conditions of sale as will result in the purchaser's paying for such product or services less than the cost thereof to the seller, as determined in accordance with said standard and uniform method of costing, except to meet the competition of listed prices. The provisions of this subsection (d) shall not apply to employers throwing materials for their own use only in their own plants.

(e) Within ten days after the approval by the Administrator of said standard and uniform method of costing, each employer shall file with the Code Administration Committee, on a printed form to be furnished by the Code Administration Committee, and publish to the trade, prices for each of the products or services of the industry sold or usually offered for sale by him based on a net cash, f.o.b. his mill basis, and he shall include in addition any yarns not listed that he may be producing or contemplate producing. After filing a price list each employer shall thereafter file with the Code Administration Committee on the day quoted, the price of any yarns not previously listed by him. Any change in prices previously filed must be filed from time to time thereafter by each employer and such revision if downward shall be filed with the Code Administration Committee five days in advance of the day on which business is taken at the lower price.

Immediately upon receipt of a revision from any employer, the Secretary of the Code Administration Committee shall notify all employers of the receipt of such notice stating the price if such price is lower or higher than the lowest price previously filed by the industry. Information embodied in any list or revision filed under this provision shall be immediately available to any employer upon application to the Secretary of the Code Administration Committee.

No employer shall sell or offer for sale any products or services of the industry at prices lower than, or on terms and conditions of sale more favorable than, those filed with the Code Administration Committee in accordance with the foregoing provisions.

The provisions of this subsection (e) shall not apply to employers throwing materials for their own use only in their own plants.\*

(f) No employer shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or reward-

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\* See paragraph 2 of Order approving this amendment.

ing the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principle 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. The provisions of this subsection (f) shall not apply to employers throwing materials for their own use only in their own plants.

(g) No employer shall make or cause to be made secret payment or allowance of rebates, refunds, commissions, or unearned discounts, whether in the form of money or otherwise, or secretly extend to certain purchasers special services or privileges not extended to all purchasers under like terms and conditions. The provisions of this subsection (g) shall not apply to employers throwing materials for their own use only in their own plants.

Approved Code No. 54—Amendment No. 1.  
Registry No. 274-1-01.



Approved Code No. 51—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
UMBRELLA MANUFACTURING INDUSTRY

As Approved on February 2, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
UMBRELLA 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 Umbrella 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, such approval and such amendment 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:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on an amendment to the Code of Fair Competition for the Umbrella Manufacturing Industry, submitted by the National Association of Umbrella Manufacturers, Inc., located at 230 Park Avenue, New York, N.Y., was conducted in Washington on January 18, 1934, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 80 percent of the Industry.

The amendment is to cover the issuance of an N.R.A. label to be affixed to each umbrella manufactured in the industry. This label is to be issued by the Planning and Fair Practice Agency for the industry and a fair and reasonable charge to be made therefor which will in no case exceed one cent (1¢) for each label. The revenue derived from the sale of these labels will be used in maintaining the Planning and Fair Practice Agency.

### FINDINGS

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 the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The National Association of Umbrella Manufacturers, Inc. 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 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, this amendment has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 2, 1934.

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

## AMENDMENT TO ARTICLE VII

SEC. 5. All umbrellas manufactured on and after the effective date of this Amendment, shall bear an N.R.A. label, sewn into the gore to symbolize to purchasers of said umbrellas the conditions under which they were manufactured. Under the powers vested in the Administrator by the Executive Order of October 14, 1933, and under grant of the necessary authority by the Administrator, the Planning and Fair Practice Agency shall have the exclusive right in this industry to propose, issue, furnish or cause to be proposed, issued and furnished said labels to all members thereof. Each label shall bear a registration number especially assigned to such member by the Administrative Director of the Planning and Fair Practice Agency and such labels shall remain attached to such umbrellas when sold by the manufacturer. No member of the Industry shall use any label symbolic of compliance with this Code, other than that supplied by the Planning and Fair Practice Agency. Any and all members of the Industry may apply to the Planning and Fair Practice Agency for a permit to use such N.R.A. label, which permit to use the label shall be granted to them, but only if and so long as they comply with this Code. Through such permit any member of this industry may obtain for his own and exclusive use such N.R.A. labels as he may require for his own production. The Planning and Fair Practice Agency, subject to the approval of the Administrator, shall establish rules and regulations and appropriate machinery for the issuance of labels and the inspection, examination and supervision of the practices of members of the industry using such labels in observing the provisions of this Code for the purpose of ascertaining the right of said member to the continued use of said labels; of protecting purchasers in relying on said labels; of insuring to each individual member of the industry that the symbolism of said label will be maintained by virtue of compliance with the practices herein contained by all other members using said label.

The issuance, withdrawal, and charge made for such labels by the Planning and Fair Practice Agency shall at all times be subject to supervision and order of the Administrator and the charge made therefor 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, and in no event to be in excess of 1 cent (1¢) each.



The Planning and Fair Practice Agency is hereby authorized to petition the Administrator for the issuance of such administrative order as may be required for the proper enforcement of this provision.

This amendment shall become effective on the tenth (10th) day after its approval by the President.

Approved Code No. 51—Amendment No. 1.  
Registry No. 1661-1-01.



Approved Code No. 145—Amendment No. 1

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

**As Approved on February 5, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
FURNITURE 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 Furniture 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:

**W. A. HARRIMAN,**  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 5, 1934.*

(611)

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the proposed modification of the Code of Fair Competition for the Furniture Manufacturing Industry as approved by you on December 7, 1933. Application was made in this office under date of December 16, 1933, by the Code Authority for the Furniture Manufacturing Industry for modification of the provisions of Section 8, Article VIII, of the Code. A public hearing on the proposed modification of the Code was held in the city of Washington on December 28, 1933, and full opportunity was given to all interested parties to appear.

The change proposed is to enable members of the Furniture Industry who manufacture Cedar Chests to maintain a trade practice which has been in effect for a great many years. As the Furniture Code was approved, the making of freight differentials by manufacturers of Cedar Chests is prohibited. It was not intended by the sponsors of the Code of Fair Competition for the Furniture Manufacturing Industry to impose undue hardships on the manufacturers of Cedar Chests and the Code Authority for the Furniture Manufacturing Industry voted unanimously to present the amendment.

This amendment does not in any way affect the labor provisions of the Code or anything other than freight allowances to be made by manufacturers of Cedar Chests.

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 limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

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

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

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

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

I believe the amendment to be fair to labor, to the consumer, and to the industry, and for these reasons, therefore, I approve this amendment.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 5, 1934.

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

Section 8 of Article VIII of the Code of Fair Competition for the Furniture Manufacturing Industry, approved December 7, 1933, shall be and hereby is amended by adding the following:

"In order to promote free competition among cedar chest manufacturers, freight allowances not greater than the following may be made by the manufacturers of cedar chests and other cedar storage pieces:

"Freight from any factory shipping point to any destination may be so equalized that the carload freight rate which would be applicable to that shipment will be no greater than the carload rate on the same shipment if it were made from the nearest point as follows: Atlanta, Georgia, or from Chicago, Illinois, or from New York, N.Y. The carload freight rate shall be used in computing all allowances whether made in carloads or less than carload lots. Where cedar chests or cedar storage pieces are shipped without crating, the dealer may be made an allowance not to exceed 50¢ per crate. This shall be distinct from, and in addition to any freight allowance. In case cedar chests are sold from warehouses at points other than where manufactured, the costs of such warehousing and any handling incidental thereto shall be added to the factory price."

