

NATIONAL RECOVERY ADMINISTRATION

CODES OF FAIR COMPETITION

No. 287-329

VOLUME VII

FEBRUARY 17 TO MARCH 10, 1933

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No. 9381.1A40

v. 7







**NATIONAL RECOVERY ADMINISTRATION**

HUGH S. JOHNSON, Administrator for Industrial Recovery

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**CODES OF FAIR COMPETITION**

**Nos. 287-329**

**AS APPROVED**

**FEBRUARY 17-MARCH 10, 1934**

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

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**CODES OF FAIR COMPETITION**

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**CODE OF FAIR COMPETITION**  
**FOR THE**  
**GRAPHIC ARTS INDUSTRIES**

**As Approved on February 17, 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 Graphic Arts Industries, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

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

1. That the provisions of Section 24 of Part I of the Code be and same are hereby deleted from the Code; and that all powers and duties delegated in the said section to Labor Boards and/or Committees are hereby transferred to the appropriate Code Authorities and Compliance Boards;

PROVIDED, however, that the Administrator is authorized to appoint a National Graphic Arts Labor Board to consist of five (5) members truly representative of employers, to be appointed by the Administrator on nomination of the National Graphic Arts Coordinating Committee, if it desires the appointment of such Board, and five (5) members truly representative of employees in the industry to be appointed by the Administrator on nomination of the Labor Advisory Board of the National Recovery Administration, if it desires the appointment of such Board; and one (1) disin-

terested member to act as chairman. The Administrator may appoint alternate members and the Board may designate such regional Boards or temporary labor committees as it deems necessary. Any and all disputes between employers and employees with respect to wages, hours, and other conditions of employment may be referred to this Board. When the dispute arises in any industry or group of industries as determined by the Administrator under the Graphic Arts Code, the employer members shall be nominated from the employers of that industry or group, and the employee members shall be nominated from the employees in that industry or group.

2. That the maximum hours of work specified in Sections 21 (d); Clause (c) of Paragraph A of Section 22; Clause (b) of Paragraph B of Section 22; clause (d) of Paragraph A of Section 23, and/or any other provisions of the Code concerning hours of work, shall not be construed as a minimum work day or work week;

PROVIDED, that if at any time in any establishment a majority of the mechanical employees actually employed in any trade, expresses by written request to their employer a desire to share available work with bona fide resident unemployed competent mechanics in their particular trade, the number of hours of work may be adjusted by mutual agreement, and the parties are hereby authorized to proceed in conformity with the principles established in clause (6) of Paragraph 2 of Section 21 (d) of the Code and to seek the good offices of any agency established by the Code, and/or the National Graphic Arts Labor Board hereinbefore established by this order.

3. That the Administrator is hereby authorized to hold such further hearings three months after the effective date hereof, as he may prescribe, to determine whether the definitions of any of the industries included in the Code shall be modified or eliminated, and/or whether such industries or any of them shall continue to be included in the Code.

4. That the provisions of this Code relating to hours, wages, and employment, as well as full and complete copies of this Order, shall be posted in a prominent place in the work room of each establishment subject to this Code.

5. That no Trade Association or group shall be entitled to continue to participate in the administration of the Code one month after the effective date unless and until it shall have satisfied the Administrator that it has amended or modified its Constitution and/or By-laws to conform to the requirements of the National Industrial Recovery Act and of the Code.

6. That pending the formulation of a compact or code between the several states of the United States to insure the sale of prison-made products on a fair competitive basis with products not so made the provisions of Paragraph (g) of Section 26 of the Code applicable to institutions of states or political subdivisions thereof, be and they are hereby stayed for ninety (90) days, or further at the discretion of the Administrator.

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

The following statement shall be published with my Executive Order approving a Code of Fair Competition for the Graphic Arts Industries.

I understand that there is some disagreement in the industries on the provisions of Section 2 of my Executive Order. The terms of the aforesaid condition were strenuously contended for by certain members of the industries; they have been inserted. On the other hand these terms were opposed by the Labor Advisory Board and by certain of the groups of employees of the Graphic Arts Industries.

In view of the disagreement concerning the application of the condition it appears to me desirable to state here that my aforesaid condition is not to be construed or interpreted in such manner as to conflict with Section 7 (a) of the National Industrial Recovery Act, nor shall such condition interfere with the right of the employees of any locality to express their desire to share regular work with bona fide resident unemployed competent mechanics in their particular trade or craft and to appeal to all agencies of the Government to assist them in the exercise of this right.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*February 17, 1934.*

## LETTER OF TRANSMITTAL

THE PRESIDENT,  
*The White House.*

Sir: I submit herewith and recommend for your approval, with the reservations noted below, a Code of Fair Competition for the Graphic Arts Industries. This code is the most detailed and complicated which has thus far been presented to the National Recovery Administration. In its present form, the Code will cover nearly fifty separate and subdivisional industries which presented their own codes of fair competition. With two exceptions—Photo-Engraving and Electrotyping and Stereotyping—practically every branch of the Graphic Arts Industries which is competitive with another branch has been brought under this basic code.

The amalgamation of the fifty odd codes into one basic code is, to my mind, a unique achievement. The Graphic Arts Industries, hitherto divided into, at worst, hostile, and at best, malevolently neutral groups, will now have an opportunity to show what they can do in respect of industrial self-government. On the manufacturing side of the industry, four major groups—relief printing (with five constituent industries); lithographic printing; intaglio printing (with four constituent industries); service groups (with six constituent industries)—are under joint administrative control. Within the provisions of the code are also seventeen product groups which will govern themselves in respect of fair trade practices, leaving to the industries previously mentioned, the task of administering the code in respect of its provisions relating to labor. Because of the number of groups covered by the Code it has been impossible in every case to insert the minimum wage rates and the fair trade practice provisions. The Code is complete, however, so far as the major portions of the Graphic Arts Industries are concerned, and machinery is provided to fill in the gaps of the Code with no further delay.

### IMPORTANCE OF THE INDUSTRY

Only four other industries exceed the Graphic Arts Industries in the value added to the product by manufacturing. This value in normal times is \$2,400,000,000 annually. The statistics for the Graphic Arts Industries are difficult to break down. The wage bill of the industries is in excess of \$300,000,000 annually; there are over 300,000 employees and the periodicals which are published have an annual circulation of approximately 180,000,000 copies. These figures, chosen almost at random, show the major character of the industry and indicate what an achievement it will be if the industrial self-government, of which I have spoken, proves to be successful as the industry confidently hopes. Further statistics appear in the several reports of the Division of Research and Planning.



In respect of industrial self-government the Code is excellent. So far as the hours and wage provisions are concerned, however, the Code is by no means so admirable. The reasons for this are dealt with at some length in the report which Deputy Administrator Lindsay Rogers has made to me and which I append to this letter as an appendix.

#### SETTLEMENT OF LABOR DISPUTES

The Labor Advisory Board objects strenuously to the setup of the National Labor Boards. So long as these provisions remain in the Code, the Labor Advisory Board will withhold its approval. The specific provisions particularly objected to are the requirement that the Administrator shall nominate to the Board groups "to be equally and truly representative of the two leading types of employer-employee relationships" and the minute circumscription of the powers of the Board so that employers have easier access to it than have employees. The Labor Advisory Board recommends that these sections be stricken from the Code. The Deputy Administrator approves. I concur in their recommendation and suggest that your order of approval set up a National Labor Board and offer its good offices to the industry for the settlement of all disputes.

#### HOURS

The Code provides for a standard work week of forty hours. This will, in many sections of the country, mean a reduction of the maximum work week now prevailing but the forty hours are in excess of the hours now being worked in many sections of the country. Unemployment in this industry is extremely acute, as the reports from the Division of Research and Planning clearly set forth. It is desirable that the available employment be spread so far as possible without undue hardship to either employers or employees. One method of doing this has been agreed to by the American Newspaper Publishers' Association and appears in the Code for the Daily Newspaper Publishing Business. The present Graphic Arts Code contains substantially identical provisions as applying to the daily newspapers which, by reason of their membership in the National Editorial Association, may come under the present Code. There seems to me to be no reason why other branches of the printing industry under the Graphic Arts Code, *if they so desire*, should not use the same method of sharing the work and I recommend that appropriate provision for this be made in your Order of Approval.

#### OTHER CONDITIONS OF APPROVAL

I recommend specifically that the Order of Approval make two other stipulations:

(1) The Code omits the provision to be found in many codes requiring employers to post in their plants the provisions on hours and wages. It seems to me particularly important that this be done in the present case because of the very complexity of these provisions.

(2) The coordination of nearly fifty codes into one basic code is

frankly experimental. As I have said above, two industries which are properly part of the Graphic Arts—Photo-Engraving and Electrotyping and Stereotyping—have been left out and I am recommending that in respect of the basic Code and in respect of these two separate codes, the Orders of Approval stipulate that the separate-ness of jurisdiction is to continue for three months and then is to be reconsidered. This does not mean that at the end of three months any changes of the Code will be proposed. It simply means that at the end of three months Photo-Engraving and Electrotyping and Stereotyping may be put under the basic code or that, conversely, certain subdivisional industries now under the basic code may be given a separate status.

#### FINDINGS

The Administrator finds that:

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

(b) The proposing associations impose no inequitable restrictions on admission to membership therein and are truly representative of the Graphic Arts Industries; and that

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

I recommend that the Code be approved, with the conditions in the order of approval as specified above.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 16, 1934.

# CODE OF FAIR COMPETITION

FOR THE

## GRAPHIC ARTS INDUSTRIES

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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 Graphic Arts Industries and shall be binding upon every person engaged therein.

## ARTICLE I—ADMINISTRATION

SECTION 1—DEFINITIONS <sup>1</sup>

(a) The term "Graphic Arts Industries," as used herein, includes all persons who are engaged in publishing or printing, or who use any of the processes or partial processes used in printing, or who produce any printed matter of whatsoever description, or who sell any printed matter of whatsoever description in competition with persons who produce such printed matter; excepting, however, persons to the extent that they are engaged in publishing and printing daily newspapers and who subscribe or assent to the Code of the Daily Newspaper Publishing Business, submitted December 11, 1933, or persons who are engaged in publishing books, or persons who are engaged in producing photo-engraved plates, electrotypes, stereotypes or other kinds of relief printing plates for sale to others.

(b) The term "Industry," as used herein, is a recognized major section of establishments, or group of establishments carrying on similar or closely allied businesses, which are to be administered as a unit.

(c) The term "Service Industry," as used herein, is applied to indicate a group of establishments supplying similar or closely allied products or services to or for use by other Graphic Arts Industries.

(d) The term "National Product Group," as used herein, is defined to mean an association of establishments organized to promote the mutual interests of member establishments in the distribution of any particular product or products of the Graphic Arts Industries.

(e) The term "person" or "persons," as used herein, is defined to include, but without limitation, any individual, partnership, association, corporation, establishment or other form of enterprise.

(f) The term "printing," as used herein, is defined to mean the act or process of printing, impressing, stamping, or transferring upon paper or paper-like substances, of any ink, color, pigment, mark, character, or delineation, including any and all partial processes and services used in printing.

(g) The term "printed matter," as used herein, is defined to mean the finished products of printing, and the products of any and all partial processes and services used in printing.

(h) The term "product," as used herein, is defined to include production, product, merchandise, and service.

(i) The term "employer" or "employers," as used herein, is defined to include all persons engaged in conducting business in any of the Graphic Arts Industries.

(j) The term "employee" or "employees," as used herein, is defined to include all individuals hired or employed by any employer, as above defined, and the members of the family of any employer who are engaged in carrying on any operations within the Graphic Arts Industries, whether employed or not; excepting those individuals who serve in executive, administrative, supervisory, and sales capacities.

(k) The term "apprentice" or "apprentices," as used herein, is defined to mean a learner who is employed or promoted with the view of learning an art or trade, and who is to be advanced to the status of journeyman within an accumulated period of learning time.

<sup>1</sup> See paragraph 3 of Executive Order approving this Code.

(l) The term "establishment," as used herein, is defined to mean any person or persons, as above defined, engaged in conducting any business, or using any of the processes, or producing any of the products referred to in the definition of the "Graphic Arts Industries," including private plants wherein any such business is conducted, or any such processes are used, or any such products are produced, which are owned or operated by a person or persons not otherwise subject to this Code.

(m) The term "metropolitan-area" and "nonmetropolitan-area," as used herein, shall have the same meaning as those terms in use by the United States Department of Commerce, Bureau of Census publication entitled "Metropolitan Districts," based on the 15th Census of the United States: 1930.

(n) The terms "region" and "regional," as used herein, are defined to mean or refer to such geographical divisions as the National Compliance Boards or the National Code Authorities may set up for local government. Such division may be by zones, states, counties, cities, towns, villages, districts or localities, or any combination or part thereof.

(o) The term "locality," as used herein, is defined to mean a village, town or city and its immediately surrounding local trade area as determined by the National Code Authority concerned.

(p) The term "National Code Authority," as used herein, is defined to mean the administrative agency of an Industry, or a Service Industry.

(q) The term "National Graphic Arts Coordinating Committee," as used herein, is defined to mean the coordinating agency of the Graphic Arts Industries.

(r) The term "Commercial Relief Printing Establishments," as used herein, is defined to mean establishments engaged in letterpress relief printing and/or partial processes commonly used in the production of letterpress relief printing (including such part of the production and products of those establishments which publish daily newspapers and subscribe or assent to the Code of the Daily Newspaper Publishing Business, and whose daily newspaper publishing business is therefore exempt from the provisions of this Code, and such part of the production and products of those establishments, not otherwise subject to the provisions of this Code, which do not assent to the provisions of this Code governing the Daily Newspaper Publishing and Printing Industry, as is represented by the business of all such establishments other than the publishing of daily newspapers), excepting those establishments publishing and printing all other newspapers, advertising newspapers, or periodicals, and book manufacturing establishments.

(s) The term "Newspaper," as used herein, is defined to mean a publication issued at regular intervals at least as frequently as once a week, devoted mainly to current local news events, and from which the publisher derives circulation and/or advertising revenue.

(t) The term "Periodical," as used herein, is defined to mean a publication (other than a newspaper or advertising newspaper) issued at regular intervals but not less frequently than four times per year, and from which the publisher derives circulation and/or advertising revenue.

(u) The term "Advertising Newspaper," as used herein, is defined to mean a publication of newspaper format and size, devoted in whole or in part to retail news in the form of display advertising of one or more advertisers, delivered by carrier without cost to the reader, and not published by or in conjunction with any newspaper as defined in paragraph (s) of this Section.

(v) The terms "Governing Body" and "Administrative Body," as used herein, are defined to mean the National Graphic Arts Coordinating Committee, a National or Regional Compliance Board, a National or Regional Code Authority, a joint cooperative regional organization, or the administrative agency of a National Product Group.

(w) The term "Administrator," as used herein, refers to the Administrator for Industrial Recovery.

(x) The term "President," as used herein, refers to the President of the United States of America.

(y) Population for the purposes of this Code shall be determined by reference to the last Federal Census.

#### SECTION 2—GENERAL ADMINISTRATIVE PROVISIONS <sup>2</sup>

(a) The Graphic Arts Industries, each of which is administered, for the purposes of the National Industrial Recovery Act and this Code, by a National Code Authority, are as follows:

*A. Relief Printing Process Group of Industries.*

A-1. Commercial Relief Printing Industry.

A-2. Non-Metropolitan Newspaper Publishing and Printing Industry.

A-3. Periodical Publishing and Printing Industry.

A-4. Book Manufacturing Industry.

A-5. Daily Newspaper Publishing and Printing Industry.

*B. Lithographic Printing Process Group of Industries.*

B-1. Lithographic Printing Industry.

*C. Intaglio Printing Process Group of Industries.*

C-1. Gravure Printing Industry.

C-2. Steel and Copperplate Engraving and Printing Industry.

C-3. Securities Engraving and Printing Industry.

C-4. Bank Note Engraving and Printing Industry.

*D. Service Group of Industries.*

D-1. Trade Typesetting Industry.

D-2. Trade Lithographic Plate Making Industry.

D-3. Advertising Typography Industry.

D-4. Trade Mounting and Finishing Industry.

D-5. Trade Binding and Paper Ruling Industry.

Definitions of the several Industries, and the National Code Authorities by which they shall be administered, are set forth in Schedule A, hereto attached, and hereby made a part hereof.

<sup>2</sup> See par. 5 of Executive Order approving this Code.

(b) Provisions of this Code basically applicable to all establishments within the Graphic Arts Industries are contained in the main body of the Code, exceptions which are applicable only to certain Industries being made to such provisions.

(c) Provisions of this Code applicable only to establishments within a particular Industry or members of a particular National Product Group are contained in appendices hereto attached, and are hereby made a part hereof with the same effect as if the provisions therein contained were set out in the main body of the Code.

(d) Where the nature of the business in which an establishment is engaged, or the product or products it produces, might under the definitions set forth in Schedule A subject such an establishment to administration under two or more National Code Authorities, the largest annual sales volume of such an establishment's product shall determine under which National Code Authority such an establishment is subject to administration;

Provided, however, that it shall be the duty of such National Code Authority to enforce all the provisions of this Code regulating or affecting establishments which might be so subject to administration under one or more other National Code Authorities. In any such case an establishment shall be subject to assessment (for code administration purposes) by only one National Code Authority;

Provided, further, that an establishment that might, as above described, be so subject to administration under two or more National Code Authorities, may, if it desires, upon agreement by the different National Code Authorities concerned, be deemed to be subject to the administration of the two or more National Code Authorities and in any such latter case it shall be given equitable representation on each such National Code Authority, and bear its equitable share of the costs of administering this Code by each such National Code Authority, the share as between National Code Authorities being determined by agreement of the National Code Authorities concerned, and so assessed as to prevent duplication of assessment. Each National Code Authority shall adopt any necessary provisions to make this paragraph effective.

(e) In the event that any proceeding comes on for hearing before a governing body, in which proceeding the establishment, with which a member of such governing body is identified or connected in any way, is a party or has a peculiar financial interest, such member shall be disqualified from acting with relation to such proceeding. In case of any such disqualification, the body designating such member shall be entitled to designate a substitute to sit as a member of such governing body temporarily during the consideration and determination of any such proceeding.

### SECTION 3—NATIONAL AND REGIONAL CODE AUTHORITIES

(a) There shall be designated for each Industry subject to this Code and which is listed in Section 2 hereof an administrative body which shall act as National Code Authority for the Industry.

(b) It shall be the function and duty of each National Code Authority to administer all of the provisions of the Code relating to its Industry, except as otherwise specifically in this Code provided; and all powers, authority, and duties relating to the administration

and enforcement of this Code, except to the extent that they have been by the provisions hereof otherwise conferred and imposed, are reserved to the National Code Authorities. In such enforcement a National Code Authority may interpret the provisions hereof and the same shall be binding upon all parties unless and until reviewed and changed on appeal; provided, that a National Code Authority shall, within its jurisdiction, enforce, observe and give due effect to the decisions of the Graphic Arts National Labor Boards.

The autonomy of the respective National Code Authorities, except as limited by the provisions of this Code, shall not be infringed nor curtailed.

(c) Each National Code Authority may designate the local organization in each region, whether now existing or to be organized, within the Industry, which shall administer this Code locally; and the National Code Authority may delegate to any such designated local organization, to be known as a Regional Code Authority, such of its duties as it may find advisable, except such as it is prohibited from delegating. The duties of such Regional Code Authority and its powers to incur assessable expenses shall be those prescribed by its National Code Authority. Appeals from any decision, ruling, regulation, order or finding of a Regional Code Authority shall lie to its National Code Authority.

Where the necessity for economy and coordination of administration seems to require some form of regional cooperative operation of two or more Regional Code Authorities, any such joint cooperative regional organization may be formed with the permission of the respective National Code Authorities concerned and may carry out the code administration functions delegated to it. The expenses of such joint cooperative regional organization shall be apportioned as between Industries and assessed in such manner as the Regional Code Authorities may agree and determine. Appeals from any decision, ruling, regulation, order, or finding of such joint cooperative regional organization shall lie to the National Code Authority to whose jurisdiction the appellant is subject. Any such joint cooperative regional organization, if formed, may provide procedure for the arbitration of disputes between establishments under its jurisdiction when such procedure has been agreed to by the establishments concerned.

(d) Each National Code Authority shall cooperate with the National Product Groups in the administering and enforcement of trade practice and other provisions of this Code, and shall develop the methods necessary to accomplish this result. It shall be the duty of each National Code Authority to enforce all the provisions of this Code regulating or affecting establishments within its jurisdiction which are not members of a particular National Product Group but which produce the product or products with which such National Product Group is identified.

(e) Each National Code Authority shall be responsible for the payment of its share of the expense of administering this Code, and shall have the power to collect the amount of its share of said



expenses from the establishments within its jurisdiction by assessment in such proper and equitable manner as it may determine. The share of each National Code Authority of said expenses shall include the total operating expenses, both national and regional, of its own organization, and its share, as apportioned by the provisions of Sections 4 and 5, of the operating expenses of the National Graphic Arts Coordinating Committee and of its National and Regional Compliance Boards, and its share, as allocated under the provisions of Section 24, of the expenses of the Graphic Arts Labor Boards and Temporary Labor Committees with which it is concerned.

(f) Each National Code Authority shall have the power to require any establishment within its jurisdiction to submit, through a confidential agency designated by the National Code Authority, any statistics, data, or information reasonably necessary to enable it to prescribe accounting methods, cost finding methods, or cost determination schedules, or to supply the National Graphic Arts Coordinating Committee with the data and statistics required by the President or reasonably pertinent to the effectuation of Title I of the National Industrial Recovery Act, or otherwise to administer the provisions of this Code, or to determine any issue coming before it for adjudication. Such statistics, data, or information shall be certified by a certified public accountant, if so required by the National Code Authority. In case any such establishment shall fail or refuse to furnish such statistics, data, or information, or to have same certified if required, the National Code Authority may cause the books and records of such establishment to be examined by a certified public accountant for the purpose of obtaining such statistics, data, or information. The powers contained in this paragraph shall not be delegated by the National Code Authority. All such statistics, data, or information so submitted or obtained shall be kept confidential and shall not be revealed except to a governmental agency entitled thereto, provided that summaries and compilations thereof, which do not disclose the identity of any establishment, may be prepared and furnished to the National Compliance Board within whose jurisdiction such National Code Authority falls, and to the National Graphic Arts Coordinating Committee.

(g) Each National Code Authority shall have the power to adopt such by-laws, rules and regulations, not inconsistent with the provisions of this Code, as may be deemed advisable for the conduct of its proceedings and the administration and enforcement of this Code.

#### SECTION 4—NATIONAL AND REGIONAL COMPLIANCE BOARDS

(a) There shall be set up for each of the groups of National Code Authorities of the Industries subject to this Code and listed in Section 2 hereof a National Compliance Board consisting of not less than three members and chosen by the National Code Authorities of the Industries concerned.

(b) For the first year the membership of the National Compliance Boards and the Industry representation thereon shall be as follows:

<i>National Relief Printing Compliance Board:</i>	<i>Members</i>
A-1. Commercial Relief Printing Industry-----	7
A-2. Non-Metropolitan Newspaper Publishing and Printing Industry-----	4
A-3. Periodical Publishing and Printing Industry---	3
A-4. Book Manufacturing Industry-----	1
A-5. Daily Newspaper Publishing and Printing Industry-----	2
Total -----	17
<i>National Lithographic Printing Compliance Board:</i>	
B-1. Lithographic Printing Industry-----	5
<i>National Intaglio Printing Compliance Board:</i>	
C-1. Gravure Printing Industry-----	2
C-2. Steel and Copperplate Engraving and Print- ing Industry-----	2
C-3. Securities Engraving and Printing Industry---	2
C-4. Bank Note Engraving and Printing Industry--	2
Total -----	8
<i>National Service Compliance Board:</i>	
D-1. Trade Typesetting Industry-----	1
D-2. Trade Lithographic Plate Making Industry----	1
D-3. Advertising Typography Industry-----	1
D-4. Trade Mounting and Finishing Industry-----	1
D-5. Trade Binding and Paper Ruling Industry----	1
Total -----	5

The members of National Compliance Boards shall be designated within 30 days after the effective date of this Code, and annually thereafter.

Each National Code Authority shall designate alternate members, and in the absence of any member his designated alternate shall be entitled to sit upon said Board. In the event of the resignation of any member or alternate, or in the event that any member or alternate can not act for any reason, the National Code Authority originally designating such member or alternate shall designate his successor.

If at any time the proportionate representation of the Industries on any National Compliance Board appears inequitable, such proportionate representation may be changed by agreement of all the National Code Authorities concerned, or in the event such National Code Authorities do not agree, by the National Graphic Arts Coordinating Committee; provided, that at no time shall the representation of any Industry on a National Compliance Board be less than one member, nor (where more than two industries are concerned) more than one-half of the total membership of such Board.

The members of any National Compliance Board shall be subject to recall and replacement at any time by the respective National Code Authorities designating such members.

Each National Product Group shall be entitled to designate one special member of each National Compliance Board, who shall sit upon any such Board as a full member thereof with one vote whenever any issue affecting the particular interests of said National Product Group, or any controversy or appeal involving the distribution of the product or products with which such Group is identified and to which said National Product Group or a member thereof is a party, is being considered and determined by such Board.

(c) Each member of a National Compliance Board shall have an equal vote upon all questions, motions, resolutions, or issues coming before said Board.

The National Compliance Boards shall not be enlarged to include members designated otherwise than as above provided, except by the unanimous approval of all the National Code Authorities concerned. There shall be no non-voting or observer members.

(d) Each National Compliance Board, as to the National Code Authorities and establishments, including members of National Product Groups, under its jurisdiction, shall have the power and duty:

1. To require any National Code Authority or any establishment, within the jurisdiction of said Board to submit through a confidential agency designated by the National Compliance Board, any statistics, data, or information reasonably necessary to enable it to determine any issue coming before it for adjudication. Such statistics, data, or information shall be certified by a certified public accountant, if so required by the National Compliance Board. In case any such National Code Authority or establishment shall fail or refuse to furnish such statistics, data, or information, or to have same certified if required, the National Compliance Board may cause the books and records of such National Code Authority or establishment to be examined by a certified public accountant for the purpose of obtaining such statistics, data, or information. The powers contained in this paragraph shall not be delegated by the National Compliance Board. All such statistics, data, or information so submitted or obtained shall be kept confidential and shall not be revealed except to a governmental agency entitled thereto, provided that summaries and compilations thereof which do not disclose the identity of any establishment may be prepared and furnished to the National Code Authority concerned and to the National Graphic Arts Coordinating Committee.

2. To adjust differences that may arise between—

- (a) National Code Authorities,
- (b) A National Code Authority and an establishment under another National Code Authority,
- (c) Establishments under two or more different National Code Authorities,
- (d) A National Product Group and a National Code Authority or an establishment under a National Code Authority,

and to hear and determine appeals from National Code Authorities within its jurisdiction, and from Regional Compliance Boards designated by it; it being understood that all problems of newspaper and periodical editorial, circulation and advertising matters arising

in the application of this Code are to be handled exclusively by the National Code Authorities concerned, subject only to the rights of appeal to the National Graphic Arts Coordinating Committee and the National Recovery Administration. The National Compliance Boards shall meet at least once a month.

3. To designate or cause to be designated locally such Regional Compliance Boards as in its judgment may be necessary, and to delegate to such Regional Compliance Boards such of its duties and powers as it finds advisable, except such as it is prohibited from delegating. Each such Regional Compliance Board shall consist solely of representatives of the several National Code Authorities, or of regional organizations of such National Code Authorities, of the Industries concerned and shall be set up so as to insure equitable representation of the Industries concerned; provided, that where more than two Industries are concerned no Industry shall be represented on any Regional Compliance Board by more than one half the membership thereof, except with the consent of all regional organizations concerned. Appeals from any decision, ruling, regulation, order, or finding of a Regional Compliance Board shall lie to its National Compliance Board.

Where the necessity for economy and coordination of administration seems to require some form of regional cooperative operation of two or more Regional Compliance Boards, any such joint cooperative regional organization may be formed with permission of the respective National Compliance Boards concerned and may carry out the Code administration functions delegated to it. The expenses of such joint cooperative regional organization shall be apportioned as between Industries and assessed in such manner as the Regional Code Authorities concerned may agree and determine. Appeals from any decision, ruling, regulation, order, or finding of such joint cooperative regional organization shall lie to the National Compliance Board to whose jurisdiction the appellant is subject.

4. To determine and collect its costs of administration, as herein provided, from the National Code Authorities, within its jurisdiction, or in default thereof from the respective establishments within the particular jurisdiction of any National Code Authority so defaulting.

Each National Compliance Board shall prepare or have prepared an annual budget, which budget and any revision thereof must be submitted in writing to its members at least two weeks before the date of the meeting at which action on such budget or revision thereof is to be taken. Any such annual budget exceeding in amount the sum of \$20,000 shall be subject to the approval of a majority of the National Code Authorities concerned. Members of National Compliance Boards and Regional Compliance Boards shall serve without compensation.

The necessary individual traveling expenses of members of a National Compliance Board shall be paid by the National Code Authority which they respectively represent. Any other necessary expenses of each National Compliance Board shall be assessed against the National Code Authorities of the Industries represented on such Board in proportion to the member representation of such National Code Authorities on such Board.

Any necessary expenses of each Regional Compliance Board shall be paid by the regional organizations represented on such Board in proportion to the member representation.

5. To adopt such rules and regulations, not inconsistent with the provisions of this Code, as may be deemed advisable for the government of such National Compliance Board and the conduct of its proceedings.

(e) The powers, authority, and duties of National and Regional Compliance Boards relating to the administration and enforcement of this Code shall be strictly limited to those hereinabove specifically granted or imposed.

#### SECTION 5—NATIONAL GRAPHIC ARTS COORDINATING COMMITTEE

(a) There is hereby created a self-governing national coordinating committee to be known as the National Graphic Arts Coordinating Committee.

(b) The National Graphic Arts Coordinating Committee shall consist of twenty members designated by the respective National Compliance Boards as follows:

	<i>Members</i>
National Relief Printing Compliance Board-----	10
National Lithographic Printing Compliance Board---	4
National Intaglio Printing Compliance Board-----	4
National Service Compliance Board-----	2

and in addition thereto, there shall be one member without vote to be appointed by the Administrator to serve without expense to the Industries. The Administrator may appoint alternates for said member.

The member appointed by the Administrator may sit upon any National Code Authority as a member thereof without vote whenever requested by such National Code Authority or by the National Graphic Arts Coordinating Committee.

The members of the National Graphic Arts Coordinating Committee shall be designated within 35 days after the effective date of this Code, and annually thereafter.

Each National Compliance Board in designating members of the National Graphic Arts Coordinating Committee shall designate only persons from among those that have been nominated for such membership by the National Code Authorities under its jurisdiction (for this purpose National Code Authorities A-2 and A-5 shall be considered as though they are one National Code Authority; provided, however, that National Code Authorities A-2 and A-5 shall have at least one member each on the National Graphic Arts Coordinating Committee); when the number of members to be designated by a National Compliance Board is less than the number of National Code Authorities, not more than one nominee of any one such Code Authority shall be designated; when the number of members equals or exceeds the number of National Code Authorities, the National Compliance Board shall designate an equal number of members from the nominees of each National Code Authority, any extra member or members being designated from the nominees of the Code Authority or Code Authorities of the Industries concerned

having respectively the largest payrolls (for this purpose National Code Authorities A-2 and A-5 shall be considered as though they are one National Code Authority).

Each National Code Authority shall nominate alternate members, and each National Compliance Board in designating alternate members of the National Graphic Arts Coordinating Committee shall designate only persons from among those that have been nominated by the National Code Authorities within its jurisdiction. In the absence of any member his designated alternate shall be entitled to sit upon said committee.

In the event of the resignation of any member or alternate, or in the event that any member or alternate can not act for any reason, the National Code Authority originally nominating such member or alternate shall nominate his successor and the National Compliance Board shall designate the nominee so selected.

The members of the National Graphic Arts Coordinating Committee shall be subject to recall and replacement at any time by the respective National Code Authorities nominating such members.

Each National Product Group shall be entitled to designate one special member of the National Graphic Arts Coordinating Committee who shall sit upon said Committee as a full member thereof with one vote whenever any issue affecting the interests of said National Product Group, or any controversy or appeal involving the distribution of the product or products with which such Group is identified, and to which said National Product Group or a member thereof is a party, is being considered and determined by said Committee. Similarly, any National Code Authority not directly represented on the National Graphic Arts Coordinating Committee by a nominee of such National Code Authority shall be entitled to designate one special member of the National Graphic Arts Coordinating Committee who shall sit upon said Committee as a full member thereof with one vote whenever any issue affecting the interests of such National Code Authority, or of an establishment within its jurisdiction, is being considered and determined by said Committee.

(c) Each member of the National Graphic Arts Coordinating Committee shall have an equal vote upon all questions, motions, resolutions, or issues coming before said Committee.

The National Graphic Arts Coordinating Committee shall not be enlarged to include members designated otherwise than as above provided, except by the unanimous consent of all National Code Authorities.

(d) The National Graphic Arts Coordinating Committee shall have the power and duty:

1. To collect, through a confidential agency of its designation, from the National Code Authorities and the National Product Groups all needed data and statistics called for by this Code or required by the President, or reasonably pertinent to the effectuation of Title I of the National Industrial Recovery Act, and to file same with the President or the National Recovery Administration; and to enforce the submission of such data and statistics by establishments to their respective National Code Authorities and by members of National Product Groups to their respective National Product Groups in case such National Code Authority or National Product Group shall fail or

refuse to collect such data and statistics, or enforce such submission. All such data and statistics so submitted or obtained shall be kept confidential and shall not be revealed except to a governmental agency entitled thereto, provided that summaries and compilations thereof which do not disclose the identity of any establishment may be prepared and furnished to the National Compliance Board concerned or to the National Code Authority concerned or the National Product Group concerned.

2. To coordinate the rules and regulations of National Code Authorities and of National Product Groups concerning the administration of this Code, and to review and coordinate accounting principles and methods, cost finding principles and methods, departmental economic hourly cost rates and production standards, cost determination schedules, and stabilization and trade practices, but only to the extent that will insure fair competition.

3. To adjust differences that may arise between—

- (a) National Compliance Boards,
- (b) A National Compliance Board and a National Code Authority under another National Compliance Board or an establishment under such a National Code Authority,
- (c) National Code Authorities or establishments thereof under two or more different National Compliance Boards,
- (d) National Product Groups,
- (e) A National Product Group and a National Compliance Board,

and to hear and determine appeals from National Compliance Boards, National Code Authorities, and National Product Groups.

4. To represent any National Compliance Board, National Code Authority, National Product Group and/or establishment before the National Recovery Administration, when called upon by such National Compliance Board, National Code Authority, National Product Group, and/or establishment.

5. To require each National Code Authority and the administrative agency of each National Product Group to furnish at least once a year evidence showing that it is truly representative of its Industry or Product Group, and to change any National Code Authority or the administrative agency of any National Products Group whenever after a proper hearing the National Graphic Arts Coordinating Committee shall determine that any such National Code Authority and any such administrative agency is no longer representative of its Industry or Group. No such action shall be taken except upon the affirmative vote of two-thirds of the members of the National Graphic Arts Coordinating Committee.

6. To incur and authorize the payment of its necessary salaries of employees and expenses of administration, including the employment of an executive secretary and such clerical help or services, which are to be prescribed in an annual budget, which shall not exceed the total of \$50,000 unless any larger budget shall have first been referred to and approved by three-fourths of the National Code Authorities.

7. To determine and collect its costs of administration, as provided herein, from the various National Code Authorities, or in default thereof, from the respective establishments within their particular jurisdiction. Said costs of administration shall be assessed against the respective National Code Authorities in the proportion which the total annual payroll of establishments included in such National Code Authorities bears to the total annual payroll of establishments included in all National Code Authorities.

8. To collect and disburse funds necessary to defray expenses of Graphic Arts National and Regional Labor Boards and Temporary Labor Committees as provided in Paragraph 3 of Section 24.

9. Upon the application of any National Code Authority, to grant exemption from, or to provide for variation in application of, any of the provisions of this Code which, in the judgment of the National Graphic Arts Coordinating Committee, work an unintended or unjustifiable hardship upon an establishment or group of establishments because of peculiar circumstances to which it or they are uniquely subject. Any action taken in this respect shall be subject to review by the Administrator.

10. To bring to the attention of the Administrator provisions of other codes which apparently conflict with the provisions of this Code, or which create unfair competitive conditions, and to make recommendations with respect thereto.

11. To inform the President whenever it is found that importation of any product affects adversely the maintenance of standards under this Code and to request such action as may be necessary to remedy such conditions.

12. To bring to the attention of the proper National Code Authorities and/or National Product Groups questions arising as to jurisdiction out of the definitions set forth in Schedules A and B, or discrepancies appearing in the provisions contained in the Appendices and to recommend to such National Code Authorities and/or National Product Groups the action to be taken with respect thereto; provided, that for a period of 120 days after the effective date of this Code the National Graphic Arts Coordinating Committee may recommend to the Administrator any amendments to, additions to, or eliminations from this Code necessary to correct any such questions of jurisdiction or discrepancies, any such amendment, addition or elimination to become effective upon approval by the Administrator after such notice and hearing as he may deem advisable.

13. To adopt such rules and regulations, not inconsistent with the provisions of this Code, as may be deemed advisable for the government of said National Graphic Arts Coordinating Committee and the conduct of its proceedings.

(e) The duties of said National Graphic Arts Coordinating Committee may be delegated by it to such agent or agents as it may from time to time deem advisable.

(f) The powers, authority, and duties of the National Graphic Arts Coordinating Committee relating to the administration and enforcement of this Code shall be strictly limited to those hereinabove specifically granted or imposed.



## SECTION 6—NATIONAL PRODUCT GROUPS

(a) A National Product Group shall be truly representative of the sales volume of the particular product or products with which the Group is identified.

(b) National Product Groups are set forth in Schedule B, hereto attached and hereby made a part hereof, and said Groups as to all matters within their jurisdiction shall be administered by the administrative agencies mentioned in said Schedule.

(c) Each National Product Group shall have jurisdiction over all matters relating to distribution of the particular product or products with which the Group is identified, so far as the members of the association are concerned, and so far as persons engaged in the distribution of such product or products in competition with the members of such Group and not otherwise subject to this Code are concerned. Each National Product Group shall have the power to adjust any differences arising between those within its jurisdiction relating to such matters.

(d) Each National Product Group shall have the power to submit to the National Graphic Arts Coordinating Committee, for inclusion in the Code, such trade practice provisions as are applicable to the particular product or products with which the Group is identified. Such provisions, if not inconsistent with the provisions of this Code, shall be submitted to the Administrator for approval and when approved after such public hearing as he may prescribe shall be included in a special appendix to the Code for the National Product Group concerned. Trade practice provisions applicable to the particular product or products with which a National Product Group is identified shall be binding upon all establishments producing such product or products and all persons distributing such product or products in competition with the producers thereof, whether any such establishment or person is a member of such National Product Group or not.

(e) National Product Groups shall have such administrative powers in the promotion of the interests of those within its jurisdiction as are not inconsistent with the provisions of this Code. Specifically, they shall have the right to bring to the attention of the National Compliance Board concerned any violation of trade practices by any establishment subject thereto.

(f) Each National Product Group shall have the right to require those within its jurisdiction to submit, through a confidential agency designated by it, any statistics, data, or information regarding the sale or distribution of the product or products with which the Group is identified reasonably necessary to enable it to administer the matters within its jurisdiction or to determine any issue coming before it for adjudication. All such statistics, data, or information shall be kept confidential and shall not be revealed except to a governmental agency entitled thereto; provided, that summaries and compilations thereof, which do not disclose the identity of any member, may be prepared and furnished to those within its jurisdiction and to the National Graphic Arts Coordinating Committee.

(g) Expenses of administration of a National Product Group shall be equitably assessed against its members by the designated administrative agency of such Group.

#### SECTION 7—EXTRA-CODE COMPETITION

No establishment subject to the provisions of this Code when in competition in the sale of printed matter or other products, or in publishing, with an establishment not subject to the provisions of this Code need comply with the provisions hereof relating to publishing, sale or distribution, if such provisions are more onerous than those to which such competitor is subject; provided, in any such case it shall comply with the provisions of any Code to which such competitor may be subject and shall furnish to its National Code Authority full particulars thereof, which particulars shall be transmitted to the National Graphic Arts Coordinating Committee for action thereon as provided in Section 5 (d) 1.

#### SECTION 8—EXECUTORY CONTRACTS

Where the costs under executory contracts entered into prior to the effective date of this Code are increased or decreased by the applications of the provisions of this Code, appropriate adjustments of such contracts to reflect such increased or decreased costs shall be left to the negotiation of the establishment and the customer; and it shall be the duty of the National Code Authority concerned to promote such equitable adjustments.

#### SECTION 9—PENALTIES FOR VIOLATION

(a) The penalties for the violation of any of the provisions of this Code shall be as provided in the National Industrial Recovery Act, and the cost of any investigation may be assessed against any establishment found guilty of a violation.

(b) In case a governing body determines that an establishment has filed a complaint frivolously or maliciously, it may assess the cost of the investigation and the defendant's reasonable cost against the complainant.

#### SECTION 10—COMPLAINTS

(a) All complaints, whether involving a controversy or a charge of violation, shall be in writing signed by an establishment, and three copies thereof shall be filed with the governing body having jurisdiction. Copies of such complaint shall be served upon the defendant or alleged violator and upon his National Code Authority by the governing body receiving such complaint at least three days before any action is taken thereon by such governing body.

(b) Where the necessary parties to such a complaint are establishments within the jurisdiction of the same National Code Authority, the proceeding shall be instituted before its Regional Code Authority (or before the joint cooperative organization authorized by its National Code Authority), if such a governing body exists, and all such parties are within the territorial jurisdiction of such

regional governing body, and if not before the National Code Authority.

(c) Where the necessary parties to such a complaint are establishments within the jurisdiction of two or more different National Code Authorities, under the jurisdiction of the same National Compliance Board, the proceedings shall be instituted before its Regional Compliance Board (or before the joint cooperative regional organization authorized by such National Compliance Board), if such a governing body exists, and all such parties are within the territorial jurisdiction of such regional governing body, and if not before such National Compliance Board.

(d) Where the necessary parties to such a complaint are establishments within the jurisdiction of two or more different National Code Authorities, within the jurisdiction of different National Compliance Boards, the proceeding shall be instituted before the joint cooperative regional organization authorized by all the National Compliance Boards concerned, if any such governing body exists, and all such parties are within the territorial jurisdiction of such regional governing body, and if not before the National Graphic Arts Coordinating Committee.

(e) Where the necessary parties to such a complaint are members of the same National Product Group, and the matter is one over which the Group has jurisdiction as defined in Section 6 (c), the proceeding shall be instituted before the administrative agency of such National Product Group.

(f) Where the necessary parties to such a complaint are a member of a National Product Group and an establishment not a member of such a National Product Group, both being under the jurisdiction of the same National Compliance Board, the proceeding shall be instituted before its Regional Compliance Board (or before the joint cooperative regional organization authorized by such National Compliance Board), if such a governing body exists, and all such parties are within the territorial jurisdiction of such regional governing body, and if not before such National Compliance Board.

(g) Where the necessary parties to such a complaint are a member of a National Product Group and an establishment not a member of such National Product Group, the parties being under the jurisdiction of different National Compliance Boards, the proceeding shall be instituted before the joint cooperative regional organization authorized by all the National Compliance Boards concerned, if any such governing body exists, and all such parties are within the territorial jurisdiction of such regional governing body, and if not before the National Graphic Arts Coordinating Committee.

(h) No proceeding shall be instituted before the National Graphic Arts Coordinating Committee by any establishment or by any member of a National Product Group, except through the National Compliance Board having jurisdiction over such establishment or member.

(i) No action, suit or other proceeding based upon an alleged violation of the provisions of this Code, or involving a controversy arising under the provisions of this Code, shall be commenced by any establishment or governing body against any establishment as-

senting to the provisions of this Code, in any court, state or Federal until such alleged violation or controversy shall have been submitted for determination in the manner provided for by this Code, and in the event that appeals are prosecuted in accordance with the provisions of this Code, until the National Graphic Arts Coordinating Committee shall have determined such issue.

(j) A person not subject to the provisions of this Code may make a complaint of violation of any provision of this Code by filing such complaint in writing, together with all available pertinent information, with the National Code Authority or National Product Group having jurisdiction over the alleged violator.

(k) Any governing body having jurisdiction to hear any complaint may adopt such rules of procedure governing the filing and hearing of complaints, not inconsistent with the provisions of this Code, as it may deem advisable.

#### SECTION 11—APPEALS

(a) An establishment shall have the right of appeal from any decision, ruling, regulation, order, or finding of its Regional Code Authority (or of any joint cooperative regional organization authorized by its National Code Authority) to its National Code Authority.

(b) An establishment shall have the right of appeal from any decision, ruling, regulation, order, or finding of its Regional Compliance Board (or of any joint cooperative regional organization authorized by its National Compliance Board) to its National Compliance Board.

(c) An establishment shall have the right of appeal from any decision, ruling, regulation, order, or finding of its National Code Authority to its National Compliance Board and of its National Compliance Board to the National Graphic Arts Coordinating Committee.

(d) A member of a National Product Group shall have the right of appeal from any decision, ruling, regulation, order, or finding of the administrative agency of its National Product Group to the National Graphic Arts Coordinating Committee, unless all necessary parties are establishments under the jurisdiction of the same National Compliance Board, in which case such appeal shall lie to such National Compliance Board.

(e) National Compliance Boards, National Code Authorities, National Product Groups, establishments, and members of National Product Groups shall have the right of appeal from any decision, ruling, regulation, order, or finding of the National Graphic Arts Coordinating Committee to the National Recovery Administration or the President.

(f) The governing body determining any issue shall notify the parties thereto in writing of its decision, ruling, regulation, order, or finding, and no person shall be entitled to appeal from the action of such governing body unless he takes an appeal within 20 days after he shall have received such notification.

(g) All appeals shall be in writing and a copy of each appeal shall be filed with the governing body whose action is appealed from

at least one day before it is filed with the governing body to which such appeal is taken.

(h) An appellant shall comply with the decision, ruling, regulation, order, or finding of a National Product Group, a National Code Authority, a National Compliance Board, or the National Graphic Arts Coordinating Committee, unless the governing body to which his appeal is taken shall grant a stay. An appeal from the ruling, regulation, order, or finding of regional governing body shall act as a stay.

(i) Any governing body having jurisdiction to hear any appeal may adopt such rules of procedure governing appeals taken to it, not inconsistent with the provisions of this Code, as it may deem advisable.

#### SECTION 12—AMENDMENTS

(a) This Code, except as to provisions required by the Act, may be amended on the basis of experience or changes in circumstances, such 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.

(b) Except as herein otherwise provided, any amendment, supplement, or addition to this Code may be submitted to the National Graphic Arts Coordinating Committee by any National Code Authority or any National Product Group. If it affects only the National Code Authority or National Product Group submitting it and is not inconsistent with other provisions of this Code it shall be submitted by the National Graphic Arts Coordinating Committee to the Administrator for approval; if it affects any National Code Authority or Authorities other than a National Code Authority submitting it, it shall first be submitted to all such National Code Authorities affected and if approved by them, shall then be submitted by the National Graphic Arts Coordinating Committee to the President for approval.