Approved Code No. 145—Amendment No. 1.  
Registry No. 312-1-10.

Approved Code No. 16—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
HOSIERY INDUSTRY

As Approved on February 5, 1934

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ORDER

APPROVING MODIFICATION OF CODE OF FAIR COMPETITION FOR THE  
HOSIERY INDUSTRY

MODIFICATION NUMBER 2—MODIFICATION OF SECTION 6 OF ARTICLE IV  
CONCERNING HOURS OF WORK ON SATURDAY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a modification of a Code of Fair Competition for the Hosiery Industry, 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 such 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 modification to take effect seven 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.,  
*February 5, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Deputy Administrator in his final report to me on the 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 including 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 modification and the Code as modified are not designed to and will not permit monopolies or monopolistic practices.

(d) 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.

(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 modification.

Said modification is accordingly approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 5, 1934.



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

The Code of Fair Competition for the Hosiery Industry is hereby modified by the substitution of the following paragraph for Section 6 of Article IV of the said Code:

“The productive operations of a plant shall not exceed two shifts of forty (40) hours each per week. The work week for productive operations, except dyeing, shall not exceed five (5) days of eight (8) hours each. These days shall be Monday to Friday, inclusive, except in those states where the state laws operate to prevent the operation of two forty (40) hours shifts within the mentioned five (5) days. In such states, employers may operate one shift on Saturday, not to exceed six (6) hours ending at noon, provided that such employers utilize the maximum hours possible under state laws and under this Code in the preceding five (5) days, and provided, further, that in no event shall total machine hours exceed eighty (80) hours in any one week in any plant.”

Approved Code No. 16—Amendment No. 2.

Registry No. 241-02.



Approved Code No. 90—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FUNERAL SUPPLY INDUSTRY

As Approved on February 8, 1934

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ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE  
FUNERAL SUPPLY 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 Funeral Supply Industry, 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, such approval and such amendment 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:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 8, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Funeral Supply Industry, submitted by the Code Authority for the Funeral Supply Industry.

Through mistake, inadvertence, and oversight, the following provision, "or eight (8) hours in any one day", was allowed to remain a part of Section 1 (e) of Article 111, after it had been agreed by the Labor Advisory Board and the proponents of the Code to have such provision stricken from all of the Sections of Article 111 of said Code, which contained the same. Therefore, the amendment is to correct a mistake which was not discovered until after the Code had been approved by your Executive Order of November 4th, 1933.

### FINDINGS

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 the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

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

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

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

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

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 8, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE FUNERAL SUPPLY INDUSTRY

ARTICLE III

Section 1 (e), shall be modified to read as follows:

(e) "Engineers and firemen, outside deliverymen, and emergency repair crews shall be permitted to work forty-six (46) hours per week but shall be paid one and one half times the regular wage rates for all hours in excess of forty (40) in any one week."

Approved Code No. 90—Amendment No. 1.  
Registry No. 307-1-01.

(622)

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LIME INDUSTRY

As Approved on February 10, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
LIME 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 Lime 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; provided, however, that the provisions of Article III, Section 3, subdivision C, 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 in their application to the Dolomite Division as created by this amendment 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.,  
*February 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Amendment to the Code of Fair Competition for the Lime Industry creating a Dolomite Division of that Industry and including an additional group of manufacturers of Dolomitic Refractories under the Lime Code. A hearing on this Amendment was conducted in Washington on the twenty-third of November 1933, in accordance with the provisions of the National Industrial Recovery Act.

Except as otherwise specifically provided in the Amendment, described as Schedule B, all provisions of the Lime Code will apply within the Dolomite Division, including the mandatory provisions of the Act. No change is made in the Schedule to the wage and hour provisions of the Code as originally approved, so that those provisions remained the same under the Code, as amended.

### ECONOMIC EFFECTS OF THE CODE

The Dolomite Industry employs at present only about 490 persons. Six of the eight plants in the Industry produce lime as their principal product, using in some cases the same men and machinery. Since these plants are already under the Lime Code there will be little effect on hours and wages. The Amendment will, however, avoid possibilities of confusion in these six plants and of unfair competition based on wages by the other plants not under the Lime Code.

### FINDINGS

The Assistant Deputy Administrator in his final report to me on said Amendment 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 Dolomitic Refractories Institute is an industrial association truly representative of that portion of the aforesaid Industry affected by the said Amendment, and that said association imposes no inequitable restrictions on admission to membership therein and has 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) The Lime Industry, through its Code Authority, has approved of and consented to the said Amendment.

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 10, 1934.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LIME INDUSTRY

## SCHEDULE B—DOLOMITE DIVISION

SECTION 1. Within the meaning of this Code, as amended by the addition of this Schedule B the term "Lime Industry" not only has the meaning stated in Article I, Section 1, but also includes the manufacture of dolomitic lime for sale as a refractory, irrespective of the extent of burning or of other refinements.

The manufacture of dolomitic lime (referred to herein as "dolomite") for sale as a refractory is hereinafter referred to as the dolomite division of the Lime Industry, which division shall constitute a self-governing branch of the Lime Industry.

The provisions of this Code required by Sections 7 (a) and 10 (b) of the Act, and all other provisions of this Code not otherwise specifically referred to and provided for in this Schedule, shall apply with equal force within the dolomite division.

SEC. 2. The members of the dolomite division shall select a "Dolomite Code Authority" for the entire United States, consisting of one representative of each such manufacturer to administer the Code, as amended by the addition of this Schedule B, within the dolomite division. Except as otherwise herein provided, the Code Authority shall exercise and perform the duties and powers in respect to the dolomite division which the District Control Committee have under the Code in respect to their respective districts, and shall be subject to the same restrictions, limitations, and requirements. References in this Code to the respective Lime Industry Districts or District Control Committees shall be construed as also referring to the dolomite division or to the Dolomite Code Authority, as the case may be, unless the context requires a different construction, except that the term "District", when applied to the dolomite division shall refer to the entire territory subject to this Code.

The Dolomite Code Authority shall also exercise and perform in respect to the dolomite division the powers and duties which the Trade Relations Committee has in respect to the remainder of the Lime Industry under Article III, Section 1; Article III, Section 3, subdivisions (c) and (d); Article IV, Section 2; and Article V, Sections 1 and 2 including the provisions contained in subdivision (b) of Section 2 of Article V as to collecting reports and furnishing them to the Administrator.

The provisions of Article III, Section 3, subdivision (b), as to weighted average costs, shall not apply to the dolomite division; nor shall the last sentence in subdivision (a) of Section 5 of Article V, provided that appeal may be taken to the Administrator from the Dolomite Code Authority in the manner and in the respects specified in subdivision (c) of Section 5 of Article V.

The representatives appointed by the Administrator to the Trade Relations Committee pursuant to Section 1 of Article V shall *ipso facto* be appointed to the Dolomite Code Authority and, as representatives on the Dolomite Code Authority, shall have the same powers and duties in respect of the dolomite division as they have as representatives on the Trade Relations Committee in respect to the remainder of the Lime Industry.

For the purpose of facilitating the administration of this Code within the dolomite division in cooperation with the Administrator any member or representative of the Trade Relations Committee designated by it shall be a nonvoting member of the Dolomite Code Authority. The Trade Relations Committee and the Dolomite Code Authority shall from time to time determine and agree upon the portion of the cost of the administration of this Code to be borne by the dolomite division, which portion shall be apportioned among the manufacturers of dolomite as they may themselves agree.

SEC. 3. The Dolomite Code Authority may submit such recommendations as it deems desirable in regard to the control of destructive price competition in the dolomite division, and/or a proposed formula for determining a minimum cost below which no member shall be allowed to sell the products of such division. Upon approval of such recommendations or formula by the Administrator, after notice and hearing, such recommendations or formula shall become effective as part of this Schedule and of this Code.<sup>1</sup>

SEC. 4. The Dolomite Code Authority shall require all the present producers of dolomite within the continental United States to register with it their respective producing capacities of dolomite. The intention of persons engaged or engaging in the producing of dolomite to install additional producing capacity, shall be reported to the Dolomite Code Authority, and upon receiving such notice, the Dolomite Code Authority may make to the Administrator such recommendations in respect thereto as it may deem desirable to effectuate the purposes of the Act.

SEC. 5. The provisions of this Code, as amended by the addition of this Schedule B shall become effective within the dolomite division on the tenth day after the approval of this amendment pursuant to the Act.

Approved Code No. 31—Amendment No. 1.  
Registry No. 1026-01.

<sup>1</sup> See paragraph of order approving this Code.



**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**RETAIL TRADE**

As Approved on February 12, 1934

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**ORDER**

**APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL  
TRADE**

(AUTHORIZATION TO INCORPORATE NATIONAL AND LOCAL RETAIL CODE  
AUTHORITIES)

The National Retail Code Authority, in accordance with Article X, Section 2(d) of the Code of Fair Competition for the Retail Trade has recommended that Article X, Section 2 of said Code be modified by adding thereto the following paragraph:

*“Section 2(g). Incorporation of Code Authorities*

“The said National Retail Code Authority and each Local Retail Code Authority created under Section 2(a) of this Article may, upon submission to and approval by the Administrator of its proposed Certificate of Incorporation and By-Laws, incorporate under the laws of any State of the United States or of the District of Columbia, such corporation to be known as ‘National Retail Code Authority, Inc.’ or ‘Local Retail Code Authority for (the local area), Inc.’, respectively. The powers, objects and purposes of the said corporation shall in all respects be limited to the powers, objects and purposes of the National Retail Code Authority and the Local Retail Code Authorities as provided in this Code and the existence of the corporations shall be during the term of the Code.”

Pursuant to the authority vested in me under the National Industrial Recovery Act by said Article X, Section 2(d) I hereby approve said recommendation and order that it become effective as part of the Code, this order to become effective ten (10) days after the date hereof unless cause to the contrary shall before that time have been shown the Administrator.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

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



Approved Code No. 21—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
LEATHER INDUSTRY

As Approved on February 16, 1934

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ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE  
LEATHER 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 Leather 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.

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

Approval recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 16, 1934.*

## REPORT TO THE PRESIDENT

THE PRESIDENT,  
*The White House.*

SIR: This is a report on the Amendments to the Code of Fair Competition for the Leather Industry, and on the hearing conducted thereon in Washington, D.C., January 22, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Leather Industry, through the General Planning Committee, its Code Authority, has availed itself of provisions in Article XV of the Code of Fair Competition for the Leather Industry approved by you on the seventh day of September, 1933, which recites in part:

"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 prices and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions hereof."

### RÉSUMÉ OF MODIFICATIONS

1. For the inclusion of South Carolina in Section 1 of Article IV, left out of original through oversight.

2. A typographical correction of Article VI, subsection (b); which read: "beltmakers, emergency service workers" and now reads: "beltmakers' emergency service workers."

3. A clarification of paragraph 1 of Article X definitely outlining representation and procedure of the vote by divisions of the industry on General Planning Committee.

4. Waives six per cent (6%) interest charge where state laws provide lower rate.

Also includes a three (3) days' grace provision at seller's option, during which discount may be allowed and during which no interest shall be charged, provided payment is made within this three (3) day period.

The balance of proposed amendments are in the form of a supplemental code of fair trade practices for the American Leather Belting Association Division of the Leather Industry and its subdivisions, including the waiving of the six per cent (6%) interest charge on past due accounts because of the great number and generally small size of accounts in this division.

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 the industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The Tanners' Council was and is an industrial association truly representative of the aforesaid Industry and that said Council 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.

Respectfully,

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

FEBRUARY 16, 1934.

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

1. To insert the name of South Carolina in Section 1 of Article IV of the Code.

2. Article VI, Section 2 (b), is amended to read:

“Maintenance workers, engineers, firemen, beltmakers’ emergency service workers, patent leather luggers and sorters of whole leather who may not work over 40 hours in any one week, except by payment of  $1\frac{1}{3}$  rate for overtime, nor over 8 hours in any one day, except by payment of  $1\frac{1}{3}$  rate for overtime.”

3. Paragraph 1 of Article X is amended to read as follows:

“For the purpose of carrying into effect the policies set forth in the National Industrial Recovery Act, the Board of Directors of the Tanners’ Council of America from time to time, subject to the approval of the National Recovery Administration, shall classify all members of the industry into divisions, each of which shall be truly representative of its branch of the Leather Industry, and shall allow to each such division the right to either one or two representatives on a General Planning Committee. Such representatives shall be elected by each division according to its own rules. An alternate may be elected and may act for any representative. If a division has two representatives either in the absence of the other may cast both votes. The General Planning Committee shall constitute the coordinating agency for the divisions of the industry.”

4. The first paragraph of Article XIV is amended to read as follows:

“All invoices covering domestic sales in the Leather Industry shall be due and payable in 30 days. At seller’s option payment may be made on the 15th day of any calendar month for all invoices of the preceding calendar month. No datings shall be allowed. Discount shall be for cash payment only and shall not exceed 2%. All bills are net after 30 days and interest shall be added at the rate of 6% per annum unless this shall be higher than the legal rate in any State in which case the legal rate shall prevail, provided, however, that at the seller’s option he may grant 3 days of grace during which discount may be allowed, and during which no interest shall be charged, provided payment is made within this 3 day period.

“The requirement that interest shall be collected on overdue accounts shall not apply to members of the American Leather Belting Association Division of the Leather Industry, except when rough or curried belting or other leather is sold in competition with members of other divisions of the Leather Industry, in which case interest shall be collected as required by this article.”

5. *Fair Trade Practices of the American Leather Belting Association Division of the Leather Industry.*—(1) After the approval of

the Contract and Forward Order forms required by Article XIV hereof, it shall be an unfair trade practice for forward orders to be accepted except in accordance with the terms and forms so approved. Orders taken for shipment within 30 days of placing of the order are not to be considered forward orders.

(2) *Deception*.—Fraudulent and/or deceptive practices, including false or misleading advertising, mislabeling, or misbranding, is an unfair trade practice.

(3) *Substitution*.—The substitution of inferior materials for those named in any order or contract without the purchaser's knowledge or permission is in unfair trade practice.

(4) *Secret Rebates*.—The giving of secret rebates or refunds is an unfair trade practice.

#### *Fair Trade Practices Applying to Apron Manufacturers*

(1) It shall be unfair trade practice for any manufacturer or jobber to give leather aprons as free samples.