#### SECTION 13—PRESIDENTIAL POWERS

The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued with respect to this Code.

#### SECTION 14—PARTICIPATION AND MEMBERSHIP RESTRICTIONS

Each establishment shall be entitled to make use of the NRA insignia and may participate in the activities of its National Code Authority and of this Code by assenting thereto and complying with the provisions thereof, and paying the share of the expense of administration thereof assessed against it, as herein provided. The use of such NRA insignia by any establishment, or the participation by any establishment in the activities of its National Code Authority or of this Code, or the continuing in effect by any establishment of its membership in any association which has assented to this Code, shall be construed as an assent by such establishment to this Code.

The National Graphic Arts Coordinating Committee, each National Compliance Board, each National Code Authority, the admin-

istrative agency of each National Product Group, and any association directly or indirectly participating in the activities of this Code shall (1) impose no inequitable restrictions upon admission to membership, and (2) submit to the Administrator for review true copies of its articles of association, constitution, by-laws, rules and regulations, and any amendments when made thereto.

#### SECTION 15—MONOPOLIES

No provision in this Code shall be interpreted or applied in such a manner as to promote monopolies, eliminate or oppress small enterprises, or discriminate against them.

#### SECTION 16—LIABILITIES

Nothing contained in this Code shall constitute the persons participating in any manner whatsoever in the activities of this Code partners for any purpose. Nor shall any person so participating be liable in any manner to anyone for any act of any other person, agent or employee. Nor shall any person so participating, who exercises reasonable care and diligence in the performance of his duties hereunder or in the exercising of his powers or discretions, be liable to any one for any action or omission to act, excepting only for his own willfully wrong or fraudulent act.

#### SECTION 17—RESERVATIONS

(a) No person assenting to this Code shall be held to have thereby assented to any amendment thereof, nor to any particular interpretation if invalid.

(b) Those submitting this Code recognize that pursuant to Section 10 (b) of the National Industrial Recovery Act the President may, from time to time, cancel or modify any order approving this Code, but in submitting or assenting to this Code the establishments do not thereby consent to any modification thereof, except as each may thereto subsequently agree, nor do they thereby waive any constitutional rights, or consent to the imposition of any requirements that might restrict or interfere with the constitutional guarantee of the freedom of the press.

#### SECTION 18—EFFECTIVE DATE AND EXPIRATION

This Code shall be effective on the second Monday after its approval by the President and continue in effect concurrently with the National Industrial Recovery Act, and any extension thereof, unless sooner terminated by action or approval of the President.

### ARTICLE II—EMPLOYMENT, WAGES, HOURS, ETC.

#### SECTION 19—GENERAL PROVISIONS

(a) *Employment.*—As required by Section 7 (a) of Title I of the National Industrial Recovery Act, the following provisions are conditions of this Code:

(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 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.

(b) *Child labor*.—Establishments covered by this Code shall not employ any person under the age of 16 years except that those between 14 and 16 years of age may be employed (but not in mechanical or manufacturing duties) not to exceed three hours a day, such hours to be between 7 a.m. and 7 p.m., in such work as will not interfere with the hours of day school.

Establishments covered by Industries A-1, A-2, A-3 and A-5 as provided in this Code, where there are newspapers or periodicals or advertising newspapers published and/or printed, may also employ persons 14 years of age or over who are able, without impairment of health, to sell newspapers or periodicals between 7 a.m. and 7 p.m. from October 1st to March 31st, inclusive, and between 7 a.m. and 8 p.m. from April 1st to September 30th, inclusive, where such work does not interfere with the hours of day school; and may also employ persons under 16 years of age, who are able, without impairment of health, to deliver newspapers or periodicals or advertising newspapers, where such work does not interfere with the hours of day school.

(c) *Piecework compensation*.—The provisions in this Article II as to minimum wages shall apply irrespective of whether an employee is actually compensated on a time-rate, piece-work, or other basis.

(d) *Employment by several establishments*.—Establishments shall not knowingly employ any employee who works for two or more establishments for a greater number of hours in any day or week than is specified in this Code for a single establishment.

(e) *Complement of men*.—A commission of three disinterested engineers, selected by the American Society of Mechanical Engineers, shall be employed by the National Graphic Arts Coordinating Committee to make a comprehensive study, and to recommend rules, covering complement of men required on relief printing mechanical equipment, for addition to Section 21 of this Code by amendment as elsewhere herein authorized.

(f) *Handicapped persons*.—A person whose earning capacity is limited because of age or physical handicap may be continued on light work unless, and until, otherwise ordered at a wage below the minimum fixed in this Code. Each establishment shall file with its National Code Authority a list of all such persons employed, including the hours worked and wages paid, and such other infor-

mation as such National Code Authority may require. Further employment under this clause must be authorized by such National Code Authority. Each National Code Authority may adopt regulations and rulings governing the application of this clause (f).

#### SECTION 20—NONMECHANICAL EMPLOYEES

(a) *Nonmechanical employees—Minimum wages.*—Establishments covered by this Code shall not pay any nonmechanical employee less than \$15.00 per week in any city over 500,000 population or in the immediate trade area of such city; nor less than \$14.00 per week in any city between 250,000 and 500,000 population, or in the immediate trade area of such city; nor less than \$13.00 per week in any city between 50,000 and 250,000 population, or in the immediate trade area of such city; nor less than \$12.00 per week in any city between 25,000 and 50,000 population, or in the immediate trade area of such city. In places of less than 25,000 population (1930 Census), wages in effect July 1, 1933, shall be increased by not less than 20 per cent, provided, that this shall not require wages in excess of \$11.00 per week.

Excepting (1) that persons (other than apprentices) learning the business during the first 12 months of service in the Industry, office boys or girls, and/or errand boys or girls, comprising in all not more than one for each five employees, or fraction thereof, shall receive not less than 20 cents per hour; and (2) that no establishment in a city over 50,000 population shall pay any nonmechanical employee, other than those excepted, less than the amount set forth in the foregoing paragraph, unless the wage for the same class of work in the same locality on July 15, 1929, was less than the amount set forth, in which case it shall pay not less than the wage for the same class of work in such locality on July 15, 1929, with a minimum of \$12.00 per week.

Wages to such nonmechanical employees for part-time shall be computed and paid at proportional rates for the time actually employed.

Nonmechanical employees shall include copy-holders and employees checking directory proofs which are independently and completely read by qualified proofreaders.

#### SECTION 21—MECHANICAL EMPLOYEES

##### ENGAGED IN THE PROCESSES OF RELIEF PRINTING

The provisions of this Section shall govern all establishments engaged in any of the processes or partial processes of relief printing and shall be applicable to all the mechanical employees of such establishments engaged in carrying on any of the operations of such processes.

(a) *Unskilled mechanical employees—minimum wages.*—Establishments covered by this Section shall not pay any unskilled mechanical employee less than 40 cents per hour, unless, on July 15, 1929, the hourly rate for the same class of work was less than 40 cents per hour, in which latter case they shall be paid not less than such hourly rate on July 15, 1929, in the same establishment (or in



the same locality in the case of a new establishment) and in no event less than 30 cents per hour.

(b) *Skilled mechanical employees—Minimum wages.*—PARAGRAPH 1. Minimum hourly compensation for various classes of skilled workers and/or artisans shall be established for classes of establishments coming under this Section, as follows:

Class 1. This class shall consist of all library binders wherever situated, and all other establishments in places of less than 25,000 population (1930 Census) in which the total job and contract printing output (except circulation and advertising receipts of newspapers and periodicals) for the preceding calendar year was less than \$50,000.

Class 2. This class includes all establishments (other than library binders) coming within this Section in cities (or similar localities) having more than 25,000 population (1930 Census) and each such establishment, in a place of smaller population, which had a total job and contract printing output (except circulation and advertising receipts of newspapers and periodicals) for the preceding calendar year in excess of \$50,000.

The minimum hourly wages for Class 1 are set forth in Column 1; and the minimum hourly wages for Class 2 are set forth in Column 2 of the following schedule:

SCHEDULE

	Column 1	Column 2
Compositors.....	\$0.60	\$0.82
Typesetting Machine Operators.....	.60	.82
Proofreaders.....	.45	.71
Job Pressmen, including pressmen employed on special ticket and coupon presses.....	.48	.68
Job Feeders.....	.34	.44
Cylinder and Sheet-fed Rotary Pressmen.....	.60	.82
Cylinder Feeders.....	.35	.55
Web Rotary Pressmen.....	.67	.91
Web Rotary First Assistant Pressmen.....	.35	.55
Flat Casters.....	.34	.44
Paper Cutting and Binding Machine Operators (except as classified for Edition Binding).....	.48	.68
Pamphlet Binding Machine Assistants, skilled.....	.38	.49
Pamphlet and Edition Bindery Girls, skilled, also Bunchers and Feeders.....	.30	.37
Ruling Machine Operators, skilled.....	.60	.82
Ruling Machine Operating Assistants.....	.35	.45
Ruling Machine Feeders.....	.30	.37
Edition Binding (Machine Operators), including Case Makers, Stampers, Cutters, Rounders and Backers, Lining Machine, Casing-in Machine, Folding-Machine, and Gathering Machine.....	.60	.77
Edition Binding—Assistant Machine Operators.....	.48	.60
Edition Binding—Hand Workers, skilled (Men).....	.50	.68
Library Binders (Men), skilled.....	.45	.....
Library Binders (Women), skilled.....	.32	.....
Electrotypers—		
Molders and Finishers.....	.60	.82
Branchmen.....	.48	.66
Helpers.....	.40	.50
Stereotypers.....	.60	.82
Stereotypers' Helpers.....	.40	.50
Photo-Engravers.....	1.00	1.00

Exception 1: An establishment whose gross business (not including circulation and advertising receipts of newspapers and periodicals) is under \$100,000 per year, located in a place of less than 25,000 population, which might otherwise come under Class 2, may obtain a terminable permit from its National Code Authority to

come under Class 1 if and so long as that part of such gross business which originates in places of more than 25,000 population and/or with firms whose headquarters are in such places (hereinafter referred to as foreign business) was less than \$6,000 for the preceding quarter of the calendar year—under the following conditions:

(1) A terminable permit shall be issued upon the filing of a sworn application stating that the applicant's foreign business for the last preceding quarter of the calendar year was less than \$6,000 (listing the items comprising the same).

(2) Such permit shall continue for successive quarters upon its filing reports with corresponding information within 15 days after the expiration of each quarter.

(3) A permit shall expire 15 days after the expiration of a quarter upon the permittee's failure to file a report thereon, or upon such report showing over \$6,000 of foreign business in the preceding quarter of the calendar year.

(4) The National Code Authority may revoke a permit and/or refuse further permits to any establishment which it finds to have made a materially false statement hereunder.

Exception 2: In establishments located in places of less than 10,000 population (1930 Census) which had gross receipts of \$12,000 or less in the preceding calendar year from job and contract printing (not including circulation and advertising receipts of newspapers and periodicals), the requirements of Paragraphs 1 and 2 shall not apply; but mechanical employees shall receive not less than eighty (80) per cent of the minima set forth in Column 1 of the foregoing schedule; provided, however, that when an employee in such an establishment performs tasks coming within several of the classifications set forth in Paragraph 1, his minimum hourly rate of compensation shall be determined by averaging the minimum rates for such various classifications.

PARAGRAPH 2. Each establishment, with the exception of those—

(1) Which are operating under wage agreements arrived at by collective bargaining; and

(2) Those which are paying not less than the wage rates which they were paying on July 15, 1929,

shall make increases in its average hourly compensation for all classes of skilled labor, within 30 days after this Code becomes effective, on the following basis:

Including increases made under Paragraph 1 of this Section each plant shall increase the hourly rates to a point where (including increases made since July 1, 1933) they are 10 per cent higher than the hourly rates in effect on July 1, 1933, with this limitation, that they need not increase rates above those paid on July 15, 1929, in the same plant, or above those paid in similar plants in the same locality coming within the above clauses (1) or (2).

PARAGRAPH 3. Within 30 days after this Code becomes effective any rate increases under Paragraphs 1 and 2 must be further augmented, if necessary, to bring the average hourly compensation paid in each establishment up to 90 per cent of the hourly rates prevailing on July 1, 1933, in the same locality, for those base classes of *skilled labor* named in the schedule set forth in Paragraph 1 hereof.

Prevailing rates shall be the average of the hourly rates paid to the employees constituting that 50 per cent of each class of skilled employees coming under this Code in that locality which was receiving the higher hourly wage rates on July 1, 1933. For example, if in a locality of Class 1, a total of thirty compositors were employed, ten of whom were receiving 82 cents per hour and twenty of whom were receiving 67 cents per hour, the prevailing rate would be the weighted average of 82 cents for ten compositors and of 67 cents for five compositors (making together 50 per cent of the total number) or 77 cents, and 90 per cent thereof would be 69.3 cents.

It is provided, however, that in a locality where one establishment employs 50 per cent or more of the total skilled employees of a particular class in that locality, and the rate paid by said establishment is higher than the average rate paid by the other establishments in that locality, the employees of that class in said establishment so employing 50 per cent or more of that class shall be omitted in computing the average hourly wage rates for that locality.

[NOTE.—For the purposes of Paragraphs 2 and 3 "Average", in case varying rates are paid for the same classification of labor, means average ascertained by dividing the total of hourly compensations by the total number of employees whose wage rates are being averaged.]

PARAGRAPH 4. In applying the foregoing paragraphs, differentials in wage rates from basic rates for varying tasks within the same class shall be maintained as in effect December 1, 1933, in the individual establishments.

PARAGRAPH 5. In no instance shall the foregoing be applied in a manner to reduce the present hourly rate paid to any class of employees, or to establish minimum wage rates in establishments where collective bargaining is not practiced higher than the minimum for the same class of employees in establishments in that locality where wage rates were arrived at through collective bargaining.

PARAGRAPH 6. It should be specifically understood that the foregoing provisions are intended to establish only minimum and not maximum wage requirements.

(c) *General wage provisions.*—In connection with the foregoing, the following rules shall apply:

(1) No establishment shall pay to any employee coming within any of the classifications enumerated in the schedule in (b) Paragraph 1 an hourly rate lower than the minimum established for unskilled mechanical employees in that locality by this Section.

(2) Except as provided in Exception 2 of Paragraph 1 an employee performing duties coming within more than one of the classifications in the foregoing schedule shall be compensated on the basis of the rates applying to such several classifications for the time employed.

(3) The foregoing requirements as to mechanical wages do not apply to apprentices, who are referred to in (e) of this Section.

(4) In establishments where newspapers are printed the provisions of clause (b) and the preceding subclauses of (c) of Section 21 need not apply for skilled mechanics while engaged

in the production of newspapers; provided, that in such establishments the minimum wage rate for such mechanics shall be 40 cents per hour, and provided further, that the differentials existing December 1, 1933, in the hourly wage rates of such employees shall be maintained.

(d) *Hours of labor*—1. *Standard working hours*.—Standard working hours shall be 40 hours per week for all mechanical employees, including proprietors, supervisors, foremen and/or others for the time actually engaged in mechanical work. The work week in the case of each individual employee shall be divided into not more than six shifts, no one of which will be more than 8 hours unless overtime be paid. When necessary, overtime shall be permitted; provided (1) that a mechanical employee shall receive not less than the local overtime rate (one and one-third times or one and one-half times his hourly wage) for all work in excess of 8 hours within any 24-hour period; and (2) that no more than 520 hours shall be worked by any mechanical employee in any 13 weeks period.

It is not intended that any of the foregoing provisions shall limit the number of days per week or shifts per day an establishment may operate.<sup>3</sup>

2. *Maximum hour exceptions*.—(1) The maximum hours fixed by this Section shall not apply to professional persons employed in their profession, technical employees, or employees on emergency maintenance, or repair work, nor to employees in cases where the restriction of hours of highly skilled artistic or mechanical workers on continuous processes would unavoidably reduce production; but in the case of such a highly skilled artistic or mechanical worker the local overtime rate (one and one-third times or one and one-half times his hourly wage) shall be paid for the hours worked in excess of the maximum.

(2) A tolerance of 10 per cent, without overtime pay, over the maximum hours herein prescribed, shall be allowed in the cases of wash-up crews, shipping crews, material handlers, elevator operators, and other mechanical employees whose duties have no direct connection with Graphic Arts processes, and a tolerance of 20 per cent without overtime pay shall be allowed in the cases of outside delivery men, porters, engineers, firemen, janitors and watchmen. The maximum of six shifts per week shall not apply to engineers, firemen, janitors or watchmen.

A tolerance of 10 per cent, without overtime pay, shall also be allowed establishments engaged in the service of library binding, such tolerance to be averaged over six months' periods, provided no employee shall be allowed to work over 48 hours in any one week.

(3) In establishments having periods of regular variations or seasonal swells arising from the publication of newspapers (other than dailies) or the production of special editions, employees may work more than eight hours in any one day without overtime pay.

(4) In establishments where a daily newspaper is printed, in cities or towns where there are no available surplus mechanics competent for the tasks to be performed, employers may work their mechanical employees more than eight hours per day during periods of regular variation, seasonal swell, and/or during the production of

<sup>3</sup> See par. 2 of Executive order approving this Code.

special editions, provided that time and one-third shall be paid for all work in excess of eight hours per day.

(5) In establishments in Industry A-5 of this Code where newspapers are printed, the maximum unit of hours to constitute a day's or night's work for mechanical employees engaged in the production of newspapers shall be 8 continuous hours, exclusive of lunch time.

The foregoing maximum hours of work shall not be construed as a minimum either for a day or a week, and if at any time in any locality newspaper mechanics of a given trade, through their chosen representatives, express by written request to the employer or employers a desire to share available work with bona fide resident unemployed competent newspaper mechanics in their particular trade or craft, the number of hours of work may be adjusted by mutual agreement.

If local agreement proves impossible within 15 days, the question may be appealed by either party to a local Fact Finding Board made up of two representatives of the employer or employers and two representatives of the employees.

The local Board as thus formed shall endeavor to agree upon the facts with regard to the number of resident unemployed competent newspaper mechanics in the locality for the purpose of reducing the number of such unemployed newspaper mechanics so far as is possible without undue hardship to either the employer or employers or his or their employees.

If a majority agreement cannot be arrived at, the four members shall choose a fifth and impartial member of the Board who shall act as chairman.

The Board shall proceed diligently to complete its findings of fact and make its recommendations.

Should either the employer or employers or his or their employees disagree with the findings and recommendations of the local Fact Finding Board, appeal may be made to the National Relief Printing Labor Board provided for in this Code, which, after notice and opportunity for the parties to be heard, shall make a finding which shall be binding upon all parties of interest.

These provisions as to sharing of work shall not apply to any newspaper having ten or less journeymen mechanical department employees.

If in any locality there are not available competent journeymen newspaper mechanics to permit the operation of any newspaper in such locality on a 40 hour week, then the work week may be extended to not more than six times the maximum unit of hours heretofore set forth as constituting a normal day's or night's work, without overtime; provided that in any locality where less than 8 hours normally constitutes a day's or night's work, then the work week may not be extended beyond six times that unit of hours unless overtime be paid.

An employer may divide an employee's work week into as many as six shifts, each of such length, not exceeding 8 hours, as the employer may determine, and shall have the right to designate the shifts, schedule of hours, and starting time of each employee. Overtime shall be worked when necessary.

(6) In establishments in Industry A-2 of this Code where newspapers are printed, the maximum unit of hours to constitute a day's or night's work for mechanical employees engaged in the production of newspapers shall be 8 continuous hours, exclusive of lunch time.

The foregoing maximum hours of work shall not be construed as a minimum either for a day or a week, and if at any time in any establishment a majority of the newspaper mechanics of a given trade express by written request to the employer a desire to share available work with bona fide resident unemployed competent newspaper mechanics in their particular trade or craft, the number of hours of work may be adjusted by mutual agreement.

If local agreement proves impossible within 15 days, the question may be appealed by either party to a local Fact Finding Board made up of two representatives of the employer and two representatives of the employees.

The local Board as thus formed shall endeavor to agree upon the facts with regard to the number of resident unemployed competent newspaper mechanics in the locality for the purpose of reducing the number of such unemployed newspaper mechanics so far as is possible without undue hardship to either the employer or his employees.

If a majority agreement cannot be arrived at, the four members shall choose a fifth and impartial member of the Board who shall act as chairman.

The Board shall proceed diligently to complete its findings of fact and make its recommendations.

Should either the employer or his employees disagree with the findings and recommendations of the local Fact Finding Board, appeal may be made to the National Relief Printing Labor Board provided for in this Code, which, after notice and opportunity for the parties to be heard, shall make a finding which shall be binding upon all parties of interest.

These provisions as to sharing of work shall not apply to any newspaper having ten or less journeymen mechanical department employees.

If in any locality there are not available competent journeymen newspaper mechanics to permit the operation of any newspaper in such locality on a 40 hour week, then the work week may be extended to not more than six times the maximum unit of hours hereinbefore set forth as constituting a normal day's or night's work, without overtime; provided that in any locality where less than 8 hours normally constitutes a day's or night's work, then the work week may not be extended beyond six times that unit of hours unless overtime be paid.

An employer may divide an employee's work week into as many as six shifts, each of such length, not exceeding 8 hours, as the employer may determine, and shall have the right to designate the shifts, schedule of hours, and starting time of each employee. Overtime shall be worked when necessary.<sup>4</sup>

(c) *Apprentices.*—The ratio for apprentices under Section 21 of this Code shall be not more than one apprentice to five or a major

<sup>4</sup> See par. 2 of Executive order approving this Code.

fraction thereof of journeymen of the respective skilled classifications. However, any plant may have at least one apprentice in each or any classification of skilled labor in which a journeyman is employed. The minimum base rates of pay for an apprentice shall represent the percentages shown below of the minimum wage of a journeyman of the skilled classification under which such apprenticeship is being served:

	Per cent			Per cent
First Year.....	30		Fourth Year.....	60
Second Year.....	40		Fifth and Sixth Years.....	75
Third Year.....	50			

Boys under eighteen, not high-school graduates, may be started as apprentices and serve up to one year at 50 per cent of the wage of unskilled labor.

The maximum terms of apprenticeships shall be: For compositors, five years; for pressmen, four years if (1) over twenty years of age at the start, or (2) advanced from feeder or rotary assistanceship, otherwise six years.

These apprenticeship rules shall not prevent the continuation of the status of persons already at work under apprenticeship arrangements made prior to July 1, 1933.

Upon the completion of the term of apprenticeship, journeymen's minimum rates of pay shall apply.

## SECTION 22—MECHANICAL EMPLOYEES (continued)

### A. ENGAGED IN THE PROCESSES OF LITHOGRAPHIC PRINTING

The provisions of this Sub-Section 22-A, shall govern all establishments engaged in any of the processes or partial processes of lithographic printing and shall be applicable to all the mechanical employees of such establishments engaged in carrying on any of the operations of such processes; excepting those establishments and the employees of those establishments, included in the Trade Mounting and Finishing Industry.

(a) *Unskilled mechanical employees—Minimum wages.*—Establishments covered by this Sub-Section 22-A shall not pay any unskilled mechanical employee less than 40 cents per hour, unless, on July 15, 1929, the hourly rate for the same class of work was less than 40 cents per hour, in which latter case establishments shall not pay less than such hourly rate on July 15, 1929, and in no event less than 30 cents per hour.

(b) *Skilled mechanical employees—Minimum wages.*—(1) Each establishment which operated on July 1, 1933, on a basic work week of 40 hours or more shall put into effect, as of the effective date of this Code, hourly rates for all its skilled mechanical employees at least 10% higher than were the hourly rates in effect on July 1, 1933; provided, that no such hourly rate shall be less than the minimum hourly rate established by this Sub-Section 22-A for unskilled mechanical employees, and provided further, that no establishment shall be required under this paragraph to pay any employee a weekly wage for 40 hours greater than the weekly wage paid for the same class of work for the basic work week in operation in such establishment on July 1, 1929.

(2) If, after the increase in hourly rate provided for in the preceding paragraph is effective, the hourly rate paid by an establishment to any skilled mechanical employee is less than 90% of the prevailing hourly rate on July 1, 1933, the hourly rate of such employee within 30 days from the effective date of this Code shall be increased to not less than 90% of such prevailing hourly rate. For the purpose of this paragraph, "prevailing hourly rate" is defined to be the average rate paid that class of skilled mechanical employees by a group of other establishments doing a comparable class of work and/or of comparable size in that locality or competitive area.

(c) *Hours of labor*—(1) *Standard working hours*.—Standard working hours for all mechanical employees, including proprietors, supervisors, foremen and/or others for the time actually engaged in mechanical work shall be 40 hours per week, and not over 8 hours per day from Monday to Friday inclusive and not over 4 hours on Saturday mornings before 1 p.m.

Overtime shall be permitted when necessary, provided, (1) that in any establishment for each of the first 3 hours worked in excess of the standard work day for such establishment on any day from Monday to Friday inclusive a mechanical employee shall receive one and one-half times his hourly wage, (2) that for the fourth and each additional hour worked in excess of such standard work day from Monday to Friday inclusive a mechanical employee shall receive two times his hourly wage, (3) that for each hour worked on Saturdays in excess of 4 hours worked on Saturday mornings and for each hour worked on Sundays or legal holidays a mechanical employee shall receive two times his hourly wage.

If the number of hours worked by a mechanical employee from Monday to Friday inclusive in any week without overtime is 36 or less, he shall be permitted to work for 4 hours on Saturday morning at his regular hourly wage; if the number of hours so worked from Monday to Friday is more than 36, he shall be permitted to work on Saturday morning at his regular hourly wage for such number of hours as will bring the total hours worked in the week without overtime to 40 hours. For those hours worked on Saturday morning by a mechanical employee by which the total hours worked by him in that week without overtime exceeds 40 hours he shall receive one and one-half times his regular hourly wage.

No more than 520 hours including overtime shall be worked by any mechanical employee in any 13 weeks period.

None of the foregoing provisions shall limit the number of days per week or shifts per day an establishment may operate.<sup>5</sup>

(2) *Maximum hours exceptions*.—The maximum hours fixed by this Sub-Section 22-A shall not apply to professional persons employed in their profession, technical employees, or employees on emergency maintenance, or repair work.

A tolerance of ten per cent, without overtime pay, over the maximum hours herein prescribed, shall be allowed in the cases of shipping crews, material handlers, elevator operators, and other mechanical employees whose duties have no direct connection with Graphic Arts processes, and a tolerance of twenty per cent, without overtime

<sup>5</sup> See par. 2 of Executive order approving this Code.



pay, shall be allowed in the cases of outside delivery men, porters, engineers, firemen, janitors and watchmen.

A tolerance of ten per cent, over the maximum hours herein prescribed, shall be allowed in the case of wash-up crews, provided that for any such work done by employees in excess of the standard work day, overtime at the rates hereinabove specified shall be paid in those establishments where it has been customary to pay overtime for such work.<sup>6</sup>

(d) *Apprentices.*—(1) The National Lithographic Printing Labor Board, hereinafter provided for, promptly after its organization shall appoint a committee composed of an equal number of representatives of employers and employees to study carefully the apprenticeship situation and to make recommendations thereon to the National Lithographic Code Authority. In making its study the committee shall not limit itself to existing data and information but shall secure through the National Code Authority from establishments within the Industry such additional facts as it may deem necessary. Its recommendations shall include apprenticeship ratios and methods of applying them equitably for the Industry. Upon receipt of the recommendations of the committee, the National Lithographic Printing Code Authority shall adopt rules and regulations to govern all apprentices within the Industry, such rules and regulations being subject to the review of the Administrator.

(2) Until the rules and regulations governing apprentices are adopted as above provided, the ratio of apprentices in the press department shall be not more than one apprentice to four journeymen; the ratio in each of the other departments shall be not more than one apprentice to five journeymen employed in each such department; and in smaller establishments in which the above ratios are not applicable not more than one apprentice shall be permitted for each five journeymen employed in all departments. Existing wage arrangements for apprentices shall continue until or unless changed as above provided.

#### B. ENGAGED IN THE TRADE MOUNTING AND FINISHING INDUSTRY

The provisions of this Sub-Section 22-B shall govern all establishments included in the Trade Mounting and Finishing Industry and shall be applicable to all the mechanical employees of such establishments.

(a) *Mechanical employees—Minimum wages.*—(1) Establishments covered by this Sub-Section 22-B shall not pay any mechanical employee less than 40 cents per hour for male employees and 35 cents per hour for female employees; provided, where female employees do substantially the same work or perform substantially the same duties as male employees, they shall be paid the same rate of pay as male employees are paid for doing such work or performing such duties.

(2) As soon as practicable, a job classification for the Industry shall be set up by the National Trade Mounting and Finishing Code Authority and minimum rates for each job classification shall be fixed. Such job classification, when approved by the Administrator, shall be binding on each establishment within the Industry.

<sup>6</sup> See par. 2 of Executive order approving this Code.

(b) *Hours of Labor*—(1) *Standard working hours*.—The standard working hours for all mechanical employees, including proprietors, supervisors, foremen and/or others, for the time actually engaged in mechanical work, shall be forty (40) hours per week and eight (8) hours per day on any day from Monday to Saturday, inclusive; provided, however, that if the Code Authority having jurisdiction so decides, the standard work week in any defined area shall be eight (8) hours per day from Monday to Friday, inclusive. In any such case if one of the days from Monday to Friday be a legal holiday, or a holiday recognized by the Code Authority having jurisdiction, in such week Saturday may be substituted as part of the standard work week.

When necessary, overtime shall be permitted, provided:

(a) That a mechanical employee shall receive not less than one and one-half times his hourly wage for all work in excess of 8 hours in any standard work day, and for all work in excess of 40 hours within any week, and for all work on other than a standard work day,

(b) That no more than 48 hours, including overtime, shall be worked by any mechanical employee in any one week, and,

(c) That no more than 520 hours, including overtime, shall be worked by any mechanical employee in any 13 week period.

(2) *Maximum hours exceptions*.—The maximum hours fixed by this Sub-Section 22-B shall not apply to professional persons employed in their profession, technical employees, employees on emergency maintenance, or repair work, nor to employees in cases where the restriction of hours of highly skilled artistic or mechanical workers on continuous processes would unavoidably reduce production; but in the case of such highly skilled artistic or mechanical workers, at least time and a half shall be paid for the hours worked in excess of the maximum.

A tolerance of 10%, without overtime pay, over the maximum hours herein prescribed, shall be allowed in the cases of shipping crews, elevator operators and other mechanical employees whose duties have no direct connection with Graphic Arts processes, and a tolerance of 20%, without overtime pay, shall be allowed in the cases of outside delivery men, porters, engineers, firemen, janitors and watchmen. The maximum of five shifts per week shall not apply to engineers, firemen, janitors or watchmen.<sup>7</sup>

(c) *Prohibition of home work*.—All labor shall be performed in the establishment's plant and no home work shall be allowed.

## SECTION 23

### MECHANICAL EMPLOYEES (continued)

#### A. ENGAGED IN THE PROCESS OF GRAVURE INTAGLIO PRINTING

The provisions of this Sub-Section 23A shall govern all establishments engaged in any of the processes or partial processes of gravure printing and shall be applicable to all the mechanical employees of such establishments engaged in carrying on any of the operations of such processes.

<sup>7</sup> See par. 2 of Executive order approving this Code.

(a) *Unskilled mechanical employees—minimum wages.*—Establishments covered by this Sub-Section 23A shall not pay any unskilled mechanical employee less than 40 cents per hour, unless, on July 15, 1929, the hourly rate for the same class of work was less than 40 cents per hour, in which latter case they shall be paid not less than such hourly rate on July 15, 1929, in the same establishment (or in the same locality in the case of a new establishment) and in no event less than 30 cents per hour.

(b) *Skilled mechanical employees—minimum wages.*—PARAGRAPH 1. Minimum hourly compensation for various classes of skilled workers and/or artisans shall be established for establishments coming under this Sub-Section 23A, as follows:

Rotogravure Pressmen-----	\$0. 91
Rotogravure Assistants (or brakemen)-----	. 55
Photo-Engravers -----	1. 00

PARAGRAPH 2. Each establishment, with the exception of those—

(1) Which are operating under wage agreements arrived at by collective bargaining; and

(2) Those which are paying not less than the wage rates which they were paying on July 15, 1929,

shall make increases in its average hourly compensation for all classes of skilled labor, within 30 days after this Code becomes effective, on the following basis:

Including increases made under Paragraph 1 of this Sub-Section 23A each plant shall increase the hourly rates to a point where (including increases made since July 1, 1922) they are 10 per cent higher than the hourly rates in effect on July 1, 1933, with this limitation, that they need not increase rates above those paid on July 15, 1929, in the same plant, or above those paid in similar plants in the same locality coming within the above clauses (1) or (2).

PARAGRAPH 3. Within 30 days after this Code becomes effective any rate increases under Paragraphs 1 and 2 must be further augmented, if necessary, to bring the average hourly compensation paid in each establishment up to 90 per cent of the hourly rates prevailing on July 1, 1933, in the same locality, for those base classes of *skilled labor* named in the schedule set forth in Paragraph 1 hereof.

Prevailing rates shall be the average of the hourly rates paid to the employees constituting that 50 per cent of each class of skilled employees coming under this Code in that locality which was receiving the higher hourly wage rates on July 1, 1933. For example, if in a locality a total of thirty rotogravure pressmen were employed, ten of whom were receiving 96 cents per hour and twenty of whom were receiving 90 cents per hour, the prevailing rate would be the weighted average of 96 cents for ten pressmen and of 90 cents for five pressmen (making together 50 per cent of the total number) or 94 cents, and 90 per cent thereof would be 84.6 cents.

[NOTE.—For the purposes of Paragraphs 2 and 3 "Average," in case varying rates are paid for the same classification of labor, means average ascertained by dividing the total of hourly compensations by the total number of employees whose wage rates are being averaged.]

PARAGRAPH 4. In applying the foregoing paragraphs, differentials in wage rates from basic rates for varying tasks within the same class

shall be maintained as in effect December 1, 1933, in the individual establishments.

PARAGRAPH 5. In no instance shall the foregoing be applied in a manner to reduce the present hourly rate paid to any class of employees, or to establish minimum wage rates in establishments where collective bargaining is not practiced higher than the minimum for the same class of employees in establishments in that locality where wage rates were arrived at through collective bargaining.

PARAGRAPH 6. It should be specifically understood that the foregoing provisions are intended to establish only minimum and not maximum wage requirements.

(c) *General wage provisions.*—In connection with the foregoing, the following rules shall apply:

(1) No establishment shall pay to any employee coming within any of the classifications enumerated in the schedule in (b) Paragraph 1 an hourly rate lower than the minimum established for unskilled mechanical employees in that locality by this Sub-Section 23A.

(2) An employee performing duties coming within more than one of the classifications in the foregoing schedule shall be compensated on the basis of the rates applying to such several classifications for the time employed.

(3) The foregoing requirements as to mechanical wages do not apply to apprentices, who are referred to in (e) of this Sub-Section 23A.

(d) *Hours of labor—1. Standard working hours.*—Standard working hours shall be 40 hours per week for all mechanical employees, including proprietors, supervisors, foremen and/or others for the time actually engaged in mechanical work. The work week in the case of each individual employee shall be divided into not more than six shifts, no one of which will be more than 8 hours unless overtime be paid. When necessary, overtime shall be permitted; provided (1) that a mechanical employee shall receive not less than the local overtime rate (one and one-third times or one and one-half times his hourly wage) for all work in excess of 8 hours within any 24-hour period; and (2) that no more than 520 hours shall be worked by any mechanical employee in any 13 weeks period.

It is not intended that any of the foregoing provisions shall limit the number of days per week or shifts per day an establishment may operate.

2. *Maximum hour exceptions.*—(1) The maximum hours fixed by this Sub-Section 23A shall not apply to professional persons employed in their profession, technical employees, or employees on emergency maintenance, or repair work, nor to employees in cases where the restriction of hours of highly skilled artistic or mechanical workers on continuous processes would unavoidably reduce production; but in the case of such a highly skilled artistic or mechanical worker the local overtime rate (one and one-third times or one and one-half times his hourly wage) shall be paid for the hours worked in excess of the maximum.

(2) A tolerance of 10 per cent, without overtime pay, over the maximum hours herein prescribed, shall be allowed in the cases of wash-up crews, shipping crews, material handlers, elevator opera-

tors, and other mechanical employees whose duties have no direct connection with Graphic Arts processes, and a tolerance of 20 per cent without overtime pay shall be allowed in the cases of outside delivery men, porters, engineers, firemen, janitors and watchmen. The maximum of six shifts per week shall not apply to engineers, firemen, janitors or watchmen.

(3) In establishments having periods of regular variations or seasonal swells arising from the publication of newspapers (or of parts thereof) or the production of special editions, employees may work more than eight hours in any one day without overtime pay.<sup>8</sup>

(e) *Apprentices.*—The ratio for apprentices under Sub-Section 23A of this Code shall be not more than one apprentice to three or a major fraction thereof of journeymen of the respective skilled classifications. However, any plant may have at least one apprentice in each or any classification of skilled labor in which a journeyman is employed. The minimum base rates of pay for an apprentice shall represent the percentages shown below of the minimum wage of a journeyman of the skilled classification under which such apprenticeship is being served:

	<i>Per cent</i>	<i>Per cent</i>	
First Year.....	30	Fourth Year.....	60
Second Year.....	40	Fifth and Sixth Years.....	75
Third Year.....	50		

The maximum terms of apprenticeship shall be: For rotogravure pressmen, four years if (1) over twenty years of age at the start, or (2) advanced from rotary assistanceship, otherwise six years.

These apprenticeship rules shall not prevent the continuation of the status of persons already at work under apprenticeship arrangements made prior to July 1, 1933.

Upon the completion of the term of apprenticeship, journeymen's minimum rates of pay shall apply.

#### SECTION 24—LABOR BOARDS<sup>9</sup>

PARAGRAPH 1. ORGANIZATION.—A. National Board: There shall be established three National Graphic Arts Labor Boards, as follows:

(1) National Lithographic Printing Labor Board: This shall consist of four members appointed by the Administrator of the National Recovery Administration upon nomination by the Labor Advisory Board of said Administration, four members appointed by the National Lithographic Printing Compliance Board (each of said groups of four members to be equally and truly representative respectively of the two leading types of employer-employee relationships), and of an impartial Chairman selected by the members of the Board so appointed, or, in case of their failure to agree, by the President, upon nomination by the Administrator of the National Recovery Administration.

This Board shall have jurisdiction over the following Industries:

B-1. Lithographic Printing Industry.

D-2. Trade Lithographic Plate Making Industry.

D-4. Trade Mounting and Finishing Industry.

<sup>8</sup> See par. 2 of Executive order approving this Code.

<sup>9</sup> See par. 1 of Executive order approving this Code.

(2) National Intaglio Printing Labor Board: This shall consist of two groups of four members each, appointed on the same principle as provided in A (1), excepting that the appointment of the second group of four shall be by the National Intaglio Printing Compliance Board. The Chairman shall be appointed as provided in A (1).

This Board shall have jurisdiction over the following Industries:

C-1. Gravure Printing Industry.

C-2. Steel and Copperplate Engraving and Printing Industry.

C-3. Securities Engraving and Printing Industry.

C-4. Bank Note Engraving and Printing Industry.

(3) National Relief Printing Labor Board: This shall consist of two groups of six members each, appointed on the same principle as provided in A (1), excepting that the second group of six shall be appointed by the National Relief Printing Compliance Board with the concurrence of the National Code Authorities of the Service Industries coming within the jurisdiction of said National Relief Printing Labor Board. The Chairman shall be appointed as provided in A (1).

This Board shall have jurisdiction over all Industries coming within this Code, with the exception of those above specified in A (1) and A (2) of this Section.

[NOTE.—In case any National Compliance Board shall fail to appoint members for a National Labor Board within 30 days after written notice from the National Graphic Arts Coordinating Committee that such appointment is in order, the members of said committee representing the Industries concerned may by majority vote appoint such members for such National Labor Board.]

B. Regional Labor Boards and Temporary Labor Committees: Regional Labor Boards and/or Temporary Labor Committees may be appointed, within the jurisdictions of the respective National Labor Boards above specified, in the following manner:

Any National Labor Board shall establish a Regional Labor Board (or a Temporary Labor Committee to deal only with a particular labor problem) upon written request from a National Compliance Board stating that in an area specified in such request there exists a sufficient demand to justify the same. In such case such National Labor Board shall establish:

(a) A Regional Labor Board for such area, with such number of members as it finds advisable and so selected that equal numbers of its members shall represent employers and employees; and its membership shall be truly representative respectively, of the types of employer-employee relationships in such area. The Chairman shall be selected on the principle set forth in A (1). The existence of any such Regional Labor Board shall be terminated by such National Labor Board at any time upon request of the appropriate National Compliance Board; or

(b) A Temporary Labor Committee truly representative of the parties to the problem, with a Chairman selected on the principle set forth in A (1), which shall dissolve when such problem has been disposed of.

C. All Graphic Arts Labor Boards and Temporary Labor Committees shall be limited to dealing exclusively with such matters and in such manner as is provided for in Paragraph 2 of this Section.

PARAGRAPH 2. PROCEDURE.—(1) The procedure for the settlement of claims of alleged violations of the provisions of Sections 20 to 23, inclusive, of this Code shall be as follows:

(a) Such claims shall first be taken up through such arrangements or procedure as exists within the establishment involved, provided that such arrangements or procedures are definite and equitable and are properly posted in the establishment. If no such arrangements are posted, any complaining employee shall deliver to the manager or proprietor a specific written complaint and allow at least 10 days for its adjustment.

(b) A claim not settled under the provision of Clause (a) may be taken before the appropriate Graphic Arts Regional Labor Board, if any exists covering the territory where such establishment is located, or before a Temporary Labor Committee appointed to deal with the particular labor problem involved. Where no such Regional Labor Board exists, or no such Temporary Labor Committee has been appointed, such a claim may be taken directly to the appropriate National Graphic Arts Labor Board.

(c) Except where they act under Sub-clause (d) or under Clause (2) below, National and Regional Labor Boards and Temporary Labor Committees shall act only upon written petition accompanied by an affidavit showing that Clause (1) (a) of Paragraph 2 hereof has been complied with, setting forth the result of action taken thereunder, and making proof of service of the petition personally or by registered mail upon each establishment concerned, its National Code Authority, and its National Compliance Board. The Labor Board or Temporary Labor Committee concerned shall thereupon defer action for twenty (20) days after the filing of such petition (unless the National Code Authority concerned shall consent to earlier action), in order to permit such National Code Authority to investigate the facts, endeavor to remedy the same, and to report its action thereon to such Labor Board or Temporary Labor Committee.

(d) Each decision of a Regional Labor Board or a Temporary Labor Committee under (1) of Paragraph 2 shall be reported in writing within 20 days to the appropriate National Labor Board and shall be final, except when reviewed and modified or reversed by such National Labor Board on its own motion. Each decision of a National Labor Board shall be final.

(2) Any National or Regional Labor Board or Temporary Labor Committee may act with respect to, or assist in the solution of, specific questions relating to wages, hours, or other conditions of labor, upon the written request or consent of the National Code Authorities concerned, made or given at the suggestion of some establishment or establishments affected thereby. In each case, such Board or Committee shall determine its own procedure.

(3) During the consideration of any controversy, neither party shall change the conditions existing at the time the controversy arose, or utilize any coercive or retaliatory measures to compel the other party to accede to its demands.

PARAGRAPH 3. EXPENSE.—Members of National and Regional Labor Boards and Temporary Labor Committees shall serve without compensation but shall be reimbursed for ordinary expenses; provided, that Chairmen may be compensated on a basis approved by the National Compliance Boards concerned.

The shares of the expenses of the Graphic Arts National and Regional Labor Boards and Temporary Labor Committees, to be borne by the Industries concerned, and their allocation among the various Industries, shall be determined by agreement among the National Code Authorities within the jurisdiction of the respective Graphic Arts Labor Boards, such allocation to be made as nearly as possible upon the basis of the amount of time devoted to the affairs of the respective National Code Authorities by each such Graphic Arts Labor Board or Temporary Labor Committee. In case such agreement cannot be reached by the National Code Authorities concerned, the matter shall be determined by the National Graphic Arts Coordinating Committee. The National Graphic Arts Coordinating Committee shall have charge of the collection and disbursement of such funds.<sup>10</sup>

#### SECTION 25—TEMPORARY RELEASES

After the National Graphic Arts Coordinating Committee has submitted to and secured the approval of the Administrator of a procedure to cover the granting of temporary releases from any provision of Article II of this Code, upon the application of an establishment, because of an emergency existing therein, to its Regional or National Code Authority, such a temporary release may be granted by such Code Authority. Any such temporary release must be specific as to its duration and must immediately be reported by the body granting it to the appropriate National Compliance Board and National Labor Board, and, if granted by a Regional Code Authority, to its National Code Authority. Permanent releases or exemptions may be granted only as in Section 5 (d) 9 provided.

### ARTICLE III—MAINTENANCE OF FAIR COMPETITION

#### SECTION 26—ACCOUNTING AND COST FINDING

(a) *Maintenance of systems.*—Each National Code Authority, within thirty (30) days after the effective date of this Code, shall declare for its Industry uniform principles of accounting and cost finding, which shall be subject to the review of the National Graphic Arts Coordinating Committee and the Administrator, and shall prescribe a method of accounting and a method of cost finding each in conformity with such principles and readily adaptable, and each of which shall be subject to the review of the National Graphic Arts Coordinating Committee; and each establishment shall use a method of accounting and a method of cost finding each of which shall conform to the principles declared and be at least as detailed and com-

<sup>10</sup> Deleted as per par. 1 of Executive order approving this Code.



plete as the method prescribed, with such variations of application and exceptions as may upon proper showing be approved by such National Code Authority.

(b) *Economic costs, production standards and cost determination schedules.*—Each National Code Authority, within thirty (30) days after the effective date of this Code, shall compile cost and production records from comparable and representative establishments to determine departmental economic hourly cost rates and production standards and cost determination schedules, and, subject to the review of the National Graphic Arts Coordinating Committee and the Administrator, shall declare and from time to time revise and declare such cost rates, standards, and schedules.

(c) *Cost determination.*—After the principles and methods of accounting and cost finding and/or the departmental economic hourly cost rates and production standards and/or cost determination schedules for an Industry have been declared and prescribed as provided in paragraphs (a) and (b), each establishment therein shall determine the costs of its products:

1. In conformity with the principles and methods of accounting and cost finding as provided in paragraph (a); or
2. Upon departmental economic hourly cost rates and production standards as provided in paragraph (b), including the cost of all materials used; or
3. Upon cost determination schedules as provided in paragraph (b);

it being understood that an establishment may use the method, herein provided, resulting in the lowest costs of its products. Until the methods for determining costs as above set forth are prescribed, it is intended that each establishment will use such a method as has been prescribed; except that until the cost finding method provided in paragraph (a) has been prescribed by its National Code Authority, an establishment having an adequate cost finding system may use such system, subject to the review of its National Code Authority.