(2) It shall be an unfair trade practice to give a time guarantee covering leather aprons, except that where the seller has agreed with the buyer that the matter of workmanship and materials is subject to adjustment, an adjustment may be made provided that the facts are reported to the Secretary of the American Leather Belting Association, who shall keep such facts on file.

#### *Fair Trade Practices Applying to Canvas Lug Straps, Leather Strapping, and Leather Loom Picker Manufacturers*

(1) *Advertising Allowance*.—The giving by the seller of any advertising allowance, directly or indirectly, which brings the price of any product below his cost of such product, is an unfair trade practice.

(2) *Defamation*.—Wilfull or malicious defamation of competitors or the disparagement of competitors' products, is an unfair trade practice.

(3) *Misappropriation*.—The misappropriation of a competitor's business by inducing breach of contracts, espionage, piracy of styles, designs, patents, or copyrights, or imitation of trade names or trade marks, is unfair practice.

#### *Fair Trade Practices for Lace Leather Division*

Owing to the merchandising practice in the Lace Leather Division forward orders are unnecessary where delivery is specified within ninety (90) days, from date of invoice.

Approved Code No. 21—Amendment No. 1.  
Registry No. 930-1-01.



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**SUPPLEMENTS**

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Approved Code No. 84—Supplement No. 5

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

RAILWAY CAR APPLIANCES INDUSTRY

As Approved on February 9, 1934

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ORDER

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE  
RAILWAY CAR APPLIANCES 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 Railway Car Appliances 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.

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

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 9, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Supplementary Code of Fair Competition for the Railway Car Appliances 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., January 8, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Railway Car Appliances 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 five (5) members who shall be elected by the members of the Industry at a meeting called by the Temporary Supplementary Code Authority, 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.

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 provides for the submission of amendments to the Supplementary Code.

Article IX 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.*

FEBRUARY 9, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE RAILWAY CAR APPLIANCES 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 established as a Supplementary Code of Fair Competition for the Railway Car Appliances 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, the provisions of this Supplementary Code shall be the standard of fair competition for and in place of the Basic Code and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "Railway Car Appliances Industry", as used herein, means the manufacturing, assembling, and marketing of articles composed principally of ferrous metal specially designed for use in the construction or repair of railway cars, except by car builders and except castings, wheels, springs, draft gears, steel tires, brake beams, and articles covered under the Code of the Railway Safety Appliance Industry.

The term "member of the Industry" as used herein 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, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

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.

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 "Association", as used herein, is defined to mean the Railway Car Appliances Association or its successor.

The term "Supplementary Code Authority" as used herein is defined to mean the agency which is to administer this Supplementary Code as hereinafter provided.

The term "Federation" as used herein is defined to mean the Fabricated Metal Products Federation or its successor.

### ARTICLE III—EMPLOYMENT

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the wage, hour and labor provisions in Article III of its basic code as approved by the President November 2, 1933, including Section 1 of said Article III by which the provisions of Subsections (1), (2) and (3) of Section 7 (a) of Title I of the Act are made conditions of this Code, are specifically incorporated herein and made a part hereof as the wage, hour and labor provisions of this Supplementary Code.

### ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. During the period not to exceed 60 days following the effective date, the Supplementary Code Committee of the Association shall constitute a Temporary Supplementary Code Authority until the Supplementary Code Authority is elected.

There shall be constituted within the 60-day period a Supplementary Code Authority consisting of 5 members, to be elected by the members of the Industry, at a meeting called by the Temporary Supplementary Code Authority, upon 10 days' notice sent by registered mail to all known members of the Industry who may vote either in person or by proxy. The members of the Supplementary Code Authority first elected shall serve until the following annual meeting of the Association, and thereafter members of the Supplementary Code Authority shall be elected at each annual meeting of the Association to serve until the following annual meeting.

The members of the Supplementary Code Authority shall be elected in the following manner:

(a) One member who shall be a member of the Industry by a majority vote of all known members of the Industry present in person or by proxy, each member to have one vote.

(b) One member who is not a member of the Association by a majority vote of all known members of the Industry, present in person or by proxy, each member to have one vote.

(c) Three members by a fifty-one percent vote of members of the Association, present in person or by proxy, on the basis of one vote for each member of the Association and one additional vote for each One Hundred Thousand Dollars of net sales in the Industry made by such member during the calendar year ended on the December 31st next preceding; provided, however, that no one member may cast more than thirty-three and one-third percent of the total number of votes cast.

A vacancy in the membership of the Supplementary Code Authority may be filled by a majority vote of the remaining members of the Supplementary Code Authority.

Provided, however, that no member of the Industry who is delinquent in the payment of his share of the expenses of the Administration of this Supplementary Code shall have the right to vote.

In addition to the membership as above provided, the Administrator may appoint one member without vote and without expense to the

Industry unless the Supplementary Code Authority agrees to bear such expense, to serve with the Supplementary Code Authority in its administration of this Supplementary Code. Such member, when appointed, shall be given reasonable notice of each meeting of the Supplementary Code Authority.

SEC. 2. With a view to keeping the Administrator informed as to the observance or nonobservance of this Supplementary Code, and as to whether the Industry is taking proper steps to effectuate, in all respects, the declared policy of the National Industrial Recovery Act, each member of the Industry shall furnish to the Association for transmission in composite form to the Fabricated Metal Products Federation on forms prescribed by it duly certified reports covering employment and production statistics. The statistics covered by this section shall conform with those which may be required by the Administrator.

SEC. 3. The Association is hereby constituted the agency to collect and receive such reports.

SEC. 4. Neither the Association nor the Fabricated Metal Products Federation nor its successors shall disclose any individual report, but may make and distribute composites and averages.

SEC. 5. To further effectuate the policies of the Act, the Supplementary Code Authority shall administer this Supplementary Code and shall hold itself in readiness to assist and keep the Administrator fully advised and to meet with the Administrator's representative from time to time as requested; to consider and study any suggestions or proposals presented upon behalf of the Administrator or any member of the Industry regarding the operation, observance, or administration of this Supplementary Code.

SEC. 6. There shall be no inequitable restrictions imposed on admission to membership in the Association and the Association 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. If the Administrator, after such hearings and notice as he may deem proper, finds that the Supplementary Code Authority is not truly representative of the members of the Industry or does not in other respects comply with the provisions of the Act there shall be a reasonable and appropriate modification of the method of selection of the Supplementary Code Authority by the members of the Industry, which shall not become effective until approved by the Administrator.

SEC. 8. When formal complaint is made to the Supplementary Code Authority by any member of the Industry that any of the provisions of this Supplementary Code have been violated by any employer or group of employers, the Supplementary Code Authority may make or cause to be made such investigation as is necessary to establish the facts pertaining to the complaint and attempt to adjust the same and if unsuccessful shall report the same to the Administrator, provided, however, the Supplementary Code Authority shall not knowingly take any action in violation of any lawful rules and regulations promulgated by the Administrator relating to the administration of this Supplementary Code.

SEC. 9. 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. 10. All members of the Industry shall be entitled to participate in and share the benefits of the activities of the Supplementary Code Authority; shall be entitled to vote in the selection of those members of the Supplementary Code Authority described in subparagraphs (a) and (b) of Section 1 of this Article IV; and shall pay their reasonable share of the expenses of the administration of this Supplementary Code, such reasonable share to be determined by the Supplementary Code Authority on the basis of net volume of sales in the Industry during the calendar year ended on the December 31st next preceding. Whenever a sales company substantially owns or is substantially owned by a manufacturing company, both the sales company and the manufacturing company shall be regarded as one entity for the purposes of this Supplementary Code.

SEC. 11. If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

#### ARTICLE V—TRADE PRACTICE RULES

The following acts as described shall constitute unfair methods of competition in lieu of the Trade Practice provisions of the Basic Code. Any member of the Industry who shall directly or indirectly, through any officer, employee, agent, or representative, use or employ any of such unfair methods of competition shall be guilty of a violation of this Supplementary Code.

A. The sale of any product below the cost of such product to the individual member of the Industry. In determining all overheads, selling, collection, distribution, and delivery expense, the percentages applicable to the year 1926 may be used if lower than current figures. This rule A shall not apply to products sold for experimental or test purposes, nor to samples, nor to products sold for repair purposes in small quantities. Selling below cost to meet existing competition shall not be deemed a violation of this rule A.

B. To imitate or simulate the trade mark or trade name of a competitor's product to such a degree as to deceive or have a tendency to deceive customers.

C. The false marking or branding of any product of the Industry, which has the tendency to mislead or deceive customers or prospective

customers, whether as to grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry.

D. The causing or knowingly permitting to be published any intentionally and materially false or incorrect statement by way of advertisement, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry.

#### 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 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. No person consenting to this Supplementary Code shall be held to have consented to any modification hereof.

#### ARTICLE VII—MONOPOLIES

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. This Supplementary Code shall not affect patent rights.

SEC. 3. 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 costs should be delayed, but when made, such increases should, so far as practicable, be limited to actual additional increases in the seller's costs.

#### ARTICLE VIII—AMENDMENTS—TERMINATION

This Supplementary Code, except as to provisions required by the Act, may be amended or modified from time to time, such amendments and modifications to be based upon application by the Supplementary Code Authority or representative members of the Industry, to the Administrator and such notice and hearing as he shall specify and to become effective as part of this Supplementary Code on approval by the Administrator.

This Supplementary Code shall continue in effect until June 16, 1935, unless prior thereto Title I of the National Industrial Recovery Act ceases to be in effect.

#### ARTICLE IX—EFFECTIVE DATE

This Supplementary Code shall become effective on 12:01 A.M. on the first Monday after the fourth day after its approval by the President.

Approved Code No. 84—Supplement No. 5.  
Registry No. 1414-11.

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**EXECUTIVE ORDERS**

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## EXECUTIVE ORDER

CONTINUING IN EFFECT THE AUTHORITY DELEGATED TO THE SECRETARY OF AGRICULTURE BY EXECUTIVE ORDER NO. 6182

Nothing in my Executive Order dated July 15, 1933, supplementing my Executive Order dated June 16, 1933, appointing Hugh S. Johnson to be the Administrator under Title I of the National Industrial Recovery Act, approved June 16, 1933, shall be or be deemed to be in modification or derogation of my Executive Order dated June 26, 1933, reading as follows:

“Pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, I hereby delegate to the Secretary of Agriculture all the functions and powers (other than the determination and administration of provisions relating to hours of labor, rates of pay, and other conditions of employment) vested in me by said Title I of said Act with respect to trades, industries or subdivisions thereof engaged principally in the handling of milk and its products, tobacco and its products, and all foods and foodstuffs, subject to the requirements of Title I of said Act, but reserving to me the power to approve or disapprove of the provisions of any code of fair competition entered into in accordance with Title I of said Act. This order is to remain in effect until revoked by me.”; and such Executive Order of June 26, 1933, shall, notwithstanding such Order of July 15, 1933, be and remain in full force and effect.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*July 21, 1933.*

[No. 6207]

## EXECUTIVE ORDER

## RULES AND REGULATIONS UNDER SECTION 10(A) AND DELEGATION OF AUTHORITY UNDER SECTION 2(B) OF THE NATIONAL INDUSTRIAL RECOVERY ACT

By virtue of the authority vested in me by section 10(a) of the National Industrial Recovery Act approved June 16, 1933 (Public No. 67, 73d Congress), I hereby prescribe the following rules and regulations necessary for carrying out the purposes of title I of said act:

A. No one shall falsely represent himself to be discharging the obligations or complying with the provisions of the President's Reemployment Agreement or of any code of fair competition approved by the President under the National Industrial Recovery Act or of any rule or regulation prescribed to carry out the purposes of said act.

B. No one shall display or use any emblem or insignia or any reproduction of any emblem or insignia of the National Recovery Administration contrary to any rules or regulations prescribed hereunder by the Administrator for Industrial Recovery.

By virtue of the authority vested in me by section 2(b) of the aforesaid act, and in supplement to Executive orders of June 16, 1933 and July 15, 1933, numbered 6173 and 6205-A, respectively, I hereby authorize the Administrator for Industrial Recovery to prescribe such rules and regulations as he may deem necessary to supplement, amplify, or carry out the purposes and intent of the rules and regulations prescribed in paragraphs A and B of this order, and to take such other steps as he may deem advisable to effectuate such rules and regulations or any rules and regulations so prescribed by the Administrator, and to appoint personnel and delegate thereto such powers as may be deemed necessary to accomplish the purposes of this order.

C. Any person who violates any of the foregoing rules and regulations or any rule or regulation prescribed hereunder by the said Administrator, may be punished, as provided in section 10(a) of the National Industrial Recovery Act, by a fine not to exceed five hundred dollars (\$500) or imprisonment not to exceed 6 months, or both.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
October 14, 1933.

[No. 6337]

## EXECUTIVE ORDER

## AMENDMENT OF EXECUTIVE ORDER NO. 6182 AS SUPPLEMENTED BY EXECUTIVE ORDER NO. 6207, WHICH DELEGATED TO THE SECRETARY OF AGRICULTURE CERTAIN AUTHORITY UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

By virtue of the authority vested in me by title I of the National Industrial Recovery Act of June 16, 1933 (Public, No. 67, 73d Cong.), Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, which delegated to the Secretary of Agriculture certain of the powers vested in me by the aforesaid act, is hereby amended so that, in addition to the trades, industries, or subdivisions thereof therein enumerated, there shall be included the following trades, industries, or subdivisions thereof:

1. Industries, trades, or subdivisions thereof (including agricultural produce and commodity exchanges and similar organizations) engaged principally in the handling of any of the following:

(a) Agricultural commodities (including livestock, poultry, fur-bearing animals and bees, and flowers and nursery stock, but excluding forest products other than nuts, fruits, sap, gum, and oils) up to the point of first processing off the farm, including all distribution, cleaning, or sorting, ginning, threshing, or other separation, or grading, or canning, preserving, or packing, of such commodities occurring prior to such first processing.

(b) Human and animal food (including beverages, confectionery, and condiments) and all substances or preparations used for food or entering principally into the composition of food.

(c) Nonfood products of grains; inedible animal and vegetable oils and fats; naval stores; feathers, hides, and furs; brooms; or hog-cholera serum.

2. Industries, trades, or subdivisions thereof, engaged principally in the crushing of cotton seed or flax seed.

If a question should arise as to whether or not any specific trade, industry, or subdivision thereof is or is not within the terms of Executive Order No. 6182 (as supplemented by Executive Order No. 6207) and/or this order, the question shall be finally and conclusively determined by agreement between the Secretary of Agriculture and the Administrator of the National Recovery Administration; or, if they do not agree, then the question shall be submitted to the President, whose decision thereon shall be final and conclusive.