(d) *Selling below cost prohibited.*—After the costs of its products can be determined as provided in paragraph (c) of this Section, no establishment shall sell or offer to sell any product at a price or upon any terms or conditions that will result in a sale of such product for less than the cost thereof as so determined; provided, however, that for a period of twelve (12) months after the effective date of this Code and thereafter until revoked by the National Code Authority concerned with the approval of the Administrator, an establishment may in defense of its business meet a bona fide known competitive bid of any other establishment provided that the facts of a bid so made shall be immediately reported to its National Code Authority and to any other National Code Authority concerned; and provided, further, that any issue of any newspaper or periodical may be sold or delivered by the publishers at less than the cost thereof as defined in paragraph (c) of this Section, and any bona fide issue of any advertising newspaper may be delivered by the publishers without cost to the reader.

Any National Code Authority may establish departmental economic hourly cost rates and production standards or cost determination schedules, and when such costs have been so established they

may be declared by the National Code Authority or by the National Product Group with which any such product is identified. Such declaration by a National Code Authority or a National Product Group shall be binding only after it has been communicated to the Consumers Advisory Board of the National Recovery Administration and approved by the National Graphic Arts Coordinating Committee and by the Administrator after such notice and hearing as he may prescribe. After the approval of any such declaration no establishment shall sell or offer to sell any such product at less than such costs.

(c) *Open price plans.*—A National Product Group, a National Code Authority, or any specialized or regional group of establishments within the jurisdiction of a National Code Authority, may adopt an Open Price Plan, which shall become effective not less than ten (10) days after adoption, provided any such plan substantially conforms to the provisions hereinafter set forth, does not permit selling below cost as cost is defined in paragraph (c) of this Section, and, further, conforms to such rules and regulations as the National Product Group or National Code Authority concerned may from time to time prescribe subject to the review of the National Graphic Arts Coordinating Committee.

1. Within ten (10) days after the effective date of any Open Price Plan, each establishment, unless excepted by the provisions of such Plan, shall file with the National Product Group or National Code Authority concerned a list giving the complete schedules of prices and/or departmental hourly rates and production standards used and/or cost determination schedules and/or catalogues as such plan may require together with terms and conditions of sale of all products included in such Open Price Plan and offered for sale by such establishment, which list shall become effective in not less than seven (7) days after the date so filed and shall remain effective until revised as hereinafter provided.

2. An establishment having filed a list with a National Product Group or a National Code Authority may revise, change or modify such list by filing with the National Product Group or National Code Authority concerned a revision of such list, which revision shall become effective in not less than seven (7) nor more than ten (10) days after the date so filed.

3. An establishment filing a list or a revision of a list shall at the same time furnish the National Product Group or National Code Authority concerned such copies thereof as may be required, and the National Product Group or National Code Authority shall within five (5) days after the filing of the list or revision thereof make same available to all interested persons in such manner as may seem most practicable.

4. No establishment shall sell or offer to sell any product covered by such Open Price Plan to which it is subject at a price or prices lower or upon terms and conditions more favorable than stated in the list or revision thereof filed by it as hereinabove provided. However, for a period not exceeding ten (10) days after the effective date of any revised list, any establishment may sell as low as any price specified in such revised list.

Any such Open Price Plan may be modified, discontinued or dissolved at any time by the group or body originally adopting same, written notice of which action shall be filed with and made available by the National Product Group or National Code Authority concerned.

All rules and regulations governing an adopted Open Price Plan and all lists filed thereunder shall be subject to the review of the Administrator.

(f) *Guides of fair value.*—Based on such accurate records and statistics as it may compile and/or other acceptable data and information and subject to the review or approval thereof of the National Graphic Arts Coordinating Committee, a National Code Authority may publish or approve for its Industry or for any defined geographical area price determination schedules for as many kinds and classes of products of its establishments as may be desirable and practicable, and a National Product Group may publish or approve price determination schedules for any product or products with which it is identified. Such schedules when approved shall serve as guides of fair value.

(g) *Special competition.*—Any state (including political subdivisions thereof), ecclesiastical, religious, educational, charitable, welfare, penal, or any institution which is publicly endowed or supported in whole or in part by contributions, or which is exempt from the payment of any local, state or Federal taxes whatsoever, when competing with any other establishment not so endowed, supported or exempted, shall determine its costs upon departmental economic hourly cost rates or upon cost determination schedules established for the Industry in its region as defined in Section 26 paragraph (c) of this Code, excepting as to books not published for profit, and its own newspapers and periodicals; provided, however, that any such institution which shall first satisfy the National Code Authority as to the competitive fairness and adequacy of its accounting and cost-finding system may, if it so desires, determine its costs on the basis of such system.<sup>11</sup>

#### SECTION 27—UNFAIR PRACTICES

(a) *Inaccurate records.*—No establishment shall keep records of facts (pertinent to this Code) which are inaccurate in any material particular or use misleading or deceptive methods of determining costs in general or of a specific job, or withhold from or insert in any quotation or invoice any statement which makes it inaccurate in any material particular.

(b) *Inaccurate representation.*—No establishment shall use advertising or other representation which is inaccurate in any material particular as to its product, production facilities, merchandise, services or terms, or in any way misrepresent the origin, preparation, process, quality, kind, weight, substance, grade, brand, or quantity of its product or printed matter or the circulation or distribution thereof.

<sup>11</sup> See par. 6 of Executive order approving this Code.

(c) *Inaccurate references to a competitor.*—No establishment shall, in its own advertising or other representation, refer inaccurately in any material particular to any competitor or his product, production facilities, merchandise, values, services, or terms.

(d) *Deliveries on consignment.*—No establishment shall deliver any product on consignment except under a signed contract or under regulations prescribed by its National Code Authority or the National Product Group of which it may be a member.

(e) *Discrimination.*—No establishment shall secretly or otherwise give or offer to give any rebate, allowance, premium, "free goods", refund, commission, term of credit, unearned discount, special service or other valuable consideration which is discriminating as between customers of the same class or which will result in selling below cost as prohibited in Section 26, paragraph (d) (in the event of any controversy, the definition of "class", as herein used, shall be determined by the National Code Authority concerned).

(f) *Commercial bribery.*—No establishment of this 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.

(g) *Threats of law suits.*—No establishment shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to have the effect of harassing or intimidating competitors or their customers.

(h) *Interference with contracts.*—No establishment shall induce or attempt to induce the breach of an existing contract between an establishment and its employee or customer or source of supply; nor shall any establishment interfere with or obstruct the performance of such contractual duties or services.

(i) *Appropriation of design.*—No establishment shall usurp or make use of any design, plan, drawing, sketch, dummy or copy which has been submitted to a prospective customer by a competing establishment and is rightfully and plainly marked as having been originated or devised by and being the property of such competing establishment and which has not been purchased by such prospective customer.

(j) *Submitting bids.*—No establishment shall make a fictitious bid for the purpose of misleading or deceiving a customer or competitor, or attempt thereby to cause any bid already submitted on a specific proposal to be rejected for the purpose of securing an advantage over other bidders in a subsequent proposal.

(k) *Partial shipments.*—No establishment shall accept an order for a large quantity of any of its products or merchandise and make delivery thereof in small amounts at quantity prices that will have the effect of extending to any customer any special service or privilege not extended to all customers of the same class.

(1) *Uniform sales contract form.*—A National Code Authority or a National Product Group may adopt a uniform sales contract form for the use of its Industry or Group or for any product or for a defined geographical area, and when so adopted no establishment therein shall sell or offer to sell any product upon terms and conditions more favorable to the customer than those contained in such uniform sales contract form. Such uniform sales contract form shall be subject to review by the Graphic Arts Coordinating Committee and the Administrator.

(m) *Acts of employees and agents.*—No establishment shall knowingly suffer its employee or agent to commit an act which is prohibited in this Section.

Approved Code No. 287.

Registry No. 599-33.

## SCHEDULES

### SCHEDULE A

The Graphic Arts Industries and their respective National Code Authorities are as follows:

*No. A-1. Commercial Relief Printing.*—This Industry shall include all Commercial Relief Printing Establishments which were on September 18, 1933, members of the United Typothetae of America or any trade organization then cooperating with the National Executive Committee of the Printing Industry, appointed at the Chicago Conference, held on July 13 and 14, 1933, or with any organization then cooperating with said Executive Committee; and all Commercial Relief Printing Establishments located within any metropolitan-area and all Commercial Relief Printing Establishments having an annual sales volume of \$25,000 or more located in any non-metropolitan-area which were not, on September 18, 1933, members of an organization designated as a National Code Authority or any trade organization then cooperating with such National Code Authority or with any organization then cooperating with such National Code Authority. Any Commercial Relief Printing Establishment which was, on September 18, 1933, a member of the United Typothetae of America or of any trade organization then cooperating with the said National Executive Committee of the Printing Industry, or with any organization then cooperating with said Executive Committee, and also was a member of the National Editorial Association or of any trade organization then cooperating with the National Editorial Association, or with any organization then cooperating with said National Editorial Association, shall be included in this Industry.

The National Code Authority of this Industry is the United Typothetae of America.

*No. A-2. Non-Metropolitan Newspaper Publishing and Printing.*—This Industry shall include all Newspaper and Advertising Newspaper Publishing and Newspaper Printing, and Commercial Relief Printing Establishments which were, on September 18, 1933, members of the National Editorial Association, or any trade organization then cooperating with the National Editorial Association; or with any organization then cooperating with said National Editorial Association; and all other establishments engaged in publishing and/or printing newspapers or advertising newspapers (except those establishments in which one or more daily newspapers are published and/or printed); all Commercial Relief Printing Establishments having an annual sales volume of less than \$25,000, located outside of the metropolitan-areas, as herein defined, which establishments were not, on September 18, 1933, members of an organization designated as a National Code Authority, or any trade organization then cooperating with such National Code Authority, or with any organization then cooperating with such National Code Authority. Any Newspaper and/or Advertising Newspaper Publishing, and/or Newspaper Printing Establishment which was, on September 18, 1933, a member of the United Typothetae of America, or of any trade organization then cooperating with the National Executive Committee of the Printing Industry, or with any organization then cooperating with said Executive Committee, and also was a member of the National Editorial Association or of any trade organization then cooperating with the National Editorial Association, or with any organization then cooperating with said National Editorial Association, shall be included in this Industry.

The National Code Authority of this Industry is the Board of Directors of the National Editorial Association augmented as provided in Appendix A-2.

*No. A-3. Periodical Publishing and Printing.*—This Industry shall include all establishments publishing but not printing periodicals and those establishments publishing and printing periodicals issued at regular intervals, but not less frequently than four times per year and from which the publisher derives circulation and/or advertising revenue.

The National Code Authority of this Industry is the Board of Directors of the Periodical Publishers Institute.

*No. A-4. Book Manufacturing.*—This Industry shall include all establishments engaged in one or more of the processes of book manufacturing; book composi-

tion, book plate making, book relief printing, book lithography, edition binding, library binding, book pamphlet binding, deluxe (extra) binding; mechanical departments of publisher owned plants engaged in textbook, subscription, reference, and general book publishing; and producers of specialties involving book binding processes, such as superfinished covers, loose-leaf covers, and similar products requiring binding processes.

The National Code Authority of this Industry is the Board of Directors of the Book Manufacturers Institute.

*No. A-5. Daily Newspaper Publishing and Printing.*—This Industry shall include all establishments publishing and/or printing daily newspapers, except those which subscribe or assent to the Code of the Daily Newspaper Publishing Business, and except those, not otherwise subject to the provisions of this Code, which do not assent or subscribe to the provisions of this Code governing the Daily Newspaper Publishing and Printing Industry; and this Industry shall also include all Commercial Relief Printing Establishments which print daily newspapers and which would otherwise be included in Industry A-2.

The National Code Authority of this Industry is the Board of Directors of the National Editorial Association augmented as provided in Appendix A-5.

*No. B-1. Lithographic Printing.*—This Industry shall include all establishments using lithographic, planographic, or photo-lithographic printing processes, and those producing transfers.

The National Code Authority of this Industry is the Board of Directors of the Lithographers National Association.

*No. C-1. Gravure Printing.*—This Industry shall include all establishments engaged in intaglio process engraving and printing of gravure, rotogravure and rotary photogravure except those producing transfers.

The National Code Authority of this Industry is the Board of Directors of the National Gravure Printers Association.

*No. C-2. Steel and Copperplate Engraving and Printing.*—This Industry shall include all establishments engaged in intaglio engraving and printing, including flat plate photogravure; and excepting those engaged in the intaglio process engraving and printing of gravure, rotogravure and rotary photogravure and those engaged in engraving bank notes and securities acceptable to all stock exchanges of the country and those producing transfers.

The National Code Authority of this Industry is the Executive Committee of the Engraved Stationery Manufacturers Association.

*No. C-3. Securities Engraving and Printing.*—This Industry shall include all establishments engaged in producing securities acceptable to all stock exchanges of the country, and which do not produce bank notes.

The National Code Authority of this Industry is the Executive Committee of the Association of Bank Note Companies.

*No. C-4. Bank Note Engraving and Printing.*—This Industry shall include all establishments engaged in producing securities acceptable to all stock exchanges of the country and which produce bank notes.

The National Code Authority of this Industry is (to be determined).

*No. D-1. Trade Typesetting.*—This Industry shall include all establishments engaged in the production or partial production and sale to others of typesetting; and all establishments engaged in the production or partial production of typesetting; excepting those establishments included in other Industries subject to this Code; and all establishments which purchase such typesetting for purposes of resale.

The National Code Authority of this Industry is the Executive Committee of the International Trade Composition Association.

*No. D-2. Trade Lithographic Plate Making.*—This Industry shall include all establishments engaged in the production or partial production and sale to others of lithographic plates irrespective of whether such plates are to be used for offset or straight methods of lithography; and all establishments engaged in the production or partial production of such plates, excepting those establishments included in other Industries subject to this Code; and all establishments which purchase such plates for purposes of resale.

The National Code Authority of this Industry is the Board of Directors of the Lithographic Allied Trade Service Association, Inc.

*No. D-3. Advertising Typography.*—This Industry shall include all establishments engaged in the production and sale to others of typesetting of advertisements which are intended to appear in newspapers, magazines, periodicals and other publications; and all establishments engaged in the production of the typesetting of such advertisements, excepting those establishments in-

cluded in other Industries subject to this Code; and all establishments which purchase such typesetting of such advertisements for purposes of resale.

The National Code Authority of this Industry is the Executive Committee of the Advertising Typographers of America.

*No. D-4. Trade Mounting and Finishing.*—This Industry shall include all establishments engaged in the production or partial production and sale to others of mounting and finishing services, die cutting, straight cutting, varnishing, gumming, embossing, roller embossing, tinedging, map mounting, punching, perforating, eyeletting, or other similar operations upon cardboard, paper, or paper-like substances, either printed or imprinted; and all establishments engaged in the production or partial production of such mounting and finishing, excepting those establishments included in other industries subject to this Code; and all establishments which purchase such mounting and finishing for purposes of resale.

The National Code Authority of this Industry shall consist of seven (7) individuals, two (2) of whom shall be chosen by the Board of Directors of the Association of Mounters and Finishers, Inc. from their own number, two (2) by the Board of Directors of the Lithographers and Printers Finishers Association from their own number, and two (2) by the Board of Directors of the Graphic Arts Finishing Association from their own number, and one (1) of whom shall be elected by the six (6) so chosen.

*No. D-5. Trade Binding and Paper Ruling.*—This Industry shall include all establishments engaged in the production or partial production and sale to others of binding or paper ruling services; and all establishments engaged in the production or partial production of such binding or paper ruling, excepting those establishments included in other Industries subject to this Code; and all establishments which purchase such binding or paper ruling for purposes of resale.

The National Code Authority of this Industry is the Board of Directors of the Book Manufacturers Institute.

#### SCHEDULE B

The National Products Groups are as follows:

*No. E-1. Advertising Newspapers.*—This group shall include all member establishments which are engaged in the publication, distribution or sale of a publication of newspaper format and size, devoted in whole or in part to retail news in the form of display advertising of one or more advertisers, delivered by carrier without cost to the reader, and not published by or in conjunction with any newspaper.

The administrative agency for this Product Group is the Board of Trustees of the American Shopping News Publishers' Association, Inc.

*No. E-2. Bank and Commercial Stationery.*—This group shall include all member establishments which are engaged in the production and/or distribution of bank pass books; lithographed bank and commercial stationery and forms; lithographed checks, notes and drafts, including the imprinting and binding thereof; and lithographed or printed bank bookkeeping forms.

The administrative agency for this Product Group is the Board of Directors of the American Institute of Bank and Commercial Stationers.

*No. E-3. Decalomania and Transparency.*—This group shall include all member establishments which are engaged in manufacturing their products either by the lithographic process, or by stencil or other processes, on paper covered with a decalomania coating; and those engaged in manufacturing their products by the lithographic process, using a translucent paper, varnished on either or both sides.

The administrative agency of this Product Group is the Director of the Decalomania Association of America.

*No. E-4. Greeting Cards.*—This group shall include all member establishments which are engaged in the manufacture, jobbing, wholesaling, direct selling, and distributing of greeting cards.

The administrative agency of this Product Group is the Board of Directors of the National Greeting Card Association.

*No. E-5. Labels.*—This group shall include all member establishments which are engaged in the commercial production and/or sale of labels, either separately or in combination with other articles, except those specifically included in National Product Group No. E-12.

The administrative agency of this Product Group is the Board of Directors of the Label Manufacturers Association.



*No. E-6. Music Printing.*—This group shall include all member establishments which are engaged in music relief printing, music lithographing, music engraving, and music autographing.

The administrative agency of this Product Group is the Board of Directors of the National Music Printers and Allied Trades Associations, Inc.

*No. E-7. Photo-lithographing.*—This group shall include all member establishments engaged in the sale and distribution of photo-lithographic products and services.

The administrative agency of this Product Group is the Board of Directors of the National Association of Photo-lithographers.

*No. E-8. Picture Publishers and Picture Importers.*—This group shall include all member establishments which publish or represent publishers, and import or represent importers, or are engaged in the publication or importation of "Pictures for Resale."

The expression "Pictures for Resale" is understood to mean: Pictures in the form of the pictorial and of the graphic arts for resale through art dealers as distinguished from pictures in any form gratuitously distributed.

The administrative agency of this Product Group is the Executive Committee of the Picture Publishers and Importers Association.

*No. E-9. Playing Cards.*—This group shall include all member establishments which are engaged in the manufacture and distribution of playing cards.

The administrative agency of this Product Group is (to be determined).

*No. E-10. Posters.*—This group shall include all member establishments specializing in the production of posters, cards, cloth and fiber banners, etc., by relief printing for advertising or display purposes.

The administrative agency of this Product Group is the Executive Committee of the Poster Printers Association of the United States and Canada.

*No. E-11. Standardized Stationery and Business Forms.*—This group shall include all member establishments which print by any process stationery and business forms, except as included in National Product Group No. E-2.

The administrative agency of this Product Group is (to be determined).

*No. E-12. Textile and Hosiery Packing Manufacturers.*—This group shall include all member establishments which are engaged in the manufacture and/or distribution of textile and hosiery packing products, whether they be directly or indirectly engaged in the production of textile and hosiery packings either for general commercial use and/or specific purposes such as box wraps, tops, overwraps, bands, labels, rider tickets, sample tickets, stickers, seals, tags, inserts, fly sheets.

The administrative agency of this Product Group is the Executive Board of the National Association of Textile and Hosiery Packing Manufacturers.

*No. E-13. Ticket and Coupon.*—This group shall include all member establishments which are engaged in the manufacture of tickets, identification checks and coupons and those engaged in the manufacture and/or distribution of thrift systems and supplies.

The administrative agency of this Product Group is the Ticket and Coupon Manufacturers' Council.

*No. E-14. Dry Transfer Manufacturers.*—This group shall include all member establishments which produce dry transfers for general commercial use and for embroidery, decorative or like special purposes.

The administrative agency of this Product Group is the Executive Committee of the National Association of Dry Transfer Manufacturers.

*No. E-15. Church Envelope Systems.*—This group shall include all member establishments producing and selling church envelope systems.

The administrative agency of this Product Group is the Executive Committee of the Association of Producers of Church Envelope Systems.

*No. E-16. Law Printers.*—This group shall include all member establishments producing and selling law printing of the characters commonly produced in law printers plants, such as pleadings, transcripts, records, reports and briefs, prepared for filing in proceedings pending before courts, commissions and other similar judicial and administrative bodies.

The administrative agency of this Product Group is the National Executive Committee of the National Law Printers Institute.

*No. E-17. Map Publishers.*—This group shall include all member establishments creating and publishing maps, atlases, charts and globes.

The administrative agency of this Product Group is the Board of Directors of the Map Publishers Association of the United States.

## APPENDICES

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### APPENDIX OF INDUSTRY NO. A-1

#### COMMERCIAL RELIEF PRINTING

The provisions of this Appendix are applicable only to Industry No. A-1.

##### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Commercial Relief Industry shall be under the jurisdiction of the United Typothetae of America, which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the Charter and By-Laws of the United Typothetae of America and with the provisions of this Code.

##### MAINTENANCE OF FAIR COMPETITION

(c) From the effective date of this Code and until the National Code Authority of this Industry shall have declared departmental economic hourly cost rates and production standards and cost determination schedules as provided in Section 26 (b), no establishment in any region shall sell or offer to sell any product listed in an approved and available catalog already in general use in such region on any other basis or at a price lower than contained in such catalog, provided (1) that such catalog shall first have been submitted to the Consumers Advisory Board of the National Recovery Administration and approved by the Administrator, and (2) that such prohibition shall not apply to any individual order exceeding five hundred dollars (\$500) in amount, nor to any combined or contract order exceeding five thousand dollars (\$5,000) in amount per year.

(d) After the National Code Authority of this Industry shall have declared the costs of any products as provided in Section 26 (d), no establishment shall sell or offer to sell any such products at less than such costs, provided that any such prohibition shall not apply to any individual order exceeding five hundred dollars (\$500) in amount nor to any combined or contract order exceeding five thousand dollars (\$5,000) in amount per year.

### APPENDIX OF INDUSTRY NO. A-2

#### NON-METROPOLITAN NEWSPAPER PUBLISHING AND PRINTING

The provisions of this Appendix are applicable only to Industry No. A-2.

##### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Non-Metropolitan Newspaper Publishing and Printing Industry shall be under the jurisdiction of the National Editorial Association, the Board of Directors of which is designated as the National Code Authority for this Industry, with the further provision that state, regional and/or local administration under this Code shall be carried on through state, regional, and/or local organizations now cooperating and/or affiliated, or to be affiliated, with the National Editorial Association; provided, that the Board of Directors of the National Editorial Association be augmented for the purpose of administering this Code only, by at least four members of the Newspaper Association Managers, Inc., one of whom shall be from the Pacific Slope, one from the Middle-west, one from the South, and one from the

East. The selection of the representatives from the Newspaper Association Managers, Inc., and the allocation of the section from which each shall be selected, shall be made by Newspaper Association Managers, Inc.; provided further, that no member of Newspaper Association Managers, Inc., shall be eligible to membership on this administering body who resides in a state in which there resides a regular member of the Board of Directors of the National Editorial Association.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the constitution and by-laws of the National Editorial Association and with the provisions of this Code.

(c) The National Code Authority shall publish and distribute at regular stated intervals a bulletin and/or service letter which shall contain rules and information pertaining to the administration of this Code.

#### MAINTENANCE OF FAIR COMPETITION

(d) *Official Notices of Publication.*—In each state where a rate is established by law for the giving of official notice by newspaper publications, the price to be charged for all notices required to be published by state or Federal laws shall not be less than such statutory rate. Failure to comply with this provision shall constitute a violation of this Code.

#### APPENDIX OF INDUSTRY NO. A-3

##### PERIODICAL PUBLISHING AND PRINTING

The provisions of this Appendix are applicable only to Industry No. A-3.

#### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Periodical Publishing and Printing Industry shall be under the jurisdiction of the Periodical Publishers Institute, the Board of Directors of which is designated as the National Code Authority for this Industry.

(b) All the proceedings of the National Code Authority shall be in conformity with the provisions of the articles of organization, regulations and by-laws of the Periodical Publishers Institute and with the provisions of this Code.

#### MAINTENANCE OF FAIR COMPETITION

(c) Editorial independence by publishers must be kept inviolate.

(d) No establishment shall violate any regulation adopted by the National Code Authority designed to prevent the publication of misleading and/or untruthful advertising.

(e) *Circulation Practices.*—The circulation records of every publisher shall be open freely for inspection by the United States Post Office Department and by authorized representatives of the National Code Authority, and all reasonable auditable information which they request shall be furnished. After one year from the effective date of this Code, the publisher of each periodical shall publish in the first issue of such periodical after April 30th and October 30th of each year a sworn statement showing the circulation figures covering the issues of the preceding calendar six months' period ending December 31st and June 30th, respectively, which he has stated to his advertisers was the basis upon which he sold his advertising. In addition each publisher shall file with the Secretary of the Institute, on blanks furnished by the Institute, a sworn statement of such circulation figures divided between copies actually sold and copies distributed free. Such information shall be made available for inspection at the office of the secretary of the National Code Authority. Failure to comply with the requirements of this paragraph shall constitute a violation of this Code.

(f) *Advertising Rates.*—It is a requirement of this Code that publishers must file with the Secretary of the Institute a true and complete schedule of all advertising rates. Failure to do so shall constitute a violation of this Code.

(g) *Maintenance of Rates.*—Publishers shall make no deviation from their published rate schedules on file with the Secretary of the Institute either in the form of money or otherwise, or secretly extend to certain advertisers special

privileges not extended to all advertisers under like terms or conditions. Where terms provide for time or space discounts and they are not actually earned, settlement must be made on short term basis. Any deviation shall constitute a violation of this Code.

(h) *Records*.—Failure to maintain records or willfully maintaining or issuing an inaccurate or false record of circulation or of advertising shall constitute a violation of this Code.

It will not be required that full circulation records be maintained by publications where the advertising content does not exceed 5 per cent of the total space.

## APPENDIX OF INDUSTRY NO. A-4

### BOOK MANUFACTURING

The provisions of this Appendix are applicable only to Industry No. A-4.

#### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Book Manufacturing Industry shall be under the jurisdiction of the Book Manufacturers Institute, the Board of Directors of which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the by-laws of the Book Manufacturers Institute and with the provisions of this Code.

(c) The National Code Authority shall set up such bureaus as it may deem necessary to guide its members in the granting of credit. Such bureaus shall secure reliable information as to the financial responsibility and credit standing of customers of the Industry, and, in addition, it shall be the duty of every establishment operating under the provisions of this Code to transmit to such credit bureaus such information regarding the credit standing of any of its customers as the said credit bureau may request, including therein all open accounts overdue for 60 days or more.

(d) The National Code Authority may make a survey of the equipment and productive capacity of each establishment operating under the provisions of this Code. In determining the total productive capacity of each such establishment all mechanical equipment which may be already installed and available for service on the effective date of this Code (or under purchase contract on that date) shall be included and all such equipment registered with the National Code Authority; thereafter, all proposed replacements and purchases of new equipment shall be registered with the National Code Authority prior to purchase.

(e) After such survey of productive capacity and registration of equipment, it shall be the duty of the National Code Authority to advise members of the Industry contemplating the purchase of additional equipment, if in its opinion such purchase would have a harmful effect upon existing conditions of employment or if such purchase would contribute to over-equipment in the Industry.

(f) The National Code Authority may arrange for the scrapping or other disposal of equipment displaced by new equipment, in cooperation with the establishment disposing of it and/or the manufacturer or dealer receiving it.

#### MAINTENANCE OF FAIR COMPETITION

(g) No establishment shall alter, omit, or in any way modify the terms and conditions contained in the uniform sales contract form which may be adopted by the National Code Authority, and any such alteration, omission, or modification shall be a violation of this Code.

(h) Any establishment may, for its own convenience, accept quantity orders on a deferred billing basis, provided that the terms and conditions meet with the approval of the National Code Authority.

(i) After the effective date of this Code no establishment shall grant terms in excess of those herein established.

(j) *Billing*.—Composition, plate making, paper and printing shall be billed when completed; binding shall be billed upon completion of a specific order, or at the option of the binder, as the books are shipped; provided, that all unshipped trade books shall be billed within six months after completion

and all unshipped subscription and text books shall be billed within one year after completion.

2. *Payment.*—Maximum discount 2 per cent for payment in cash not later than the 15th of the month following billing; net end of month following billing; interest to be charged thereafter at the legal rate per annum.

(k) When cash payments are not made by end of month following billing, only legal interest bearing trade acceptances may be taken, no discount allowed, and such trade acceptances must be given not later than the end of the month following date of billing.

(l) The folding, plating, gathering and/or sewing of all unsorted sheets, when such work is performed by the binder, shall be billed within one year after completion.

#### LIBRARY BINDING

The provisions of this Section are applicable only to the Library Binders' Group of Industry No. A-4.

(1) *Specifications.*—The standard to govern a Class "A" library book binding shall be the specifications of the Book Manufacturers' Institute when approved by the American Library Association.

(2) *Credit and Terms.*—Sales and service and/or library binding shall be invoiced net, payable ten (10) days E.O.M. Sales of supplies may be made subject to a discount of 2% ten days E.O.M. at the option of the seller. It is considered that library binders may extend longer than usual commercial credit to public and quasi-public institutions.

(3) No establishment shall alter, omit, or in any way modify the terms and conditions contained in the uniform sales contract form which may be adopted by the National Code Authority, and any such alteration, omission, or modification shall be a violation of this Code.

#### SUPERFINISH COVER MANUFACTURING

The provisions of this Section are applicable only to the Superfinish Cover Manufacturing Group of Industry No. A-4.

(1) *Appropriation of Designs.*—No establishment shall usurp or make use of any design, plan, drawing, sketch, dummy or copy, originated by a competing establishment and submitted to a prospective customer which is plainly marked as being the property of the competing establishment or which has not been paid for by such prospective customer. This is not to be considered as prohibiting duplication of existing stock designs.

(2) *Use of Trade-Marks.*—The manufacturer's trade-mark or other means of identification shall appear in the lower right-hand corner of the back-lid on all classes of school annual covers.

(3) *Advertising in Annuals.*—Cover manufacturers shall not take advertising space in school annuals in excess of 2½% of the total cover contract price as billed by such manufacturers.

(4) *Terms and Discounts.*—Shipment of all covers shall be f.o.b. the plant of manufacturer.

Cash Discount: 2% ten days from date of invoice, 30 days net.

C.O.D. Orders: 50% deposit with order, balance on delivery of covers.

Time Discount: No discount shall be allowed for advance order placement but delivery date may be specified to regulate billing.

Deferred Dating: No deferred payment dating. All payments uniformly due in 30 days from date of invoice. Interest shall be charged at legal rate after 30 days from date of invoice.

### APPENDIX OF INDUSTRY NO. A-5

#### DAILY NEWSPAPER PUBLISHING

The provisions of this Appendix are applicable only to Industry No. A-5.

#### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Daily Newspaper Publishing and Printing Industry shall be under the jurisdiction of the National Editorial Association, the Board of Directors of which is designated as the National Code Authority for this Industry, with the further provision that state, regional

and/or local administration under this Code shall be carried on through state, regional and/or local organizations now cooperating and/or affiliated, or to be affiliated, with the National Editorial Association, provided that the Board of Directors of the National Editorial Association shall be augmented for the purpose of administering this Code only, by at least four members of the Newspaper Association Managers, Inc., which number may include, or be further augmented by the Board of Directors of the National Editorial Association to include, members of regional daily newspaper associations.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the constitution and by-laws of the National Editorial Association and with the provisions of this Code.

(c) The National Code Authority shall publish and distribute at regular stated intervals a bulletin and/or service letter which shall contain rules and information pertaining to the administration of this Code.

#### MAINTENANCE OF FAIR COMPETITION

(d) *Official Notices of Publication.*—In each state where a rate is established by law for the giving of official notice by newspaper publications, the price to be charged for all notices required to be published by state or Federal laws shall not be less than such statutory rate. Failure to comply with this provision shall constitute a violation of this Code.

### APPENDIX OF INDUSTRY NO. B-1

#### LITHOGRAPHIC PRINTING

The provisions of this Appendix are applicable only to Industry No. B-1.

#### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Lithographic Printing Industry shall be under the jurisdiction of the Lithographers National Association, the Board of Directors of which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the constitution of the Lithographers National Association and with the provisions of this Code.

#### MAINTENANCE OF FAIR COMPETITION

(c) No establishment shall imitate the exclusive trade marks, trade names, slogans or other marks of identification of any competitor.

(d) No establishment shall alter, omit, or in any way modify the terms and conditions contained in the uniform sales contract form which may be adopted by the National Code Authority, and any such alteration, omission, or modification shall be a violation of this Code.

### APPENDIX OF INDUSTRY NO. C-1

#### GRAVURE PRINTING

The provisions of this Appendix are applicable only to Industry No. C-1.

#### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Gravure Printing Industry shall be under the jurisdiction of the National Gravure Printers Association, the Board of Directors of which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the constitution and by-laws of the National Gravure Printers Association and with the provisions of this Code.

## APPENDIX OF INDUSTRY NO. C-2

## STEEL AND COPPERPLATE ENGRAVING AND PRINTING

The provisions of this Appendix are applicable only to Industry No. C-2.

## ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Steel and Copperplate Engraving and Printing Industry shall be under the jurisdiction of the Engraved Stationery Manufacturers Association, the Executive Committee of which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the by-laws of the Engraved Stationery Manufacturers Association and with the provisions of this Code.

## APPENDIX OF INDUSTRY No. D-1

## TRADE TYPESETTING

The provisions of this Appendix are applicable only to Industry No. D-1.

## ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Trade Typesetting Industry shall be under the jurisdiction of the International Trade Composition Association, the Executive Committee of which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the constitution and by-laws of the International Trade Composition Association and with the provisions of this Code, provided that regional and/or local administration under this Code shall be carried on through regional and/or local organizations now operating and/or affiliated or to be affiliated with the International Trade Composition Association.

## MAINTENANCE OF FAIR COMPETITION

(c) No establishment shall alter, omit, or in any way modify the terms and conditions contained in the uniform sales contract form which may be adopted by the National Code Authority, and any such alteration, omission, or modification shall be a violation of this Code.

## APPENDIX OF INDUSTRY NO. D-2

## TRADE LITHOGRAPHIC PLATE MAKING

The provisions of this Appendix are applicable only to Industry No. D-2.

## ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Trade Lithographic Plate Making Industry shall be under the jurisdiction of the Lithographic Allied Trade Service Association, Inc., the Board of Directors of which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the provisions of the by-laws of the Lithographic Allied Trade Service Association, Inc., and with the provisions of this Code.

## MAINTENANCE OF FAIR COMPETITION

(c) The National Code Authority may require the mechanical and technical equipment of all establishments to be registered, and may require that all new additions to equipment shall be registered as acquired.

(d) All products shall be produced exclusively on the premises and in the plants or shops of establishments and no part of such work shall be done in the homes of employers or employees; provided, one establishment may perform work for another establishment.

## APPENDIX OF INDUSTRY NO. D-3

### ADVERTISING TYPOGRAPHY

The provisions of this Appendix are applicable only to Industry No. D-3.

#### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Advertising Typography Industry shall be under the jurisdiction of the Executive Committee of the Advertising Typographers of America which shall be enlarged to include representation from each of the four zones as designated in the constitution and by-laws of the Advertising Typographers of America, and which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the constitution and by-laws of the Advertising Typographers of America with the provisions of this Code.

(c) For the proper equitable administration of this Code in accordance with the number of plants in the Industry, and their geographic location, and for the establishment of uniform practices as may be required in accordance with conditions in each district, the United States of America shall be divided into four zones as follows:

Zone No. 1. Eastern Division, Headquarters, New York: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Zone No. 2. Western Division, Headquarters, Chicago: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

Zone No. 3. Pacific Division, Headquarters, Los Angeles: California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.

Zone No. 4. Southern Division, Headquarters, Dallas: Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

#### MAINTENANCE OF FAIR COMPETITION

(d) *Chance Orders*.—Advertising typography shall not be solicited or produced on a chance or speculative basis.

## APPENDIX OF INDUSTRY NO. D-4

### TRADE MOUNTING AND FINISHING

The provisions of this Appendix are applicable only to Industry No. D-4.

#### ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Trade Mounting and Finishing Industry shall be by the National Code Authority for this Industry, consisting of seven (7) individuals, two (2) of whom shall be chosen by the Board of Directors of the Association of Mounters and Finishers, Inc. from their own number, two (2) by the Board of Directors of the Lithographers and Printers Finishers Association from their own number, and two (2) by the Board of Directors of the Graphic Arts Finishing Association from their own number, and one (1) of whom shall be elected by the six (6) so chosen.

(b) All proceedings of the National Code Authority shall be in conformity with its by-laws, rules and regulations, adopted as provided in Section 3 (g), and with the provisions of this Code.



## MAINTENANCE OF FAIR COMPETITION

(c) The National Code Authority may, subject to the review of the Administrator, formulate uniform standards for materials to be used by all or any defined group of establishments within the industry, and for any such establishment to submit bids or make sales except in accordance with the uniform material standards thereby prescribed shall be a violation of this Code.

## APPENDIX OF INDUSTRY NO. D-5

## TRADE BINDING AND PAPER RULING

The provisions of this Appendix are applicable only to Industry No. D-5.

## ADMINISTRATIVE PROVISIONS

(a) The administration of this Code for the Trade Binding and Paper Ruling Industry shall be under the jurisdiction of the Book Manufacturers' Institute, the Board of Directors of which is designated as the National Code Authority for this Industry.

(b) All proceedings of the National Code Authority shall be in conformity with the by-laws, rules and regulations of the Book Manufacturers' Institute and with the provisions of this Code.

## MAINTENANCE OF FAIR COMPETITION

(c) The terms of credit extended to customers shall be "Net 20 days E. O. M." There shall be no discount allowed to any customer for an earlier payment.

(d) No establishment within the Industry shall absorb carrying charges for any material furnished to the trade binder and/or paper ruler by the customer or his authorized agent, such as printed sheets, unprinted paper, jackets, dies, plates, etc., and, if carrying charges have not been prepaid, shall make a charge for pickup.

(e) Upon request by one or more unsuccessful bidders, the National Code Authority may require the successful bidder to submit to such National Code Authority its specification and prices.

(f) No establishment shall alter, omit, or in any way modify the terms and conditions contained in the uniform sales contract form which may be adopted by the National Code Authority, and any such alteration, omission, or modification shall be a violation of this Code.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-1

## ADVERTISING NEWSPAPERS

The provisions of this Appendix are applicable only to National Product Group No. E-1.

## ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Advertising Newspapers National Product Group shall be the Board of Trustees of the American Shopping News Publishers Association.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the Code of Regulations of the American Shopping News Publishers Association and with the provisions of this Code.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-2

## BANK AND COMMERCIAL STATIONERY

The provisions of this Appendix are applicable only to National Product Group No. E-2.

## ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Bank and Commercial Stationery National Product Group shall be the Board of Directors of the American Institute of Bank and Commercial Stationers.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the constitution and by-laws of the American Institute of Bank and Commercial Stationers and with the provisions of this Code.

#### MAINTENANCE OF FAIR COMPETITION

(c) From the effective date of this Code and until the departmental economic hourly cost rates and production standards and cost determination schedules shall have been declared as provided in Section 26 (b), no establishment in any region shall sell or offer to sell any product listed in an approved and available catalog already in general use in such region on any other basis or at a price lower than contained in such catalog provided (1) that such catalog shall first have been submitted to the Consumers Advisory Board of the National Recovery Administration and approved by the Administrator, and (2) that such prohibition shall not apply to any individual order exceeding five hundred dollars (\$500) in amount, nor to any combined or contract order exceeding five thousand dollars (\$5,000) in amount per year.

(d) After the Administrative Agency of this Group shall have declared the costs of any products as provided in Section 26 (d), no establishment shall sell or offer to sell any such products at less than such costs, provided that any such prohibition shall not apply to any individual order exceeding five hundred dollars (\$500) in amount nor to any combined or contract order exceeding five thousand dollars (\$5,000) in amount per year.

(e) No establishment shall alter, omit, or in any way modify the terms and conditions contained in the uniform sales contract form which may be adopted by the National Code Authority, and any such alteration, omission, or modification shall be a violation of this Code.

#### APPENDIX OF NATIONAL PRODUCT GROUP NO. E-3

##### DECALCOMANIA AND TRANSPARENCY

The provisions of this Appendix are applicable only to National Product Group No. E-3.

##### ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Decalcomania and Transparency National Product Group shall be the Director of the Decalcomania Association of America.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the Articles of Association, Rules and Regulations of the Decalcomania Association of America and with the provisions of this Code.

#### APPENDIX OF NATIONAL PRODUCT GROUP NO. E-4

##### GREETING CARDS

The provisions of this Appendix are applicable only to National Product Group No. E-4.

##### ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Greeting Cards National Product Group shall be the Board of Directors of the National Greeting Card Association.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the constitution and by-laws of the National Greeting Card Association and of the provisions of this Code.

#### APPENDIX OF NATIONAL PRODUCT GROUP NO. E-5

##### LABELS

The provisions of this Appendix are applicable only to National Product Group No. E-5.

## ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Labels National Product Group shall be the Board of Directors of the Label Manufacturers Association.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the by-laws of the Label Manufacturers Association and with the provisions of this Code.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-6

## MUSIC PRINTING

The provisions of this Appendix are applicable only to National Product Group No. E-6.

## ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Music Printing National Product Group shall be the Board of Directors of the National Music Printers and Allied Trades Association.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the by-laws of the National Music Printers and Allied Trades Association and with the provisions of this Code.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-7

## PHOTO-LITHOGRAPHING

The provisions of this Appendix are applicable only to National Product Group No. E-7.

## ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Photo-Lithographing National Product Group shall be the Board of Directors of the National Association of Photo-Lithographers.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the by-laws of the National Association of Photo-Lithographers and with the provisions of this Code.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-8

## PICTURE PUBLISHERS AND PICTURE IMPORTERS

The provisions of this Appendix are applicable only to National Product Group No. E-8.

## ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Picture Publishers and Picture Importers National Product Group shall be the Executive Committee of the Picture Publishers and Importers Association.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the by-laws of the Picture Publishers and Importers Association and with the provisions of this Code.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-10

## POSTERS

The provisions of this Appendix are applicable only to National Product Group No. E-10.

## ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Posters National Product Group shall be the Executive Committee of the Poster Printers Association of the United States and Canada.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the constitution of the Poster Printers Association of the United States and Canada and with the provisions of this Code.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-12

### TEXTILE AND HOSIERY PACKING MANUFACTURERS

The provisions of this Appendix are applicable only to National Product Group No. E-12.

#### ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Textile and Hosiery Packing Manufacturers National Product Group shall be the Executive Board of the National Association of Textile and Hosiery Packing Manufacturers.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the constitution and by-laws of the National Association of Textile and Hosiery Packing Manufacturers and with the provisions of this Code.

#### MAINTENANCE OF FAIR COMPETITION

(c) No member of this Product Group shall produce any quantity of packing without a duly signed order or contract for said packing from the owner of the design or from some responsibly authorized mill. In no case shall there be speculative manufacturing of branded packings.

(d) Overruns shall not be permitted in excess of ten per cent (10%) on orders for branded packings and labels for deferred deliveries—neutral labels or packings are excepted.

(e) The National Association of Textile and Hosiery Packing Manufacturers shall approve and adopt a uniform contract form in accordance with Paragraph (1), Section 27, hereof; thereafter no member of this Product Group shall accept an order or contract unless it substantially conforms with said uniform contract form.

(f) No member of this Product Group shall accept an order or contract to cover deliveries for a period of longer than one year from date of order or contract.

(g) Extension of order or contract beyond the specified period shall be permitted only when eighty per cent (80%) of the quantity ordered has been withdrawn, and then only upon a charge of not less than one per cent (1%) per month being made upon the remaining balance.

(h) Supplemental to Section 26 (d) of this Basic Code, entitled "Selling Below Cost Prohibited," such items as box wraps, labels, bands, riders, seals, stickers, etc., shall each bear the proper proportion of cost which shall be reflected and itemized in the per-thousand price. Obsolete or discontinued packings, only, are excepted from this clause.

(i) No member of this Product Group shall accept an order or contract from any person or organization for a quantity of packing or labels wherein the material shall be billed by the packing manufacturer at any other price than that covered for each item in the contract.

(j) Supplemental to Section 27 (e) of this Basic Code, the sole exception to rebates and refunds in any form may be that where a brand owner has paid for packing or labels remaining in stock of the manufacturer, he shall be entitled to reimbursement for the amount due when payments are made by other than him against withdrawals.

(k) *Terms.*—

(1) No member of this Product Group shall sell its products on any other terms than net cash ten days E. O. M. or thirty days net.

(2) No such member shall ship other than f. o. b. manufacturing point.

(3) Any such member may allow freight if and only when included in cost.

(l) *Originals.*—

(1) No member of this Product Group shall make engravings or originals (excepting sketches), or submit proofs of a design to a prospect or customer under any circumstances, unless the making of engravings or originals be covered by a definite order from the prospect or customer. In case

of such order a reasonable charge shall be made for the engravings or originals, and such charge shall not be at less than cost.

(2) This charge may be remitted should order for quantity of packing be placed within 120 days from date of order for proofs.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-13

### TICKET AND COUPON

The provisions of this Appendix are applicable only to National Product Group No. E-13.

#### ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Ticket and Coupon National Product Group shall be the Ticket and Coupon Manufacturers Council.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the by-laws of the Ticket and Coupon Manufacturers Council.

#### MAINTENANCE OF FAIR COMPETITION

(c) No establishment shall alter, omit, or in any way modify the terms and conditions contained in the uniform sales contract form which may be adopted by the National Code Authority, or National Product Group, and any such alteration, omission, or modification shall be a violation of this Code.

(d) No member of this Product Group shall print the imprint of non-manufacturers on any class or type of tickets, checks or coupons except when such non-manufacturer is a recognized affiliate or subsidiary of a ticket, check or coupon manufacturer.

(e) The following fair trade practices are applicable only to members of the Licensed Railroad Ticket Manufacturers Association:

(1) No member shall sell products of the industry to persons not consumers of such products and/or not manufacturers of such products.

(2) Terms:

(a) Net 30 days, no cash discount.

(b) All sales shall be made f.o.b. point of shipment.

(f) The following fair trade practices are applicable only to members of the Electric Railway and Bus Ticket Manufacturers Association:

(1) No member shall sell products of the industry to persons not consumers of such products and/or not manufacturers of such products.

(2) Terms:

(a) Net 30 days, no cash discount.

(b) All sales shall be made f.o.b. point of shipment.

(g) The following fair trade practices are applicable only to the members of the Amusement Ticket Manufacturers Association:

(1) All circuits consisting of a group of theaters, under one general management, with a total seating capacity of not less than ten thousand, shall be entitled to wholesale prices.

(2) Members shall recognize as a dealer, jobber or distributor only a definitely established business organization that sells tickets, checks, coupons, and other supplies to individual theatres, all of whose orders in general are billed by the manufacturer to the dealer, jobber or distributor.

(h) The following fair trade practices are applicable only to the members of the Clothing Ticket and Numbered Production Systems Manufacturers Association:

Terms of sale and delivery:

(1) To customers direct: Thirty days net, no cash discount.

(2) Prices shall be f.o.b. point of shipment.

(i) The following fair trade practices are applicable only to members of the Restaurant Check Manufacturers Association:

(1) The standard sizes of paper used for guest checks shall be, Group No. 1, maximum size  $13\frac{1}{2}$  square inches; Group No. 2, maximum size,  $18\frac{3}{4}$  square inches; Group No. 3, maximum size, 24 square inches.

(2) Members shall recognize as a dealer, jobber or distributor only a definitely established business organization that sells tickets, checks, coupons, etc., to restaurants, cafes, hotels, etc., in general, all of whose orders are billed by the manufacturer to the dealer, jobber or distributor.

(3) The advertisement of a jobber, dealer or distributor of restaurant checks shall only appear on such checks provided the name of the manufacturer also appears on the checks and further provided that all restaurant checks so printed shall be classified as specially printed restaurant checks.

(4) Maximum credit terms shall be:

(a) Open accounts: Two per cent 10 days; 30 days net.

(b) C. O. D. accounts: Net, no discount.

(c) Money-with-order accounts: Three per cent discounts.

(5) Members may assume delivery charges on shipments to users within a distance of twenty-five miles of corporate limits of any city in which a recognized restaurant check manufacturer's plant is located. Members may allow users located outside of such area the difference in the freight charges from point of shipment and what such charges would have been if shipment had been made from the nearest point at which a recognized restaurant check manufacturer's plant is located.

(j) The following fair trade practices are applicable only to members of the Coupon Book Manufacturers Association:

Terms of sale and delivery:

(1) To customers direct: Two per cent cash discount for payment within 10 days from date of shipment, 30 days net.

(2) Parcel post or express charges shall not be assumed by manufacturer.

(k) The following fair trade practices are applicable only to the members of the Thrift Systems Distributors Association:

(1) No member of this industry shall appropriate or imitate in whole or in part, any exclusive plans, products, ideas, services, forms, designs or systems originated or developed by a competitor.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-14

### DRY TRANSFER MANUFACTURERS

The provisions of this Appendix are applicable only to National Product Group No. E-14.

#### ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Dry Transfer Manufacturers National Product Group shall be the Executive Committee of the National Association of Dry Transfer Manufacturers.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the constitution and by-laws of the National Association of Dry Transfer Manufacturers and with the provisions of this Code.

#### MAINTENANCE OF FAIR COMPETITION

(c) *Terms.*—No establishment shall sell its products, except embroidery designs, on any but the uniform terms adopted by the Association, which are, namely, f.o.b. Factory, Net thirty days (30), no discount for anticipation, or on terms of net cash.

(d) *Minimum Quantities.*—

(1) No establishment shall accept for manufacture an order of less than 5,000 transfers of a design.

(2) No establishment shall ship transfers from manufactured stock in quantities of less than 1,000.

(e) *Special Packing.*—No establishment shall accept for manufacture an order in other than the established uniform methods, without a special charge for this special packing being made. These variations from uniform methods shall consist of sheeting of transfers and for rolls containing less than 2,500 transfers.

(f) *Order Forms.*—No establishment shall use an order form for the taking of orders on a deferred delivery basis, on any but the uniform order forms as accepted and adopted by the group.

(g) *Orders.*—No establishment shall produce for stock any quantity of transfers without a duly signed order, or contract, for said transfers from the owner of the design or from some other responsible party or mill. It is further

stipulated that under no circumstances are owners' designs to be stocked by transfer manufacturers on a speculative basis. This, however, does not include the transfer manufacturer's own stock of descriptive transfers.

(h) *Blanket Contracts*.—No establishment shall accept a blanket contract, placed to protect customers on a minimum price basis, unless same shall be written and subject to the order form prescribed by the group. All such contracts shall be subject to all other fair practice methods herein contained. No blanket contract shall be written for a quantity of less than 1,000,000 transfers, to be consumed within a period of twelve months from date of contract, and only then when customer agrees to accept an invoice at the end of the year for an additional charge representing the difference, if any, in price on the quantity consumed at such price schedule and the price contained in the contract.

(i) *Contract Enforcement*.—No establishment shall continue to carry in their stock any quantity of transfers on order or contract beyond a period of one year from the date of order unless a storage charge of 1% per month on the remaining balance be made.

## APPENDIX OF NATIONAL PRODUCT GROUP NO. E-15

### CHURCH ENVELOPE SYSTEMS

The provisions of this Appendix are applicable only to National Products Group No. E-15.

#### ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Church Envelope Systems National Product Group shall be the Executive Committee of the Association of Producers of Church Envelope Systems.

(b) All proceedings of the administrative agency shall be in conformity with the provisions of the constitution and by-laws of the Association of Producers of Church Envelope Systems.

## APPENDIX OF NATIONAL PRODUCTS GROUP NO. E-16

### LAW PRINTERS

The provisions of this Appendix are applicable only to National Products Group No. E-16.

#### ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Law Printing National Products Group shall be the National Executive Committee of the National Law Printers Institute.

(b) All proceedings of the Administrative Agency shall be in conformity with the provisions of the constitution and by-laws of the National Law Printers Institute and with the provisions of this Code.

#### MAINTENANCE OF FAIR COMPETITION

(c) No establishment shall quote a lump sum bid on law work, based upon a guess or estimate as to volume of the finished work, but will be required to quote a price per page of standard measurement, plus a rate per hour for author's alterations, for a particular number of copies, plus specific charges per unit for blank pages, extra proofs, reprints, inserts and other extra charges above standards to which page rates apply.

(d) No establishment shall hold standing matter beyond thirty days following end of month during which a job is completed, without making a monthly charge to the customer in accordance with methods incorporated in the cost system approved for this industry.

(e) No establishment shall deliver any quantity of copies beyond that specified by the original order without making a proper charge for additional copies.

(f) No establishment shall furnish a higher grade of paper or materials than is prescribed as standard for law work without making a proper additional charge therefor.

## APPENDIX OF NATIONAL PRODUCTS GROUP NO. E-17

## MAP PUBLISHERS

The provisions of this Appendix are applicable only to National Products Group No. E-17.

## ADMINISTRATIVE PROVISIONS

(a) The administrative agency for the Map Publishers National Group shall be the Board of Directors of the Map Publishers Association of the United States.

(b) All proceedings of the Administrative Agency shall be in conformity with the provisions of the constitution of the Map Publishers Association of the United States.





Approved Code No. 288

**CODE OF FAIR COMPETITION**

FOR THE

**DAILY NEWSPAPER PUBLISHING BUSINESS**

As Approved on February 17, 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 Daily Newspaper Publishing Business, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

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

(1) The determination of hours and wages for news department workers shall be made not later than 60 days hence.

(2) The government members of the Code Authority shall give particular attention to the provisions authorizing minors to deliver and sell newspapers and shall report to the President not later than 60 days hence.

(3) Insofar as Article VII is not required by the Act, it is pure surplusage. While it has no meaning it is permitted to stand merely

because it has been requested and because it could have no such legal effect as would bar its inclusion. Of course a man does not consent to what he does not consent to. But if the President should find it necessary to modify this Code, the circumstance that the modification was not consented to would not affect whatever obligations the non-consentor would have under Section 3 (d) of the National Industrial Recovery Act.

Of course, also, nobody waives any constitutional rights by assenting to a Code. The recitation of the freedom of the press clause in the Code has no more place here than would the recitation of the whole Constitution or of the Ten Commandments. The freedom guaranteed by the Constitution is freedom of expression and that will be scrupulously respected—but it is not freedom to work children, or do business in a fire trap or violate the laws against obscenity, libel and lewdness.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*February 17, 1934.*

THE WHITE HOUSE,  
Washington, February 17, 1934.

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

MY DEAR GENERAL JOHNSON:

In addition to the conditions in the Executive Order approving the Code of Fair Competition for the Daily Newspaper Publishing Business, I wish to make the following observations:

(a) "I am not satisfied with the Child Labor Provisions. A special report and recommendations in regard to the carrying out of the Provisions will be made to me at the end of 60 days.

(b) The publishers of newspapers having a circulation of seventy-five thousand or more in cities of seven hundred and fifty thousand population or more are requested to install a five-day, forty-hour-week for their staff of reporters and writers with the purpose of giving employment to additional men and women in this field. A report on this will be made at the end of sixty days."

Sincerely,

FRANKLIN D. ROOSEVELT.

(71)

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: During the formulation of A Code of Fair Competition for the daily newspapers of the United States one issue engrossed public attention: Freedom of the Press. In the conferences between the Administrator and the immediate proponents of the Code—that is, the Board of Directors of the American Newspaper Publishers' Association and the representatives of the regional press associations affiliated with the American Newspaper Publishers' Association—major attention was devoted to the hours and wage provisions of the Code; to the revision of the Child Labor section and to the problem of editorial workers. The proponents knew that so far as the National Recovery Administration was concerned there was no issue in respect of the Freedom of the Press and that the controversy had been stimulated almost entirely by those who had only second- or third-hand information of the progress of the negotiations. The issue has assumed such proportions, however, in the minds of certain newspaper publishers and of a certain section of the public that it seems desirable in this, my Report to you, to set forth the bare facts.

Hearings on the Newspaper Code were held on September 22nd and 23rd. The Code, as put down for public hearing, contained a Section XI which read as follows:

“In submitting or subscribing to this code, the publishers do not thereby agree to accept or to comply with any other requirements than those herein contained, or waive any right to object to the imposition of any further or different requirements, or waive any constitutional rights or consent to the imposition of any requirements that might restrict or interfere with the constitutional guarantee of the Freedom of the Press.”

This reservation which it was proposed to include in a code, had already been made by the newspaper publishers when, on August 16, 1933, they secured approval of the Administrator for the substitution of certain provisions of their proposed code for the relevant provisions of the President's Reemployment Agreement. The National Recovery Administration then indicated that it had no objections to the newspapers asserting the constitutional rights of a free press.

At the public hearings, questions to counsel for the Code's proponents sought to ascertain whether the Freedom of the Press reservation was intended to intimate that because of the First Amendment newspapers might be free of any obligation under the Act to submit a code. No newspaper has ever pleaded a State constitutional guarantee of Freedom of the Press as giving it immunity under State Child Labor Laws or Workmen's Compensation Laws.

It was suggested also at the public hearings that legally the reservation was surplusage; that by consenting to a code on hours and wages the newspapers could not waive any rights under the First Amendment. During the public hearings, therefore, the Administration expressed no opinion on the Freedom of the Press reservation except insofar as an opinion might be inferred from the interrogations referred to above. (Stenographic record, Newspaper Code public hearing, page 1222—Graphic Arts Code public hearing, pp. 740-741).

In the subsequent conferences between the proponents of the Code and representatives of the Administrator—and there have been many of these conferences—the only suggestions that have been made in respect of the original Section XI of the Newspaper Code were that the declaration could more properly appear in the preamble of the Code or in connection with Section 10 (b) of the Act, instead of in its original resting place, between two irrelevant sections; and that the language might be limited to constitutional rights under the First Amendment and not extended to cover *all* constitutional rights. These suggestions were not pressed. The Code as recommended contains the reservation in connection with Section 10 (b) of the Act. The language goes beyond the liberties protected by the First Amendment but this, it seems to me, is not important. The newspapers have not asked for any special protection beyond that guaranteed them by the First Amendment; and if—as is not anticipated—the language ever has to be construed, this fact will be kept in mind. I say “not anticipated” because legally the language is unnecessary. Rights under the First Amendment cannot be waived by submission to a code in accordance with the provisions of the National Industrial Recovery Act. From these molehills of fact a mountain of controversy has been made.

It was freely charged that the Administration would not consent to the inclusion in the Code of the provision on the Freedom of the Press; that the licensing of newspapers was contemplated and that they could look forward to administrative control similar to that which is exercised over broadcasting. Only a word of comment is necessary in respect of these charges.

One pronouncement—disseminated widely by certain newspapers—was to the effect that the Freedom of the Press and even the First Amendment itself were “in the balance” because on the cover of the Code as published by the Government Printing Office there appeared the statement: “The Code for the American Newspaper Publishers Industry in its present form merely reflects the proposal of the above-mentioned industry, and none of the provisions contained therein are to be regarded as having received the approval of the National Industrial Recovery Administration as applying to this industry.” Since the Code included Section XI, the charge was that the Administration was in the position of withholding its assent to the inclusion of Section XI and was imperilling the Freedom of the Press. But the statement quoted appears on the cover of every code printed by the Government Printing Office and is designed to indicate that in its governmentally published form it is only a proposed code and not an approved code. The statement on the Government Printing Office edition of the Code applies to Section 7 (a) of the Act,

which must be textually included in every code, so if this reasoning is good the statement puts the Administration in the position of having the inclusion of Section 7 (a) always "in the balance". Of course such "reasoning" is nonsensical.

As for the fears as to the licensing of the press, no expressor of the fears ever cited any statement or act by any responsible government official which contemplated the use of the licensing power. Those who talk about licensing completely ignore the fact that the licensing provision of the Act is in a section entirely apart from the section under which codes are presented; that the powers of the President are carefully circumscribed; that he may exercise them only if he finds that "destructive wage or price cutting or other activities contrary to the policy of" the Recovery Act are being practiced in any trade or industry; and that he must give public notice and hearing before he can act.

It is hardly necessary to remark that the radio analogy is singularly inapposite. Broadcasting without some government supervision is hardly conceivable. A newspaper can be printed in any form that the proprietor desires without preventing the publication of another newspaper. Unless broadcasters are limited to different wave lengths they interfere with each other. A newspaper cannot print its competitor's type, but without government control of wave lengths we would have symphonies, bedtime stories, crooners, and astrological lore all mixed up in an unintelligible melee of sounds. In the light of this fundamental difference, newspapers as newspapers ought not to think that so long as free government lasts public control of broadcasting is any precedent for public supervision of publishing.

So much for the straw-man issue of Freedom of the Press. The Code as recommended for approval reserves to newspapers all of their rights under the First Amendment. The reservation is in the terms of Section XI of the Code as put down for public hearing. The Freedom of the Press is guaranteed in the Code. Section 4 (b) of the Act has no connection with this Code. If newspapers fear the mere existence of Section 4 (b) in the Act, they should discuss their fears with the President or with Congress and not with the National Recovery Administration.

#### WAGES AND HOURS

In respect of wages and hours the Newspaper Code raised difficult questions. The position of the newspaper is somewhat unique. Unless located in the same areas newspapers do not compete with each other. That may be said of retail establishments but retail establishments are vitally concerned by wage provisions which do no more than fix a bare minimum. So many of the employees of newspapers are highly skilled that a minimum wage applies to only a small percent of the manufacturing employees.

To find any formula which would increase wages for the workers above the minimum proved wellnigh impossible. A number of publishers whose collective agreements were about to expire or who had sufficient resources to do their bit under the National Industrial Recovery Act were perfectly willing to accept the formula of 10%

increase on 1933 rates, provided that the increase should not go above the prevailing hourly rates in 1929. For such publishers this formula was perfectly satisfactory. In respect of other publishers, however, it was apparent that the application of such a formula would mean either:

(a) that the paper would have to reduce the number of columns in a daily issue so that unemployment would be increased, or

(b) that the paper would have to plead its financial inability to consent to such an increase.

So far as the public is concerned, the newspapers of the country have been put in a false position. The public has generally an idea that newspapers are large corporate enterprises with surplus or resources which can be drawn upon during the present emergency. As a matter of fact, however, 1,334 newspapers have circulations below 10,000 copies per day; 283 have circulations between 10,000 and 25,000; 131 have circulations between 25,000 and 50,000; and only 145 have circulations above 50,000 per day. The application of any formula for wage increases to newspapers of such vastly different positions in respect of finances and numbers of employees would work great hardship in certain cases and be too lenient in other cases.

This holds true of hours as well. Severe unemployment among printers exists in certain sections of the country. In other sections of the country there is less unemployment. Newspapers with large staffs of manufacturing employees can rather readily adjust shifts so as to share available positions among a number of workers larger than the number of available positions. A small newspaper, however, where the editor is a substitute pressman, the compositor solicits advertising and the society reporter collects bills, would have difficulty in doing much to spread employment.

The proponents of the Code proposed a flat forty-hour week. That obviously would do nothing to relieve unemployment in the big centers where newspaper employees are now working an average of less than forty hours. On the other hand, with respect to certain small papers, a rigid maximum of forty hours would impose too great hardships.

The compromise arrived at is a basic week of forty hours with the proviso that in certain localities more hours can be worked and that in other localities fewer hours shall be worked in order to spread employment.

#### NEWSPAPER INDUSTRIAL BOARD

It is anticipated that by reason of the provisions of the Code "that existing hourly differentials above the minimum shall be maintained" and the maximum hours may vary, labor controversies will arise. To deal with these controversies the Code sets up a Newspaper Industrial Board consisting of four publisher members to be designated by the Code Authority, and four members representing the employees, to be selected by the Administrator. These eight shall select a permanent panel of five impartial chairmen, from which panel, in the event of a deadlock on any question, a ninth member of the board shall be selected by lot. He shall act as chairman and

cast the deciding vote. Many newspapers in the United States have long been accustomed to impartial machinery for the settlement of labor disputes. This machinery has been both local and national. The Code makes provision for the functioning of any local machinery of conference and gives the Newspaper Industrial Board jurisdiction as an appellate body in case the local machinery is unable to effect the adjustment.

#### CHILD LABOR

The question of newsboys was exhaustively discussed at the public hearing and in briefs filed with the Administrator after the conclusion of the public hearing. Here again by reason of the different nature of the problem in different places of publication, it was found difficult to formulate a provision which would eliminate admitted evils in the large cities and not impose undue hardships in the smaller centers of publication. It is one thing, for example, for boys under sixteen to sell papers on the streets of Chicago and New York at night. It is quite another matter for boys to get bundles of papers at a railroad station in a small city and to deliver them before school begins.

The provision qualifying the Child Labor section of the Code prohibits the employment of any persons under sixteen years of age if such employment would impair health or interfere with the hours of day school. Subject to this general proviso there is no limitation on the delivery of newspapers. With respect to the selling of newspapers, no person under sixteen may be employed between 7 P.M. and 7 A.M. from October 1 to March 31, or between 8 P.M. and 7 A.M. from April 1 to September 30. This provision, in connection with State laws, will, it is believed, greatly reduce the evils of street selling. It should be pointed out, however, that such street selling will not be covered by this Code. Many minors who sell newspapers are employed by news agents, or distributors, who will not be bound by the Code's provisions.

#### EDITORIAL WORKERS

Similar difficulties prevented the formulation of any general rule limiting the hours of news department employees. Guilds of newspaper writers formed in various sections of the country were represented at the public hearings and have appeared in several of the conferences held after the conclusion of these hearings. Some of the requests of the news writers—for example, for notice of discharge; for vacations, etc.—were obviously requests that should be made through collective bargaining or directly to individual employers. The newspaper guilds will doubtless engage in collective bargaining and it is a matter of record that many newspapers, either under the President's Reemployment Agreement or independently thereof, have already limited the hours of editorial workers. In some cases there is a five-day week with no limitation on the maximum number of hours to be worked per day. In other cases, there is a limitation to forty hours per week as the basic week and time in excess of forty hours—which is frequently necessary by reason of the character of news gathering—is cumulated and compensated for by time off.



The American Newspaper Publishers' Association has a labor department which has adequate data on hours and wages of manufacturing employees. No data are available on the hours and wages of editorial employees. During one of the conferences with the Administrator several weeks ago the American Newspaper Publishers' Association Board decided to collect such data. A questionnaire was, therefore, sent out to all newspapers in the United States. Replies are coming in and the Code provides that the Code Authority say, on the basis of this information, "determine what constitutes reasonable hours and wages for news-department workers, and, subject to the approval of the Administrator, to incorporate its findings in the provisions of this Code." It is expected that such a report will be made promptly.

#### COMMERCIAL PRINTING

Many daily newspapers operate commercial printing establishments or sell electrotype and photoengraving plates. Such commercial activities of a newspaper properly come under a Graphic Arts Code. Whatever hours and wage provisions are adopted for the Graphic Arts Industries will cover the graphic-arts activities of newspaper proprietors. The Newspaper Code authorizes the Newspaper Code Authority "to coordinate the administration of this Code with such other code or codes, if any, as may affect the business of publishers assenting to this Code," but specifically provides that publishers "who are also engaged in the selling of printing, photoengraving, or other related products to others than newspapers are bound by the provisions of this Code only insofar as their operations are concerned with the business of publishing newspapers." It may be noted here that weekly newspapers, most of which have commercial printing establishments, will come under a Graphic Arts Code even in respect of their newspaper publishing.

#### THE CODE AS RECOMMENDED

The Code as recommended may be summarized as follows:

Article I states the purposes of the Code.

Article II sets forth various definitions.

Article III provides a standard work week of forty hours, which is subject to increase or decrease as explained above.

Article IV sets minimum wage scales.

Article V limits the employment of persons under sixteen years of age in delivering or selling newspapers, quotes Section 7 (a) of the Act, and permits publishers in areas where there are "abnormal conditions of business distress or where there is an acute shortage of labor" which would "create great and unavoidable hardship" to petition for relief.

Article VI constitutes a Code Authority, gives it certain powers, and sets up a Newspaper Industrial Board.

Article VII reserves the President's right to cancel or modify any order approving the Code (Section 10 (b) of the Act); reserves to the publishers their constitutional rights, and makes a pronouncement

ment against any "pallid bust of Pallas"—in other words, it declares against any demolition of that great palladium of liberty—Freedom of the Press.

Article VIII fixes the effective date of the Code. -

#### FINDINGS

The Administrator finds that:

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

(b) The American Newspaper Publishers' Association imposes no inequitable restrictions on admission to membership therein and is truly representative of the Daily Newspaper Publishing Business; and that

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

I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 16, 1934.

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**DAILY NEWSPAPER PUBLISHING BUSINESS**

**ARTICLE I—PURPOSE**

To effect the policies of the National Industrial Recovery Act, the following provisions are submitted as a code for daily newspapers, and upon approval by the President shall be the standard for daily newspapers subscribing or assenting thereto.

**ARTICLE II—DEFINITIONS**

**SECTION 1.** The terms "daily newspapers" and "newspapers" as used herein shall include all newspapers published daily and/or Sunday. The term "newspaper publishing" is defined to mean the publishing of such newspapers. The term "publishers" shall include persons actually engaged in the publishing of such newspapers, whether individuals, partnerships, associations, trusts, or corporations.

**SEC. 2.** The terms "President", "Act", and "Administrator", as used herein, shall mean, respectively, the President of the United States, the National Industrial Recovery Act, and the Administrator of Title I of said Act.

**SEC. 3.** The term "employee", as used herein, includes anyone engaged on a newspaper in any capacity receiving compensation for his services.

**SEC. 4.** The term "employer" as used herein, includes anyone by whom such employee is compensated or employed.

**SEC. 5.** The term "Code Authority" means the administrative body provided for in Article VI of this Code.

**SEC. 6.** Population for the purpose of this Code shall be determined by reference to the latest Federal Census.

**ARTICLE III—HOURS**

**SECTION 1.** Publishers shall not work any accounting, clerical, office, service, or sales employee (except outside salesmen, representatives, drivers and circulation men) in any office or department for more than 40 hours per week in any city of over 50,000 population; nor more than 44 hours per week in any city of between 25,000 and 50,000 population; nor more than 48 hours per week in any city or town of less than 25,000 population; provided that in emergencies additional hours may be worked if compensated by an equivalent

amount of time off. (These excepted employees, other than outside salesmen, shall not be in excess of 10 percent of the total employees of any establishment.)

The Code Authority is authorized to secure the necessary data and to determine the maximum hours and minimum wages for news department workers, and, subject to the approval of the Administrator, to incorporate its findings in the provisions of this Code. Until such time as its findings are made a part of this Code, present conditions shall be maintained.

The provisions of this section shall not apply to professional persons employed in their professions, to persons employed in a managerial or personal capacity, employees on emergency, maintenance, and repair work (including porters, janitors, engineers, firemen, and watchmen), nor to employees in special cases where restrictions of hours of highly skilled workers on continued processes would unavoidably reduce production, nor in special cases of emergency; provided, that in any such special cases the prevailing rate for overtime in that department shall be paid for hours of work in excess of the maximum.

SEC. 2. The maximum unit of hours to constitute a day's or night's work for mechanical employees shall be 8 continuous hours, exclusive of lunch time.

Except as herein otherwise provided, the standard work week shall be 40 hours.

The foregoing maximum hours of work shall not be construed as a minimum either for a day or a week, and if at any time in any locality newspaper mechanics of a given trade, through their chosen representatives, express by written request to their employer or employers a desire to share available work with bona fide resident unemployed competent newspaper mechanics in their particular trade or craft, the number of hours of work may be adjusted by mutual agreement.

If local agreement proves impossible within 15 days, the question may be appealed by either party to a local Fact Finding Board made up of two representatives of the employer or employers and two representatives of the employees.

The local board as thus formed shall endeavor to agree upon the fact with regard to the number of resident unemployed competent newspaper mechanics in the locality for the purpose of reducing the number of such unemployed newspaper mechanics so far as is possible without undue hardship to either the employer or employers or his or their employees.

If a majority agreement cannot be arrived at, the four members shall choose a fifth and impartial member of the board who shall act as chairman.

The board shall proceed diligently to complete its findings of fact and make its recommendations.

Should either the employer or employers or his or their employees disagree with the findings and recommendations of the local board, appeal may be made to the Newspaper Industrial Board provided for in this Code, which, after notice and opportunity for the parties

to be heard, shall make a finding which shall be binding upon all parties of interest.

These provisions as to sharing of work shall not apply to any newspaper having ten or less journeymen mechanical department employees.

If in any locality there are not available competent journeymen newspaper mechanics to permit the operation of any newspaper in such locality on a 40-hour week, then the work week may be extended to not more than six times the maximum unit of hours hereinbefore set forth as constituting a normal day's or night's work, without overtime; provided that in any locality where less than 8 hours normally constitutes a day's or night's work, then the work week may not be extended beyond six times that unit of hours unless overtime be paid.

A publisher may divide an employee's work week into as many as six shifts, each of such length, not exceeding eight hours, as the publisher may determine, and shall have the right to designate the shifts, schedule of hours, and starting time of each employee. Overtime shall be worked when necessary.<sup>1</sup>

#### ARTICLE IV—WAGES

SECTION 1. No full-time employee in any of the classes mentioned in Article III, Section 1, 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 \$14.00 per week in any city of between 250,000 and 500,000 or in the immediate trade area of such city; nor less than \$13.00 per week in any city of between 50,000 and 250,000 or in the immediate trade area of such city; nor less than \$12.00 per week in any city of between 25,000 and 50,000 population; nor less than \$11.00 per week in any city or town of less than 25,000 population; provided, that office boys and girls, and learners or apprentices, not to exceed ten percent of the total employees of any establishment, are to be paid not less than 70 percent of the foregoing scale. Part-time employees shall receive pro rata rates of the foregoing scales.

SEC. 2. The minimum rate for mechanical employees, other than apprentices and learners as hereinbefore provided for, shall be 40 cents per hour, with the understanding that existing hourly rate differentials above said minimum shall be maintained and that payments for work on a piece-work basis will maintain their customary relationship to the payments on a time basis.

Overtime shall be paid for at the rates prevailing in the department.

SEC. 3. The provisions of this article shall not apply to persons mentioned in Article V, Section 1.

SEC. 4. A person whose earning capacity is limited because of age or physical handicap may be employed at a wage not more than 20% below the minimum fixed in this Code. Each employer shall file with the Code Authority a list of all such persons employed by him.<sup>1</sup>

<sup>1</sup> See par. 1 of Executive order approving this Code.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. Publishers shall not employ persons under 16 years of age except those who are able, without impairment of health or interference with hours of day school,

(a) to deliver newspapers;

(b) to sell newspapers, provided that no such person shall be employed in street sales between 7 P.M. and 7 A.M. from October 1st to March 31st, or between 8 P.M. and 7 A.M. from April 1st to September 30th; and

(c) To perform other part time services but not in manufacturing and mechanical departments, for not more than 3 hours a day, between 7 A.M. and 7 P.M., provided that no person under 14 years of age shall be so employed.<sup>2</sup>

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

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

(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. A publisher assenting to this Code, in any city where there are abnormal conditions of business distress or where there is an acute shortage of labor of any or all of the classes herein mentioned, which conditions of distress or shortage of labor will create great and unavoidable hardship, may, in a petition to the Code Authority, and with its approval, obtain a stay of such provisions of this Code as work the hardship, such stay, however, to be subject to approval by the Administrator.

SEC. 4. The requirements of articles III and IV shall be observed except where compliance would violate a contract now in full force and effect which contract cannot be revised except by mutual consent.

SEC. 5. Publishers shall post complete copies of this Code in conspicuous places accessible to employees.

## ARTICLE VI—THE CODE AUTHORITY

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

SEC. 2. The Code Authority shall consist of 10 members from the newspaper publishing business to be selected as hereinafter provided; and in addition there may be three members without vote, to be appointed by the President, to serve without expense to those assenting to this Code. Five members shall be designated by the Board of Directors of the American Newspaper Publishers Association, of whom its President shall be one, and one member by each

<sup>2</sup> See letter from President to General Johnson dated February 17, 1934.

of the following associations: The New England Daily Newspaper Association, The Southern Newspaper Publishers Association, the Del-Mar-Va Association, the Inland Daily Press Association, and the Pacific Northwest Newspaper Association. The President of the American Newspaper Publishers Association shall be the Chairman of the Code Authority.

SEC. 3. 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 to review any action taken by it:

(a) To adopt bylaws and rules and regulations for its procedure.

(b) To receive complaints of violations of this Code, make investigations thereof, provide hearings thereon when necessary, and adjust such complaints.

(c) To call for such reports and collect such information as it deems necessary in the administration of this Code.

(d) To coordinate the administration of this Code with such other code or codes, if any, as may affect the business of publishers assenting to this Code. Publishers who are also engaged in the sale of printing, photo-engraving, or other related products to others than newspapers are bound by the provisions of this Code only insofar as their operations are concerned with the business of publishing newspapers.

(e) To secure an equitable and proportionate payment of the expense of maintaining the Code Authority and its activities.

(f) To initiate, if necessary, and recommend modifications or amendments of this Code, which, upon approval by the Administrator, shall become a part of the Code.

SEC. 4. The Code Authority shall have power to employ counsel, clerical, and expert help. It shall also have power to appoint such agencies, and may delegate to any of them such of its powers and duties, as it shall deem necessary or proper.

SEC. 5. (a) There shall be established within ten days after the effective date of this Code a newspaper Industrial Board, consisting of four publisher members to be designated by the Code Authority, and four members representing the employees, to be selected by the N.R.A. Labor Advisory Board, subject to the approval of the Administrator. These eight shall select a permanent panel of five impartial chairmen, from which panel, in the event of a deadlock on any question, shall be chosen by lot a ninth member of the Board who shall act as chairman and cast the deciding vote. The employer members or the employee members may, by notice in writing, remove not more than two names from the permanent panel. Vacancies on the panel shall be filled immediately in the manner in which the original panel was selected. Except as hereinafter provided, this Board shall consider controversies arising from the application of this Code, and shall have power to promulgate rules and regulations for the determination of such controversies. Where a contract or agreement provides a method of determining controversies, that method shall be followed and the Board shall not take jurisdiction.

(b) Any controversy concerning hours, wages, and conditions of employment, arising under this Code between an employer and his employee shall, if possible, be adjusted locally.

(c) Any such controversy which cannot be so settled shall be referred to the Newspaper Industrial Board for its consideration and determination and the decision of said Board shall be accepted by the parties to the controversy as effective for a provisional period of not longer than one year, but not beyond the period of this Code, to be fixed by the Board.

(d) During the consideration of any such controversy neither party shall change the conditions existing at the time the controversy arose, or utilize any coercive or retaliatory measures to compel the other party to accede to its demands.

(e) If any controversy shall arise as to who are the representatives of the employees chosen as provided in Section 7 (a) of the National Industrial Recovery Act, the Board shall have power to investigate and determine the question.

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, 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 purpose of this Code.

SEC. 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 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.

SEC. 8. No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.<sup>3</sup>

#### ARTICLE VII

Those submitting this Code recognize that pursuant to Section 10 (b) of the Act the President may, from time to time, cancel or modify any order approving this Code, but in submitting or subscribing to this Code the publishers do not thereby consent to any modification thereof, except as each may thereto subsequently agree, nor do they thereby waive any constitutional rights, or consent to the imposition of any requirements that might restrict or interfere with the constitutional guarantee of the freedom of the press.<sup>4</sup>

#### ARTICLE VIII

This Code shall become effective on the second Monday after its approval by the President and shall continue in force until Title I of the National Industrial Recovery Act shall cease to be in effect as now provided in Section 2 (c) of the Act.

Approved Code No. 288.  
Registry No. 507-1-05.

<sup>3</sup> See par. 2 of Executive order approving this Code.

<sup>4</sup> See par. 3 of Executive order approving this Code.



CODE OF FAIR COMPETITION

FOR THE

CLOTH REEL INDUSTRY

As Approved on February 17, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE CLOTH REEL 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 Cloth Reel 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 17, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*White House,*

SIR: This is a report of the hearing on the Code of Fair Competition for the Cloth Reel Industry, conducted in Washington on January 23, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

The 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 non-productive 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 37½¢ per hour for males and 32½¢ 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 statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry employed in 1929 about 200 persons. Based on the production of level of June, 1933 the proposed forty hour week of the Code will increase employment 3%.

As a result of the Code the total increase in payrolls in the Industry will be about 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 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 sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant Association is 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 17, 1934.

## CODE OF FAIR COMPETITION FOR THE CLOTH REEL 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 and/or reconditioning of paper covered wooden frame cloth winding reels, and other fabricated cloth winding reels made of corrugated paper, chip board and like materials.

“Member.” A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, receiver, or other form of enterprise, 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 Executive Committee of the Cloth Reel Manufacturers' Association, together with such person or persons as may be designated by the Administrator, is hereby constituted the Code Authority. The members of the Code Authority designated by the Administrator shall have no vote and shall serve without compensation from the Industry.

SECTION 2. The said Association shall file with the Administrator certified copies of any amendments of its By-Laws relating to eligibility or admission to membership in said Association, or relating to the method of election of the members of such Executive Committee, which said Association may hereafter adopt.

SECTION 3. The Administrator may at any time prescribe a different method for electing the Industry members of the Code Authority, and thereafter, such members shall be elected in the manner so prescribed.

SECTION 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 (30) days notice to him of intention to proceed with such action in its original or modified form.

SECTION 5. The expenses of administering this Code shall be borne pro rate, 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.

SECTION 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.

SECTION 7. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purposes; nor shall any member of the Code Authority be liable in any way to any one for any act of any other member, officer or agent or employee of the Code Authority; nor shall any member of the Code Authority be liable to any one for any action or omission to act under the Code, except for his own willful misfeasance or non-feasance.

### 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 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, truckmen: One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks but not more than forty-eight (48) hours in any one week, provided, however, that time worked in excess of ten (10) 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-half.

(c) Engineers, firemen: One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks but not more than forty-eight (48) hours in any one week, 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-half.

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

(e) Executives and other employees engaged in a supervisory capacity and 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 but not to exceed three hundred twenty (320) hours in any period of eight (8) consecutive weeks.

SECTION 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 limitation prescribed in said schedule shall be paid for as not less than time and one-half.

SECTION 3. No employees covered by Section 1 (b), (c), (d), and (f) of this Article shall be permitted to work more than six (6) days in any seven (7) day period.

SECTION 4. No employer shall 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.

SECTION 5. No employer shall require or permit any female employee to work between the hours of 10:00 P.M. and 6:00 A.M.

#### ARTICLE IV—WAGES

SECTION 1. The minimum wage of any employee, other than office or clerical employee, 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, 37½ cents per hour; Female labor, 32½ cents per hour.

SECTION 2. The minimum rate of wage of any office or clerical employee, except commission salesmen, shall be sixteen dollars (\$16.00) per week.

SECTION 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.

SECTION 4. Female employees performing substantially the same work under the same conditions as male employees shall receive the same rate of pay as male employees. The Code Authority shall within 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.

SECTION 5. The wage rates of all employees shall be equitably readjusted but in no case shall they be decreased. 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 for his approval of the method of such adjustments.

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority 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

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.

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. 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.

SECTION 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.

SECTION 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.

SECTION 5. All employers shall post complete copies of the labor provisions of this Code in conspicuous places accessible to employees.

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

SECTION 7. 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.

SECTION 8. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

#### 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.

SECTION 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 thirty (30) days prior to the date so fixed.

SECTION 3. At least ten (10) days prior to such date, every such member shall file with the Code Authority a schedule of prices and terms of sale for all such products, or in the alternative, shall be deemed to have filed a schedule conforming in respect to prices and terms of sale with the schedule at any time on file which states the lowest price and the most favorable terms.

SECTION 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.

SECTION 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 (5) 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.

SECTION 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 number. 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.

SECTION 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.

SECTION 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.

SECTION 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 non-members at the time that they are sent to members.<sup>1</sup>

SECTION 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.

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.

SECTION 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.

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

SECTION 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 on such terms and conditions as the Code Authority and the Administrator may approve.

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

SECTION 2. Except as otherwise provided in the Act or in this Code, all statistics, data and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the publication currently to members, totals of orders received, unfilled orders, shipments, stocks of finished goods on hand and production.

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

SECTION 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. Nothing contained in this Code shall relieve any member of any existing obligations to furnish reports to any Government Agency.

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

## ARTICLE IX—TRADE PRACTICES

SECTION 1. No member shall sell second-hand or reconditioned reels unless such reels are billed as such and plainly marked on the two protruding ends in legible type "Reconditioned Reel."

SECTION 2. 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, their use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

SECTION 3. No member of the Industry shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 4. No member of the Industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation of such goods.

SECTION 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.

SECTION 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.

SECTION 7. No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

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 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 provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising excepting so far as such articles are actually used for commercial bribery as herein defined.

SECTION 10. No member of the Industry shall attempt to induce the breach of an existing contract between a competitor and his

employee or customer or source of supply, nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

SECTION 11. No member of the Industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

SECTION 12. No member of the Industry shall join or participate with other members of the Industry who, with such member, constitute a substantial number of members of the Industry or who together control a substantial percent of the business in any specific product or products of the Industry, in any transaction known in law as a black list, including any practice or device (such as a white list) which accomplishes the purpose of a black list.

#### ARTICLE X—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.

SECTION 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.

SECTION 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 or eliminated as changes in circumstances or experience may indicate.

SECTION 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 this Code or any conditions imposed by him upon his approval thereof.

SECTION 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. 289.  
Registry No. 405-35.



Approved Code No. 290

**CODE OF FAIR COMPETITION**  
FOR THE  
**PHOTOGRAPHIC MOUNT INDUSTRY**

As Approved on February 17, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE PHOTOGRAPHIC MOUNT  
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 Photographic Mount 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 17, 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 Photographic Mount Industry, conducted in Washington on October 24, 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 for hourly paid employees is 40¢ per hour for males and 35¢ per hour for females. Office employees will receive a minimum wage of \$15.00 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 statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry employed in 1929 approximately 1,000 persons, and in 1933, 655 persons. From March 1933 to September 1933 the number of workers increased 10%. This reflects in part the effects of the President's Reemployment Program and in part a rise in production. To decrease the schedule of working hours sufficiently to attain the 1929 total of employees, would increase the cost of production to such an extent as to endanger the existence of the Industry by driving its products from the market. It would, in addition, have a disrupting effect upon labor in the localities where the plants of this Industry are located.

The total increase in payrolls as a result of the Code will be 11 or 12%.

### 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 17, 1934.

## CODE OF FAIR COMPETITION FOR THE PHOTOGRAPHIC MOUNT 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, or processing of, mounts for photographs made from paper, cardboard, or other materials, or combinations of them.

“Member”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, receiver, or other form of enterprise, 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 Photographic Mount Manufacturers Association, together with such other person or persons, not to exceed 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 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 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 (30) 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.

8. The Code Authority shall establish a Credit Bureau for the purpose of exchanging credit information among the members of the Industry. All members of the Industry shall, within thirty (30) days after the effective date of this Code and from time to time thereafter at such intervals as the Code Authority shall prescribe, furnish to the Code Authority a description of each credit account which has been delinquent for a period of not less than sixty days, and shall continue to furnish to the Code Authority such information related to such account or accounts as the Code Authority may prescribe.

9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful mis-feasance or non-feasance.

### 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: 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 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 maximum 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 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 limitation 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) \$15.00 per week.

(b) Part-time employees covered by the provisions of this Section shall be paid at the rate of not less than 37½¢ 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, 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 ninety (90) days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments,

if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof, the Code Authority shall report to the Administrator the action taken by all members of the 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. 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.

8. 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 thirty (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. All such original schedules shall become effective on the date fixed by the Code Authority as provided in Section 2 thereof.

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 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.

6. The Code Authority upon written request 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 upon 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 to a photographer or consumer 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 of the Industry requesting them, copies of any price schedules which have been filed with it. Such price schedules shall be made available to non-members of the Industry at the same time that they are sent to members.<sup>1</sup>

10. No member shall sell any product of the Industry for which no open price plan is in effect to a photographer or consumer 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 Section 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

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

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 on 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 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. Nothing contained in this Code shall relieve any member of any existing obligations to furnish reports to any Government Agency.

#### 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 Practices 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 deliberately reproduce or copy without the written consent of the Code Authority an original photographic mount of fancy design of any other member.

## 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 of 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 this 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. 290.

Registry No. 407-09.





Approved Code No. 291

**CODE OF FAIR COMPETITION**

FOR THE

**WOOD CASED LEAD PENCIL MANUFACTURING  
INDUSTRY**

As Approved on February 17, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE WOOD CASED LEAD  
PENCIL 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 Wood Cased Lead Pencil 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 State, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved, provided that the continued participation of the trade association participating in the selection or activities of the Code Authority after thirty days from the effective date of this Code shall be contingent upon its constitution and by-laws being amended to the satisfaction of the Administrator and, provided further, that the provisions of Section I of Article VII and Sections 8, 9, 10, 11, 12, 13, 14 and 15 of Article X are suspended pending further study and determination by the Administrator.

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

Approval recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 17, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A public hearing on the Code of Fair Competition for the Wood Cased Lead Pencil Industry of the United States was conducted in Washington on the 6th of November, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Institute claims to represent 97 percent of the Industry.

The maximum hours established in the Code for the Wood Cased Lead Pencil Manufacturing Industry are 40 per week except firemen and employees in shipping and cartage service who shall be allowed a maximum of 46 hours per week. Kiln tenders, cleaners and watchmen may be employed in pairs and shall not work more than 36 and 48 hours on alternate weeks or an average of 42 hours per week. Persons employed in a managerial or executive capacity and supervisory staffs receiving \$35.00 per week or more, traveling salesmen and employees engaged in emergency repair work are excepted as to hours provided emergency repair crews receive time and one third for all hours worked per week in excess of forty. To provide for peak demand periods all employees except those stated above who are exceptions to the maximum hours may be employed a total of 46 hours per week averaged to forty during any thirteen week period and time and one third shall be paid for all hours worked in excess of forty per week. Each employee in the industry is guaranteed one day of rest in every seven unless specifically excepted by the Code Authority.

The Wood Cased Lead Pencil Manufacturing Industry operated on an average, according to the Bureau of Census figures, of 50 hours per week in 1929 and 45 hours per week in 1931. In 1929 this industry employed 4,476 individuals of whom 3,756 were wage earners. Wage earner employment declined 24.5 percent from 1929 to 1931. To bring the number of wage earners back to the 1929 level of employment or to 3,756 wage earners it would be necessary for the industry to adopt a 34 hour week, assuming that employment since 1931, the latest data available has been fairly constant. However, since 1931 the industry has reemployed a number of persons and, therefore, a 40 hour week seems the most advisable basis to use in establishing an approximation as to the number of additional wage earners who might be benefited through reemployment. On the basis of a 40 hour week 564 wage earners should benefit through reemployment.

The wages established by the Code for this industry are 36 cents per hour or \$14.40 per week of 40 hours except in the State of Tennessee, where no employee shall be paid less than at the rate of 30 cents per hour or \$12.00 per week of forty hours. The industry agrees to maintain the policy of not reducing the compensation for

employment which compensation was, prior to June 16, 1933, in excess of the minimum wage established in the code, notwithstanding that the hours of employment may be reduced; and unless since such date such adjustments have been made, all members of the industry agree to endeavor to increase the pay of all employees in excess of the minimum wage by an equitable adjustment of all pay schedules. Office boys and office girls, 18 years of age or less, may be engaged at not less than 80 percent of the minimum rates established, the number of such employees to be limited to 5 percent of the total office staff but in no case less than one such employee.

The average hourly rate for wage earners in this industry in 1929, based on a 50 hour week, was 42.7 cents, while in 1931, using a 45 hour week as the basis, the average was 40.2 cents per hour. On the basis of the 1931 hourly average, the average salary per wage earner amounted to \$18.12 per week. On the same hourly basis for a 40 hour week the average salary would amount to \$16.08 per week.

With regard to the marketing provisions in Article X of the Code careful consideration has been given these provisions by the Research and Planning Division and the Legal Division and in various conferences held with the industry these provisions were amended, modified and changed to eliminate undesirable features and in its present form it is felt to be equitable and necessary to this industry. These provisions will not work to the disadvantage of the consumer. On the contrary it is felt that they would work to their advantage inasmuch as quality would become more of a factor in competition than price.

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 will amend their constitu-

tion and by-laws to the satisfaction of the Administrator so that no inequitable restrictions on membership will be imposed 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 in the preparation of this Code. From the evidence adduced during the hearing and from recommendations and reports of the various Advisory Boards, it is believed that this Code in its present form as approved represents an effective, practical, equitable solution for this Industry and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 17, 1934.

# CODE OF FAIR COMPETITION FOR THE WOOD CASED LEAD PENCIL 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 Wood Cased Lead Pencil 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 "Wood Cased Lead Pencil Manufacturing Industry" shall include the production in continental United States of wood cased lead pencils, commencing with the assembly of wood slats and leads and the processing of these materials in combined form, resulting in the completed wood cased pencil, either with, or without, the tip and/or eraser. The term shall also include such related manufacturing branches or subdivisions of the industry as may, from time to time, be included under the provisions of this code by the President of the United States, after such notice and hearing as he may prescribe.

2. The term "Member of the Industry" or "Member" includes each of those engaged in the industry as defined above operating as an employer.

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 "Institute" shall mean the Lead Pencil Institute, Incorporated.

5. The term "Dealer" shall include each of those who is regularly engaged in the wholesaling and/or retailing of wood cased lead pencils (except blanks) in the ordinary course of business. This shall not include the sale of pencils for use as advertising.

6. The term "Distributor" shall include each of those purchasing pencils in blank form and re-selling in that form and/or imprinting or stamping such blank pencils and re-selling them for advertising purposes.

7. The term "Consumer" shall mean any purchaser of wood cased lead pencils who is not a dealer or distributor as defined above. Commissaries and other buying agencies operated by corporations or groups of corporations for the procurement of supplies for their own use, and boards of education, are included.

8. The term "Sales Agents" or "Agent" shall include each of those who or which shall serve the members of the industry in the distribution of wood cased lead pencils to dealers, in the same capacity as the members' sales departments. Such agents shall be ap-

pointed only in accordance with regulations adopted by the Code Authority and approved by the Administrator.

9. The term "Products" shall mean wood cased lead pencils with or without tips or erasers.

10. The terms "Act" and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.

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

### ARTICLE III

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of 40 hours in any one week, except as herein otherwise provided.

SECTION 2. *Exceptions as to Hours.*—Firemen and employees in shipping and cartage service, shall be allowed a maximum of 46 hours per week.