This order shall not apply with respect to any trade, industry, or subdivision thereof for which a code of fair competition has heretofore been approved by me except as may hereafter be otherwise determined by agreement between the Secretary of Agriculture and the National Recovery Administrator.

As thus amended Executive Order No. 6182 (as supplemented by Executive Order No. 6207) shall be and remain in full force and effect until amended or revoked by me.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
October 20, 1933.

## EXECUTIVE ORDER

## CONTINUANCE OF THE NATIONAL LABOR BOARD, ETC.

By virtue of the authority vested in me under title I of the National Industrial Recovery Act approved June 16, 1933 (Public, No. 67, 73d Cong.), and in order to effectuate the purposes of said act, it is hereby ordered as follows:

(1) The National Labor Board, created on August 5, 1933, to "pass promptly on any case of hardship or dispute that may arise from interpretation or application of the President's Reemployment Agreement", shall continue to adjust all industrial disputes, whether arising out of the interpretation and operation of the President's Reemployment Agreement or any duly approved industrial code of fair competition, and to compose all conflicts threatening the industrial peace of the country. All action heretofore taken by this Board in the discharge of its functions is hereby approved and ratified.

(2) The powers and functions of said Board shall be as follows:

(a) To settle by mediation, conciliation, or arbitration all controversies between employers and employees which tend to impede the purposes of the National Industrial Recovery Act, provided, however, the Board may decline to take cognizance of controversies between employers and employees in any field of trade or industry where a means of settlement, provided for by agreement, industrial code, or Federal law, has not been invoked.

(b) To establish local or regional boards upon which employers and employees shall be equally represented, and to delegate thereto such powers and territorial jurisdiction as the National Labor Board may determine.

(c) To review the determinations of the local or regional boards where the public interest so requires.

(d) To make rules and regulations governing its procedure and the discharge of its functions.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
December 16, 1933.

[No. 6511]

## EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 6182 (AS SUPPLEMENTED BY EXECUTIVE ORDER NO. 6207 AND EXECUTIVE ORDER NO. 6345) WHICH DELEGATED TO THE SECRETARY OF AGRICULTURE CERTAIN AUTHORITY UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT.

By virtue of the authority vested in me by Title I of the National Industrial Recovery Act of June 16, 1933 (Public, No. 67, 73d Cong.), 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) which delegated to the Secretary of Agriculture certain of the powers vested in me by the aforesaid Act, is hereby amended as follows:

All the functions and powers heretofore delegated by said Executive Orders to the Secretary of Agriculture are hereby transferred and delegated to the Administrator of the National Recovery Administration excepting only as follows:

I. The functions and powers transferred and delegated insofar as they relate to industries, trades, or subdivisions thereof which are engaged principally in the handling, processing, or storing of agricultural commodities, principally domestic, up to and including the point of first processing and the subsequent sale or disposition by the first processor, (hereafter for convenience referred to as "first processors") shall not, without the written approval of the Secretary of Agriculture, be exercised through the fixation or control of:

(1) Prices in connection with the purchase of agricultural commodities from producers and the subsequent sale or disposition by first processors of the first processed articles.

(2) Brokerage fees involved in the purchase of agricultural commodities from producers and the subsequent sale or disposition by first processors of the first processed articles.

(3) Credits and financial charges with reference to agricultural products.

(4) Commission rates in connection with the purchase of agricultural commodities from producers and the subsequent sale or disposition by first processors of the first processed articles.

(5) Purchasing arrangements with regard to agricultural commodities in their original form.

(6) Marketing quotas in connection with the purchase of agricultural commodities from producers and the subsequent sale or disposition by first processors of the first processed articles.

(7) Plant capacity and/or its allocation.

This limitation upon the functions and powers transferred and delegated is established in order that such subject matters may be dealt with by the Secretary of Agriculture under Section 8 (2) and/or (3) of the Agricultural Adjustment Act without conflicting with the exercise of such functions and powers by the Administrator of the National Recovery Administration.

The industries and trades or subdivisions thereof covered by this Section I of this Order are limited to (a) those listed in Exhibit A

hereto attached and hereby made a part hereof and (b) such other first processors as have not heretofore filed codes pursuant to the National Industrial Recovery Act.

II. The functions and powers transferred and delegated shall not include those relating to the following industries, trades and subdivisions thereof, but such functions and powers with respect thereto shall continue to be delegated to the Secretary of Agriculture pursuant to and in the manner set forth in Executive Order No. 6182, as supplemented by Executive Order No. 6207, and 6345;

1. Commodity Exchanges.
2. Industries, trades, and subdivisions thereof engaged principally in the handling, processing or storing of:
  - (a) Milk and its products, but excepting packaged pasteurized, blended, and/or processed cheese.
  - (b) Oleomargarine and vegetable oils, but excepting soya bean oil.
  - (c) Cotton and cotton seed and their products, including ginning, cotton-seed crushing, cotton-seed oil refining (excluding the manufacture of textiles and processing and handling subsequent thereto).
3. Industries, trades and subdivisions thereof engaged principally in the handling, processing or storing up to the point of first processing and the subsequent sale and disposition by such processors of:
  - (a) Livestock and its products.
  - (b) Wheat, corn, rice and other grains, but excepting cereals, pancake flours, self-rising flours, cake flours and like products sold in grocery store sizes, and grocery store products of corn.
  - (c) Sugar and its by-products.
  - (d) Anti-cholera hog serum and virus.
  - (e) Naval Stores.
  - (f) Tobacco and its products.
4. Fresh fruits and vegetables and poultry and poultry products up to and including handling in wholesale markets and the subsequent sale and disposition by such handlers in wholesale markets.

Provided, however, that the functions and powers referred to in this section II shall be so exercised as to harmonize with the exercise of similar functions and powers with respect to other codes approved by the Administrator of the National Recovery Administration; but any functions and powers reserved to the Secretary of Agriculture by this Section II so far as they relate to industries, trades or subdivisions thereof which are engaged principally in the handling, processing, or storing of agricultural commodities up to and including the point of first processing and the subsequent sale or distribution by the first processor, shall not, unless the Secretary of Agriculture otherwise decides, include or affect the subject matters referred to in sub-clauses (1), (2), (3), (4), (5), (6), or (7) of Section I of this Order.

III. If a question should arise as to whether or not any specific trade, industry, or subdivision thereof is, or is not, within any of the terms or provisions of this Order, the question shall be finally and conclusively determined by written agreement between the Secretary of Agriculture and the Administrator of the National Recovery Administration; or, if they do not agree, then the question shall be submitted to the President, whose decision thereon shall be final and conclusive.

IV. Any functions and powers which are hereby delegated and transferred to the Administrator of the National Recovery Administration or which have heretofore been delegated to the Secretary of Agriculture and which remain delegated to the Secretary of Agriculture by the terms of this Order, may, by written agreement between the Secretary of Agriculture and the Administrator of the National Recovery Administration, be redelegated to the Secretary of Agriculture or be delegated to the Administrator of the National Recovery Administration as the case may be.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
January 8, 1934.