SECTION 3. Kiln tenders, cleaners and watchmen may be employed in pairs, and shall not work more than 36 and 48 hours in alternate weeks or an average of 42 hours per week.

SECTION 4. The provisions of this Article shall not apply to persons employed in a managerial or executive capacity, or supervisory staff who earn \$35.00 per week or more; traveling salesmen; or to employees engaged in emergency repair work; provided, however, that time and one third shall be paid emergency repair crews for all hours over 40 worked per week.

SECTION 5. To provide for peak periods labor other than as provided for in sections (2), (3) and (4), may be employed a maximum of 46 hours per week provided that during any 13 week period the total number of hours worked shall not exceed 520; and further provided that time and one third shall be paid for all hours worked in excess of 40 per week.

SECTION 6. *Employment by Several Employers.*—No employee shall work or be permitted to work, for a total number of hours in excess of the number of hours herein prescribed either if he be employed by one or more employers.

SECTION 7. *Standard Week.*—Unless specifically excepted by the Code Authority every employee shall be guaranteed one day of rest in every seven.

### ARTICLE IV—WAGES

SECTION 1. *Minimum Wages.*—No employee shall be paid in any pay period less than at the rate of 36 cents per hour or \$14.40 per week of 40 hours for males and 32½ cents per hour or \$13.00 per week of 40 hours, for females, except as otherwise herein provided.

SECTION 2. *Minimum Wage Rates by Locality.*—In the State of Tennessee no employees shall be paid in any pay period less than at the rate of 30 cents per hour or \$12.00 per week of 40 hours.

SECTION 3. Additional zoning classifications may be provided by the Code Authority subject to the approval of the Administrator.

SECTION 4. *Piece-Work Compensation.*—This article establishes a minimum rate of pay which is applied irrespective of whether an

employee is actually compensated on a time rate, piece-work performance or other basis, in which case employees shall be paid once a week.

SECTION 5. *Wages Above the Minimum.*—It is the policy of the members of this industry to refrain from reducing the compensation for employment which compensation was prior to June 16, 1933, in excess of the minimum wage herein set forth, notwithstanding that the hours of work in such employment may be reduced; and, unless since such date such adjustments have been made, all members of this industry shall endeavor to increase the pay of all employees in excess of the minimum wage, as herein set forth, by an equitable adjustment of all pay schedules proportionate to the increase in compensation as determined by the minimum wage herein provided.

SECTION 6. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 7. *Handicapped Persons.*—A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Provided that such employees have been in the service of their present employers for a period of not less than 15 years. Each employer shall file with the Code Authority a list of all such persons employed by him.

SECTION 8. *Wages Below the Minimum.*—Office boys and girls, eighteen years or younger, may be engaged at not less than eighty per cent of the minimum rate established in Sections 1 and 2 of this article—number to be limited to 5 per cent of total office staff, but in no case less than one such employee.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor.*—No person under sixteen years of age shall be employed in the industry. No person under eighteen years of age shall be employed at any operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within 60 days after the approval of this code a list of such hazardous 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.

SECTION 2. *Provisions from the Act.*—In compliance with Section 7(a) of the Act, it is provided:

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

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

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

SECTION 3. *Reclassification of employees.*—Employers shall not reclassify employees or duties of occupations performed or engage in any other subterfuge to defeat the purposes of the Act or of this Code.

SECTION 4. *Standards for safety and health.*—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. *State laws.*—No provision in this code shall supersede any State or Federal law which imposes more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions than are imposed by this code.

SECTION 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.

SECTION 7. *Home work.*—On and after the effective date of this code all home work shall be prohibited.

SECTION 8. No employee shall be required as a condition of employment:

- (a) To live in a house rented from an employer.
- (b) To trade at a store designated by an employer.
- (c) To accept as payment for wages anything other than cash or negotiable check, payable on demand.

## ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

### ORGANIZATION AND CONSTITUTION

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

SECTION 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.

SECTION 3.—Any trade or industrial association directly or indirectly participating in the activities of the Code Authority 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.

SECTION 4. No inequitable restrictions on admission to membership in the Lead Pencil Institute or any other trade association or organized group, participating in the activities of the Code Authority shall be imposed, and any member of the industry shall be eligible for membership in any such trade association or organized group upon compliance with the provisions of the by-laws 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 upon the payment of such proportionate part of the cost of code administration as the Code Authority, subject to the Administrator's approval, shall prescribe as fair and equitable.<sup>1</sup>

SECTION 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 any one for any act of any other member, officer, agent or employee of the Code Authority.

SECTION 6. *Powers and duties.*—The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator, and shall be subject to his right, on review, to disapprove any action taken by the Code Authority, inconsistent with the provisions of this code or of the Act.

(a) To administer the provisions of this code and the regulations of the Code Authority which are approved by the Administrator.

(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, monthly reports upon forms to be provided by it, under a code name to be known only to the member and the agency appointed by the Code Authority, complete and accurate statistics showing the members' production, new orders, unfilled orders, shipments and inventory of finished and processed stock of industry products, samples delivered free, and returned goods, net and gross prices received, upon a classification of products into commodity groups as adopted by the Code Authority. In addition the industry shall furnish such other information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information shall be submitted by members to such administrative and/or governmental agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any governmental agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To use the Lead Pencil Institute and such other agencies as it deems proper for the carrying out of any of its activities provided

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

for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

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

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other trades/industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

#### ARTICLE VII—TRADE PRACTICE RULES

1. After the effective date of the simplification-standardization schedule provided for in Article VIII, no member of the industry shall sell or deliver any wood cased lead pencils at lower prices than 25 per cent discount from list, to any dealer or distributor who sells foreign made lead pencils which do not conform to the standard specifications contained in such schedule and which were imported after the effective date thereof.<sup>2</sup>

2. No member of the industry shall represent or stamp any pencil or mark its box, sleeve, or container with any degree of lead hardness which does not correspond to the grading commonly applied to that lead by the pencil manufacturer; provided, however, that this regulation shall not apply to types in which degraded pencils are permitted by the standard specifications, in which a standard marking is particularly specified.

3. No member of the industry shall use espionage in any manner, form, or degree against any other member as to the processes, operations, methods, and other trade secrets of any other member.

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

5. The Code Authority shall submit recommendations for regulations concerning sampling. After the approval thereof by the Administrator, no wood-cased lead pencils shall be given away free

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

or sold at reduced prices as an inducement to the sale of other pencils or other commodities except as provided therein.

6. Whenever the sale of wood-cased lead pencils is combined by the manufacturers with the sale of other commodities, pencils shall not be given away free nor sold at reduced prices as an inducement to or reward for the sale of other commodities, or vice versa. Nor shall such special prices be quoted upon a combination offer as to represent a variation from the normal selling price of either or any commodity joined in such offer.

7. No member of the industry shall buy, trade in, exchange, or receive from any dealer, distributor, or consumer any pencils made by any competing member as an inducement to the sale or listing for sale of his own products or as a part of the understood terms of sale of such products.

8. No member of the industry shall discriminate in price between different purchasers of the same type, except on account of difference in quality and quantity.

9. No member of the industry shall give, allow, or pay any secret discount, rebate, refund, or credit, no matter in what form or at what time, as a means of effecting or concealing price discriminations or of extending special preferences or privileges to particular customers.

10. Whenever any prospective purchaser of wood-cased lead pencils shall invite competitive bids upon specifications which call for any recognized quality or standard of pencil, no member nor any member's agent, shall use any endeavor to sell to such purchaser, pencils of a quality or standard lower than that provided in the specifications as indicated by the class and type in the standardization schedule.

11. No member of the industry shall accept or fill, any contract or order for wood-cased lead pencils which is not specific as to the quality and price of pencils to be furnished thereunder, and/or which continues beyond twelve months after the date when the order is placed and/or which does not specify the quantity which the manufacturer is obligated to furnish and the purchaser is obligated to accept. "Requirements" contracts which are definite as to time but indefinite as to quantity or definite as to quantity but indefinite as to time, shall not be accepted.

12. No member of the industry shall make or authorize, permit, or tolerate any action, statement, or representation on the part of any of his employees which falsely discredits or defames a competing member, his reputation or credit, or his products.

13. No member of the industry shall imitate, simulate, or otherwise endeavor to appropriate to his own advantage, the brand, name or number of any member's competing pencil or pencils, his trademarks, the design, marking, color, or other distinguishing feature of his sleeve, band, box, package, or carton. The Code Authority shall establish an appropriate, impartial agency with which the above brands, names or numbers and other distinguishing features shall be registered and shall establish appropriate rules and regulations by which this impartial agency shall administer this paragraph and arbitrate any disputes arising thereunder.

14. No member of the industry shall knowingly, under any pretext whatever, issue or allow to be issued any invoice or other document relating to the sale of wood-cased lead pencils and purporting to state the terms of such sale, which does not accurately and completely exhibit the exact terms of such sale as they are understood in their finality, by the parties thereto.

15. No member of the industry shall imitate, simulate, or copy any new, distinctive, or unique type of pencil which any member may produce, for a period of twelve (12) calendar months after such pencil is put on sale. Provided, however, that this regulation shall be ineffective unless and until the producer of such novelty notifies the Code Authority of the introduction of such novelty. The Code Authority shall promptly notify each member of the introduction of such novelty, send each member a sample thereof, and call attention to this regulation. The Code Authority shall establish an appropriate impartial agency with which said new, distinctive or unique types of pencils shall be registered and shall establish appropriate rules and regulations by which this impartial agency shall administer this paragraph and arbitrate any disputes arising thereunder.

16. No member of the industry shall sell or offer to sell any wood cased lead pencils to any export house except upon conditions guaranteeing that the order is for bona fide consumption in the market for which the goods are ordered.

17. No product of this industry shall be accepted for return by any member of this industry, except such return is due to the fault of a member by reason of defects in production or packing or errors in shipment unless such member's approval has been obtained in advance of such return, and then only in exchange for other merchandise unless credit conditions justify a credit memorandum to cover. When the return of merchandise by customers for exchange is approved by the member, if the return is for other reasons than the fault of the member by reason of defects in production or packing or errors in shipment, a reconditioning charge of not less than ten (10%) per cent of the original net value of the returned goods shall be made, and charge shall also be made for transportation both ways.

18. No member of the industry shall pay or make any allowance, directly or indirectly, for space in catalogs, house organs, or any other form of publicity issued by a customer or prospective customer; provided, that electros for one-color printing may be furnished free by any member to any of his or its customers for the purpose of representing the member's product in the customer's catalog or other publicity material.

19. No member of the industry shall furnish printed pages or insert sheets, whether in color or in black and white, for customers' catalogs for distribution to their trade. Pages for insertion in the catalogs of customers' salesmen, printed in black and white only, may be furnished without charge.

20. No member of the industry shall participate in or make any contribution, either in money or goods, to any cooperative newspaper advertising promoted or carried on by his or its customers. Each

member shall conduct his or its advertising independent of any participation with or by his or its distributors.

21. No member of the industry shall make any contribution, concession, discount, rebate, or consideration of any nature, for erecting and/or maintaining or painting any outdoor advertising device or sign used or to be used by a customer. Advertising material may be furnished free for window and indoor display but no merchandise shall be given free or sold at reduced prices or loaned for display or advertising purposes.

22. No member of the industry shall furnish any sample display equipment except the standard sample cards, flaps, or folders. No mounted sample boards of any kind shall be furnished customers for display in their sample rooms under any pretext whatever.

23. No permanent, refillable display cases for wood-cased lead pencils shall be furnished to any customer for less than one (\$1.00) dollar net for each gross of full capacity.

24. No prizes in money or goods shall be offered or given to trade conventions, trade outings, or outings or celebrations of customers, by members or their officials, representatives or salesmen. This provision on prizes shall not be construed to prohibit free and general distribution of articles other than pencils commonly used for advertising unless such articles are actually used as prizes.

25. The use of color in printing member's or member's sales agent's catalogs shall be restricted to the cover and back pages of such catalogs. The inside pages shall be uniform in ink and paper throughout.

26. No member and no member's representative shall make any exhibition or display of his or its products at any trade convention or meeting of wholesale and/or retail dealers. Exhibits or displays may be made at special conventions or exhibitions, educational or otherwise, for the purposes of consumer information.

#### ARTICLE VIII—STANDARDS

1. The Code Authority with the approval of the Administrator, shall have power to adopt a schedule for the simplification of the variety of industry products and for the standardization of specifications for the prescribed classes and types of industry products and their packaging, including the designation of types which may be sold as blanks and imprints or for advertising purposes. Such schedule when approved by the Bureau of Standards of the Department of Commerce, and the Administrator, shall be distributed to all members of the industry whose addresses are known, with an effective date fixed by the Code Authority. After such effective date, all members of the industry shall conform to the provisions of such schedule.

#### ARTICLE IX—CLASSIFICATION OF MEMBERS

1. Class A members are those members of the industry each of whom has fifteen (15%) per cent or more of the total sales volume of the industry.

2. Class B members are those members each of whom has more than five (5%) per cent and less than fifteen (15%) per cent of the total sales volume of the industry.

3. Class C members are those members each of whom has less than five (5%) per cent of the total sales volume of this industry.

#### ARTICLE X—MARKETING TERMS

The approval of the following marketing terms is conditioned upon the continued availability of wood cased lead pencils to the public at the long established customary prices, viz.: one cent each, three for five cents; two for five cents; five cents each; three for ten cents and ten cents each in reasonably relative qualities at these various prices. The members of the industry severally and collectively voluntarily invite the Administrator to and agree that he may examine any or all of their books or records at any reasonable time to determine whether these marketing terms are being administered to effectuate the National Industrial Recovery Act. If the Administrator shall find after reasonable notice and hearing, that these marketing terms are not being so administered the members of the industry shall make such changes in sales policies and prices as may be necessary in default of which the approval of the following marketing terms may be rescinded.

1. The member's list prices shall be the prices at which the member shall sell one gross of his or its products to the consumer. These list prices shall be subject to the deduction of the standard quantity discounts and credit terms.

2. The member's list prices shall include free delivery on shipments of any quantity to New York City and shall include free delivery throughout the balance of the domestic market only when the weight of shipment is one hundred (100) pounds or more. Any transportation charge in excess of the minimum freight rate on such shipments shall be paid by the buyer, as shall all charges for delivery on shipments weighing less than one hundred (100) pounds, except shipments to New York City. Freight charges shall not be prepaid by members, and when allowable as hereinbefore provided, shall be deducted by customers upon remittance for merchandise.

3. Each member shall, within ten days after the effective date of this code, file with the Code Authority a gross price list prepared by him in conformance with the requirements in the code and of Article X, showing his current prices and the standard discounts and terms of payment. Subject to the provisions of paragraph 4, these price lists shall be effective immediately upon filing.

4. No member shall sell or quote in his or its price list or otherwise, any product of the industry at a price, which less the applicable standard discounts, shall be less than the fair minimum price thereof as ascertained by the Code Authority with the approval of the Administrator. Nothing in this provision or in any other provision of this code shall be construed so as to permit the determination of minimum prices for any pencils retailing at the rate of more than five cents each. The Code Authority shall reject any price list which does not conform to the provisions of this paragraph, and so notify the member filing it. Until it is corrected, such price list shall be ineffective and any sales made by such member which do not conform to an effective price list on file with the Code Authority, shall be deemed an unfair method of competition.

5. Revised price lists, with or without discount sheets, may be filed from time to time thereafter with the Code Authority by any member, to become effective subject to the provisions of paragraph 4, immediately upon filing. These price lists shall be available at reasonable hours to parties in interest. Revised price lists shall be subject to the same conditions as to minimum prices which are provided above for original price lists.

6. No member shall sell any product of the industry at prices lower or discounts greater, or on more favorable terms of payment than those on file at the office of the Code Authority as above provided. Provided that obsolete numbers, imperfect and damaged goods may be sold upon such terms and conditions as the Code Authority may specifically approve.

7. The uniform standard terms of credit shall be sixty (60) days net or two (2%) per cent for cash in ten (10) days, or two (2%) per cent, ten (10) days E.O.M. The spring dating practice on fall shipments is hereby abolished. The terms for fall dating on spring shipments shall be as follows: Orders may be taken from dealers (not consumers), including syndicates and chain stores (for warehouse shipments only), for shipment during April, May, June, and July upon invoices due and payable September 1st, subject to the standard two (2%) per cent, ten (10) days cash discount. Payments made after September 10th are past due. Provided, however, that this advance dating privilege shall not be allowed by any Class A member on orders for single shipments of less than \$100.00 net value; or by any Class B member on similar orders for less than \$75.00 net value; nor by any Class C member on similar orders for less than \$50.00 net value. Subsequent orders placed after April 1st for shipment before August 1st may be given the dating privilege provided the order amounts to the minimum quantities as above stated.

8. The maximum quantity discount which may be allowed by the member to the consumer on standard lines, and special imprints, not for advertising, shall be as follows: 1 to 4 gross, one kind or assorted, no discount; 5 to 9 gross, one kind or assorted, 10 per cent off list; 10 to 24 gross, one kind or assorted, 15 per cent off list; 25 to 49 gross, one kind or assorted, 20 per cent off list; 50 to 99 gross, one kind or assorted, 25 per cent off list; 100 to 499 gross, one kind or assorted, 30 per cent off list; 500 gross and over, one kind or assorted, 33 $\frac{1}{3}$  per cent off list.

(a) The quantity ordered for one shipment shall govern the application of the above schedule. When quotation is made on a stated minimum quantity, an order shall not be accepted for a smaller shipment except at the lower discount specified for such smaller quantity.

9. The minimum terms at which the member shall sell pencils specially imprinted for advertising purposes shall be as follows: 1,000 pencils (or 7 gross), nickel tip, list plus 60 per cent per gross; 1,000 pencils (or 7 gross), all others, list plus 40 per cent per gross.

These are hereinafter referred to as the "base":

Less than 1,000, base per gross plus 10 per cent

2,500 pencils, base less 5 per cent

5,000 pencils, base less 8 per cent

- 10,000 pencils, base less 20 per cent
- 25,000 pencils, base less 25 per cent
- 50,000 pencils, base less 33 $\frac{1}{3}$  per cent
- 100,000 pencils or more, base less 40 per cent

10. The member's lowest selling prices to dealers for standard lines and special imprints, not for advertising, shall be the effective list price filed as herein provided, less a maximum trade discount of 40 per cent off list and subject to the standard credit and cash discount terms, except in case of Class I, Type I, in which case the discount shall be 33 $\frac{1}{3}$  per cent off list. This standard trade discount is further subject to the provisions of paragraph 14 of Article X; provided, however, that commencing January 1, 1935, when a dealer's purchases of industry products during the previous calendar year from a Class A member are less than \$200.00 net or from a Class B member are less than \$150.00 net or from a Class C member are less than \$100.00 net, the member shall sell to the dealer at no more than the following quantity discounts: 1 to 4 gross, assorted, 20 per cent off list; 5 gross and over, assorted, 25 per cent off list. Nothing contained in this provision shall operate as a limitation upon the opening of any new account with the allowance of normal discounts if said new accounts are opened in accordance with the provisions of paragraph 16 of this article.

11. The Code Authority, with the approval of the Administrator, may establish an additional scale of cumulative discounts based on the dealer's or distributor's entire annual purchase of industry products from all members of the industry combined, the payment of which by the members shall not constitute a violation of the minimum price provisions of Article X. Each member may pay this additional discount at the rate ascertained by the Code Authority, upon the amount of his individual sales to the particular dealer or distributor.

12. Blank pencils for imprinters of advertising pencils shall not be sold to the general trade but directly only to recognized distributors of advertising pencils, whose names shall be filed with the Code Authority. With reference to the sale of blank pencils for imprinting for advertising purposes, it shall be the duty of the Code Authority with the approval of the Administrator, to establish an orderly system and method of distribution and sale of blank pencils, directed to the prevention of unfair competition in the advertising pencil business or between blank pencils and the standard commercial products of the industry.

To all recognized distributors of advertising pencils, the maximum discounts on blank pencils for shipment at one time, shall be as follows:

- 1 to 6 gross, no discount
- 7 to 49 gross, 10 per cent off list
- 50 to 99 gross, 20 per cent off list
- 100 to 499 gross, 25 per cent off list
- 500 to 999 gross, 33 $\frac{1}{3}$  per cent off list
- 1000 gross and over, 40 per cent off list.

13. The Code Authority, with the approval of the Administrator, shall prescribe such rules and regulations as it shall deem proper by



which the question as to whether any purchaser or prospective purchaser is a sales agent, dealer, distributor, or consumer, shall be determined and shall arbitrate all such disputed questions. The Code Authority shall notify each member of the industry of such rules, regulations, and decisions in this regard. Any such decision may be referred to the Administrator upon petition, and his decision shall be final.

14. No member of the industry shall sell and deliver or contract to sell and deliver, to any dealer, distributor or agent, any industry product including imprints, which retail at the rate of 5 cents or less each, at a greater discount than 25 per cent off list unless and until such member shall secure from such dealer, distributor or agent, an agreement substantially in the form previously approved by the Code Authority and by the Administrator, obligating the dealer, distributor or agent—

(a) that he or it will not without the consent of the Code Authority, sell such product including imprints, to any consumer at a price which at the time of the sale thereof shall be less than the price at which the member might then sell such product including imprints, to the consumer:

(b) that the dealer, distributor or agent will not sell such product including imprints, to any other dealer, distributor or agent for resale to consumers, except upon a like agreement between the dealer and/or distributors and/or agents, and

(c) that the failure of compliance with such agreement by the dealer, distributor or agent, shall operate as a modification of the said agreement by which the applicable discount rate shall be reduced to 25 per cent off list.

Any dealer, distributor or agent which executes, delivers and complies with the provisions of such agreement, shall be quoted or sold by the member at a discount of 40 percent off list.

The failure by the member to comply with the provisions of this paragraph shall be a violation of the code.

15. In all sales of trade-marked or branded products to dealers for resale, members and dealers may, by contract, require purchasers to resell such products at the manufacturer's effective prices and discounts and may further require that if such products are thereafter sold by such purchaser for resale, the original purchaser shall incorporate a similar provision in the contract with the purchaser for resale.<sup>3</sup>

16. Class A members shall not open any new account with a dealer who or which has not bought since January 1, 1931, from the member, upon less than a minimum quantity for shipment at one time, of \$100.00 net worth of wood-cased lead pencils; Class B members shall not open a new account with any such dealer upon less than a minimum order for shipment at one time, of \$75.00 net worth of wood-cased lead pencils; Class C members shall not open a new account with any such dealer upon less than a minimum order for shipment at one time, of \$50.00 net worth of wood-cased lead pencils.

17. No member shall evade the minimum price provisions of this

<sup>3</sup> See paragraph 2 of Order approving this Code.

code by submitting a bid on fractions of a gross at a price which is not extended to the exact common fraction of a cent in event that the division does not figure out to an even cent.

18. No manufacturer shall ship to any direct factory accounts on an order for less than \$15.00 net worth of pencils, at the maximum discount off list price. Orders for smaller quantities shall be billed at twenty-five (25%) percent off list.

19. Except as provided in paragraph 6 of Article X, no member shall sell any imprints, jobs, seconds, blanks, pencils for premiums, advertising pencils, or pencils purchased by manufacturers of other products to be used in connection therewith, in the domestic market which includes Hawaii and Puerto Rico, at any lower prices or on any other terms or conditions than those which are applicable to the standard commercial numbers of the equivalent class and type.

20. After the adoption of the standardization schedule in accordance with this code, no pencil types shall be sold to distributors in blank form or as consumer or advertising imprints which are not provided for therein. No pencils shall be so imprinted unless the standard specifications so provide.

21. The prices to dealers for dealer imprints shall not be less than the prices for the equivalent types of standard brand pencils to dealers.

22. No member shall sell special imprints not for advertising, nor member's standard brands back stamped, on orders for single shipments and billing of less than 1,000 gross of Type 1, Class 1, or 100 gross of Type 3, Class 1, or 25 gross of any other type of Class I, Class IV or Class V, or 50 gross of any type in any other class, nor less than 15 gross of lead degrees 2, F, or 3, nor less than 5 gross of lead degrees 1 and 4.

23. Nothing contained in Article X shall apply to export trade to the Philippine Islands or any foreign country or its possessions.

#### 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, and this Code is further subject to right of the Administrator to review and veto any action of the Code Authority he deems inconsistent with the Act or the Code.

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 through the Code Authority 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 tenth day after its approval by the President.

Approved Code No. 291.

Registry No. 1647-01.





Approved Code No. 292

**CODE OF FAIR COMPETITION**  
FOR THE  
**CHILLED CAR WHEEL INDUSTRY**

As Approved on February 17, 1934

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**ORDER**

APPROVING CODE OF FAIR COMPETITION FOR THE CHILLED CAR  
WHEEL 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 Chilled Car Wheel Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved subject to the following condition: that the continued participation of the Association of Manufacturers of Chilled Car Wheels in the Code Authority, after thirty days from the effective date of this Code, shall be contingent upon its amending its constitution and by-laws to the satisfaction of the Administrator.

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

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 17, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Chilled Car Wheel Industry, as revised after the Public Hearing conducted thereon in Washington, D.C., on December 20, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

The Code provides for a normal maximum 40-hour week and 8-hour day except as hereinafter provided.

Employees may work 48 hours per week for any 6 weeks in any 26 weeks' period, but overtime shall be paid at the rate of time and one-half for all hours in excess of 8 a day or 40 a week.

Traveling salesmen, traveling inspectors, and persons employed in an executive, managerial, or supervisory capacity or in experimental work, who earn at least \$35 a week, are exempt from the hour provisions.

Watchmen may be employed 56 hours in any one week.

Power plant employees may be employed forty-five (45) hours in any one week, nine (9) hours in any one day.

In the case of infrequent delays in foundry operations which are caused by power failures, breakdowns, or furnace run-outs, in order to protect life and property maximum hours may be extended for the time necessary to take care of the products in process for that day. (The Industry has stated that this is very seldom necessary and when it does occur, the time required is almost never in excess of one hour.)

Provision is made for one day of rest in seven and the standard clause regarding employment by several employers is incorporated in the Code.

The standard minimum wage rate is 40 cents per hour with a differential which allows a minimum of 32 cents in the following Southern States: North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Virginia, Tennessee, and Texas.

Clerical and office employees shall not be paid less than \$15 per week, provided office boys and girls may be paid not less than 80% of this wage and shall constitute not more than 3% of the total number of employees.

Employers shall make equitable adjustments for all employees receiving more than the minimum and the Code Authority will report all such adjustments to the Administrator.

The minimum rate shall apply to all employees regardless of whatever basis upon which they may be compensated. Evasion of the provisions of the Code through reemployment is prohibited.

No person under 16 years of age shall be employed, nor shall any one under eighteen be allowed to work at hazardous occupations.

## GENERAL STATEMENT

This Industry is comprised of 23 concerns operating 47 foundries. It is a capital goods industry and is engaged in the manufacture of chilled iron wheels for locomotives, freight and railroad cars and street railway cars. Being dependent on the railroads for over 90% of its business, it naturally has been severely affected by the depression. Production in 1929 consisted of 2,926,000 wheels, which represented even at that time only 49.6% of capacity. Production in 1933 is estimated at only 1,100,000 wheels, a reduction of 63% from the 1929 volume.

In 1929 the Industry employed 4,439 persons; this number was decreased 30.5% in 1933 to 3,078. Average weekly payrolls for shop workers, however, are estimated to have been \$109,763 in 1929, but only \$25,727 in 1933, a decrease of 76.7%. This is more clearly illustrated by the fact that in comparing the above two years, it has been shown that the average hours per week per man for shop workers in 1929 were 57 as to 24 in July, 1933, and the average weekly earnings for shop workers in July, 1933, decreased 65% from 1929.

The adoption of the President's Reemployment Agreement has restored wage rates to the 1929 level, but has not increased the number of employees as the effect was to increase only the number of working days per week. Reemployment in the Industry can only be accomplished by a substantial increase in the demand for chilled car wheels. The immediate prospect of the advancement of Public Works Administration funds will favorably affect this Industry and should result in increased employment. Also, the market for chilled car wheels is becoming more and more potential in Russia. If the 1929 rate of production is attained, this Code will directly increase employment about 28% over the 1929 number of employees.

The minimum rates contained in the Code will increase wage rates 20% over July, 1933, and 2% over July, 1929.

There is no provision for female employees. The reason for this is that there are no females employed in plant operations.

## 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 continued participation of the Association of Manufacturers of Chilled Car Wheels in the Code Authority, after thirty days from the effective date of this Code, shall be contingent upon its amending its constitution and by-laws to the satisfaction of the Administrator.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 17, 1934.



# CODE OF FAIR COMPETITION FOR THE CHILLED CAR WHEEL 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 Chilled Car Wheel Industry, and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "*Industry*" as used herein means and includes the manufacture and sale of chilled car wheels for Railroad and Street Railway service or either of them 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.

The term "member of the Industry" means and includes any individual, partnership, association, corporation, or other form of enterprise engaged in the Industry, either on his or its own behalf.

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

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

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

SECTION 1. *Maximum hours*.—No employee shall be permitted to work in excess of forty (40) hours in any one week except as hereinafter provided. A normal working day shall be eight (8) hours.

SECTION 2. *Exceptions as to Hours*.—

(a) The maximum hours fixed in Section 1 above shall not apply for six (6) weeks in any twenty-six (26) weeks' period beginning January first and July first of each year, 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) day period.

(b) The provisions of this Article shall not apply to traveling salesmen, traveling inspectors, or to persons employed in an executive, a managerial, or supervisory capacity or in experimental work, who earn not less than at the rate of thirty-five dollars (\$35.00) per week.

(c) Watchmen shall not be employed in excess of fifty-six (56) hours in any one week.

(d) Power plant employees shall not be employed in excess of forty-five (45) hours in any one week, or nine (9) hours in any one day.

(e) Infrequent delays in foundry operations are caused by power failures, breakdowns or furnace run-outs and in order to protect life and property, the molten metal must be taken care of, and in such cases the maximum hours may be extended but not to exceed the time necessary to take care of the product in process for that day.

(f) All employees shall have one day of rest in seven (7).

SECTION 3. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer, or employers, exceeds the maximum permitted herein.

#### ARTICLE IV—WAGES

SECTION 1. *Minimum Wage.*—No employee shall be paid less than forty (40) cents per hour, except as herein otherwise provided.

(a) No employee shall be paid less than 32 cents per hour in the following states: North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Virginia, Tennessee, and Texas.

(b) No person employed in clerical or office work (not including office boys and girls) shall be paid less than at the rate of \$15.00 per week, provided that office boys and girls shall be paid not less than 80% of such minimum wage, and shall not number more than 3% of the total number of employees of any employer.

SECTION 2. *Minimum Wage Rates by Occupation.*—Within sixty (60) days from the effective date, each employer shall make or shall have made since June 16, 1933, such adjustment of rates of pay of employees receiving more than the minimum rates of pay provided in this Article as will maintain an equitable differential in rate schedules of such occupations and within ninety (90) days after the effective date thereof, the Code Authority shall report to the Administrator the action taken by all members of the Industry since the effective date in making such adjustment.

SECTION 3. *Piecework Compensation—Minimum Wages.*—This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time-rate, piece-work, or other basis.

SECTION 4. *Evasion Through Reemployment.*—No employee now employed at a rate in excess of the minimum shall be discharged and re-employed at a lower rate for the purpose of evading the provisions of this Code.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Provision.*—No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed in production operations including the manufacture and handling of the product. 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.

SECTION 2. *Provisions from the Act.*—In compliance with Section 7 (a) of the Act, it is provided:

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

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

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

SECTION 3. *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge for the purpose of defeating the provisions of the Act or of the Code.

SECTION 4. *State Laws.*—No provisions in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages and hours of work than are imposed by this Code.

SECTION 5. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to all employees.

#### ARTICLE VI—ORGANIZATION OF THE INDUSTRY

SECTION 1. *Meetings of Members of the Industry.*—Meetings of members of the Industry may be called and held at any time upon ten days' notice given by the Chairman of the Code Authority to the members of the Industry, which notice shall state the time and place of such meeting.

SECTION 2. *Members of the Industry Entitled to Vote.*—Each member of the Industry who has assented to the provisions of this Code and has agreed to pay his pro rata proportion of expenses of the administration of the Code shall be termed "qualified member of the Industry" and only such member shall be entitled to participate in the selection of the members of the Code Authority.

#### ARTICLE VII—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. *Organization.*—There shall forthwith be constituted a Code Authority consisting of five (5) members of the Industry to be selected as hereinafter provided. In addition thereto there may be from 1 to 3 members without vote, to be appointed by the Administrator, whose terms of office shall be so arranged that they do not expire at the same time and who shall be given notice of all meetings of the Code Authority.

The members of the Code Authority shall be selected as follows:

Four of the members shall be elected at a meeting of the members of the Industry called for that purpose. The fifth member shall be the President of the Association of Manufacturers of Chilled Car Wheels.

Each member of the Industry who is qualified to vote as hereinbefore provided shall have the right to vote in person or by his duly authorized proxy for the Industry members of the Code Authority.

Election shall be by signed ballot and each qualified member of the Industry, so present or represented, shall be entitled to one vote for each member to be elected. An Industry member of the Code Authority shall be declared elected when he shall have received a majority vote, provided that such majority vote shall be votes of members of the Industry who collectively shall have shipped at least  $\frac{1}{3}$  of the number of Chilled Car Wheels for Railroad and Street Railway Service during the preceding calendar year.

Each Industry member of the Code Authority shall be elected for a period of one year from the second Tuesday in October of each year and shall serve until his successor is elected and qualified. The four (4) members of the Code Committee elected at a meeting of the members of the Industry on August 15, 1933 and the President of the Association of Manufacturers of Chilled Car Wheels at that date shall constitute the five (5) members of the Code Authority until their successors are elected.

Any vacancy in the Code Authority shall be filled by majority vote of the members of the Code Authority at a meeting regularly called, and the member so chosen to fill such vacancy shall hold office until the next meeting of the members of the Industry.

Meetings of the Code Authority shall be held at such time and place as may be designated by the Chairman upon five (5) days' written notice.

The Secretary of the Code Authority shall keep all records under the Code, and, except as such Code Authority shall otherwise provide, shall collect, file and collate all statistics and other information required by the Code Authority for the proper administration of the Code.<sup>1</sup>

SEC. 2. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose.

#### ARTICLE VIII—ADMINISTRATION OF CODE

SECTION 1. The Code Authority shall have all the powers and duties conferred upon it as shall be necessary or proper to enable it fully to administer the Code and to effectuate its purpose, subject to compliance rules and regulations established by the Administrator, and may

(a) For the purpose of keeping the President informed as to the observance or non-observance of this Code, and as to whether the Industry is taking appropriate steps to effectuate in all respects the declared policy of the National Industrial Recovery Act, require from any member of the Industry, in the event of complaint, duly certified reports in such form as may hereafter be required by the Government or any branch or bureau thereof, provided, however, that nothing contained in this Code shall relieve members of the Industry from furnishing statistics and data required by other Government agencies.

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

(b) Require such reports through its Secretary from members of the Industry pertaining to the provisions of the Code as in its judgment may be necessary to advise it adequately for the administration and enforcement of the provisions of this Code.

(c) Upon complaint of interested parties or upon its own initiative, make such inquiry and investigation into the operation of this Code as may be necessary and promptly report to the Administrator the nature of such inquiries and results of the investigations.

(d) Make rules and regulations necessary for the administration and enforcement of the Code.

(e) All information furnished to the Secretary of the Code Authority by any member of the Industry, pursuant to the administration of this Code shall be deemed confidential and shall not be disclosed to any member of the Industry in other than composite form, unless disclosure in detail shall be deemed to be necessary in the administration of this Code.

SECTION 2. The expense of administering the Code shall be assessed and collected by the Code Authority. The assessments for such expenses shall be made pro rata upon the members of the Industry assenting to this Code in proportion to the number of chilled car wheels for railroad and street railway service shipped by them during the preceding calendar year, and each such member shall be liable for his pro rata proportion of such assessments.

SECTION 3. *Review of Acts of Code Authorities.*—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 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—UNFAIR PRACTICE

Violation of any of the provisions of this Code, or amendments thereto or of any rules and regulations established thereunder is an unfair practice and shall be subject to the penalties provided in the National Industrial Recovery Act. The Code Authority shall recommend to the Administrator any fair trade practices it may deem necessary to govern members of the Industry in their relations with each other or other industries.

#### ARTICLE XI—AMENDMENTS

The Code may be amended at any time in the manner hereinafter provided. All amendments shall be proposed by members of the Industry or the Code Authority to the members of the Industry, and each amendment so proposed shall be submitted for approval to a meeting of the members of the Industry, especially called for that

purpose upon ten (10) days' notice; and a majority vote of the qualified members of the Industry present at the meeting in favor of the amendment shall be final provided the votes cast in favor of the amendment represent the vote of the members of the Industry who shipped at least one-third of the number of chilled car wheels for railroad and street railway service during the preceding calendar year; such amendment when approved shall be submitted by the Code Authority to the Administrator for his approval, and if approved by the Administrator shall become effective ten (10) days thereafter.

#### ARTICLE XII—CANCELLATION OR MODIFICATION

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 Title I of said Act.

#### ARTICLE XIII—DURATION

This Code shall terminate 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 Title I of the National Industrial Recovery Act has ended.

#### ARTICLE XIV—EFFECTIVE DATE

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

Approved Code No. 292.  
Registry No. 1414-01.



Approved Code No. 293

**CODE OF FAIR COMPETITION**

FOR THE

**GUMMING INDUSTRY**

As Approved on February 17, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE GUMMING 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 Gumming 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 17, 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 Gunning Industry, conducted in Washington on October 17, 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 non-productive 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 800 persons and in May, 1933 about 814 persons. The average hours worked per week by factory employees increased from 44 in the first half of 1933 to 53 in the week of July 9-15, 1933. The effect of the Code will be to employ approximately 250 additional workers.

Because of the percentage of workers receiving less than the proposed minimum wages the increase in the total payrolls of the industry, as a result of the Code, will be about 6%.

### 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 17, 1934.

## CODE OF FAIR COMPETITION FOR THE GUMMING 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 gummed paper tapes and stay papers and gummed cloth tapes, both plain and printed; gummed flat papers and such special gummed paper and gummed cloth products as are natural affiliates.

“Member”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, receiver, or other form of enterprise, 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 Gummed Industries 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 have no vote and shall serve without compensation from the Industry.

SECTION 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.

SECTION 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.

SECTION 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 (30) days notice to him of intention to proceed with such action in its original or modified form.

SECTION 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.

SECTION 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.

SECTION 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 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, 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 hydro-electric 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 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 maximum 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 but not to exceed three hundred twenty (320) hours in any period of eight (8) consecutive weeks.

SECTION 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.

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 in this Industry, exceeds the maximum permitted herein.

#### 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 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.

SECTION 2. The minimum rate of wage 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.

SECTION 3. 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 4. Female employees performing substantially the same work as male employees, shall receive the same rate of pay as male employees. The Code Authority shall, within ninety (90) days after the effective date of this Code, file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

SECTION 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.

SECTION 6. Office boys and girls under eighteen (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.

SECTION 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

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 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 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 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.

SECTION 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.

SECTION 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.

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

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

SECTION 7. 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.

SECTION 8. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

#### 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. Any such method shall provide means for determining the price at which paper shall be charged to the converting division of a combined paper manufacturing and converting plant. When such method shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

SECTION 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 thirty (30) days prior to the date so fixed.

SECTION 3. At least ten (10) days prior to such date, every such member shall file with the Code Authority a schedule of prices and terms of sale for all such products or, in the alternative, shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the schedule at any time on file which states the lowest price and the most favorable terms.

SECTION 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.

SECTION 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 (5) 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 non-members at the same time that they are sent to members.<sup>1</sup>

SECTION 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.

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

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

by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe with the approval of the Administrator.

SECTION 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.

SECTION 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 on such terms and conditions as the Code Authority and the Administrator may approve.

SECTION 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.

SECTION 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 correct publication of Industry statistics to members.

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

SECTION 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. Nothing contained in this Code shall relieve any member of any existing obligations to furnish reports to any Government Agency.



## 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 Practices 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.

SECTION 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.

SECTION 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 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

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.

SECTION 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.

SECTION 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.

SECTION 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 this Code or any conditions imposed by him upon his approval thereof.

SECTION 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. 293.  
Registry No. 404-08.



Approved Code No. 294

CODE OF FAIR COMPETITION  
FOR THE  
GUMMED LABEL AND EMBOSSED SEAL  
INDUSTRY

As Approved on February 17, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE GUMMED LABEL AND  
EMBOSSED SEAL 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 Gummed Label and Embossed Seal 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 17, 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 Gummed Label and Embossed Seal Industry, conducted in Washington on October 18, 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 non-productive 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 approximately 1,300 persons. Although the number of plants increased by 15 between 1928 and 1932 the number of workers in July 1933 had decreased to a probable 1,200 who worked an average of 47 hours per week as of the week ending July 15. The effect of the Code will be to employ about 100 additional persons.

From figures submitted by 18 plants in the Industry approximately 32% of the male workers and 35% of the female workers received less than the proposed wages during the week ending July 15, 1933. The total increase in the payrolls of the Industry as a result of the Code will be slightly more than 10%.

### 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 17, 1934.

## CODE OF FAIR COMPETITION FOR THE GUMMED LABEL AND EMBOSSED SEAL 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 and processing of gummed labels and embossed seals.

“Member”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, receiver, or other form of enterprise, 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 Gummed Label and Embossed Seal 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 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 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 the 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, 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 hydro-electric 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, 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 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 sub-division (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 ninety (90) days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

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

#### 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. 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.

8. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited, provided however that members of the Industry who are now employing home workers shall have until May 1, 1934, to adjust their operations.

#### 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 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 thirty (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, 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 non-members at the same time that they are sent to members.<sup>1</sup>

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

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

goods or seconds, in such manner, at such price and on 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 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. Nothing contained in this Code shall relieve any member of any existing obligations to furnish reports to any Government Agency.

#### 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 Practices 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, 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 willfully 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 circumstance 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 this 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. 294.

Registry No. 404-09.



Approved Code No. 295

**CODE OF FAIR COMPETITION**  
FOR THE  
**WATERPROOF PAPER INDUSTRY**

As Approved on February 17, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE WATERPROOF  
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 Waterproof 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 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, in so far 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 17, 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 Waterproof Paper Industry, conducted in Washington on October 20, 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 non-productive 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 approximately 650 persons and in July, 1933 approximately 450 persons, in a total of 28 plants, who worked an average of 46 hours per week. The effect of the Code will be to employ about 100 additional persons.

Because of the percentage of male and female workers receiving less than the wage rates of 40¢ and 35¢ per hour the total increase in payrolls as a result of the Code will be about 17%.

### 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 17, 1934.

## CODE OF FAIR COMPETITION FOR THE WATERPROOF 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 the following waterproof paper products:

(a) Paper and paper board combined, saturated or coated with bituminous material.

(b) Combinations of paper or paperboard with cotton or burlap, or other methods of reinforcement, combined, saturated or coated with bituminous material.

(c) Crinkled or creped papers, either waterproofed or unwaterproofed, except creped tissue, paper towels, and paper creped on a paper machine. But not to include roll roofing and not to include any creped papers or textile reinforced papers sold by the manufacturer of such materials in the form of fabricated baglike articles such as covers, liners or bags, as distinguished from sheets or rolls.

*"Member."*—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, receiver, or other form of enterprise, 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 Waterproof 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 have no vote and shall serve without compensation from the Industry.

SECTION 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.

SECTION 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.

SECTION 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 (30) days notice to him of intention to proceed with such action in its original or modified form.

SECTION 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.

SECTION 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.

SECTION 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) *Watchman*.—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 hydro-electric 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 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, 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.

SECTION 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.

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 in this Industry, exceeds the maximum permitted herein.

#### 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, 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

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

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.

SECTION 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

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.

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. 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.

SECTION 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.

SECTION 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.

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

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

SECTION 7. 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.

SECTION 8. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

#### 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. Any such method shall provide means for determining the price at which paper shall be charged to the converting division of a combined paper manufacturing and converting plant. When such method shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 non-members at the same time that they are sent to members.<sup>1</sup>

SECTION 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.

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

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.

SECTION 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.

SECTION 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 on such terms and conditions as the Code Authority and the Administrator may approve.

SECTION 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.

SECTION 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.

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

SECTION 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. Nothing contained in this Code shall relieve any member of any existing obligation to furnish reports to any Government Agency.

#### 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.

SECTION 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.

SECTION 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 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

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.

SECTION 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.

SECTION 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.

SECTION 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 this Code or any conditions imposed by him upon his approval thereof.

SECTION 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. 295.  
Registry No. 406-11.



CODE OF FAIR COMPETITION

FOR THE

FLUTED CUP, PAN LINER AND LACE PAPER  
INDUSTRY

As Approved on February 17, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE FLUTED CUP,  
PAN LINER AND LACE 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 Fluted Cup, Pan Liner and Lace 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 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 17, 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 Fluted Cup, Pan Liner and Lace Paper Industry, conducted in Washington on November 2, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

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 non-productive 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 35¢ per hour for males and 30¢ per hour for females. Office employees will receive a minimum wage of \$15.00 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 statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry employed in 1929 approximately 550 persons and in the second quarter of 1933 approximately 737 persons. Factory employees worked an average of about 48 hours per week in both June, 1929, and June, 1933. The effect of the Code will be to employ about 140 additional persons.

The total increase in payrolls, due to the proposed wage rates and additional employees required as a result of the Code, will be about 28%.

### 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 17, 1934.

## CODE OF FAIR COMPETITION FOR THE FLUTED CUP, PAN LINER AND LACE 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:

(a) Fluted paper products, such as, baking cups, éclair cases, finger bowl liners, sundae dish liners, manicure bowl liners, barber cups, biscuit cups, butter chips and pan liners.

(b) Fluted candy cups from paper and other materials.

(c) Flat paper pan liners.

(d) Lace, linen, die-cut, perforated or embossed paper products, such as, doilies, box strips, candy box mats, shelf paper.

(e) Paper chop holders and paper skewers.

“Member”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, receiver, or other form of enterprise, 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 Chairman of each Division Executive Committee and one other elected member from each Division of the National Association of Fluted Cup, Pan Liner and Lace Paper Manufacturers, together with one member of the Industry not a member of the said Association designated unanimously by the four above named and approved by the Administrator, are hereby constituted the Code Authority of the Industry. In addition, the Administrator may appoint one or more persons to the Code Authority who 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 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 cost of executing such contracts is 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 hydro-electric 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 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 maximum 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 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 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.

4. No female employee as included under paragraph (d) of Section 1 of this Article shall be required or permitted to work between the hours of 7 p. m. and 7 a. m.

5. No employee as included under paragraph (d) of Section 1 of this Article shall be required or permitted to work more than six (6) days in any seven (7) consecutive days.

#### 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, 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) Fifteen (\$15.00) dollars per week.

(b) Part-time employees covered by the provisions of this Section shall be paid at the rate of not less than 37½ cents 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, 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 ninety (90) days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

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

6. Office boys and girls under eighteen (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 of 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. 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 regulation of employment.

8. 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 thirty (30) days prior to the date so fixed.

3. At least ten (10) days prior to such date, every such member shall file with the Code Authority a schedule of prices and terms of sale for all such products or, in the alternative, shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the schedule at any time on file which states the lowest price and the most favorable terms.

4. All such schedules shall be in such form as the Code Authority shall prescribe and shall contain all information necessary to permit any interested person to determine the exact net price per unit after all discounts or other deductions have been made, whether pertaining to a single order, a commitment for future delivery, or a contract. All such original schedules shall become effective on the date fixed by the Code Authority as provided in Section 2 hereof.

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 ten (10) 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 non-members at the same time that they are sent to members.<sup>1</sup>

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 on 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> See paragraph 2 of order approving this Code.

## ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe, such statistics, data and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory both raw and finished, number of employees, wage rates, employee earnings, hours of work and other matters, as the Code Authority or the Administrator may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books, 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. Nothing contained in this Code shall relieve any member of any existing obligations to furnish reports to any Government Agency.

## 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 Practices 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.

#### 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 circumstance 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 this 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. 296.  
Registry No. 407-07.



**CODE OF FAIR COMPETITION**  
**FOR THE**  
**ADVERTISING DISTRIBUTING TRADE**

As Approved on February 17, 1934

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**EXECUTIVE ORDER**

**CODE OF FAIR COMPETITION FOR THE ADVERTISING DISTRIBUTING  
TRADE**

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

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

1. That for a period of 90 days from the effective date of this Code boys of the ages of 14 and 15 may be employed for a period not to exceed three hours per day. All such work hours shall be between 7 a.m. and 7 p.m. and shall not conflict with the employees' hours of day school.

2. Application of the definition of "working hours" in Article III, Section 5, is stayed for a period of 90 days from the effective date of this Code to afford the Code Authority an opportunity to study and recommend to the Administrator a plan whereby the interests of the carrier shall be better protected.

3. The effect of Article III, Sections 4 and 5, on the hours and rates of pay of office workers shall be reported to the Administrator within 90 days of the effective date of the Code in order to determine whether such hours and rates need be further limited.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*February 17, 1934.*



## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

### INTRODUCTION

SIR: This is the report of the Administrator to the President on the application for, and public hearing on, a Code of Fair Competition for the Advertising Distributing Trade, as proposed by the Code Committee representative of that business. The Code presented herewith was revised by the Committee prior to the close of the public hearing on October 16, 1933.

The hearing was conducted in Washington on October 16, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

There is no one national, thoroughly representative trade association for advertising distribution, but the members of the Trade, acting as a group, delegated authority to an elected Code Committee to draft and present a Code for the Trade. I have found no reason to question the truly representative character of said Committee and I believe that the Trade was accorded every reasonable opportunity to influence its decisions as evidenced by the fact that 1,262 distributors formally endorsed the Code and apparently no distributor opposed it.

### DEFINITION

Advertising distribution does not occupy a clearly defined place in the national economy, yet the services rendered by distributing concerns require the employment of over 80,000 adult males and approximately \$100,000,000 in gross business. The definition, as it appears in Article II, Section 1, of the Code, is the result of an exhaustive study of this Trade, its inherent and its competitive aspects. It embraces no productive functions, in the generally accepted meaning; it is purely a service, available to anyone who wishes to have his advertisements or samples broadcast in a certain place or region. Certain aspects of the non-utility operations of telegraphic communications companies have fallen within the definition, but the definition, in conference with representatives of the telegraph companies, has been drawn to exclude so-called messenger service or the delivery of personal communications, so that competition will be entirely fair.

Great care, also, was given to obviate any possibility that the definition would cover any person whose own employees were engaged in delivering or distribution of his own matter. Some conflict arose between this Code and a proposed Code for so-called "shopping newspapers". The name is misleading. A shopping newspaper, as was shown both at this and the Graphic Arts hearing, September 20, 1933, is nothing more than a sheet in which the advertisements of

more than one advertiser have been combined; it enjoys no paid circulation and is not individually addressed. Promiscuous distribution in a given neighborhood or region is clearly the province of the Advertising Distributing Trade to which shopping newspapers should be no exception; and concerns which distribute such shopping newspapers should be accorded no competitive advantage over those which distribute other advertisements, the more so as it was shown that the former often undertake incidental distribution of other matter than shopping newspapers.

#### ECONOMIC AND STATISTICAL MATERIAL

The Advertising Distributing Trade in 1932 furnished employment to 85,000 persons, of which 80,000 were adult male carriers. There is considerable irregularity in the volume of business owing to its very nature, yet it affords work to a type of man who might find it difficult to obtain employment requiring greater skill or who is unfit for a sedentary or indoor occupation. It presents, however, greater stability than might be expected: In 1929, employees numbered 95,000 or only 10,000 more than in 1932, and the gross business varied only fractionally.

Exact data on wages are not available but the Code Committee stated that at present \$2.00 was the maximum for a ten hour day and that in the South as little as \$1.25 was being paid.

#### RÉSUMÉ OF THE CODE

The proponents of the Code have established an average forty hour week or eight hours a day for carriers. The effect of this provision will be to add one new man for each six now employed or 16 $\frac{2}{3}$ % which, granting a volume of business comparable to 1932, should return employment to 1929 figures or better.

It was proposed to establish a 25¢ minimum rate of pay in the South and 30¢ elsewhere, which in no case would be less than a 20% gain over existing rates and in many cases substantially greater. Whereas there was reason to believe that 25¢ for the South was not only adequate but well in line with the rates of pay of more prosperous times, it was raised to 27 $\frac{1}{2}$ ¢ to meet the representations of the Labor Advisor in behalf of a 30¢ minimum for the whole country. To the greatest practicable extent, provisions with regard to labor were included with the intent of improving the conditions and continuity of work.

The administration of the Code follows closely the lines recommended by the N.R.A. Legal Division. Inasmuch as no trade association is available to undertake administration, it is provided that the Code Committee of the Trade carry on for thirty days to allow time for it to arrange an election of the Code Authority by participating Trade members as provided in Article IV, Section 6.

#### FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of inter-state and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental 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 approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of section 10 thereof; and that the applicant group is a trade group truly representative of the aforesaid Trade; 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, I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

February 17, 1934.

# CODE OF FAIR COMPETITION FOR THE ADVERTISING DISTRIBUTING TRADE

## ARTICLE I—PURPOSES

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

## ARTICLE II—DEFINITIONS

SECTION 1. The terms "the Advertising Distributing Trade" or "the Trade" shall mean and include any business of distributing, either direct to the home, place of business, or hand to hand, free of charge to the recipient, of any printed matter or other material in quantities of fifty units or more, including but without limitation, telephone directories, advertising literature, or other matter, free copies of newspapers and publications, or samples; but shall not mean or include individuals, firms or corporations distributing their own matter with employees compensated by and directly in their employ, but shall mean and include individuals, firms or corporations distributing free advertising literature, papers, or other advertising matter whose primary purpose or function is to advertise the products or services of another or others; and shall not mean or include the business of delivering personal communications or any matter individually addressed by the sender, except where the quantity and/or continuity of such addressed matter approximates a promiscuous or general distribution in any given precinct, district, section or locality of any city, town or village.

SECTION 2. The term "member of the Trade" shall mean and include anyone engaged in the Advertising Distributing business as an employer or on his own behalf.

SECTION 3. The term "employee" shall mean and include any person engaged in the Distributing Trade in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a member of the trade.

SECTION 4. The term "employer" shall mean and include anyone by whom any employee is compensated or employed.

SECTION 5. The term "carrier" shall mean any employee whose work consists of the manual delivery or distribution of the matter to be distributed.

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

SECTION 7. The terms herein defined, wherever used in this Code, shall, unless the context shall otherwise clearly indicate, have the respective meanings in this Article set forth. The definition of any such term in the singular shall apply to the use of such term in the plural or *vice versa*.

### ARTICLE III—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 the self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

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

SECTION 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.

SECTION 4. The wages that shall be paid by any member of the Trade to any employee employed in the States of Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia shall be not less than twenty-seven and one-half cents (27½¢) an hour; and to any employee employed in all other States in the United States and the District of Columbia shall be not less than thirty cents (30¢) an hour.

SECTION 5. No carrier shall work or be permitted to work an average of more than forty working hours per week in any six months' calendar period nor more than forty-eight hours in any one week during such period, nor more than eight hours in any one day. The maximum hours per day herein specified shall not apply to an emergency, but in any such special case, at least time and one-third shall be paid for all time worked in excess of eight hours per day. "Working hours" as used herein, shall mean and be calculated from the time that a carrier arrives at the designated locality where he is to distribute and commence distribution, to the time that he ceases such distribution at such designated locality. Transportation expense incident to the work of a carrier shall be furnished by the employer.

No other employee (except executives and outside salesmen who receive more than \$35.00 per week) shall work or be permitted to work an average of more than forty-four hours per week in any calendar month, nor more than forty-eight hours in any week, nor more than nine hours in any one day. The maximum hours per day herein specified shall not apply to an emergency, but in any such special case, at least time and one third shall be paid for all time worked in excess of nine hours per day.<sup>1</sup>

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

SECTION 6. No member of the Trade shall employ a carrier during any portion of any day at less than a wage equivalent to that which such employee would be entitled to receive for three working hours; provided, however, that in case of inclement weather this provision shall have no application. The hours worked by any employee during each day shall be consecutive (except that in case of inclement weather this shall not apply to carriers), provided that an interval not longer than one hour may be allowed and deducted from working hours for each regular meal period. Any rest period which may be given employees shall not be deducted from such employee's working time.

SECTION 7. No member of the Trade shall employ in the Trade any person under the age of sixteen (16) years 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 ninety (90) days after the effective date 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.<sup>2</sup>

SECTION 8. No employee whose full time weekly hours for the four (4) weeks ended June 17, 1933 are reduced by the provisions of this Code by twenty per cent (20%) or less shall have his or her full time weekly earnings reduced. No employee whose said full time weekly hours are reduced by the provisions of this Code in excess of twenty per cent (20%) shall have his or her said earnings reduced by more than fifty per cent (50%) of the amount calculated by multiplying the reduction in hours in excess of twenty per cent (20%) by the hourly rate.

SECTION 9. This Article establishing minimum rates of wages regardless of whether an employee be compensated on a time rate, piece work, or other basis.

SECTION 10. Every carrier shall be paid at least once a week.

SECTION 11. 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.

SECTION 12. Each employer shall post in conspicuous places full copies of this Code.

SECTION 13. Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

#### ARTICLE IV—ADMINISTRATION

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

SECTION 1. Organization and constitution of Code Authority.

(a) The Code Authority shall consist of twelve (12) representatives engaged in the Advertising Distributing Trade, or such other number as may be approved from time to time by the Administrator, elected by a fair method of selection to be approved by the Admin-

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

istrator, and not more than three members without vote who may be appointed by the Administrator, in his discretion.

The Code Authority shall be elected within thirty days of the effective date of this Code; in the interim the Code Committee of the Advertising Distributing Trade shall arrange for such election and shall serve as the Code Authority.

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

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions 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 2. The Code Authority shall have the following duties and powers.

(a) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code, in accordance with the powers herein granted, and to submit the same to the Administrator for his approval together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may deem necessary to effect the purposes of the Act.

(b) To make such rules and regulations and gather such data, statistics and information as may be necessary in the administration of this Code;

(c) To appoint and remove, and to fix the compensation of such employees, accountants, attorneys, and officers as it shall deem necessary or proper for the purpose of administering the Code;

(d) To appoint from time to time such committees as it may deem necessary or proper in administering the Code, and to delegate to such committees generally or in particular instances such of the powers and duties of the Code Authority as such Authority shall deem proper or necessary, provided nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code. Any member of any such committee may be a member of the Code Authority, or an officer or director of a member of the Trade, or a person not having any official connection with any member of the Trade, as the Code Authority shall deem proper.

SECTION 3. The Code Authority shall

(a) Make a study of labor conditions within the trade in order to determine the feasibility of the adoption of a shorter working week and adjustments in the rates of pay, and to investigate particularly the conditions of work involving a carrier and shall, within

three months after the effective date of this Code make a recommendation and a report of its findings to the Administrator.

(b) Present to the Administrator recommendations based on conditions in the Trade as they may develop from time to time which will tend to effectuate the operation of the provisions of this Code;

(c) Formulate and submit for the approval of the Administrator a uniform cost system upon which, after such approval, the cost of distribution service shall be based;

(d) Cooperate with the Administrator in making investigations as to the functioning and observance of any provisions of this Code, at its own instance, at the request of the Administrator, or on complaint of any person affected, and report its findings to the Administrator. The Code Authority shall be the effective agency to bring to the attention of and cooperate and aid the proper authorities under the National Industrial Recovery Act to enforce the Code and to effectuate its purpose and the policy of the Act.

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

SECTION 5. The Code Authority may utilize the facilities of and cooperate with any and all trade associations or organizations, national, regional or local, in the Advertising Distributing Trade in such manner as it deems most useful to its work.

SECTION 6. Members of the Trade shall be entitled to participate in and share the benefits of the activities of the Code Authority, to participate in the selection of the members thereof, and to use the N.R.A. Code Insignia, by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the 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, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

SECTION 7. 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 the original or modified form.

SECTION 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 be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or non-feasance.



## ARTICLE V—TRADE PRACTICES

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

(1) Selling or offering for sale, distribution service for less than the cost of rendering such distribution service as determined by such uniform cost accounting system as may be approved by the Administrator.

(2) Contracting or undertaking to distribute a certain number or quantity of material in certain given localities and actually distributing a lesser number or quantity without advising the purchaser of the distribution service of such fact.

(3) Knowingly causing or permitting, without the consent of the purchaser of the distribution service, the destruction, waste, or concealment of any material which a member of the Trade has contracted or undertaken to distribute.

(4) Issuing or permitting to be issued false or misleading information whether at the request of a purchaser or distribution service, or otherwise, as to the number or quantity of material distributed or to be distributed.

(5) Making or promising, either directly or indirectly, to any purchaser or prospective purchaser or to any agent or employee of a purchaser or prospective purchaser of distribution service, any bribe or secret rebate.

(6) Inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or interfering with or obstructing the performance of any such contractual duties or services.

(7) The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations.

(8) Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

(9) 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 VI—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

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 President.

#### ARTICLE VII—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 VIII—PRICE INCREASES

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

#### ARTICLE IX—EFFECTIVE DATE

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

Approved Code No. 297.  
Registry No. 1702-2-11.



**CODE OF FAIR COMPETITION**  
**FOR THE**  
**WIPING CLOTH INDUSTRY**  
**AS APPROVED ON FEBRUARY 17, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE WIPING 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 Wiping 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, 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 17, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Hearing on the Code of Fair Competition for the Wiping Cloth Industry was held at the Mayflower Hotel, Washington, D. C., on December 11, 1933. The Code, which is attached, was presented by duly qualified and authorized representatives of the industry, complying with statutory requirements, said to represent 70% in number and 80% in volume of the industry.

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

The provisions of this Code have been approved by the Labor Advisory Board, the Industrial Advisory Board, the Research and Planning Division, and the Legal Division. The Consumers Advisory Board approved all provisions of the Code except the one requiring the use of a standard form of contract by all members of the industry.

### THE INDUSTRY

In 1929 the industry did a twelve (12) million dollars volume of business; in 1933 this volume had declined about 40% to around seven (7) million dollars. The industry employed four thousand (4000) full-time workers in 1929 and in 1933 the number had declined to about twenty-five hundred (2500). The employment is divided about equally between men and women. The operations performed by men are distinctly different in nature and degree of skill from those performed by women. In 1929 the average minimum wage for men was thirty-five cents (35¢) per hour and for women twenty cents (20¢) per hour; on July 1, 1933, this had decreased to twenty-five cents (25¢) for men and fifteen cents (15¢) for women, and in some localities to as low as nine cents (9¢) per hour for women. In 1929 the average number of hours worked per week was sixty (60), and on July 1, 1933, it was fifty-five (55). The hours provided in this Code show a 27% reduction from those in effect on July 1, 1933, and should increase employment accordingly. The Code provisions on wages will result in a substantial increase in pay over the wages in effect on July 1, 1933.

### PROVISIONS OF THE CODE

The Code provides minimum wage rates of thirty-two and one-half cents (32½¢) per hour for men and twenty-seven and one-half cents (27½¢) for women in the North, twenty-seven and one-half cents (27½¢) per hour for men and twenty-two and one-half cents (22½¢) per hour for women in the South. No office or clerical employee shall be paid at a rate of less than fourteen dollars (\$14) per week in the North or thirteen dollars (\$13) per week in the South. Provision is made for maintenance of differentials in wages above the minimum.

Hours of work are limited to forty (40) hours per week and eight (8) per day with the following exceptions: truck drivers and their helpers may work forty-eight (48) hours per week; electricians, firemen and factory machinery repairmen may work forty-four (44)

hours per week; watchmen may work fifty-two (52) and fifty-six (56) hours per week on alternate weeks or an average of fifty-four (54) hours per week. Executives receiving thirty-five dollars (\$35) or more per week, outside salesmen and outside buyers are not limited in hours. Employees engaged in emergency maintenance or emergency repair work are not limited in hours but must be paid time and one-third for hours worked in excess of their normal maximum. No employee is permitted to work more than six (6) days in any seven-day period.

Representation on the Code Authority is provided for all members of the trade.

Trade practice provisions have been incorporated to eliminate unfair practices which have sprung up 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 practice, by promoting the fullest possible utilization of the present production capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said trade 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 17, 1934.

# CODE OF FAIR COMPETITION FOR THE WIPING 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 Wiping Cloth 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 "Wiping Cloth Industry", as used herein, means and includes the laundering and/or sterilizing of textile fabrics for conversion into wiping cloths (and the processing incidental thereto), and/or the sale of such wiping cloths.

2. The term "employee" as used herein, means and includes anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a member of the Industry.

(a) The terms "outside salesman" and "outside buyer", as used herein, mean and include any employee who is engaged exclusively in selling and/or buying respectively outside the establishment of his employer.

(b) The term "watchmen", as used herein, means and includes those employees who are exclusively engaged in watching plants, property, and/or plant equipment.

(c) The phrase "employees in a managerial capacity", as used herein, means and includes foremen and office managers.

(d) The term "clerical and office employees", as used herein, means and includes any employee who is engaged in work of a clerical, accounting, sales, or service character, in the office of a member of the Industry.

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

4. The term "member of the industry", as used herein, means and includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise, engaged in the industry, either as an employer, or on his or its own behalf.

5. The 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, means and includes the States of Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Missouri, Oklahoma, Texas.

7. The term "North", as used herein, means and includes all of the territory of the continental United States except that portion included under the term "South".

#### ARTICLE III—HOURS

1. No employee, except as herein otherwise provided, shall be permitted to work in excess of 40 hours in any one week or more than 8 hours in any 24-hour period; provided, however, that office and clerical employees shall be permitted to work not to exceed 80 hours per year in addition to the maximum herein above established; and provided further, that such additional hours shall be compensated for at the rate of time and one-third.

2. The maximum hours fixed in the foregoing section shall not apply to:

(a) Truck drivers and their helpers, who shall be permitted to work not in excess of 48 hours in any one week.

(b) Employees engaged exclusively as electricians, firemen, or factory machinery repairmen, who shall be permitted to work not in excess of 44 hours in any one week.

(c) Engineers, who shall be permitted to work not in excess of 48 hours in any one week.

(d) Employees in an executive or managerial capacity receiving \$35 or more per week.

(e) Outside salesmen and outside buyers.

(f) Watchmen, who shall be employed in pairs and shall not be permitted to work more than 52 hours and 56 hours on alternate weeks, or an average of 54 hours per week.

(g) Employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least time and one-third shall be paid for hours worked in excess of the maximum hours herein provided.

3. No employee shall be permitted to work more than six days in any seven-day period.

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

#### ARTICLE IV—WAGES

1. No employee, except as herein otherwise provided, shall be paid at less than the following wage rates per hour:

In the North: Male, \$.32½; Female, \$.27½.

In the South: Male, \$.27½; Female, \$.22½.

2. No office or clerical employee shall be paid at less than the following weekly rates: In the North, \$14.00; In the South, \$13.00.

3. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

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

5. No member of the industry, by reason of the adoption of this Code, shall reduce an employee's total weekly compensation (based on the four week period prior to July 15, 1933) in excess of the minimums

herein provided, whether based on an hourly, weekly or other rate, notwithstanding the fact that the hours of work of such employee may be reduced hereunder.

There shall be an equitable adjustment of all wages above minimum, and to that end, within thirty days from the effective date of this Code, the Code Authority shall submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval by the Administrator, after such hearing as he may prescribe, such proposal shall become binding as a part of this Code.<sup>1</sup>

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 18 years of age shall be employed in this Industry. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

2. 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. 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 months after the effective date of this Code.

6. 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 than are imposed by this Code.

7. Employers shall not reclassify employees or duties of occupations performed by employees, or engage in any other subterfuge, for the purpose of defeating the provisions of the Act or of the Code.

8. Posting:

(a) Each employer shall post in a conspicuous place of easy and continuous access to employees, the articles dealing with hours, wages and general labor provisions of this Code.

(b) The notice shall be printed in English in type of at least 10 point, and at least three notices shall be posted in any shops employing more than 10 employees, and one in any smaller shop.

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

<sup>1</sup> See paragraph 2 of order approving 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 from eleven (11) to thirteen (13) representatives of the industry, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter provided; and the Administrator, in his discretion, may appoint not more than three (3) additional members who shall be known as "administration members of the Wiping Cloth Industry Code Authority", without vote, to represent such groups or governmental agencies as he may designate.

(b) Eleven (11) representatives of the Industry shall be selected by the Board of Directors of the Sanitary Institute of America.

(c) Two additional representatives of the industry may be appointed by the Administrator or selected in a manner prescribed by him.

2. Duties and powers of Code Authority.

The Code Authority shall have the following powers, to the extent permitted by the Act.

(a) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of this Code.

(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 member of 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 shall have the same force and effect as the other provisions of this Code.

(e) Within ninety (90) days of the effective date of this Code the Code Authority shall submit recommendations prescribing standards of laundering and sterilizing of wiping cloths, which, upon approval of the Administrator, shall have the same force and effect as the other provisions of this Code.

(f) Within ninety (90) days of the effective date of this Code the Code Authority shall submit recommendations for a standard form of contract for the industry which, upon approval of the Administrator, shall have the same force and effect as the other provisions of this Code.

(g) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein and to pay such trade associations and agencies the cost thereof, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code, and that such trade asso-

ciations and agencies shall at all times be subject to and comply with the provisions hereof.

(h) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the Industry.

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 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. 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 purpose recited in Section 3 (a) of the Act.

7. 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>2</sup>

## ARTICLE VII—TRADE PRACTICES

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

1. The allowance of a cash discount in excess of 2%, by reason of payment on or before the 10th of the month following date of invoice.

2. No member of the industry shall use advertising (whether printed, radio, display, or of any other nature) or other representation which is inaccurate in any material particular or in any way misrepresent any commodity (including its use, trade-mark, grade, qual-

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

ity, quantity, origin, size, material content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

3. The sale, or offer for sale, of laundered and/or sterilized wipers imported from a foreign country, unless all packages of such wipers are legibly marked and invoices covering the same contain a notice stating the country of their origin, that the wipers are of imported material, and that they have been laundered and/or sterilized in a foreign country. The imported wiper shall not be accompanied by the affidavit of guaranty of the Sanitary Institute of America, unless it is actually laundered and/or sterilized within the continental limits of the United States to conform to the standards of the Sanitary Institute of America.

4. The sale, or offer for sale, of wipers as sterilized or laundered, unless they are actually processed to conform with the standards prescribed by the Code Authority and approved by the Administrator.

5. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

6. 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.

7. Withholding from, or inserting in, the invoice statements which make the invoice a false record wholly or in part. Postdating and/or predating of invoices shall be considered falsification of record.

8. 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.

9. 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.

10. Inducing the breach of an existing contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of such contractual duties or services.

11. Aiding or abetting any person, firm, partnership, or corporation in any unfair practices in the Wiping Cloth Industry, directly or by using any subterfuge or evasion. The principal or principals of any member of the Industry shall be responsible for any violation by an agent acting within the scope of his authority.

12. The shipment of goods on consignment, except that shipments on consignment may be made solely to jobbers, in which case the consignment period shall not exceed a period of four months, after which period interest shall be charged at the rate of 6% per annum.

## 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, 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. 298.  
Registry No. 299-1-21.



**CODE OF FAIR COMPETITION**  
**FOR THE**  
**ACADEMIC COSTUME INDUSTRY**

**As Approved on February 19, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE ACADEMIC COSTUME  
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 Academic Costume 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 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: Public hearing on the Code of Fair Competition for the Academic Costume Industry as proposed by the National Guild of Academic Costumers was conducted in Washington on October 18, 1933. Every person who requested an appearance was fairly heard in accordance with statutory and regulatory requirements. 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 indicated his approval of 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, sale and rental of caps, gowns and hoods for use in schools and colleges, and the manufacture, sale and rental of clerical, choir and judicial robes.

The manufacture and rental of academic costumes comprise about 90% of the total industry and of this business fully 80% entails only the rental of caps, gowns and hoods. The manufacturing phase of the industry is therefore of minor importance and it may be construed almost entirely as a service operation.

### RÉSUMÉ OF THE CODE

Article I sets forth certain definitions.

Article II stipulates a maximum forty hour week for employees engaged in the mechanical processes of manufacture, forty-eight hours a week for janitors and watchmen, and a forty-four hour week for all other employees except that overtime is permitted as necessitated by the peculiar condition of the industry which is concentrated in about a ten week period from the middle of April to the end of June.

Article III sets minimum wages of \$14 per week for manufacturing employees and for all other employees in cities of 250,000 population and over and \$12 per week in cities or places of less than that population.

Article IV prohibits child labor and contains the labor provisions mandatory under the Act.

Article V provides for the establishment of a Code Authority by the National Guild of Academic Costumers and the Administrator. It empowers the Code Authority to collect statistics of the industry, to provide for fair trade practices, to enforce the provisions of the Code, to cooperate with the Administrator in regulating the use of

an N.R.A. insignia or label and to make recommendations for representative costs below which products of the industry shall not be rented or sold.

Article VI provides for the use of an N.R.A. label on garments or containers for the purpose of informing customers of conditions under which products of the industry are manufactured or distributed.

Article VII prohibits trade practices which in the past have greatly injured the industry.

Article VIII states the method of modifying or amending the Code.

Article IX prohibits monopolies or discrimination against small enterprises.

Article X recognizes the purpose of the National Recovery Act to increase real purchasing power and provides that price increase shall be limited to actual additional increases in costs.

Article XI provides for the application of the Code to persons employed on the products of the industry although employed by firms engaged in other lines of business.

Article XII states the effective date of the Code.

#### POSSIBLE REEMPLOYMENT

The Academic Costume Industry employed more people during 1933 than during 1928. The reduction of hours provided for in the Code will probably increase employment about 20% and the increasing trend toward the use of caps and gowns in secondary schools will probably provide a still greater increase in employment.

#### 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 the Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 19, 1934.



# CODE OF FAIR COMPETITION FOR THE ACADEMIC COSTUME INDUSTRY

## PURPOSES

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

## ARTICLE I—DEFINITIONS

1. The term "Industry" as used herein includes the manufacture, sale, or rental of caps, gowns and hoods for use in schools and colleges, and the manufacture, sale, or rental of clerical, choir, and judicial robes.

2. 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 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 term "employer" as used herein includes any one for whose benefit, or on whose business such employee is engaged in said Industry on his own behalf.

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

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

## ARTICLE II—HOURS OF LABOR

1. No employee engaged in the mechanical processes of manufacture shall be permitted to work more than forty (40) hours in any one week.

2. No clerical, office, store, or warehouse employees nor other employees not included within the provisions of Sections 1, 3, 4 and 5 hereof, shall be permitted to work in excess of forty-four (44) hours in any one week, except that in emergency and other peak periods, not to exceed ten (10) weeks in any calendar year such employees may be permitted to work a maximum of forty-eight (48) hours in any one week, provided, however, that such employees shall be paid not less than time and one-third the normal rate per hour for all hours worked in excess of forty-four (44) hours in any one week.

3. No shipping clerk, stock clerk, driver or porter shall be permitted to work in excess of forty-four (44) hours in any one week, except that this provision shall not apply to such employees during a period not to exceed ten (10) weeks in any calendar year; provided, however, that such employees be paid not less than time and one-third the normal rate per hour for all hours worked in excess of forty-four (44) hours in any one week.

4. No janitor nor watchman shall be permitted to work in excess of forty-eight (48) hours in any one week.

5. The provisions of this Article shall not apply to employees engaged in executive, managerial, or supervisory capacity and receiving thirty-five dollars (\$35.00) per week or more, or to outside salesmen.

6. No overtime beyond that therein provided for shall be permitted, except upon the authorization of the Code Authority, under such conditions and upon such terms as the Administrator may prescribe.

7. No employee shall be permitted to work for a total number of hours in excess of the number of hours prescribed for such week and day, whether employed by one or more employers.

8. No work shall be carried on in homes or tenement houses, or in unsanitary buildings, or in buildings unsafe on account of fire or dangerous to health.

#### ARTICLE III—WAGES

1. No employee engaged in mechanical processes of manufacturing shall be paid at less than the rate of \$14.00 per week of forty (40) hours.

2. No clerical, office, store, warehouse or other employee, not included within the term of the foregoing Section, shall be paid at less than the rate of \$14.00 per week when employed in cities of 250,000 population or over, nor less than at the rate of \$12.00 per week when employed in cities or places of 250,000 or less.

3. No employee whose normal full time weekly hours for the four weeks ending on the effective date of this Code are reduced by less than 20% shall have his full time weekly earnings reduced. Employees whose full time weekly hours are reduced by more than said 20% shall have the said earnings equitably adjusted.

All adjustments of wage rates made in accordance with this provision shall be reported to the Code Authority within thirty (30) days of the effective date of this Code. The Code Authority shall have the power to investigate and adjust complaints arising under this provision. Adjustments by the Code Authority modifying previous adjustments shall be subject to review by the Administrator.

4. This Article establishes minimum rates of pay which shall apply irrespective of whether an employee is actually compensated on a time rate, piece work or other basis. This Article and Section shall not apply to outside salesmen.

5. Clean, sanitary, light, healthful and safe working conditions shall be provided for all employees.

## ARTICLE IV—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 in operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator not later than fifteen (15) days after the effective date a list of such operations or occupations. In any state an employer shall be deemed to have complied with the provisions 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 permit showing that the employee is of the required age.

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

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

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

3. No employer shall reclassify employees or duties of occupations performed for the purpose of defeating the provisions of the Act or of this Code.

4. No provisions in this Code shall supersede any 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.

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

## ARTICLE V—ADMINISTRATION

1. (a) There shall forthwith be constituted a Code Authority consisting of seven (7) or more members, to be selected in the following manner:

Seven (7) members shall be selected by the National Guild of Academic Costumers. In addition thereto the Administrator may appoint not more than three (3) additional members without vote and without expense to the Industry, to represent such groups or interests or such governmental agencies as he may designate. Such members shall receive notice of and may sit at all meetings of the Code Authority.

(b) Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations and any amendments when made thereto, to-

gether with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of this 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) An appeal from any action of the Code Authority affecting the rights of any person subject to this Code may be taken to the Administrator.

(e) Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, on the basis of volume of business and/or such other factors 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 be liable to anyone for any action or omission to act under the Code, except for his own wilful misfeasance or non-feasance.

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

(a) To adopt by-laws and furnish to the Administrator true and correct copies of the by-laws and all amendments thereto immediately upon their adoption, together with true and correct copies of all rules and regulations which may be adopted by the Code Authority and true and correct minutes of all of its meetings, all certified to by the Secretary of the Code Authority.

(b) To elect officers and to assign to them such duties as it may consider advisable, to provide rules for its procedure, and generally to act as the administrative agency of this Code, in accordance with the terms of the Act and the principles herein set forth.

(c) To receive, investigate and adjust complaints of violations of this Code subject to such rules and regulations as may be from time to time promulgated by the Administrator and to make recommendations based upon such investigations to the proper authorities for the prosecution of such violations.

(d) To obtain from members of the Industry periodical reports in such form and at such times with respect to wages, hours of labor, conditions of employment, number of employees, and such other matters pertinent to the purposes of this Code as the Code Authority may require for the administration and enforcement of this Code, and to submit reports to the Administrator in such form and at such

times as he may require in order that the President may be informed as to the observance or nonobservance of this Code and to further effectuate the policies of the Act.

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

(f) To coordinate the administration of this Code with such other codes, if any, as may be related to the Academic Costume Industry, or any subdivision thereof, with a view to promoting joint and harmonious action upon matters of common interest.

(g) To provide ways and means for financing the operation of said Code Authority and to determine an equitable method of apportioning in the Industry the cost of administering this Code. Money raised in any manner shall not be used except for the administering of this Code.

(h) To cooperate with the Administrator in regulating the use of an N.R.A. insignia and an N.R.A. label as hereinafter provided for.

(i) To make recommendations for fair trade practices including provisions against selling below cost and otherwise to assist the Administrator in effecting the purpose of this Code and the Act. Any such recommendations upon the approval of the Administrator, after such hearing and notice as he shall prescribe, shall become a part of this Code.

(j) To investigate and adopt a uniform system of cost accounting for products manufactured by the Industry which, when so adopted, shall become a standard for the Industry; except that cost accounting systems now in use by members of the Industry, which are substantially the same as the system recommended or which reflect the same basis of establishing costs, may be retained.

(k) To study known costs involved in the renting of products of the Industry insofar as they are common to all firms engaged in such rental business and, after such study to recommend to the Administrator the lowest representative cost of such rental service and after his approval no member of the Industry shall rent below such representative cost. Such representative cost as above defined shall, however, be reconsidered and if found advisable, revised from time to time at reasonable intervals.

3. If the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty days to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action, which shall be taken only upon approval by the Administrator.

4. In addition to the information required to be submitted to the Code Authority, all members of the Industry shall furnish such ade-

quate information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such federal and state agencies as the Administrator may designate. Nothing in this Code shall relieve any one of any existing obligation to furnish reports to government agencies.

#### ARTICLE VI—LABELS

All garments manufactured and/or containers for such garments distributed subject to the provisions of this Code may bear an N. R. A. label to symbolize to purchasers, or persons renting said garments, the conditions under which they are manufactured or distributed. Under the powers vested in him by the executive order of October 14, 1933, and under grant of necessary authority by the Administrator, the Code Authority shall have the exclusive right in this Industry to issue and furnish said labels to the members thereof. Each label shall bear a registration number especially assigned to each employer by the Code Authority, and remain attached to such garment and/or container. Any and all employers 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. The Code Authority, subject to the approval by the Administrator, shall establish rules and regulations and appropriate machinery for the issuance of labels and inspection and supervision of the practices of employers using such labels in observing the provisions of this Code for the purpose of ascertaining the right of said employer to the continued use of said labels; of protecting purchasers in relying on said labels; of insuring to each individual employer that the symbolism of said label will be maintained by virtue of compliance with the practices herein contained by all other employers.

#### ARTICLE VII—TRADE PRACTICES

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

1. The false marking or branding of any product of the Industry which has the tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry, or otherwise.

2. The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

3. Directly or indirectly to give or permit to be given or to offer to give to any school or college or to students, faculty members, or officials thereof, free gowns, caps, charity, or other gifts whether in the form of money or otherwise or the placing of advertisements in school or college publications or the allowance of special prices or

discounts on other merchandise sold or rented by a member of the industry or his sales representative.

4. 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 or obstructing the performance of any such contractual duties or services.

5. The payment or allowance of secret rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise. Nothing in this paragraph shall apply to bona fide commissions allowed to a sales representative in a school or college where the account has been handled by a local representative of a member of the industry prior to August 16, 1933, even though such representative may be a faculty member, or official of the school or college. These provisions shall not be construed to prohibit a general distribution of articles commonly used as advertising, except so far as such articles are actually for commercial bribery as hereinabove defined.

6. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by false disparagement of the grade or quality of their goods.

7. The publishing or circularizing of threats or suits for infringement of patents or trade marks or of any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or intimidating their customers.

8. Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

9. Withholding from or inserting in any invoice or statement figures which make the invoice or statement a false record wholly or in part of the actual transaction.

10. Any sale on the installment plan, which gives the purchaser the privilege of return with cancellation of part of the purchase price, shall be deemed a rental and shall be subject to the provisions of this Code.

#### ARTICLE VIII—MODIFICATIONS

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel and modify any order, approval, license, rule, or regulation issued under said Act.

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

#### ARTICLE IX—MONOPOLIES

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

## ARTICLE X—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—GENERAL

Any employer, who at any time, shall manufacture, sell or rent any article or articles subject to the provisions of this Code, shall be bound by all provisions of this Code as to all employees engaged in whole or in part in such manufacture, sale or rental. In case any employee shall be engaged partly in such manufacture, sale or rental and partly in the manufacture, sale or rental of goods of another character, covered by another approved Code, this Code shall apply only to such portions of such employee's time as is applied to the manufacture, sale or rental of articles subject to this Code.

## ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 299.  
Registry No. 1716-01.





Approved Code No. 300

**CODE OF FAIR COMPETITION**

FOR THE

**LYE INDUSTRY**

As Approved on February 19, 1934

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**ORDER**

APPROVING CODE OF FAIR COMPETITION FOR THE LYE 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 Lye Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VII, Section 1, insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further order either within a period of 60 days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Lye Industry as revised after public hearings conducted in Washington on December 7, 1933.

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 19, 1934.

# CODE OF FAIR COMPETITION FOR THE LYE 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 Lye 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. *Lye Industry.*—The term “lye industry” as used herein includes the manufacturing, packing, and/or canning of lye for sale in packages which may be used for household purposes, and/or the primary distribution thereof, and the manufacturing of cans, packages and/or shipping cases to be used for lye when produced by a manufacturer, packer or canner of lye for his own use.

SEC. 2. *Primary Distribution.*—The term “primary distribution” as used herein means the distribution direct to the trade buyer or to the ultimate consumer buyer by a manufacturer, packer, canner, or his agent, when in fact this function in whole or in part, including, but without limitation, the determination of marketing or selling policy, has been delegated to said agent by said manufacturer, packer, or canner.

SEC. 3. *Lye.*—The term “lye” as used herein means any product in a package for household use which is labeled Lye, or sold with the intention or possibility of being so labeled by anyone.

SEC. 4. *Employee.*—The term “employee” as used herein includes anyone engaged in the industry in any capacity, excepting brokers, receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

SEC. 6. *Member of the Industry.*—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. 7. *Trade Buyer.*—The term “trade buyer” as used herein means any commercial buyer as distinguished from an ultimate consumer buyer.

SEC. 8. *Broker.*—The term “broker” as used herein means any sales representative who performs the services of negotiating the sale of lye for and on account of the seller as principal and whose compensation is a commission or brokerage paid by the seller.

SEC. 9. *Open Price.*—The term “open price” as used herein includes a price list which is published for the equal information of all trade buyers alike located in the same competitive market, and which states all the seller’s prevailing terms of sale.

SEC. 10. *Competitive Market*.—The term “competitive market” as used herein means a geographical area, the boundaries of which are fixed by any member of the industry for himself.

SEC. 11. *President, Act, and Administrator*.—The terms “President”, “Act”, and “Administrator” as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

### ARTICLE III—HOURS

SECTION 1. No accounting, clerical, office, store, shipping, or inside sales employees shall be permitted to work in excess of forty (40) hours per week averaged over a two (2) months' period; nor more than forty-eight (48) hours in any calendar week.

SEC. 2. No employee on automotive, or horse-drawn passenger, express, delivery, or freight service shall be permitted to work in excess of forty-four (44) hours per week averaged over a two (2) months' period, or in excess of forty-eight (48) hours in any calendar week.

SEC. 3. No engineer, fireman, water tender, oiler, or cleaner shall be permitted to work in excess of forty-eight (48) hours in any calendar week.

SEC. 4. No watchman shall be permitted to work in excess of fifty-six (56) hours in any calendar week.

SEC. 5. No other employee except as provided in Section 6 below, shall be permitted to work in excess of forty (40) hours per week averaged over a six (6) months' period nor more than forty-five (45) hours in any calendar week.

SEC. 6. Technical or professional employees, such as chemists, lawyers, doctors, and nurses, engaged in their technical or professional capacity, who receive thirty-five dollars (\$35.00) or more per week, and employees in a managerial, supervisory, or executive capacity who receive thirty-five dollars (\$35.00) or more per week, employees on emergency maintenance or repair work involving breakdown and protection of life and property, and outside salesmen, are excepted from the provisions of Section 5 above.

SEC. 7. If any employee, except those referred to in Section 1, Section 2, Section 3, Section 4, and Section 6, works in excess of eight (8) hours in any twenty-four (24) hour period or in excess of forty (40) hours in any calendar week, he shall be paid for such excess hours at not less than one and one third ( $1\frac{1}{3}$ ) times his regular hourly rate of pay.

SEC. 8. No employee (except watchmen) shall be permitted to work more than six (6) days in any seven (7) day period.

SEC. 9. If any employee works for more than one employer, no such employer or employers shall knowingly permit such employee to work for a total number of hours which is in excess of the maximum hours herein prescribed, and all employers in the industry shall exercise due diligence to carry out the purposes of this section.

SEC. 10. 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.

## ARTICLE IV—WAGES

SECTION 1. No employee shall be paid at a rate of less than fourteen dollars (\$14.00) per week or thirty-five cents (35¢) an hour except as follows: Learners or apprentices not exceeding five (5) percent of the total number of employees in any establishment employing more than forty (40) employees, during the first sixty (60) days of their employment, shall be paid not less than eighty (80) percent of the minimum rates above prescribed. Any establishment employing less than forty (40) employees, may have not more than two (2) learners or apprentices receiving not less than eighty (80) percent of the minimum rates.

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. Based upon changes in minimum pay as stated in the foregoing Sections of this Article, each employer shall make fair and equitable readjustments of all pay schedules above the minimum and shall report such readjustments to the Code Authority on or before February 15, 1934.

SEC. 4. There shall be no evasion of this Code by any member of the industry by reclassification of general types of occupations existing on June 15, 1933.

## 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 in the case of factory workers. In any state an employer shall be deemed to have complied with this provision, if he shall have on file a certificate duly issued by an authority empowered to issue employment certificates, 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. Employer shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

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

SEC. 6. Each employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment, and shall list with the Code Authority all occupations of a dangerous nature.

SEC. 7. Each employer shall post in conspicuous places accessible to employees full copies of Article III, IV, and V of this code.

#### ARTICLE VI—ADMINISTRATION

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

SECTION 1. The Code Authority for the Lye Industry shall consist of five (5) members elected by the industry in the following manner, and of such additional members without vote as the Administrator, in his discretion, may appoint to represent such groups or interests or such governmental agencies as he may designate.

(a) Nominations and elections of the elective members of the Code Authority, shall take place under the auspices of the Secretary of the Lye Manufacturers' Association and shall be conducted in the following manner:

Each member of the industry who assents to and complies with the requirements of this Code and sustains his reasonable share of the expenses of its administration shall be entitled to one (1) vote and shall be termed hereinafter as an elector.

(1) Each elector may nominate a sufficient number of individuals to fill whatever vacancy or vacancies exist.

Ten (10) days after the Secretary has notified electors that a vacancy exists and that nominations are in order, he shall tally all nominations received. Those individuals receiving the greatest number of nominations shall be the nominees, and there shall be twice as many nominees as there are vacancies to be filled.

(2) Within two (2) days after the tallying of nominations the Secretary shall mail ballots to each elector which ballot shall list the nominees nominated. Each elector may vote for a sufficient number of nominees on the ballot received to fill existing vacancies.

Ten (10) days after mailing of ballots the Secretary shall tally all ballots received from electors. The nominee or nominees, respectively, receiving the highest number of votes shall be elected.

Within two (2) days after the tallying of votes the Secretary shall mail written notification to all electors setting forth the result of the election.

(3) The Secretary shall call for nominations within three (3) days after the approval of the Code.

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

(a) 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.

When required, reports containing such information shall be notarized, the Code Authority shall designate the agent or agents to whom reports shall be submitted. Such agent or agents shall not be a member or members of the industry. When reports are of a confidential nature, they shall be kept confidential by the agent or agents designated and by any designated government agencies. The information so collected if published shall be disseminated without individual identification and only in combination with other information of the same type.

(b) 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.

(c) Any 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.

(1) 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) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority by assenting to and complying with the requirements of this code and sustaining their reasonable share of the expenses of its administration. The reasonable share of the expenses of the administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

## ARTICLE VII—TRADE PRACTICES

SECTION 1. Each member of the industry shall file with the Code Authority not later than the effective date of this Code, price lists for the specified competitive markets within which such price lists are effective. Thereafter a member of the industry shall file with the Code Authority any changes in such price lists, or in the competitive markets within which they are effective, which changes shall become effective ten (10) days after the date of their filing. The Code Au-

thority shall mail to each member of the industry a copy of all price lists and changes when they are filed.<sup>1</sup>

SEC. 2. A member of the industry shall be permitted to manufacture, pack or can lye in cans, labels and cases which he may have on hand, and which do not conform to the provisions of this Code, provided the same were purchased not later than December 8, 1933, and provided further, that before doing so and not later than fifteen (15) days after the approval of this Code by the President the member of the industry shall make application for this privilege to the Code Authority, and furnish therewith a statement duly sworn and notarized with reference to the quantities of such cans, cases or labels on hand and the purchase date thereof. A member of the industry who files such an application shall be required to report to the Code Authority when all such supplies mentioned in the application have been used, or upon demand by the Code Authority any time prior thereto shall be required to report the balance of such supplies on hand. This right to use such supplies as are covered in the application shall cease six (6) months after the date of approval of this Code.

SEC. 3. The following practices constitute unfair methods of competition for members of the industry and are prohibited:

(a) *False Marking or Branding.*—The false marking or branding of the product of this industry.

(b) *Misrepresentation or False or Misleading Advertising.*—The making or causing or knowingly permitting to be made or published any false, materially inaccurate or deceptive statement by way of advertisement or otherwise, whether concerning the product of the industry, or the product, credit terms, policies, or services of any member of the industry or otherwise having the tendency or capacity to mislead or deceive customers or prospective customers.

(c) *Commercial Bribery.*—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the 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) *Advertising Allowances.*—Offering or giving advertising allowances to a trade buyer or his agents, employees, or representatives.

(e) *Price Concessions.*—Giving or offering to give any direct or indirect price concession to a trade buyer. The term "direct or indirect price concession" means any variation from the manufacturer's open price, whether by means of a rebate, allowance, payment, free deal, gift, or by any other means whatsoever.

(f) *Consignment.*—Shipping upon consignment to a trade buyer.

(g) *Product Standards.*—(1) The sale of or offer to sell lye which has less than a minimum content of seventy-four (74) percent of sodium hydroxide.

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



(2) The sale of or offer to sell lye which is labeled in excess of a maximum net weight of thirteen (13) ounces per can.

(3) The sale of or offer to sell a case of lye containing other than twenty-four (24) cans or forty-eight (48) cans.

(h) *Transportation Standards*.—(1) The sale of or offer to sell lye at prices which do not include freight charges to destination except in the case of shipments to the United States Government, railroads, and steamship lines.

(2) Making allowances for transportation charges upon a shipment by a trade buyer to his customer, or upon a shipment from a trade buyer's stock to any branch thereof.

(3) The storage of lye within the warehouse or other premises of a trade buyer.

(i) *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.