[No. 6551]

EXHIBIT "A"

Beans—(Dried) Shipper	Pickle Packing
Brooms Manufacturing	Pop Corn Manufacturing
Canners	Potato Chip Manufacturing
Feed—Retail	Preservers
Florists	Rendering
Hides and Skin Dealers	Seed Producing and Shippers
Peanuts—Millers	Soy Bean Oil Manufacturing
Pecan Distributors	Vinegar Manufacturing
Pecan Shellers	

MEMO.

Letters will be exchanged between the Secretary of Agriculture and the Administrator of the National Recovery Administration which will enumerate specifically the codes to be retained by AAA and referred to in Section II of the Order.

As to codes already filed, Section II will be limited to the following:

Anti-cholera hog serum	Linseed Oil
Cheese	Livestock Marketing Agency Industry
Corn Millers	Malsters
Corn Products	Oleomargarine
Cotton Exchange—New York	Poultry Breeders
Cotton Exchange—New Orleans	Rice
Cotton Traders	Stockyards Operators
Cottonseed Crushing	Sugar Exchanges
Cottonseed Oil Refining	Sugar (Beet) Producing
Egg and Poultry	Sugar Refining
Feed, Hay and Straw Distributors	Tobacco, Cigar Manufacturing
Feed Manufacturers	Tobacco Leaf Dealers
Fruits and Vegetables—Fresh	Warehouse, Cotton
Grain—Country Elevators	Warehouse, Refrigerated
Grain Exchanges	Warehouse, Rice
Grain—Flour Milling	Warehouse, Tobacco
Grain—Terminal Elevators	Warehouse, Wool and Mohair.
Hog Exchanges	

As to codes covered by Section II, the following is a list (not necessarily exhaustive) which may hereafter be filed:

Butter	Milk Evaporated
Cigarette Manufacturers	Meat Packers
Ice Cream	Naval Stores.
Milk Fluid	

## EXECUTIVE ORDER

ENFORCEMENT OF SECTION 7 (A) OF THE NATIONAL INDUSTRIAL  
RECOVERY ACT

## EXECUTIVE ORDER

By virtue of the authority vested in me under title I of the National Industrial Recovery Act, approved June 16, 1933 (Public, No. 67, 73d Cong.), and in order to effectuate the policy of said act, I, Franklin D. Roosevelt, President of the United States, do hereby provide for and direct the enforcement of certain provisions of section 7 (a) of said act and the conditions contained therein, as incorporated in, and made a part of, any code of fair competition, or agreement heretofore or hereafter approved or prescribed by me, in the following manner:

1. Whenever the National Labor Board shall determine, in such manner as it sees fit, that a substantial number (as defined in the discretion of the Board) of the employees, or of any specific group of employees, of any plant or enterprise or industrial unit of any employer subject to such a code or agreement, have requested the Board to conduct an election to enable them to choose representatives for the purpose of collective bargaining or other mutual aid or protection in the exercise of the rights assured to them in said section 7 (a), the Board shall make the arrangements for and supervise the conduct of an election, under the exclusive control of the Board and under such rules and regulations as the Board shall prescribe. Thereafter the Board shall publish promptly the names of those representatives who are selected by the vote of at least a majority of the employees voting, and have been thereby designated to represent all the employees eligible to participate in such an election for the purpose of collective bargaining or other mutual aid or protection in their relations with their employer.

2. Whenever the National Labor Board shall have determined upon an investigation, or as the result of an election, that the majority of the employees of an employer, or the majority of any specific group of employees, have selected their representatives in accordance with the provisions of said section 7 (a), and shall have certified the names of such representatives to their employer, and thereafter upon complaint or on its own motion, the Board shall determine that such an employer has declined to recognize or to deal with said representatives, or is in any other way refusing to comply with the requirements of said section 7 (a), the Board shall report its determination promptly to the Administrator for Industrial Recovery for appropriate action.



3. The powers and duties herein conferred upon the National Labor Board are in addition to, and not in derogation of, any powers and duties conferred upon such Board by any other Executive order.

FRANKLIN D. ROOSEVELT.

Approval recommended:

H. S. J.

THE WHITE HOUSE,

*February 1, 1934.*

[No. 6580]

## EXECUTIVE ORDER

DELEGATION OF AUTHORITY TO ADMINISTRATOR FOR INDUSTRIAL  
RECOVERY TO PRESCRIBE RULES AND REGULATIONS

By virtue of the authority vested in me under the provisions of Title I of the National Industrial Recovery Act of June 16, 1933 (ch. 90, 48 Stat. 195), and in order to effectuate the purposes of said title, I hereby authorize the Administrator for Industrial Recovery to prescribe rules and regulations governing amendments to, modifications of, exceptions to, exemptions from, stays of, and other forms of relief from, codes of fair competition approved under Title I of said Act.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*February 8, 1934.*

[No. 6590-A]

## EXECUTIVE ORDER

## DELEGATION OF AUTHORITY TO ADMINISTRATOR FOR INDUSTRIAL RECOVERY TO PRESCRIBE RULES AND REGULATIONS, ETC.

By virtue of the authority vested in me under the provisions of Title I of the National Industrial Recovery Act of June 16, 1933 (ch. 90, 48 Stat. 195), and in order to effectuate the purposes of said title, I hereby authorize the Administrator for Industrial Recovery to prescribe rules and regulations requiring persons subject to codes of fair competition approved under said title to post or display the terms and provisions of said codes, or otherwise to bring such terms and provisions to the attention of any and all interested persons, including employees, in the manner and to the extent required in such rules and regulations; and I hereby further authorize the Administrator to take such other steps as he may deem advisable to effectuate any rules and regulations hereunder prescribed by him.

All persons are hereby informed that Section 10(a) of the National Industrial Recovery Act prescribes a fine not to exceed five hundred dollars (\$500) or imprisonment not to exceed six (6) months, or both, for the violation of any rule or regulation prescribed under the authority of and pursuant to the provisions of this Order.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*February 8, 1934.*

[No. 6590-B]



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**ADMINISTRATIVE ORDERS**

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## ADMINISTRATIVE ORDER NO. 13-1A

APPROVAL OF EXCEPTION AS TO HOURS OF WORK OF WATCHMEN—  
CODE OF FAIR COMPETITION FOR THE FISHING TACKLE INDUSTRY

## ADMINISTRATOR'S ORDER

A recommendation for an exception to the requirements as to hours of work of watchmen, as set forth in Article II, Section 3 (a), of the Code of Fair Competition of the Fishing Tackle Industry, as approved by the President on August 19, 1933, having been made to me by the Fishing Tackle Industry Code Committee in accordance with Article IV, Section 1, of said code, and said recommendation having been duly approved by the Deputy Administrator and the Labor Advisory Board, said recommendation being in the following form:

"Further, that watchmen be exempt from the limitations as to hours of work herein, provided the maximum hours of work for watchmen shall not exceed an average of 56 hours per week over any two week period;"

Now, therefore, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by the Executive Order of July 16, 1933, and otherwise, do approve the foregoing exception as recommended, to take effect one week from this date, on condition that each watchman will have at least one day of rest in seven.

HUGH S. JOHNSON,  
*Administrator.*

Approval recommended:

A. D. WHITESIDE,  
*Deputy Administrator.*

OCTOBER 7, 1933.

## ADMINISTRATIVE ORDER NO. 2-3

EXTENDING PROVISIONS OF SECTION 3, SUB-SECTION (c) OF CODE OF  
FAIR COMPETITION FOR THE SHIPBUILDING AND SHIPREPAIRING  
INDUSTRY

A Code of Fair Competition for the Shipbuilding and Shiprepairing Industry having been approved by the President July 26, 1933, said Code providing in Section 3, Sub-Section (c) that for a period of six (6) months exemption from the maximum hours provided in said Code may be made for employees of that Industry engaged in necessary preparatory work to start new ship construction, and upon consideration of a memorandum from the Deputy Administrator, dated January 26, 1934, approved by the Division Administrator, recommending that favorable action be taken:

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by Executive Order No. 6543-A, dated December 30, 1933, do hereby grant an extension of the provisions of Section 3, Sub-Section (c) of the said Code of Fair Competition for a period of three months from and after February 5, 1934. The Administrator reserves the right to stay this order if adequate cause therefor is shown to him by anyone within a period of ten (10) days from February 5, 1934.

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

Approval recommended:

K. M. SIMPSON,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 1, 1934.*



## ADMINISTRATIVE ORDER NO. X-5

## ORDER STAYING ORDER OF JANUARY 23, 1934, WHICH GRANTED LIMITED EXEMPTION FROM PROVISIONS OF CODES OF FAIR COMPETITION IN CONNECTION WITH SALES TO HOSPITALS

Objections having been filed on behalf of various manufacturers engaged in the manufacture of equipment for hospitals against the provisions of my Order of January 23, 1934, exempting members of industries 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, from certain provisions of their Codes of Fair Competition:

Pursuant to the authority reserved to me in such Order, such Order shall not become effective for a further period of thirty days from this date in order that consideration may be given to the said objections. At the expiration of such period this Order shall become 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.,  
*February 2, 1934.*

## ADMINISTRATIVE ORDER NO. 164-4

APPROVING EXTENSION OF TIME FOR FIXING MINIMUM PIECEWORK  
RATES FOR HOME WORKORDER, CODE OF FAIR COMPETITION FOR THE KNITTED OUTER-  
WEAR INDUSTRY, ORDER NO. 164-4APPROVAL OF RECOMMENDATION OF THE CODE AUTHORITY FOR EXTENSION OF  
TIME FOR FIXING MINIMUM PIECEWORK RATES FOR HOME WORK

The Knitted Outerwear Industry Code Authority has recommended in accordance with Article IX, Section (b) of the Code of Fair Competition for the Knitted Outerwear Industry, that Article VI, Section (b) of said Code be modified to read as follows:

Anything contained in Article IV of this Code to the contrary notwithstanding, the Administrator may fix, after notice to the Code Authority, and may change from time to time after like notice, minimum piecework rates for any of the operations described in paragraph (a) of this Article.

Pursuant to the authority vested in me by said Article IX, Section (b) of said Code, I hereby approve said recommendation and order that it shall have the same force and effect as the other provisions of the Code, this order to become effective ten (10) days after the date hereof, unless cause to the contrary shall, before that date, have been shown to the Administrator.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

FEBRUARY 6, 1934.

## ADMINISTRATIVE ORDER NO. 187-4

FURTHER STAYING APPLICATION OF SUBSECTION (b), SECTION 1,  
ARTICLE IVCODE OF FAIR COMPETITION FOR THE COTTON CLOTH GLOVE  
MANUFACTURING INDUSTRY, ORDER NO. 187-4

An Administrative Order, dated December 30, 1933, having been signed by me, staying the application of the provisions of Subsection (b), Section 1, Article IV of the Code of Fair Competition for the Cotton Cloth Glove Manufacturing Industry as to members of the Industry located in the South for a period of thirty (30) days, beginning with the effective date of the Code; and certain members of the Industry located in the South having made application for extension of such stay for a further period of thirty (30) days; and the Division Administrator having considered said application and having recommended that said stay be so extended; and it appearing to my satisfaction that justice requires that said stay be further extended,

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to the authority vested in me by the Executive Orders of July 15, 1933 and of December 30, 1933, and otherwise, do hereby order that the application of the foregoing Subsection (b) of Section 1, or Article IV be and the same is hereby stayed until and including March 9, 1934, as to members of the Industry located in the South, with all the conditions and provisos contained in said Administrative Order of December 30, 1933, and with a further proviso that this Order shall be revocable at the discretion of the Administrator.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

FEBRUARY 6, 1934.

## ADMINISTRATIVE ORDER NO. X-6

## RULES AND REGULATIONS GOVERNING THE POSTING OF LABOR PROVISIONS OF CODES OF FAIR COMPETITION

By virtue of the authority vested in me as Administrator for Industrial Recovery, I hereby prescribe the following rules and regulations which I deem necessary and advisable to carry out the purposes and intent of the Executive Order of the President dated February 8, 1934 with reference to the posting and display of the terms and provisions of Codes of Fair Competition:

1. Every person subject to any Code of Fair Competition shall, within thirty (30) days from the date hereof, the effective date of such code, or the date upon which he becomes subject thereto, whichever is latest, unless he has previously so registered, register the full name of his enterprise together with a statement of the number of shops, establishments or separate units thereof and their location, with the Code Authority of the Trade or Industry of which he is a member. Every such person who may open for business an additional shop, establishment or separate unit after such registration shall, within thirty (30) days after such opening, register the same in like manner.

2. Upon registration, or as soon thereafter as is possible, each such person will be furnished with official copies of provisions of any Code of Fair Competition to which he is subject relating to hours of labor, rates of pay and other conditions of employment. Such official copies of such provisions will contain directions for filing complaints of violations of such provisions. Such official copies, with such directions, shall be kept conspicuously posted at all times by such person in each shop, establishment or separate unit of his enterprise to the extent necessary to make them freely accessible to all employees.

3. Whenever any modification of or exemption or exception from any Code of Fair Competition permits any such person to pay lower wages or work his employees longer hours or establish conditions of employment less favorable to his employees than those prescribed by the provisions contained in such official copies of Code provisions, the Code Authority, on the request of such person, will furnish him with certified copies of such modification, exemption or exception in sufficient number for posting alongside of such official copies of Code provisions.

4. No person subject to a Code of Fair Competition shall display or furnish any incorrect copies of such provisions, directions, modifications, exemptions or exceptions.

5. A person subject to more than one code, when official copies have been so furnished shall so post such copies of such provisions of every code to which he is subject.

6. Nothing in these rules and regulations shall relieve anyone from complying with any provisions of any Codes relating to posting, displaying or furnishing copies of Codes or of Provisions of Codes.

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

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

## ADMINISTRATIVE ORDER NO. 231-2

APPROVING EXTENSION OF TIME WITHIN WHICH TO COMPLY WITH  
CONDITION OF APPROVALORDER, CODE OF FAIR COMPETITION FOR THE SURGICAL  
DRESSINGS INDUSTRY, ORDER NO. 231-2

Approval of application by the association of Surgical Dressings Manufacturers of the United States for extension of time within which to comply with condition of approval.

Pursuant to the authority vested in me by Executive Orders of the President, including Executive Order Number 6543-A, dated December 30, 1933, and otherwise,

UPON application by the Association of Surgical Dressings Manufacturers of the United States for an extension of time within which to comply with the condition of my approval of the Code of Fair Competition for the Surgical Dressings Industry, approved by me on the twenty-seventh day of January, 1934, I, Hugh S. Johnson, Administrator for Industrial Recovery, do hereby grant said application and extend the time before which the terms of the said condition must be complied with to February 28, 1934.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

FEBRUARY 15, 1934.



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