(j) *Cash Discount Terms*.—Terms other than two (2) percent discount for cash in ten (10) days, net payment in thirty (30) days from date of shipment, or one (1) percent discount for cash in fifteen (15) days from date of shipment, except as follows:

(1) Terms upon shipments to or from Pacific Coast ports shall date from the arrival at or shipment from the Pacific Coast port.

(k) *Brokerage*.—(1) The payment of a commission or brokerage to a broker in excess of five (5) percent of the invoice price.

(2) The payment of a commission or brokerage to a broker if the same is to be used in any manner which would give any trade buyer a price advantage over any other trade buyer or any ultimate consumer buyer, a price advantage over any other ultimate consumer buyer.

(3) The payment of a commission or brokerage to any trade buyer.

(L) *Open Prices*.—The sale or offer to sell lye otherwise than upon the basis of open prices, which shall be the effective prices on file with the Code Authority, except when the sale or offer to sell is for the purpose of meeting a competitor's price.

## 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 ten (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 one (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.

SEC. 2. This Code, except as to provisions required by the Act, may be modified in whole or part upon the recommendation of the Code Authority, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

## ARTICLE IX—MONOPOLIES

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

## ARTICLE X—EXPORT

This Code, except as to the articles relating to hours, wages, and general labor provisions, shall not apply to export business.

## ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the fifteenth (15) day after its approval.

Approved Code No. 300.  
Registry No. 699-02.

○

Approved Code No. 301

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**SAMPLE CARD INDUSTRY**

As Approved on February 19, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE SAMPLE CARD  
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 Sample Card 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 19, 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 Sample Card Industry, conducted in Washington on November 1, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

The 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 non-productive 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 30¢ 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 statistical data as he may require.

### ECONOMIC EFFECT OF THE CODE

The Industry employed in 1929 approximately 2,000 persons and with an increase of four plants about the same number for the first six months of 1933. This shows an increase of 400 employees over the number employed in 1932. The Industry has two very sharply pronounced peak periods in a year and the effect of the Code will be to employ, during such limited periods, about 300 additional workers.

From figures submitted by nineteen to twenty-one plants in the Industry the payrolls had increased over 20% from April to September 1933. This reflects the President's Re-employment Program as the volume of production was equal in those two months. The total payrolls, as a result of the Code, will maintain this increase of over 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 sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant 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 19, 1934.

## CODE OF FAIR COMPETITION FOR THE SAMPLE CARD 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 sample cards and sample bindings, including the preparation of products for sampling.

“Member”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, receiver, or other form of enterprise, 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 Board of Directors of the Sample Card Manufacturers Association, Inc., 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 have no vote and shall serve without recompense 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 By-Laws relating to eligibility or admission to membership in said Association, or relating to the method of selection of the members of such Board of Directors 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 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, 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: 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 work 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 but not to exceed three hundred and twenty (320) hours in any period of eight (8) consecutive weeks.

2. No limitations 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.

4. Piece work shall not be permitted in any branch of the Industry.

5. No employee except watchmen shall be required or permitted to work on Sundays, or on January 1, May 30, July 4, Thanksgiving Day, or December 25.

6. No female employee, other than those covered by paragraphs (e) and (f) of Section 1 hereof, shall be required or permitted to work between the hours of 7:00 P.M. and 7:00 A.M.

#### ARTICLE IV—WAGES

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

Male labor, 40 cents per hour

Female labor, 30 cents per hour.

2. The minimum rate of wage 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 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 ninety (90) days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments made therein as are equitable in the light of all the circumstances but in no case shall such adjustments involve decreases. 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 and errand boys and girls under eighteen (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 and/or errand 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. 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.

8. 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 thirty (30) days prior to the date so fixed.

3. At least ten (10) days prior to such date, every such member shall file with the Code Authority a schedule of prices and terms of sale for all such products or, in the alternative, shall be deemed to have filed a schedule conforming in respect to price and terms of sale with the schedule at any time on file which states the lowest price and the most favorable terms.

4. All such schedules shall be in such form as the Code Authority shall prescribe and shall contain all information necessary to permit any interested person to determine the exact net price per unit after all discounts or other deductions have been made, whether pertaining to a single order, a commitment for future delivery, or a contract. All such original schedules shall become effective on the date fixed by the Code Authority as provided in Section 2 hereof.

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 non-members at the same time that they are sent to members.\*

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

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\* See paragraph 2 of Order approving this Code.

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 on 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 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. Nothing contained in this Code shall relieve any member of any existing obligations to furnish reports to any Government Agency.

#### 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 Practices 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.

#### 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 this 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. 301.  
Registry No. 299-1-19.



Approved Code No. 302

CODE OF FAIR COMPETITION

FOR THE

CANDLE MANUFACTURING INDUSTRY AND  
THE BEESWAX BLEACHERS AND REFINERS  
INDUSTRY

As Approved on February 20, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE CANDLE MANUFACTURING INDUSTRY AND THE BEESWAX BLEACHERS AND REFINERS 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 Candle Manufacturing Industry and the Beeswax Bleachers and Refiners 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 20, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Candle Manufacturing Industry and the Beeswax Bleachers and Refiners Industry, submitted by the Candle Manufacturers' Association and the American Beeswax Bleachers and Refiners Association, located at 19 West 44th Street, New York, N.Y., was conducted in Washington on the 22nd of November, 1933, in accordance with the provisions of the National Industrial Recovery Act. These Associations claim to represent 90 per cent of the Industries.

The maximum hours permitted under this Code are forty (40) hours per week; excepted, however, are watchmen who shall be permitted to work an average of forty two (42) hours per week. Excepted also from this provision are persons employed in a managerial or executive capacity who receive not less than thirty five (\$35.00) dollars per week, commercial traveling salesmen, employees engaged in emergency maintenance or emergency repair work, but it is provided that all such employees engaged in emergency work shall be compensated at the rate of time and one third their normal rate of pay for all hours worked in excess of forty (40) hours per week or eight (8) hours in any twenty four (24) hour period.

The minimum wage is forty cents (40¢) per hour; excepted, however, are employees engaged in light and non-hazardous occupations of the wicking, finishing and packaging departments who shall not be paid less than at the rate of thirty cents (30¢) per hour. It is also provided that there shall be no discrimination in rates of pay by reason of sex.

Wage earner employment declined 8.7 per cent from 1929 to 1931. The largest decline occurred during the months of January and December. For example, wage earner employment during the month of January was 13.0 per cent below the same month in 1929, while December was 13.6 per cent lower. The decline was quite irregular throughout the year, ranging from a decline of 2.1 per cent in June to 13.6 per cent in December under the respective months of 1929. July was the month of minimum employment during both 1929 and 1931, while November and March were the months of maximum employment for the respective years.

On the basis of a 40-hour week, 107 wage earners should benefit through reemployment, placing more wage earners on the payroll than were employed during 1929.

The value of commodities produced by these industries aggregated, during 1929, approximately \$6,686,194. During 1931, product value declined 19.3 per cent under the 1929 total, or to approximately \$5,396,198.



## 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 Industries normally employ not more than 50,000 employees; and are not classified by me as major industries.

(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 Industries; 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.

These Industries have 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 these Industries and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 20, 1934

# CODE OF FAIR COMPETITION FOR THE CANDLE MANUFACTURING INDUSTRY AND THE BEESWAX BLEACHERS AND REFINERS 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 Candle Manufacturing Industry and the Beeswax Bleachers and Refiners Industry, and its provisions shall be the standards of fair competition for such industries and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. The term "Candle Manufacturing Industry" as used herein includes the manufacture and sale by manufacturers of candles.

SECTION 2. The term "Beeswax Bleachers and Refiners Industry" as used herein includes the bleaching, refining and marketing by bleachers and refiners of beeswax in the United States.

SECTION 3. The term "member of the industries" includes any individual, partnership, association, corporation, or other person engaged in the Candle Manufacturing Industry or the Beeswax Bleachers and Refiners Industry, either as an employer or on his or its own behalf.

SECTION 4. The term "employee" as used herein includes any and all persons engaged in the industries, however compensated, except a member of the industries.

SECTION 5. The term "employer" as used herein includes any person by or for whom such employee is engaged.

SECTION 6. The terms "Act", and "Administrator" as used herein shall mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

## ARTICLE III—HOURS

SECTION 1. No person engaged in clerical or office work shall be permitted to work in excess of forty (40) hours per week averaged over a two (2) week period.

SECTION 2. No truck man, engineer or fireman shall be permitted to work in excess of eighty (80) hours in any two (2) week period.

SECTION 3. Watchmen, when employed in pairs, shall not be permitted to work in excess of thirty-six (36) hours per week and forty-eight (48) hours per week in alternate weeks, or when employed singly, an average of forty-two (42) hours per week.

SECTION 4. No outside employee engaged in bleaching beeswax shall be permitted to work in excess of forty (40) hours in any one week averaged over a three (3) months' period.

SECTION 5. No other employees except as hereinafter specified shall be permitted to work in excess of forty (40) hours in any one week, or in excess of eight (8) hours in any twenty-four (24) hour period.

SECTION 6. The provisions of this Article shall not apply to persons employed in a managerial or executive capacity who receive not less than thirty-five dollars (\$35.00) per week, nor to commercial traveling salesmen, nor to employees engaged in emergency maintenance or emergency repair work, provided, however, that all such employees engaged in emergency work shall be compensated at the rate of time and one-third their normal rate of pay for all hours worked in excess of forty (40) hours per week or eight (8) hours in any twenty-four (24) hour period.

SECTION 7. No employee shall knowingly 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

SECTION 1. No employee shall be paid less than at the rate of forty cents (40¢) per hour, except employees engaged in light and non-hazardous occupations of the wicking, finishing and packaging departments who shall not be paid less than at the rate of thirty cents (30¢) per hour.

SECTION 2. There shall be no discrimination in rates of pay by reason of sex, and where in any case female employees perform substantially the same work as male employees they shall receive the same rate of compensation as male employees, and where they displace men, they shall receive the same rate of compensation as was paid to 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 industries in which both men and women are employed.

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

SECTION 4. It is the policy of the members of these industries 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 these industries 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. Within thirty (30) days after the effective date of this Code such adjustments made since June 16, 1933, shall be reported to the Code Authority.

SECTION 5. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the em-

ployer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the 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 for approval within six (6) months 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.

SECTION 2. No manufacturer of the products of these industries shall cause or permit any part of the work of the production of his products to be performed at any place other than his or its factory premises or those of another manufacturer.

SECTION 3. In compliance with Section 7 (a) of the Act, it is provided:

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

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

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

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

SECTION 5. No provisions in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions than are imposed by this Code.

SECTION 6. If any employer is also an employer in another industry the provisions of this Code shall apply to and affect only that part of his business which is included in the industries covered by this Code.

SECTION 7. 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 all employees.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE  
AUTHORITY ORGANIZATION

SECTION 1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code, and shall consist of nine (9) members to be chosen by the industries as hereinafter provided through a fair method of selection approved by the Administrator. The Administrator, in his discretion, may appoint not more than three additional members, without vote and without compensation from the industry, to serve for such period of time and to represent the Administrator, or such group of groups, as he may designate.

SECTION 2. The industry members of the Code Authority shall be chosen as follows: Five members who shall be chosen by the Candle Manufacturers Association, three members who shall be chosen by the American Beeswax Bleachers and Refiners Association. There shall also be one additional member without vote, who shall be the business manager of the Candle Manufacturers Association and who shall be the Secretary of the Code Authority. The members of these respective industries so chosen shall be the sole Code Authority for the administration and enforcement of this Code as concerns their respective industries.

SECTION 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.

SECTION 4. 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 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.

SECTION 5. No inequitable restrictions on admission to membership in the Candle Manufacturers' Association or the American Beeswax Bleachers and Refiners Association or any other trade association or organized group, participating in the activities of the Code Authority shall be imposed, and any member of the industries shall be eligible for membership in any such trade association or organized group upon compliance with the provisions of the by-laws relating to membership, provided that any person applying for such membership shall, in addition to the payment of such dues as are imposed upon and paid by all other members, accept a reasonable and equitable share of the cost of code administration. Such members of the industries 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 Administrator's approval, shall prescribe as fair and equitable.

SECTION 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, nor be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or nonfeasance.

SECTION 7. The Code Authority shall have the further powers and duties to the extent permitted by the Act.

(a) To administer the provisions of this Code, provide for the compliance of the industries with the provisions of the Act and to propose and submit to the Administrator its recommendations for amendments and/or modifications of the Code, which shall become effective as a part of this Code upon approval by the Administrator, 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 industries through the Secretary, 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 industries of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any member of the industries or any other party except to such governmental agencies as may be directed by the Administrator. All individual reports made to the Code Authority shall be sent to its Secretary and shall be kept confidential by him as to members of the industries and only general summaries thereof may be published.

(d) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, or may be related to the industries.

(e) To designate the Candle Manufacturers' Association as an agency of the Code Authority for administering, supervising and promoting the performance of the provisions of this Code applying to the Candle Manufacturing Industry, and to designate the American Beeswax Bleachers and Refiners Association as an agency of the Code Authority for administering, supervising and promoting the performance of the provisions of this Code applying to the Beeswax Bleachers and Refiners Industry, or to use any other trade association or agency as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code, and that such trade associations and agencies shall, at all times, be subject to and comply with the provisions hereof.

(f) To secure from members of the 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.

(g) To 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.

SECTION 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 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.

SECTION 1. 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 misrepresent 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.

SECTION 2. 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.

SECTION 3. No member of the industries shall brand or mark or pack any product of the industries 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.

SECTION 4. No member of the industries shall publish advertising or other representation which refers inaccurately in any material particular to any competitors or their commodities, prices, values, credit terms, policies or services.

SECTION 5. 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.

SECTION 6. 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 extended to all customers of the same class.

SECTION 7. No member of the industries shall ship or deliver any product of these industries on consignment, or by any transaction

other than a sale, except with the approval of the Code Authority, or the Administrator.

SECTION 8. 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. 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.

SECTION 9. 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 relations.

SECTION 10. No member of the industries shall provide the services of any sales person to any purchaser in connection with the sale of any product, unless fair compensation for such service is charged.

SECTION 11. No member of the industries shall cancel in whole or in part, or permit the cancellation in whole or in part of any contract for sale of any product of the industries except for fair consideration, or by mutual consent, or by treating a breach of such contract as cancellation thereof; nor allow to any purchaser in connection with the sale of any product a credit discount or concession not specified in the contract of sale.

SECTION 12. No member of the industries shall secure or attempt to secure confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, or by bribery or by any other unfair method.

SECTION 13. No member of the industries shall aid or abet any person, firm, association or corporation in any unfair trade practice prohibited by this Code.

SECTION 14. No member of the industries shall make or give to any purchaser of any products of these industries a guarantee or protection in any form against decline in the market price of such products.

SECTION 15. No member of the industries shall maliciously entice any employee of a competitor from his employment with the purpose or effect of injuring or embarrassing such competitor in his business. Nothing herein shall prevent any employee from offering his services to a competitor, or prevent any member from employing an employee of another member where the initiative in such change of employment comes from the employee.

SECTION 16. No member of the industries shall make any donation, gift, advertising subscription or gratuity in connection with the sale of any product of these industries or as an inducement thereto. Nothing contained herein shall prohibit the free and general distribution of articles used solely for advertising, nor shall anything in this section be construed to alter the provisions of Section 8 of this Article.



**SECTION 17.** No member of the Candle Manufacturing Industry shall sell any product of that industry, except as specifically provided in Section 18 of this Article, on terms of sale more favorable than 2%, ten days E.O.M.

**SECTION 18.** No member of the Candle Manufacturing Industry shall sell votive candles, votive lights or sanctuary candles, other than candlemas order, on terms of sale more favorable than 2% cash discount, ten days, ninety days net. Candlemas terms shall be net and shall include full year's requirements.

**SECTION 19.** No member of these industries shall permit any buyer to return any merchandise which has been in the buyer's hands for more than ten (10) days, when the agreement of sale is fully performed by such member.

**SECTION 20.** No member of the Candle Manufacturing Industry in the Church Candle Field shall give any cash or merchandise rebates in any form. The free distribution of Paschal Candles, Triples, Votive Stands, Glasses, or other free merchandise as premiums or otherwise, shall be discontinued.

**SECTION 21.** No member of the Candle Manufacturing Industry shall make any advertising donations to any one candle account in excess of the value of five dollars (\$5.00) per year. Authority to make such donations shall not be delegated to salesmen but shall be retained by sales executives.

**SECTION 22.** No member of the Candle Manufacturing Industry shall sell any candles other than "firsts." No "seconds" shall be sold.

**SECTION 23.** No member of the Beeswax Bleachers and Refiners Industry shall sell or offer for sale any product of that industry other than 100% pure beeswax, bleached or refined, unless such product is labeled in a conspicuous manner as a composition wax.

**SECTION 24.** No member of the Beeswax Bleachers and Refiners Industry shall sell any products of that industry on terms of sale more favorable than one per cent (1%), ten days, E.O.M.

**SECTION 25.** No member of these industries shall sell or offer for sale any products of these industries at a price lower or on terms more favorable than those which he has currently on file with the Code Authority as provided for in Article IX of this Code.

#### ARTICLE VIII—PRODUCTIVE CAPACITY

Based on conditions in these industries and in this period of emergency and to effectuate the operation and provisions and policy of the National Industrial Recovery Act, the following regulations are established:

**SECTION 1.** No person engaged in these industries or for the purpose of engaging in these industries shall purchase, manufacture, lease or otherwise obtain or use productive machinery not owned, leased or otherwise held by such person prior to the effective date of this Code, except by applying to the Code Authority and obtaining permission of the Administrator upon his finding that the granting of such permission is consistent with effectuating the policy of the National Industrial Recovery Act; but nothing contained herein shall be construed to prevent the replacement by a member of these

industries of productive machinery of equal productive capacity existing on the effective date of this Code or the transfer of productive machinery from one manufacturer to another person provided same was in use prior to the effective date of this Code, and provided further that such transfer does not have the effect of creating additional productive machinery within the industries.

SECTION 2. No member of the Candle Manufacturing Industry shall engage in the manufacture in any of the three recognized fields of production, namely, fancy candles, church candles including votive lights, or common and house-hold candles if he has not engaged in that field at some time during the period of two years immediately prior to the effective date of this Code, except by applying to the Code Authority and obtaining permission of the Administrator upon his finding that the granting of such permission is consistent with effectuating the policy of the National Industrial Recovery Act.

SECTION 3. The provisions of this article shall cease to be effective on the expiration of one year from the effective date of this Code, provided, however, that prior to that time the Code Authority may submit to the Administrator its recommendation that said period be extended, based on such information as may be required and if the Administrator finds upon such information and facts that a further extension of this period is consistent with and further effectuates the policy of the National Industrial Recovery Act, he may declare the provisions of this article to be operative for such longer period and under such conditions as he may find necessary to further effectuate the policy last herein mentioned.

#### ARTICLE IX—OPEN PRICE SCHEDULES

SECTION 1. Each member of the industries shall, within ten (10) days after the effective date of this Code, file with the Code Authority, his net price lists, or price lists and discount sheets, as the case may be, individually prepared by him, showing his current prices, or prices and discounts then in effect, or to be charged for all grades and kinds of products of the industries to be sold, or offered for sale to dealers, agents and consumers by such member together with all terms and conditions at which he proposes to sell, and such lists shall become effective immediately upon the date filed with the Code Authority (i.e. actual receipt by the Code Authority), or sixty (60) days after the effective date of this Code, they shall become effective after such period of time as shall hereafter be established by the Code Authority with the approval of the Administrator.

SECTION 2. Revised price lists, or revised price lists and discount sheets, may be filed with the Code Authority at any time thereafter, by any member, to become effective immediately upon the date filed with the Code Authority (i.e. actual receipt by the Code Authority), or sixty (60) days after the effective date of this Code, they shall become effective after such period of time as shall hereafter be established by the Code Authority with the approval of the Administrator.

SECTION 3. Upon receipt from any member of the industries of any original or revised price lists, discounts, terms or conditions, the

Code Authority shall immediately make the same available to any member of the industries and to any other interested party upon request therefor. The original price lists filed by each member of the industries shall be numbered one, and all subsequently revised price lists or changes shall be numbered serially.

SECTION 4. If, at any time, the Code Authority shall find that any price lists submitted by an individual member of the industries represent sales below cost as prohibited by Article X of this Code, the Code Authority may require such member to furnish a detailed analysis, showing how such costs were determined, and if the Code Authority feels, after the submission of such analysis that the price lists represent figures below cost, as defined in this Code, it may present the same to the Administrator for appropriate action.

SECTION 5. The requirements of this Article shall apply only to products sold, or offered for sale to customers located in the United States and its possessions.

#### ARTICLE X—SALES BELOW COST

SECTION 1. The Code Authority shall set up adequate cost systems capable of uniform application within the industries, which, when approved by the Administrator, shall be used by all members of the industries as a basis for proving or determining cost of products of these industries. Thereafter, the Code Authority shall formulate and present for the approval of the Administrator a definition of the term "representative member of the industries." After approval of this definition no member of the industries shall sell or offer to sell any products below the lowest cost of any representative member of these industries as determined by the Code Authority and approved by the Administrator.

#### ARTICLE XI—INCIDENTAL MANUFACTURING PROCESSES

Any work or process incidental to and carried on by a member at his plant as a part of the manufacture of his products shall be regarded as a part of these industries and shall be governed by the provisions of this Code.

#### ARTICLE XII—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under the Act.

SECTION 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 hearings as he shall specify, and to become effective on approval of the President unless otherwise provided.

## ARTICLE XIII—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 XIV—EFFECTIVE DATE

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

Approved Code No. 302.

Registry No. 625-01.



Approved Code No. 303

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**CORDAGE AND TWINE INDUSTRY**

As Approved on February 21, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE CORDAGE AND TWINE  
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 Cordage and Twine 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 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 21, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Cordage and Twine Industry, submitted by the Cordage Institute, located at 60 East 42nd Street, New York, N.Y., was conducted in Washington the 1st of November, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Institute claims to represent approximately 70 percent of the Industry.

The maximum hours permitted under this Code for productive employees and those engaged in accounting, clerical or office work are forty (40) per week; non-productive employees are permitted to work 44 hours per week with time and one-third for all hours worked by this class of employee in excess of 44 per week.

The minimum wage is thirty cents (30¢) per hour in the South and thirty-two and a half cents (32½¢) per hour in the North. The minimum rate of pay for office, accounting and clerical employees is fourteen dollars (\$14.00) per week. Provision is made for an equitable adjustment of wages above the minimum.

The value of cordage and twine has decreased approximately 48 percent between 1929 and 1931, and it is probable that 1932 figures will show still further decrease. This decline has been partly due to lower prices and partly to the increase in imports. Imports of binder twine have increased from 19 million pounds in 1929 to over 42 million pounds in 1932. There has been a considerable falling off in the demand of rope by the shipping trade, and until there is an upturn in world trade, there cannot be a stronger demand for rope from this source.

On the basis of the 40 hour week it is estimated that employment will be increased 19% and that there will be a 20% increase in pay-rolls. Unlike most industries the number of wage earners employed in 1929 did not represent the peak of employment. Figures compiled show that between 1926 and 1929 employment declined approximately 20%. The decline has continued since 1929. In June, 1932 only about 3,800 wage earners were reported but by June, 1933 the number had arisen to around 4,050.

### 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.

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 21, 1934.

# CODE OF FAIR COMPETITION FOR THE CORDAGE AND TWINE 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 Cordage and Twine Industry and shall be the standard of fair competition for this industry and binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "United States" shall mean and include the forty-eight States, the District of Columbia, the territories of Alaska and Hawaii, the Canal Zone, Puerto Rico and the Virgin Islands.

2. The term "Cordage and Twine Industry" as used herein shall mean the manufacture, and/or sale by manufacturers, within the United States, as defined in Section 1, of cordage, including cables, tarred or untarred, composed of three or more strands, each strand composed of two or more yarns and/or cords and twines, including binder twines, tarred or untarred, single or plied, wholly or in chief value of Manila (abaca), sisal, henequen or other hard fiber, and cordage, twines and/or ply and yarn goods, commonly known as tarred hemp goods, 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 hearings as he may prescribe.

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 "member of the industry" includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

5. The term "productive machinery" as used herein means and includes preparation, spinning, twisting, laying and/or finishing machinery.

6. The term "unfair trade practice" as used herein means an unfair method of competition.

7. The term "productive employees" as used herein, shall mean those employees engaged in the actual preparation, spinning, twisting, laying and/or finishing of cordage and/or twine whether such work consists of manual work or operation of machinery.

8. The term "non-productive employees" as used herein, shall mean all employees of this industry who are not included within the definition of productive employees.

9. The term "Act" and "Administrator" as used herein, means respectively Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.



## ARTICLE III—DIVISIONS

1. The Cordage and Twine Industry shall be divided into the following Divisions:

- (a) Cordage, including tarred hemp goods.
- (b) Wrapping twine, including lath yarn and all ply and yarn goods, except binder twine.
- (c) Binder twine.

## ARTICLE IV—HOURS

1. Except as hereinafter provided the hours of employment of all employees shall be as follows:

(a) No non-productive employee engaged in accounting, clerical or office work and no productive employee shall be permitted to work in excess of forty (40) hours in any one week, except that any such employee may be employed forty-eight (48) hours in any one week, provided that his average employment for any calendar quarter does not exceed forty (40) hours per week. Productive employees shall receive time and one-third for any work over forty (40) hours in any week.

(b) No non-productive employee not included in above Subsection (a) (such as repair shop crews, engineers, electricians, supervisors, cleaners, oilers, firemen, shipping crews and/or watchmen) shall be employed in excess of forty-four (44) hours per week, except for emergency work hereinafter provided for, and any such work in excess of forty-four (44) hours per week shall be paid for at the rate of time and one-third.

2. Non-productive employees may be employed overtime on emergency work, provided a report of such emergency work is made the first of each month to the Code Authority.

3. The maximum hours provided shall not apply to employees engaged in an executive, managerial or supervisory capacity, inside salesmen, clerical, accounting and office employees, any of whom receive thirty-five dollars (\$35.00) per week or more, nor to outside salesmen.

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 V—WAGES

1. The minimum wage that shall be paid by members of the industry to any employee shall be thirty cents (30¢) per hour in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Tennessee, Texas and Louisiana, and thirty-two and a half cents (32½¢) per hour in all other States and the District of Columbia.

2. The minimum rate of pay for office, accounting or clerical employees, shall be fourteen dollars (\$14.00) per week.

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. Every member of the industry shall increase the rate of pay of all employees paid either by the hour or piece, if not increased prior

to the effective date of this Code, and shall increase the rate of pay for all employees paid by the day, week or month, now receiving less than thirty-five dollars (\$35.00) per week, if not increased prior to the effective date of this Code, to not less than ninety percent (90%) of the rates paid by said member of the industry, or his predecessor in business, for the same class of work at the same place of business in June, 1929, provided that no employee shall be paid less than the minimum fixed in this Code. All such increases made since June 16, 1933 shall be reported to the Code Authority to insure that the prevailing rate for the same class of work in the manufacturing district in which the place of business is located shall govern the application of this provision. Sixty (60) days after the effective date of this Code, the provisions of this Section shall be reviewed by the Administrator and revised in such manner as may in his opinion be necessary to effectuate the purposes of the Act.

#### ARTICLE VI—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Cordage and Twine Industry; nor any person under eighteen (18) years of age 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 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 law, State or Federal, 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.

4. No employer shall, for the purpose or with the effect of defeating the provisions of this Code, reclassify employees or duties of occupations performed as they existed on October 17, 1933.

5. Each employer shall post and keep posted copies of Articles IV, V, VI and X of this Code in conspicuous places accessible to all employees.

6. If any employer of labor in the Cordage and Twine 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 cordage and twine, as herein defined.

7. Temporarily and until further order of the Administrator, operation of productive machinery shall be limited to two forty (40) hour shifts per week.

(a) The Code Authority may grant exceptions to the above provision subject to review of the Administrator.

## 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 be chosen by the industry through a fair method of selection, approved by the Administrator, to serve for a period of one (1) year from the date of its 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) 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.

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

(c) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

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

(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 submit them to the Administrator for his approval; such amendments and/or modifications, when approved, shall become a part of this Code and have the same force and effect as if originally incorporated herein.

(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 members of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such administrative and/or governmental agencies as may be directed by the Administrator.

(d) To make economic studies of costs and selling prices, with due regard to capital investments and other factors, and report to the Administrator the results thereof with such recommendations in connection therewith as may in its opinion tend to effectuate the purpose of this Code.

(e) To use such trade association and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such 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 participate in this Code or 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. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(i) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(j) Each member of this industry shall install and maintain an adequate cost finding method, approved by the Code Authority and the Administrator, in order that comparable cost data for the entire industry may be available for such purposes as provided by this Code.

(k) No manufacturer in any Division shall be required to furnish any information, data or reports not required of all other manufacturers in the same Division except where such information, data or reports may be required in connection with an investigation of an alleged violation of the Code.

(l) 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—PRISON MADE PRODUCTS

1. No member of this industry shall purchase for sale or resale, or sell or offer for sale, or otherwise distribute any cordage or twine manufactured or produced, in whole or in part, in any penal or reformatory institution, or produced or manufactured, in whole or in part, by prisoners, except prisoners on parole or probation.

2. Provided, however, that the provisions of Section 1 hereof shall not apply to any cordage or twine produced in any penal or reformatory institution in, or by the prisoners of a State of the United States which has entered into and is complying with and making effective a compact or a binding agreement of any other nature, which satisfies the Administrator that cordage or twine produced in whole or in part in such institution or by the inmates thereof (with the exception of cordage and twine produced by any prison solely for the use of tax supported institutions, agencies, departments or activities of any State or its political subdivisions) is manufactured, sold and distributed only upon a fair basis of competition with similar merchandise produced by private domestic industry, but otherwise Section 1 hereof shall apply to such prison-made products.

3. The Code Authority shall promptly present to the Administrator all facts pertaining to the problem of convict-labor competition affecting the cordage and twine industry.

#### ARTICLE IX—PRODUCTIVE MACHINERY

1. Temporarily and until further order of the Administrator, no manufacturer engaged in the Cordage and Twine Industry, and no person, partnership or corporation, for the purpose of engaging in the Cordage and Twine Industry, shall purchase, manufacture, lease or otherwise obtain or use, productive machinery not owned, leased or otherwise held prior to the effective date of this Code, except by securing a certificate from the Administrator, upon application through the Code Authority, certifying that the obtaining, manufacturing, or use of such additional productive machinery is consistent with effectuating the policy of the National Industrial Recovery Act; nothing herein shall be construed as preventing the replacement of productive machinery, of equal or less productive capacity, existing on the effective date of this Code or the transfer of productive machinery from one manufacturer to a subsidiary manufacturer.

#### ARTICLE X—EVASION

1. No member of the industry shall engage in any subterfuge for the purpose or with the effect of defeating the provisions of this Code or the intent and purposes of the Act.

## 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, 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 practice, 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 fourteen (14) days after its approval by the Administrator.

## ARTICLE XV—SUPPLEMENTARY PROVISIONS

1. The following schedules (a and b, inclusive) are supplementary to, and constitute part of, the Code of Fair Competition for the Cordage and Twine Industry. Such schedules apply respectively to those particular Divisions of the Cordage and Twine Industry indicated by the specific headings.

Approved Code No. 303.  
Registry No. 219-1-01.

## SCHEDULE "A"

### DIVISION FOR MANUFACTURERS OF CORDAGE AND WRAPPING TWINE

1. *Filing Price Lists.*—(a) Each member of this Division of the industry, within five (5) days after the effective date of this Code, shall file and maintain on file with the Code Authority, a schedule of prices, together with revisions of same from time to time, as inclusive as the Code Authority, with the approval of the Administrator, shall determine. Each schedule shall show the selling prices for (1) cordage products made by such member, and (2) wrapping twine products made by such member. No member shall make any change in such selling prices except as otherwise provided herein. Each such schedule shall become effective on the date of receipt by the Code Authority. No price schedule of any member of this Division shall be increased within a period of five (5) days after any decrease in such member's schedule. Such price schedules shall be available to anyone in interest.

(b) No member of this Division shall sell, or offer to sell, any cordage or wrapping twine, directly or indirectly, at a price other than that specified in his current schedule on file with the Code Authority or modify the schedule by any subsequent concessions made either directly or indirectly, except that any member of this Division may deviate from such price schedule to meet actual competition on a comparable item, provided that he make immediate report of such deviation to the Code Authority with such relevant facts as the Code Authority may require.

2. *Relationship of Costs.*—(a) The Code Authority, at such time and after such study as it may deem proper, shall recommend to the Administrator the relationship of costs and/or differentials; first, as to bolt rope, drilling cables, and transmission rope, and as to #1 and #2 Manila and #1 and #2 sisal cordage, as between and affected by grades, put-ups, sizes, special treatments and constructions (not patented) having a significant effect on costs and special sales conditions and arrangements; and second, as to all products included in R92-32, United States Department of Commerce Simplified Practice Recommendations, as between and affected by classes, sizes, put-ups, construction, varying treatments and construction (not patented), having a significant effect on cost and special sales conditions or arrangements.

(b) The Administrator may approve, disapprove or modify these recommendations.

(c) After approval by the Administrator no member of this Division shall file a schedule of prices which does not conform to such relationship as hereinabove provided in Section 2 (a).

3. *Trade Discounts, Commissions, Allowances, Etc.*—(a) The Code Authority, subject to the approval and with the advice of the Administrator, may from time to time arrange for conferences of all interested parties, including all classes of secondary sellers, or the Code Authority governing them, for the purpose of recommending to the Administrator the establishment of such commissions, trade discounts and/or allowances which in its opinion, will be fair and reasonable in relation to the nature and extent of the distributing services and functions rendered by each buying class.

(b) The Administrator may approve, disapprove or modify these recommendations.

(c) After such discounts, commissions and/or allowances shall have been approved by the Administrator upon such notice and hearing as he may deem necessary, it shall be an unfair trade practice for any member to sell any product included in this division with a discount, commission or allowance in excess of those approved.

(d) If the Code Authority recommend and the Administrator approves, the discount, commission and/or allowance of any secondary seller shall be decreased by any member, when to the knowledge of said member, the secondary seller allows any customer any discount, commission and/or allowance in excess

of the discount, commission and/or allowance approved by the Administrator as herein provided for a customer of the same class. The decrease in the discount, commission and/or allowance shall equal and not exceed the decrease in the discount, commission or allowance given by said secondary seller to his customer.

(e) Members of this Division may appoint mill agents or distributors for the sale of first; cordage to jobbers and wholesalers, or second; wrapping twine to merchants and other retail sellers of wrapping twine, upon the following conditions:

(1) Where such mill agents or distributors agree to abide by the Code of Fair Competition for the Cordage and Twine Industry with respect to the sale and distribution of cordage and wrapping twine.

(2) Where said mill agent or distributor sells cordage or wrapping twine in a specified territory exclusively for the account of one member of this Division, except in cases where the member of the Division, supplying said mill agent or distributor, is unable to supply the necessary item or product.

(3) Where said mill agent or distributor is exclusive with said member in the specified territory, which territory shall not be less than the corporate limits of any city or town.

(4) Where (a) the billing is done by the member or (b) if the mill agent or distributor does the billing, invoices shall include the name of the manufacturer of the product and copy of all invoices shall be sent on the first of each month to the manufacturer and commissions to mill agents or distributors shall be based on said invoices.

(5) Names of all mill agents and distributors shall be filed with the Code Authority and made known to each and every member of the Cordage and Twine Industry.

(f) Nothing in this section shall be construed to abridge the right of manufacturers to sell direct to any customer in any territory or the right of any customer to buy direct from any member.

4. *Freight Charges.*—(a) The Code Authority shall recommend to the Administrator a zoning plan for freight charges, including drop shipment charges.

(b) The Administrator may approve, disapprove or modify these recommendations.

(c) Such plan when approved by the Administrator, shall remain in effect for six (6) months from the effective date of this Code or until changes are made in same by the Administrator or by the Code Authority with the approval of the Administrator.

(d) No member of this Division shall sell or offer to sell any product of this division except in accordance with such plan when so approved.

5. *Terms and Discounts.*—(a) No member of this Division shall allow any cash discount in excess of two percent (2%), ten (10) days, thirty (30) days net, from date of invoice, except upon authorization of the Code Authority.

(b) No member of this Division shall make or give to any purchaser of any product any guarantee or protection in any form against decline in the market price of such product.

(c) No member of this Division shall date any invoice of any cordage or wrapping twine subsequent to the date of the shipment of such cordage or wrapping twine, or include in any invoice any cordage or wrapping twine shipped on a date earlier than the date of such invoice.

(d) No member of this Division shall invoice any cordage or wrapping twine at prices which do not reflect the actual return to the seller.

(e) No member of this Division shall settle any account except in exact accordance with the terms and details of the invoice; nor directly or indirectly give rebates, refunds or unfair credits or allowances, whether in the form of money or otherwise. This provision shall not apply to settlement with insolvent debtors.

(f) Each member of this Division shall show on his invoice and each copy thereof his individual list price, together with any discount, commission or deductions allowed by him relative to the sale covered by such invoice.

6. *Contractual Terms.*—(a) No member of this Division shall sell or offer for sale any cordage or wrapping twine:

(1) Unless order is accompanied by definite specifications.

(2) Unless offers to sell are subject to change, without notice, except offers to sell to Federal, State or local governments, which may be subject to acceptance within ten (10) days after opening of bids.



(3) Unless such offers to sell are for immediate shipment, except where sales for future delivery are (a) at a definite price with a definite shipping date; or (b) are without price, the price to be the member's price prevailing at time of shipment.

(4) Except on a gross weight basis.

(5) Where the markings on the product or the invoice covering same show net weight or tare.

(6) Where the product is not covered, protected or lashed in the usual custom of the trade, as prescribed by the Code Authority with the approval of the Administrator.

(7) For the purpose of determining the observance of the above provisions, copies of all orders and invoices shall be made available to the Code Authority on demand.

7. *Price and Competitive Practices Investigation.*—(a) The Code Authority shall investigate such prices and competitive practices as in its opinion tend to defeat the purposes of the National Industrial Recovery Act and shall then make its recommendations to the Administrator who may approve, modify or deny such recommendations.

8. *Simplified Practice Recommendation.*—(a) No member of this Division shall manufacture or cause to be manufactured, except as otherwise authorized by the Code Authority, subject to review by the Administrator, products included in the Wrapping Twine Division, on and after ninety (90) days after the effective date of this Code or sell, or offer to sell, any product which does not comply with the provisions of Simplified Practice Recommendation R92-32, as promulgated by the United States Department of Commerce, except as provided in Section 10 for the disposal of Distress Merchandise.

(b) The Code Authority, with the approval of the Administrator, shall develop a simplified practice recommendation program for cordage, with the assistance of the Division of Simplified Practice of the United States Department of Commerce, which program shall be submitted to the Administrator as an amendment to this Code.

(c) Upon the expiration of thirty (30) days after the effective date of this Code, no member of this Division shall manufacture or cause to be manufactured products included in the Cordage Division or upon the expiration of six (6) months after the effective date of this Code, sell or offer to sell any such product, except as provided in this Section, or as otherwise provided by the Code Authority, or as provided in Section 10 of this schedule.

(d) Trade Designations:

*Becker reflectance values*

	Minimum	Maximum
Bolt rope.....	54	(1)
No. 1 Manila, 2¼ cir. & larger.....	43	48
No. 1 Manila, smaller than 2¼ cir.....	46	54
No. 2 Manila, 2¼ cir. & larger.....	33	40
No. 2 Manila, smaller than 2¼ cir.....	35	42
No. 1 Sisal (java & comparable fibers) (stainless).....	60	(1)
No. 2 Sisal (henequen and comparable fibers) (stainless).....	40	48

<sup>1</sup> No limitation.

(e) The term "Becker Reflectance Value" shall be defined and the tests for same shall be as provided in Federal Specifications T-R-601 for Manila Rope; such tests shall be made on samples with the oil extracted from same.

(f) Nothing hereinabove shall be construed to prohibit the manufacture and sale of drilling cables, transmission rope, lariat, yacht products (yacht lariat), tarred hemp products, heart ropes, or specially treated ropes (where treatment discolors the fiber permanently).

(g) Special treatments and special constructions of cordage shall be limited to No. 1 and higher grades of Manila.

(h) When the Code Authority, with the approval of the Administrator, authorizes the manufacture of any product or products, not specially provided for herein, all members of this Division shall be provided with a copy of such changes.

9. *Identification.*—(a) No member of this Division shall, sixty (60) days after the effective date of this Code, manufacture or cause to be manufactured, or, six (6) months after the effective date of this Code, sell or offer for sale, any No. 1 or No. 2 Manila cordage and higher grades, or thirty (30) days after the effective date, sell or offer for sale any wrapping twine, without positive identification of manufacturer and grade, in such manner as the Code Authority may determine, except as provided in Section 10.

10. *Distress merchandise.*—(a) No discontinued, obsolete or distress merchandise, shall be sold by any member of this Division, except upon approval by the Code Authority, which approval shall promptly be given unless the sale will result in unfair competition or otherwise not effectuate the purposes of the Act, or as provided in Sections 8 and 9 of this Schedule, subject to review by the Administrator, and such merchandise shall be clearly marked "discontinued", "obsolete" or "distress" merchandise on the invoice, order or other papers in connection therewith. All applications made hereunder to the Code Authority shall include a statement of the character of the goods involved and the reasons for the application.

11. *Samples.*—(a) No member of this Division shall give away free samples of wrapping twine in excess of ten (10) pounds or give away free samples of cordage longer than ten (10) feet, except for specimens to be used for tensile strength tests.

12. *General Trade Practices.*—The following constitute unfair methods of competition and are prohibited:

(a) No member of this Division shall procure, otherwise than by consent, any information concerning the business of another manufacturer which is properly regarded as a trade secret or confidential within its organization, other than information relating to a violation of any provision of this Code.

(b) No member of this Division shall use or substitute any material, superior or inferior in quality, to that specified by the purchaser, or use or substitute any material or method of manufacture not in accord with any applicable law, rule or regulation of any governmental authority.

(c) No member of this Division shall give, permit to be given, or indirectly 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 this Division shall cancel in whole or in part or permit the cancellation in whole or in part of any contract of sale, except for a fair consideration, or pay or allow to any purchaser in connection with any sale, any rebate, commission, credit, discount, adjustment or similar concession other than as is permitted by the Code.

(e) No member of this Division shall disseminate, publish or circulate any false or misleading information relative to any product or price for any product of any manufacturer or the credit standing or ability of any manufacturer thereof to perform any work or manufacture or produce any product, or to the conditions of employment among the employees of any manufacturer thereof.

(f) No member of this Division shall aid or abet any manufacturer in any unfair practice.

(g) The violation of any provision of this Code shall be deemed an unfair method of competition.

13. *Exports.*—(a) 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, but nothing in this Section shall be construed to include trade between the United States and its territories or possessions, within the meaning of the term "export trade".

## SCHEDULE "B"

### DIVISION FOR MANUFACTURERS OF BINDER TWINE

#### FILING PRICE SCHEDULES

1. Every member of this Division offering Binder Twine for sale shall file with the Code Authority a schedule of prices and terms setting forth the grades and lengths per pound, prices per pound, or the prices per bale of fifty (50) lbs. gross weight, quantity discounts, terms and date of payment, date and amount of cash discount, and conditions of delivery; each such schedule shall set forth only one price of such member for each length of twine covered therein and the only lengths therein shall be, approximately five hundred (500) feet, five hundred fifty (550) feet, six hundred (600) feet and six hundred fifty (650) feet to the pound. Such schedules shall represent the basis upon which Binder Twine is to be sold by members when selling to retail dealers. Such schedule shall also set forth full information as to all discounts allowed to purchasers. Such schedule, when filed with the Code Authority, shall become effective on the date filed and shall remain in force until a new schedule is filed and becomes effective.

2. Copies of all schedules filed by manufacturers shall be open to examination, as the Administrator may determine, to parties in interest.

3. The Code Authority, at such time and after such study as it may deem proper, shall recommend to the Administrator the establishment of a definite quantity (bales) of binder twine, the purchase of which for a season's requirement shall entitle the purchaser to a discount, from any individual manufacturer, equal to the discount allowed by said manufacturer to jobbers. The Administrator may approve, disapprove or modify the recommendations. Pending such determination, each member shall file such discounts as he desires to make applicable to any purchaser.

4. No manufacturer shall sell, or offer to sell, Binder Twine, directly or indirectly, upon any other conditions than specified in his schedule as filed, or as may be established under the provisions of Section 3 hereof, and no manufacturer shall modify the conditions of sale by any concessions, either directly or indirectly, made subsequent to any sale.

(271)





Approved Code No. 304

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**OUTDOOR ADVERTISING TRADE**

As Approved on February 24, 1934

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**ORDER**

**CODE OF FAIR COMPETITION FOR THE OUTDOOR ADVERTISING 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 Outdoor Advertising Trade, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VIII, Section 2, insofar as they prescribe a waiting period between the filing with the Code Authority (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:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 24, 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 Outdoor Advertising Trade, as proposed by a group representative of that trade. The public hearing was conducted in Washington on December 8, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

There are estimated to be 1300 firms in this trade. The group proposing the Code endeavored to get in touch with all known members and it is certain that better than 80% of the business was directly represented.

### ECONOMIC AND STATISTICAL MATERIAL

Outdoor Advertising breaks down into 17,500 units or "plants", each comprised of a group of bill-boards within a given area, which in 1928 produced a business of \$65,000,000 and gave employment to 16,000 persons. In 1933, the volume of business had dwindled to \$25,000,000 and employment stood at 10,000, declines of about 60% and 40% respectively. Being strictly a service business, Outdoor Advertising is dependent upon general conditions and has little recreative power within itself.

### RÉSUMÉ OF CODE PROVISIONS

The Code establishes a 40 hour week for all employees except those engaged in outside work in communities of less than 25,000 population where allowance is made for additional time occasioned by the distances between locations. It is estimated that over 85% of all employees will be on a 40 hour week and that employment in the trade will increase by 15% on the basis of the same volume of business as was available in 1933.

Insofar as rates of pay are concerned, differentiation is made between workers inside and outside the employer's shop, with special consideration to both the size of the community and the South. A majority of workers will be on a 40 cent minimum rate. The lowest rate possible will be 30 cents for outside workers in small communities in the South. These provisions will result in payroll increases averaging better than 10%. The minimums apply to a very limited number of employees (not over 15%) as practically all employees fall in skilled classifications or trades where wages are at relatively high levels, and are adequately protected by the terms of the Code.

The unfair trade practice provisions are elaborate in order to preserve all of the competitive elements. As in the case of other advertising media, such as magazines, it is important that rates be determined in advance. This is especially important in Outdoor Advertising because an advertiser often wishes a national display which necessarily involves "plants" owned by a multitude of individual concerns, some of which may be in direct competition.

## FINDINGS

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

I find that:

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

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

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

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

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

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

For these reasons, the Code has been approved.

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 24, 1934.

# CODE OF FAIR COMPETITION FOR THE OUTDOOR ADVERTISING TRADE

## ARTICLE I—PURPOSE

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

## ARTICLE II—DEFINITIONS

The term "Outdoor Advertising Trade" as used herein includes the service for others of selling and/or erecting and/or placing and/or maintaining outdoor advertising displays on premises owned, leased or controlled by a member, and such related branches or subdivisions as may from time to time be included under the provisions of this Code.

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

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

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

The term "trade area" as used herein means any area designated as a trade area by the Code Authority in accordance with the provisions of this Code.

The term "President", "Act", "Administrator", and "Code Authority", as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, the Administrator for Industrial Recovery, and the agency herein created to administer this Code for the Trade.

Population for the purposes of this Code shall be determined by the latest Federal Census.

## ARTICLE III—HOURS

1. No employee engaged outside of the shop of the employer but within the corporate limits of the city in which the shop is located shall be permitted to work more than forty (40) hours in any one week except as provided in the following two subsections:

(1) No employee engaged outside of the shop of an employer located in a city or town of 25,000 population or less but greater than 2,500 population shall be permitted to work in excess of forty-four (44) hours in any one week.



(2) No employee engaged outside of the shop of an employer located in rural communities of 2,500 or less shall be permitted to work in excess of forty-eight (48) hours in any one week.

2. No watchman shall be permitted to work in excess of fifty-six (56) hours per week averaged over any consecutive two (2) week period.

3. No other employee, except as set forth in Sections 1 and 2 of this Article, outside salesman, outside leaseman, traveling auditors and employees engaged in a managerial or executive capacity receiving Thirty-five (\$35.00) Dollars a week or more, shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hours period.

4. The maximum hours fixed in the foregoing sections shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least time and one-third shall be paid for hours worked in excess of the maximum hours herein provided.

5. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

#### ARTICLE IV—WAGES

1. No employee in the Trade shall be paid less than Fifteen (\$15.00) Dollars per week in cities of 500,000 population or more and in the trade areas of such cities; Fourteen Dollars and Fifty Cents (\$14.50) per week in cities between 250,000 and 500,000 population and in the trade areas of such cities; Fourteen (\$14.00) Dollars per week in cities between 50,000 and 250,000 population and in the trade areas of such cities; Thirteen (\$13.00) Dollars per week in cities or places of less than 50,000 population and in the trade areas of such cities or places, except—

(a) Employees engaged outside of the shop of the employer, shall be paid not less than 40¢ per hour in cities of 25,000 population or more, and not less than 35¢ per hour in cities or places of less than 25,000 population, provided, however, that in the States of Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Tennessee, Texas, Alabama, Arkansas, West Virginia, Oklahoma, New Mexico, Kentucky, and Louisiana, the minimum rate shall be 5¢ less per hour, than the hourly rates herein established.

(b) Apprentices shall be paid not less than 80% of the minimum rate, provided, however, that no employee shall be classed as an apprentice who has worked for any employer in the Trade a total of 25 weeks or more and provided further, that the number of apprentices thus classified and paid below the minimum shall not exceed 5% of the total number of employees of any employer, except that one apprentice may be employed by any employer.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

3. No employee whose full time weekly hours for the four weeks ended June 17, 1933, are reduced by the provisions of this Code by 20% or less shall have his or her full time weekly earnings reduced. No employee whose full time weekly hours are reduced by the pro-

visions of this Code in excess of 20% shall have his or her said earnings reduced by more than 50% of the amount calculated by multiplying the reduction in hours in excess of 20% by the hourly rate.

4. 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 Trade, or 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 90 days after the effective date, a list of such operations or occupations. In any State, an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

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

6. Employers shall not reclassify employees or duties of occupations performed by employees or engage in any other subterfuge so as to defeat the purposes of the Act or of this Code.

7. Each employer shall post in conspicuous places accessible to employees copies of Articles III, IV, and V of this Code and any amendments thereto.

8. No employees shall be dismissed by reason of making an honest complaint or giving truthful evidence with respect to an alleged violation of this Code.

#### ARTICLE VI—ADMINISTRATION

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

##### ORGANIZATION AND POWERS OF CODE AUTHORITY

1. The Code Authority shall consist of nine individuals, or such other number as may be approved from time to time by the Admin-

istrator, to be selected as hereinafter set forth, and of such additional members without vote as the Administrator, in his discretion, may appoint to represent such groups or Governmental agencies as he may designate. The Trade representatives on the Code Authority shall consist of nine members of the Trade, provided that not more than six of the nine members shall be members of the Outdoor Advertising Association of America, Inc.

(a) Each member of the Code Authority may appoint an alternate to represent him in his absence and such alternate shall have full power to vote. No alternate shall, however, be affiliated with any member of the Trade already represented on the Code Authority.

2. The Code committee of the Outdoor Advertising Trade shall arrange, subject to the approval of the Administrator, for the nomination and election of the members of the Code Authority within ninety (90) days from the effective date of this Code. Each member of the Trade qualifying as provided in Section 15 of this Article may cast one vote for each of the nine members of the Code Authority. Members of the Code Authority shall be elected to serve for one (1) year or until their successors are elected. Until the Code Authority is elected the Code Committee shall serve as the Code Authority; provided that in no event shall it serve beyond ninety days from the effective date of the Code. If the Code Authority shall not be elected within such period, the Administrator shall appoint a temporary Code Authority of nine members of the Trade to serve until the election of the Code Authority by the Trade.

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

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

5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority be liable to anyone for any action or omission to act under the Code except for his own willful misfeasance or non-feasance.

6. The Code Authority shall adopt by-laws and rules and regulations for the procedure and for the administration and enforcement of the Code, in accordance with the powers herein granted, and 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 information as to its activi-

ties as the Administrator may deem necessary to effectuate the purposes of the Act.

7. The Code Authority may receive complaints of violations of this Code, make investigations, reports and recommendations thereof to the Administrator.

8. The Code Authority may utilize the facilities of and cooperate with any and all trade and labor associations or organizations, national, regional, or local, in the Outdoor Advertising Trade in such manner as it deems most useful to its work within the limitations of Article V, Sections 2, 3, and 4, and Article VI, Section 3 of this Code.

9. The Code Authority may coordinate the administration of this Code with such other Codes, if any, as may be related to the Trade, or any subdivision thereof and may assist in promoting joint action upon matters of common interest by establishing a joint Advisory Board to which one or more of its members shall be delegated.

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

11. The Code Authority shall investigate the question of "overruns", or the permitting of an outdoor advertising display to remain a longer period of time than is actually provided by the advertisers contract. The Code Authority shall make recommendations within 90 days after the effective date of this Code to the Administrator for the regulation of such practice based on such investigation and study.

12. The Code Authority shall obtain from members of the Trade, as soon as the necessary readjustments within the Trade can be made, reports based on periods of one, two, or four weeks, or one month, or multiples thereof, for use of the Code Authority and the Administrator in the administration and enforcement of the Code, and for the information of the President, and to give assistance to members of the Trade in improving methods, or in prescribing a uniform system of accounting and reporting.

13. The Code Authority shall define and determine the trade areas specified in Article IV without regard to City, County, State, or sectional lines.

14. 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.

15. Members of the Trade shall be entitled to participate in and share the benefits of the activities of the Code Authority, to participate in the selection of the members thereof, and to use the N.R.A. Insignia, by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expense of preparation, presentation, and administration of this Code. The reasonable share of such expense shall be determined by the Code Authority, subject to review by the Administrator, on the basis of

volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

16. 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.

17. In addition to information required to be submitted to any Code Authority, all or any of the persons subject to such Code, agreement or license shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of said Act to such Federal and State agencies as the Administrator may designate; nor shall anything in any Code, agreement, or license relieve any person of any existing obligation to furnish reports to Government agencies.

#### ARTICLE VII—TRADE PRACTICES

1. No member of the Trade shall publish advertising (whether printed, radio, display, or of any other nature) as to his own business which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any credit terms, values, policies, services, or the nature or form of the business conducted.

2. No member of the Trade shall knowingly withhold from or insert in any quotation or invoices any statement that makes it inaccurate in any material particular.

3. No member of the Trade shall publish advertising as to his own business which refers inaccurately in any material particular to any competitors or their prices, values, credit terms, policies, or services.

4. No member of the Trade shall sell any service at a price below cost. However, any member may meet the price competition of anyone whose costs under this Code provision are lower.

5. No member of the Trade shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

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

7. No member of the Trade shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the 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 Trade shall induce or 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.

9. No member of the Trade shall require that the purchase of any service or lease of any space be a prerequisite to the purchase or lease of any other service or space.

10. No member of the Trade shall join or participate with other members of the Trade who with such member constitute a substantial number of members of the Trade or who together control a substantial per cent of the business in the Trade, in any transaction known in law as a black list, including any practice or device which accomplishes the purpose of a black list.

#### ARTICLE VIII—OPEN PRICE AGREEMENT

1. The Code Authority shall prepare and complete as soon as possible, subject to the approval of the Administrator, a basic classification of the services of the Trade together with a schedule of items or services for which additions to or deductions from the base prices may be made. This classification may be amended from time to time by the Code Authority.

2. This classification of services shall be made available by the Code Authority to every member of the Trade as well as to purchasers of such services. Within 30 days thereafter each member of the Trade shall file with the Code Authority, or otherwise as it may require, a list showing the base prices for all services, which list shall be available for the benefit of buyers as well as sellers. Any subsequent change in a price list shall be filed as provided herein to become effective not earlier than 30 days from the date of filing, except that the first price list so filed shall become effective immediately.<sup>1</sup>

3. No member of the Trade shall quote prices or terms, contract for the sale of or sell any service except upon such current prices and terms as he shall have established by filing with the Code Authority as hereinabove provided. Provided, however, that bona fide quotations made to advertisers or their representatives shall be firm if covered by contract placed with member of the Trade within 90 days from date of making such quotations subject to prior sale.

#### 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.

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

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

#### ARTICLE X—MONOPOLIES

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 difficult of consummation if prices of services increase as rapidly as wages, it is recognized that price increases should be delayed, and that when made the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

#### ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 304.  
Registry No. 1702-23.







**CODE OF FAIR COMPETITION**

FOR THE

**FIBRE CAN AND TUBE INDUSTRY**

As Approved on February 24, 1934

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**ORDER**

APPROVING CODE OF FAIR COMPETITION FOR THE FIBRE CAN AND  
TUBE 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 Fibre Can and Tube 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 24, 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 Fibre Can and Tube Industry, conducted in Washington on December 2, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

The Code provides a standard 40 hour week for factory workers. Members of the Industry may adopt a standard work day for factory employees of either eight or ten hours; overtime to be paid for all hours worked in excess of forty hours per week. The usual exceptions are made in regard to non-productive 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 32½¢ per hour. In the South the minimum wage rate for hourly paid employees is 30¢ per hour. 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 3,200 persons and 2,900 persons in 1933. The effect of the Code will be to employ between 550 and 600 additional workers.

The increase in the total payrolls of the Industry 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 sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant Association is 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 24, 1934.

## CODE OF FAIR COMPETITION FOR THE FIBRE CAN AND TUBE 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 business of manufacturing cans of various shapes from paper, fibre and/or similar materials; cans consisting of a combination of metal, fibre, paper and/or similar materials and tubes, cores, spools and reels for a multiplicity of purposes made of these same materials, whether such cans, tubes, cores, spools and reels are for use and consumption by maker, or are for sale, or are used in connection with and incidental to the major and prime business of maker.

“Member”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy, receiver, or other form of enterprise, 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. There shall forthwith be constituted a Code Authority of the Fibre Can and Tube Industry which shall comprise six (6) members of the Industry. Five (5) of such members shall be elected by the Board of Directors of the National Fibre Can and Tube Association. The five (5) members so elected shall elect a sixth member from among the members of the Industry. At least two of the six members so elected to the Code Authority shall be engaged in the manufacture of tubes and cones for winding textile yarns. In addition to the six (6) members so elected the Administrator may designate from one to three persons to serve on the Code Authority without vote and without compensation from the Industry.

SECTION 2. The 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 the Association, or relating to the method of selection of the members of the Board of Directors which the Association may hereafter adopt.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the Industry, the Administrator may

prescribe such hearings as he may deem proper, and thereafter if he shall find the Code Authority is not truly representative of the Industry, he may require an appropriate modification of the method of selection of the Code Authority.

SECTION 4. The Code Authority is charged generally with the duty of administering this Code. It 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. 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 (30) days notice to him of intention to proceed with such action in its original or modified form.

SECTION 5. The expense of administering this Code shall be borne pro rata, in accordance with a formula to be adopted by the Code Authority, by all members of the Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

SECTION 6. 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.

SECTION 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 way to any one for any act of any other member, officer or agent or employee of the Code Authority; nor shall any member of the Code Authority be liable to anyone for any action or omission to act under the Code, except for his own wilful misfeasance or non-feasance.

### 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 schedule except as hereinafter provided:

#### SCHEDULE OF WORKING HOURS

- (a) Watchmen: Fifty-six (56) hours in any one week.
- (b) Chauffeurs, truckdrivers and their helpers: Nine (9) hours in any one day, or forty-five (45) hours in any one week.
- (c) Engineers, firemen, electricians, filter plant employees, electric and hydro-electric operators: Nine (9) hours in any one day, or forty-two (42) hours in any one week.
- (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. Any member may elect to adopt a standard work of ten (10) hours by filing notice of such

election with the Code Authority on or before thirty (30) days after the effective date of this Code, and may not thereafter revert to a standard eight (8) hour day for a period of at least one year from such date. When any member has elected to adopt the ten (10) hour day, all time worked by such of his employees, as are included within the meaning of this paragraph, in excess of forty (40) hours in any one week, or on the fifth or following day in any calendar week shall be paid for as overtime in accordance with the provisions of Section 2 of this Article.

(e) Employees engaged in a managerial or executive capacity, foremen and supervisors, receiving \$35.00 or more per week, their personal secretaries, 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.

SECTION 2. The limitations provided in the above schedule may be exceeded for any reason at any time provided that all time worked in excess of the maximums shall be paid for at the rate of time and one-third for all hours above the maximums up to and including forty-eight (48) hours per week, and at the rate of time and one-half for all hours above forty-eight (48) hours per week.

SECTION 3. No employer shall knowingly permit any employee to work for any time, which, when totalled with that already performed with another employer or employers in this Industry, exceeds the maximum number of hours permitted in the schedule set forth in this Article.

#### ARTICLE IV—WAGES

SECTION 1. The minimum rate of wage of any employee, other than office or clerical employees, employed in any plant, mill or factory, or on work connected with or incidental to the operation of 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: 32½¢ 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: 30¢ per hour.

SECTION 2. The minimum rate of wage of any office or clerical employee 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 the 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 Northern zone, and 35¢ per hour in the Southern zone.

SECTION 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.

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

employees. The Code Authority shall within ninety (90) days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

SECTION 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.

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority 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.

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. 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.

SECTION 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.

SECTION 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.

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

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

SECTION 7. 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.

SECTION 8. The manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

#### ARTICLE \*VI—ACCOUNTING—SELLING

SECTION 1. 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.

SECTION 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 thirty (30) days prior to the date so fixed.

SECTION 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 prices and the most favorable terms.

SECTION 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.

SECTION 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.

SECTION 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 withdrawals, 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.

SECTION 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.

SECTION 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.

SECTION 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 non-members at the same time that they are sent to members.<sup>1</sup>

SECTION 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.

SECTION 11. Cost, for the purposes of this Article, shall be determined pursuant to the method of cost determination 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

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

shall from time to time prescribe with the approval of the Administrator. In computing cost either by the prescribed method herein provided for, or prior to the time when such method is put into operation, every member shall use the market price of prime materials as furnished by the leading mills making these materials. If a member manufactures any of the raw or semi-finished materials used in making the products of this Industry, he shall use the market price as described in this Section in computing the cost of materials and not his manufacturing cost.

SECTION 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, prices, 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.

SECTION 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 on such terms and conditions as the Code Authority may approve.

SECTION 14. Except in fulfillment of bona fide contracts existing on the effective date of this Code, no member shall sell or offer for sale any product of the Industry at a price less than a price arrived at in accordance with the provisions set forth in this Article.

## ARTICLE VII—REPORTS AND STATISTICS

SECTION 1. Each member shall prepare and file with an impartial agent or agents, 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, stock 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.

SECTION 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 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.

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

SECTION 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. Nothing contained in this Code shall relieve any member of any existing obligations to furnish reports to any Government Agency.

#### ARTICLE VIII—MONOPOLIES

SECTION 1. No provision of this Code shall be 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 Practices 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.

SECTION 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.

SECTION 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—GENERAL 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, 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 contract.

(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) To make payment or refunds at any time, directly or indirectly, or to allow privileges not extended to all purchasers under like terms and conditions excepting, however, such differentials or differences between purchasers as are permitted by the terms of Section 2 of the Clayton Act, shall be considered Unfair Trade Practices.

(h) No member of the Industry shall withhold from or insert in his billing, statements resulting in the invoice being a false record, wholly or in part of the transaction represented on the face thereof.

#### 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.

SECTION 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.

SECTION 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.

SECTION 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 this Code or any conditions imposed by him upon his approval thereof.

SECTION 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. 305.  
Registry No. 311-03.



CODE OF FAIR COMPETITION

FOR THE

MICA INDUSTRY

As Approved on February 24, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE MICA 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 Mica 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 number 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, excepting however, those provisions which include within the scope of this Code the importation of Mica and Mica products and the sale thereof by the importer, be and it is hereby approved; provided, however, that those engaged in the importation of Mica and Mica products and the sale thereof may, after application by a truly representative group and after such further investigation and notice as I may deem necessary, be included within the scope of this Code, and provided further, that the provisions of Article VIII, Sections 3 and 6, 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 24, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Mica Industry, a hearing on which was conducted in Washington on the seventeenth of November, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### HOURS

The Code provides for a maximum work day of 8 hours and a maximum work week of 40 hours, except that for six weeks in any six month period employees may be permitted to work 48 hours each week. The following are excepted:

(a) Executives and managers, who earn not less than \$35.00 per week, and outside salesmen;

(b) Employees on emergency maintenance and emergency repair work, who may work not more than 48 hours in one week;

(c) Engineers, firemen and cleaners who may work not more than 56 hours per week during any six weeks in any six month period, and who may otherwise work not more than 48 hours in one week;

(d) Watchmen, who may work not more than 54 hours in any one week.

All employees are limited to six days work in any seven day period.

### WAGES

The Code provides for minimum rates of pay of 25 cents per hour in the South and 30 cents per hour in the North; of 27½ cents per hour in the South and 32½ cents per hour in the North in grinding operations in the Dry Ground Mica Division; and of 30 cents per hour in the South and 35 cents per hour in the North, in the Importing Division, and in grinding operations in the Wet Ground Mica Division.

Until 6 months after the effective date of the Code, learners, without previous experience in the Industry, may be paid 80% of the above minimum wages. No person may be classed as a learner for longer than 12 weeks and the total number of such learners shall not exceed 10% of the total number of employees.

Aged or physically handicapped persons may be employed at such wages and for such hours as shall be stated in a certificate issued by a State Authority designated by the United States Department of Labor.

### CHILD LABOR

The employment of persons under 16 years of age and, in occupations hazardous in nature or dangerous to health, of persons under 18 years of age is prohibited.

## ECONOMIC EFFECTS OF THE CODE

This Code has been presented by five groups, representing the following distinct branches of the Industry: Sheet Mica, Dry Ground Mica, White Wet Ground Mica, Mica Mining and Mica Importing. These groups constitute the entire Mica Industry in the United States except for the Plate Mica Group, which is now operating under the Code for the Electrical Manufacturing Industry. The bringing together of these groups under one Code should tend to unify and strengthen the Industry.

On the basis of value, only about 30% of the Mica used in this country is domestic, the remainder being imported. The annual domestic production, in tons, has remained fairly constant since 1929, but the value of this production has declined approximately 70% during this period. The number of wage earners in the industry has decreased only about 10% since 1928.

Because of the lack of data concerning some of the groups, it is difficult to estimate accurately the increases in employment and purchasing power which will result from the Code. From the available data, it appears that the Code will increase employment at least 20% and wages at least 30%, assuming that the volume of domestic production does not decline.

In the South, wages are now being paid as low as 7½ cents per hour in the Sheet Mica Group and 10 cents per hour in the Mica Mining Group, as compared to the minimum of 25 cents per hour prescribed in the Code for this section. The prevailing maximum weekly hours for all groups range from 50 to 60, as compared to the 40 to 48 hours permitted under the Code.

## FINDINGS

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

I find that:

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

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

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limita-

tion Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant groups are industrial groups truly representative of the aforesaid industry, excepting however, the importation of mica and mica products and the sale thereof by the importer; and that said groups impose no inequitable restrictions on admission to membership therein.

(d) Said 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, excepting however, those provisions which include within the scope of this Code the importation of mica and mica products and the sale thereof by the importer; provided, however, that those engaged in the importation of mica and mica products and the sale thereof may, after such further investigation and notice as I may deem necessary, be included within the scope of this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 24, 1934.



# CODE OF FAIR COMPETITION FOR THE MICA 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 Mica Industry, and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS <sup>1</sup>

The term "Mica Industry" as used herein includes the mining, importing, grinding, manufacturing, and fabricating—together with the distributing and sale by those engaged in the foregoing activities,—of mica including muscovite, biotite, phlogopite, and all other forms of mica and products made exclusively or largely therefrom, except those products in which a binder is used in conjunction with mica splittings.

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

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

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

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

The term "Industry" as used herein as defined to mean the Mica Industry as described above.

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

"Effective Date" as used herein means the second Monday after this Code shall have been approved by the President of the United States.

The Mica Industry includes the following Divisions:

1. The "Mining Division" which consists of members of the Industry engaged in the mining of mica and its classification and sale by the miner as run-of-mine mica;

2. The "Importing Division" which consists of members of the Industry engaged in the importation of mica and mica products for sale or resale;

3. The "Sheet Mica Division" which consists of members of the Industry engaged in the manufacture and fabrication of raw sheet mica;

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

4. The "Wet Ground Mica Division" which consists of members of the Industry engaged in the wet grinding or processing of all kinds and types of mica as hereinabove defined;

5. The "Dry Ground Mica Division" which consists of members of the Industry engaged in the dry grinding or processing of all kinds and types of mica as hereinabove defined including:

(a) dry ground mica produced by the grinding of shop or scrap mica;

(b) dry ground mica schist;

(c) unground mica screenings from clay washings;

6. Such other divisions as may hereafter be established as hereinafter provided, provided however that any division now or hereafter established may be exempted from the provisions of this Code by the President after such notice and hearing as he may prescribe.

### ARTICLE III—HOURS

1. Except as hereinafter otherwise provided no employee shall be permitted to work in excess of 40 hours in any one week nor in excess of 8 hours in any 24-hour period, provided, however, that for six weeks in any six months period an employee may be permitted to work 48 hours in any one week.

2. The maximum hours fixed in the foregoing section shall not apply to outside salesmen, executives (acting in a supervisory capacity) or persons employed in a managerial capacity who earn not less than \$35.00 per week, or to employees engaged in emergency maintenance or emergency repair work, provided that the latter group are not permitted to work more than 48 hours in any one week.

3. The maximum hours fixed in the foregoing section (1) shall not apply to engineers, firemen and cleaners, provided, however, that no such employee may be permitted to work more than a maximum of 48 hours during any one week, except that during any six weeks of any six month period the maximum shall not be more than 56 hours.

4. The maximum hours fixed in the foregoing section (1) shall not apply to watchmen, provided, however, that no such employee may be permitted to work more than a maximum of 54 hours per week.

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

6. No employee shall be permitted to work more than six days in any seven day period.

### ARTICLE IV—WAGES

1. No employee in this Industry shall be paid at less than the rates indicated below for the respective sections of the country and in the respective divisions of this Industry. (The Southern Section as used in this Article includes the states of Kentucky, Virginia, North Carolina, Tennessee, Mississippi, Alabama, Georgia, South Carolina, Florida; and the Northern Section as used in this Article includes all other states and territories of the United States).

	Southern Section	Northern Section
Mining Division.....	25c per hour.....	30c per hour.
Importing Division.....	30c per hour.....	35c per hour.
Sheet Mica Division.....	25c per hour.....	30c per hour.
Wet Ground Mica Division:		
In grinding operations.....	30c per hour.....	35c per hour.
In other operations.....	25c per hour.....	30c per hour.
Dry Ground Mica Division:		
In grinding operations.....	27½c per hour.....	32½c per hour.
In other operations.....	25c per hour.....	30c per hour.

Provided that, in the Sheet Mica Division only, learners may be employed, who may be paid not less than eighty (80%) percent of the minimum wage above prescribed. The total number of such learners engaged by any employer shall not exceed ten (10%) percent of the total number of employees engaged by such employer at any one time. No person shall be employed as a learner for a period in excess of twelve (12) weeks. The provisions of this paragraph with respect to learners shall remain in operation for six (6) months after the effective date of this Code and thereafter shall terminate. For the purpose of this paragraph, learners shall be defined as persons who have had no previous employment in the mica industry.

2. 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. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file with the Divisional Code Authority a list of all such persons employed by him.

3. 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 for approval within six (6) months after the effective date of this Code.

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

5. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

6. No employee now employed at a rate in excess of the minimum shall be discharged and re-employed at a lower rate for the purpose of evading the provisions of this Code.

7. 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 any other basis.

8. No employer shall re-classify 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.

9. 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.

#### ARTICLE V—CHILD LABOR

No persons under 16 years of age shall be employed in the Industry and no person under 18 years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Divisional Code Authorities shall submit to the Administrator before six months after effective date a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

#### ARTICLE VI—NATIONAL CODE AUTHORITY

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

2. The National Code Authority shall consist of the Chairmen of the Divisional Code Authorities hereinafter established. In addition to members as above provided, not more than three members, without vote and without expense to the Industry, may be appointed by the Administrator to serve for such terms as he may designate:

(a) No two members or alternates of the National Code Authority shall be affiliated with any single member of the Industry.

(b) One alternate may be selected from each Division to represent the chairman of the Division in the Code Authority in his absence, provided that no alternate may be affiliated with any member of the Industry already represented on the National Code Authority.

3. Should a matter come before any Code Authority which specifically involves the acts, conduct or interests of a company with which any member of a Code Authority is affiliated or employed, such member shall be disqualified to act in such matter. The designated alternate shall act in such disqualified member's place.

4. Each trade or industrial association directly or indirectly participating in the selection or activities of the National Code Authority or of a Divisional Code Authority 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 made thereto, together with such other information as to membership, organization and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

5. In order that the National Code Authority or any Divisional Code Authority shall at all times be truly representative of the Industry or any Division thereof, 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 National Code Authority or any Divisional Code Authority is not truly representative or in any other respect does not comply with the provisions of the Act, he may require an appropriate modification in the method of selection of any Code Authority.

6. All members of the Industry may participate in and share the benefits of the activities of the National Code Authority and the proper Divisional Code Authority, and may participate in the selection of the members thereof by assenting to and complying with the terms of this Code. Any such members of the Industry shall pay their proportionate share of the cost of maintenance of such Code Authority and its activities. 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 the volume of business and/or such other factors as may be deemed equitable.

7. The National Code Authority shall have the following powers and duties subject to the right of the Administrator, on review, to disapprove any action by any agency pursuant to this Code:

(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 in the administration and enforcement of the Code.

(c) To obtain from members of the Industry such information and reports as it requires for the administration of the Code, and provide for the 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. Such information and reports shall be submitted by members of the Industry to such administrative and/or Government Agencies as the Administrator may designate, provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government Agency. No such reports or information shall be disclosed to any member of the Industry or to any other party except to such Government Agencies as may be directed by the Administrator.

(d) To use such trade associations, supervisory agencies, committees, employees and/or others as it deems proper for the carrying out of any of its activities provided for herein, and to delegate to them such of its powers and duties as it deems necessary to facilitate the administration of this Code, provided that nothing herein shall relieve the National Code Authority of its duties and responsibilities under this Code, and that such associations, supervisory agencies, committees, employees or others shall at all times be subject to and comply with the provisions hereof.

(e) To study the trade practice provisions incorporated in this Code and the operation thereof, and make such recommendations as are approved by the various Divisions to the Administrator from time to time, which it considers desirable for modification or addition to this Code. Upon approval by the President after such hearings as he may prescribe, such recommendations shall become a part of this Code and shall have full force and effect as provisions thereof.

(f) To establish from time to time, new Divisions of the Industry, in addition to the Divisions herein established. Each Division shall have a Divisional Code Authority selected by the members of said Division as hereinbelow provided in Article VII.

(g) To investigate the importation of competitive articles into the United States, which endanger the purposes of this Code and to act as the agency to make complaint to the President, pursuant to the provisions of Section 3 (e), of the Act, on behalf of this Industry.

(h) To delegate any of the above functions or duties to any one or all of the Divisional Code Authorities, provided, however, that the National Code Authority shall not be relieved of final responsibility with respect to such delegated functions or duties.

(i) To coordinate the administration of this Code through the several divisions of the Industry.

(j) To appoint an impartial agency not a member of the Industry or not employed by a member of the Industry, nor in any way affiliated with a member of the Industry. Any and all information submitted to the National Code Authority pursuant to this Code shall be submitted to such impartial agency and shall be deemed confidential and shall not be revealed to any member of the Industry except in summary.

(k) To review, disapprove or modify any decision, finding, or course of action by any Divisional Code Authority.

(l) To appoint a member of the Mica Plate Section of the Insulation Division of the Code of Fair Competition for the Electrical Industry, approved by the President on August 4, 1933, to serve as a liaison member without vote of the National Code Authority and the aforesaid Mica Plate Section.

#### ARTICLE VII—DIVISIONAL CODE AUTHORITIES

1. A Divisional Code Authority is hereby established in each Division of the Industry to administer the Code within such Division, subject to the limitations and procedure herein prescribed.

(a) The Divisional Code Authority shall consist of three members to be elected by members of the respective Divisions of the Industry subject to the provisions of Article VI, hereof.

(b) The Dry Ground Mica Association for the Dry Ground Mica Division, the Wet Ground Mica Association for the Wet Ground Mica Division, and the Committee on Organization of the Code of Fair Competition for the Mica Industry for the remaining Divisions of the Industry, are hereby designated as the agencies to conduct such elections within ten days after the effective date of this Code.

(c) Members of the Divisional Code Authority shall be elected to serve for a term of one year, or until their successors are elected. In the event of any vacancy on the membership of any Divisional Code Authority, a special meeting of the members of such Division shall be called to elect a member to fill the unexpired term of such vacancy. Notice of each election shall be sent to all members of the Division at least ten (10) days in advance of any election, and voting at such election may be by person or proxy or by letter ballot.

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

(e) Each Division may designate one alternate for each member of the Divisional Code Authority elected as hereinabove provided.

(f) Should a matter come before a Divisional Code Authority which specifically involves the acts, conduct, or the interests of a company with which any member of the Divisional Code Authority is associated or employed, such member shall be disqualified to act and the designated alternate shall act in such disqualified member's place.

(g) The Divisional Code Authority may use such trade associations, supervisory agencies, committees, employees and/or others as it deems proper for the carrying out of any of its activities provided for herein, and to delegate to them such of its powers and duties as it deems necessary to facilitate the administration of this Code, provided that nothing herein shall relieve the Divisional Code Authority of its duties and responsibilities under this Code, and that such associations, supervisory agencies, committees, employees or others shall at all times be subject to and comply with the provisions hereof.

(h) The Divisional Code Authority may appoint any impartial agency not a member of the Industry or employed by a member of the Industry, nor in any way affiliated with a member of the Industry. Any and all information submitted to any Divisional Code Authority pursuant to this Code shall be submitted to such impartial agencies and shall be deemed confidential and shall not be revealed to any member of the Industry except in summary.

(i) Members of any Division of the Industry may participate in and share the benefits of the activities of their respective Divisional Code Authority and may participate in the selection of the members thereof by assenting to and complying with the terms of this Code. Any such member of any Division of the Industry shall pay his proportionate share of the cost of maintenance of such Divisional Code Authority and its activities. Such reasonable share of the expense of administration shall be determined by the Divisional Code Authority subject to review by the Administrator on the basis of the volume of business and/or such other factors as may be deemed equitable.

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

3. The Divisional Code Authority shall study the trade practices provisions incorporated in this Code and the operation thereof and shall make such recommendation for modification and addition thereto to the National Code Authority from time to time which it considers desirable for the welfare of its particular Division. Such recommendations shall be submitted to the Administrator through the National Code Authority, accompanied by its own recommendation. Upon approval by the President, after such hearings as he may prescribe, such recommendations shall become a part of this Code and have full force and effect as provisions of this Code.

4. The Divisional Code Authority shall receive, and to the extent permitted by the Act shall adjust complaints in regard to the operation of this Code, which involve a member of that Division.

5. Price lists and terms and conditions of sale, wherever referred to in this Code, shall be filed in such form and shall be composed of such schedules and items as the respective Divisional Code Authority may designate.

#### ARTICLE VIII—COMPETITIVE PRACTICES

1. Each member of the Industry shall use an adequate cost-accounting system which shall be at least as complete and detailed as the cost-accounting system recommended by his Divisional Code Authority and approved by the Administrator as hereinafter provided. The Divisional Code Authority shall recommend for use in the Industry a uniform and adequate cost-accounting system which shall be adaptable to the cost-accounting procedure and to the business of the Division. Such plan shall specify the factors which shall be included in determining the costs and allowable costs of each member of the Division. Upon approval by the Administrator of such a system of cost-accounting for the Industry, complete advice concerning it shall be distributed by the Divisional Code Authority to all members of the Division. Thereafter no member of the Division shall initiate a selling price below his own allowable cost or sell the products of the Division at such price or upon such terms or conditions of sale as will result in the purchaser's paying for such product less than the allowable cost to the seller, except where sales below such costs are necessary to meet the competition of another member of the Industry or of products of equivalent design, character, quality or specification manufactured outside the United States, provided that such sales below allowable costs are immediately reported to the Divisional Code Authority and provided further that such sales below allowable cost may not be continued beyond such time as the Divisional Code Authority notifies such member that such sales below his allowable cost are no longer necessary to meet such competition.

2. The foregoing provisions shall not apply in cases in which any member of the Industry sells, or offers to sell, dropped lines, seconds or inventories which must be converted into cash to meet emergency needs, provided that such sales are made in such manner and on such terms and conditions as the Divisional Code Authority may establish and as are necessary to move such products into buyer's hands.

3. On the effective date each member of the Dry Ground Mica Division and the Wet Ground Mica Division shall file with the Divisional Code Authority his net price list and terms and conditions of sale. The Divisional Code Authority shall immediately send copies thereof to all known manufacturers of such products.

Revised price lists and terms and conditions of sale may be filed from time to time with the Divisional Code Authority by any member of the respective Division of the Industry, to become effective ten days after filing. Copies thereof with notice of the effective date specified shall be immediately sent to all known members of



that Division of the Industry who thereupon may file, if they so desire, revisions of their price lists and terms and conditions of sale to meet prices previously filed which may become effective upon the date when the revised price list first filed shall go into effect.

The Divisional Code Authority may, if it feels that the circumstances require it, authorize a shorter period than the ten days referred to above.

The Divisional Code Authority shall make such prices and other related material available to inspection by the public at its official place of business during usual office hours.<sup>2</sup>

4. Each Divisional Code Authority shall have power on its own initiative, or on the complaint of any member of the Industry, to investigate any price for any product shown in any price list filed with such Divisional Code Authority by any member of the Industry, and for the purpose of investigation thereof may require such member of the Industry to furnish such information concerning his allowable cost of such product as may be necessary, provided, however, that all such information shall be subject to the provisions of Article VII, Section 1, sub-section (h) of this Code.

5. No member of this Industry shall sell, directly or indirectly by any means whatsoever, any product of the Industry at a price lower, or on more favorable terms of payment than those provided for in his own published and filed net price list and/or other conditions of sale.

6. If and when a majority of the members of the Sheet Mica Division by secret ballot, under supervision of the National Code Authority, shall so decide, provided such ballot shall be taken within ninety (90) days after the effective date, the following provisions shall go into operation in that Division:

(a) Upon notice in writing from the Divisional Code Authority, each member of the Division shall, within ten days after such notice, file with the Divisional Code Authority a net price list and terms and conditions of sale. The Divisional Code Authority shall immediately send copies thereof to all known manufacturers of such products.

Revised price lists and terms and conditions of sale may be filed from time to time with the Divisional Code Authority by any member of the Division, to become effective ten days after filing. Copies thereof with notice of the effective date specified shall be immediately sent to all known members of the Division who thereupon may file, if they so desire, revisions of their price lists and terms and conditions of sale to meet prices previously filed which may become effective upon the date when the revised price list first filed shall go into effect.

The Divisional Code Authority may, if it feels that the circumstances require it, authorize a shorter period than the ten days referred to above.

The Divisional Code Authority shall make such prices and other related material available to inspection by the public at its official place of business and during usual office hours.

(b) Each member of the Sheet Mica Division who is also a mica miner shall use as his cost price of mica a price not less than the

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

prevailing market price of such mica at the time when his price is filed with the Divisional Code Authority; such prevailing market price of mica shall be based upon the price being generally paid for run-of-mine mica of the equivalent quality in that district by other buyers. The Divisional Code Authority shall from time to time collect and report the market price which manufacturers and fabricators shall use for the valuation of mica referred to above.

(c) If and when this provision is put into operation by the Sheet Mica Division, such action shall be immediately reported by the National Code Authority to the Administrator.<sup>3</sup>

7. (a) Within ten (10) days after receiving notice to that effect from the National Code Authority, each member of the industry shall file and maintain on file with such impartial agency as the National Code Authority may designate, a list of such products of the Industry, together with a complete and accurate description of each such product, which he or it produces in the United States of America, in not less than such quantities as the National Code Authority may specify, together with his allowable cost of producing such products, determined in accordance with Section 1 of this Article.

(b) After such impartial agency shall have published to members of the Industry the lowest allowable cost of each product so filed with it, without, however, disclosing the identity of the member filing such cost, no member of the Industry shall sell any product of the Industry below the lowest allowable cost of production of a product of equivalent design, character, quality or specifications, so filed with the National Code Authority and published by it in accordance with the provisions of this Section; provided, however, that the provisions of this Section shall not apply to any products, the total production of which in the United States of America, is less than five per cent of the total consumption of such products in the United States.

(c) The impartial agency designated by the National Code Authority shall make findings of facts which shall be prima facie correct, on any disputed questions of fact arising under this section, which findings shall be subject to review by the Administrator.

8. No member of this Industry shall guarantee a customer against a decline or against an increase in price, except by written contracts, copies of which shall be filed with the Divisional Code Authority.

9. When a member of the Industry sells Industry and non-Industry products together to the same customer, he shall not quote a combined lump sum price which is less than the sum of the price at which he sells or offers to sell the separate products.

10. Each member of the Industry shall keep on file with the Divisional Code Authority an up-to-date list of his distributors and/or agents.

11. No member of the Industry shall knowingly make an invoice and/or contract which is a false record of any transaction.

12. No member of this Industry shall allow any discount of any kind except, (a) a cash discount not to exceed 2% for payment within ten days, and/or (b) quantity discounts which shall be filed with the respective Divisional Code Authority and made a part of

<sup>3</sup> See paragraph 2 of order approving this Code.

such price lists as are required to be filed under the provisions of Sections 3 and 6 of this Article.

13. No member of the Industry shall make or cause or permit to be made or published, any untrue or deceptive statements by way of advertisements, labels, or otherwise, concerning the grade, quality, quantity, description, character, nature, origin, size, or preparation of any product of the Industry which have the tendency and capacity to mislead or deceive purchasers or prospective purchasers.

14. No member of the Industry shall defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by false representation or false disparagement of the grade or quality of their goods, which imputations have the tendency and capacity to mislead or deceive purchasers or prospective purchasers.

15. 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.

16. No member of the Industry shall induce or attempt to induce the breach of an existing contract between competitors and/or customers by any false or deceptive means whatsoever, or interfere with or obstruct the performance of any such contractual duties, or services by any such means whatsoever.

17. Every member of the Dry Ground Mica Division and the Wet Ground Mica Division shall send to the Divisional Code Authority of his respective Division within five days from date thereof, a duplicate copy of each invoice of sale and any contract entered into for the sale of any of the products of the Industry.

18. Carload lot prices shall apply only upon single shipments actually made in carload lots. (A carload to be determined by the railroad tariff on minimum loadings.) When, however, goods are moved by truck from the producer's factory or warehouse, to consumer's premises, forty-eight hours may be allowed for completing the delivery of a carload.

19. Any member of this Industry may pay a commission for sales services, which commissions shall be filed with the Divisional Code Authority of the respective Division of the Industry in the same manner and under the same conditions as provided in Sections 3, 5, and 6a hereof.

20. All members of the Dry Ground Mica Division shall bill all bags filled with mica at a uniform price, individually determined by them, according to size. The prices thereof are to be included in the price lists to be filed with the Divisional Code Authority.

21. No member of this Industry shall apply a reduced quantity price to orders or shipments covering quantities less than the quantities for which such reduced prices have been filed, or in any other way depart from his filed and established price list.

22. When any member of this Industry makes an allowance to a customer because of inferior quality or defective material (unless it is a complete rejection for which full credit is given by the member of this Industry), he shall report such allowance within five days after such allowance is made to the Divisional Code Authority of his respective Division.

23. Nothing contained herein shall be interpreted to prevent or prohibit any member of this Code from selling distressed products of this Industry to any other member of his division of the Code at any price he may see fit, irrespective of whether that price is below his actual cost price as determined by the procedure referred to in paragraphs 1, 3, and 6 above.

24. In the Dry Ground Mica Division, differentials between prices for carload and less than carload shipments shall be determined by the Divisional Code Authority subject, upon review, to disapproval by the Administrator.

#### ARTICLE IX—ENFORCEMENT AND ARBITRATION

1. On the effective date the provisions of this Code shall be the standards of Fair Competition for the entire Mica Industry as defined above. Any violation or violations of such standards in any transactions by or involving any member of this Industry shall be deemed an unfair method of competition and as such shall be subject to the penalties provided in the Act. Any violation of any provisions of this Code may be reported by any member of the Industry. Such violations shall be investigated by the Divisional Code Authority, who shall report the facts to the National Code Authority with a recommendation as to the innocence or guilt of the party or parties involved.

2. The National Code Authority or the Divisional Code Authority, as the case may be, shall hear both sides of the case and shall decide whether or not in its opinion a violation or violations have occurred.

3. If one or more complaints of a similar character against any member of the Industry shall have been proven to be unfounded, the National or Divisional Code Authority shall, at its discretion, either discontinue or suspend investigations until the complainant shall present definite proof of a violation.

4. In case of a dispute between members of the Industry, the National Code Authority may resolve itself into a Board of Arbitration, and if the parties to the dispute agree, may arbitrate the difference, or may set up such machinery as may be necessary and desired by the parties to conduct an arbitration.

5. The National Code Authority shall use its influence and good offices to arbitrate disputes between members of the Industry and members of other Industries.

#### ARTICLE X—GENERAL

1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-

organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

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

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

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

5. No provision of this Code shall be interpreted or applied in such a manner as to promote monopolies or monopolistic practices: permit or encourage unfair competition, eliminate, discriminate against, or oppress small enterprises.

6. 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 experiences may indicate. It is contemplated that from time to time supplementary provisions to this Code will be submitted for the approval of the President, after such hearings as he may prescribe, to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title 1 of the National Industrial Recovery Act consistent with the provisions thereof.

7. Each corporation, partnership, or individual doing business as a separate entity and having become a member of this Code as indicated by his written assent thereto, shall have one vote in the affairs of this Industry.

8. This code shall become effective upon the second Monday after its approval by the President.

Approved Code No. 306.

Registry No. 1013-13.





Approved Code No. 307

CODE OF FAIR COMPETITION  
FOR THE  
STAY MANUFACTURING INDUSTRY

As Approved on February 26, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE STAY 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 Stay 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 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; and provided further that the words "employee or" be eliminated from Article VII, Section 9.

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

Approval recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.  
*February 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the approved Code of Fair Competition for the Stay Manufacturing Industry, the hearing on which was conducted in Washington on January 16, 1934, in accordance with the provisions of the National Industrial Recovery Act.

The minimum wages provided in this code are thirty-five cents (35¢) per hour for males and females, with the provision that when females of the skilled class perform the same work as males they are to receive the same rate of pay. Learners are to receive eighty per cent (80%) of the minimum wage, and such learner class is limited to five per cent (5%) of the total number of employees in any establishment.

The maximum hours provided in this code are forty (40) hours per week with an allowance of five (5) hours per week during any eight (8) weeks in a six (6) months' period, with the provision that all time in excess of eight (8) hours per day or forty (40) hours per week shall be paid at the rate of time and one-half.

No person under sixteen (16) years of age shall be employed or engaged in this industry. Home work in this industry shall be abolished on June 1, 1934.

The word "stay" as used in this industry, was originally interpreted to mean a piece of material used to reinforce, or strengthen, parts of shoes, sporting goods, and other articles usually made of leather. It has since been corrupted so that it now refers to reinforcements, trimmings of all kinds made in continuous lengths and otherwise, made of leather, imitation leather, and other fabrics in widths from one-sixteenth ( $\frac{1}{16}$ ) of an inch to four (4) inches wide.

These products are sometimes folded in various ways, perforated, pinked, or painted with lacquer. In other cases two (2) or more units are combined by cementing or stitching. There are also bindings and interlacings in numerous forms and styles.

Approximately seventy-five per cent (75%) of the volume of the products of this industry are sold to the shoe manufacturing industry. A considerable volume, although a diminishing volume, is sold to the automobile trade. Bindings and seam weltings are furnished to the sporting goods manufacturers. Bindings, facings, and seam weltings are made for the spat and gaiter manufacturers. Seam weltings, pipings, and bindings are made for the pocketbook, bag and novelty leather manufacturers.

The industry is largely a service business as the majority of the products are manufactured on special order. No large inventories are kept by the manufacturers.

A proposed code was originally submitted in July, 1933. At that time the minimum wage proposed was thirteen dollars (\$13.00) per



week, and the hours were to be an average of forty (40) hours per week over a six (6) month period and permitting forty-eight (48) hours in any particular week. By their own volition the majority of the members of this industry operated under these provisions. This caused an increase of approximately twenty per cent (20%) in their payrolls, and approximately twenty per cent (20%) in the number of employees. The labor provisions in the approved code will cause another increase of twenty per cent (20%) in the payrolls and in the total number of employees, thus making a total increase of approximately forty per cent (40%) over the figures in the early part of 1933.

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.

Respectfully,

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

FEBRUARY 26, 1934.

# CODE OF FAIR COMPETITION FOR THE STAY MANUFACTURING INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Stay Manufacturing 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. The term "industry" as used herein is defined to mean the manufacturing, processing, and/or sale by manufacturer or processor of stays and trimmings of all kinds in continuous lengths or otherwise used on shoes or other articles of manufacture, on which these products, made either from leather, imitation leather, cloth, or other fabrics, are used, and includes, without limitation, dealing in such stays and trimmings which are manufactured or processed by others for sale under trade marks, trade names or descriptions other than those of the manufacturer or processor of such stays or trimmings.

SECTION 2. The term "member of the industry" includes, but without limitation, all those engaged in the industry either as an employer or on his own behalf.

SECTION 3. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 4. The term "learner" as used herein means unskilled workers with less than six weeks' experience in the industry.

SECTION 5. The term "Act" and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

## ARTICLE III—HOURS

SECTION 1. No employee, including office and clerical employees, shall be permitted to work in excess of forty hours in any one week or eight hours in any twenty-four hour period, provided, however, that in special cases of emergency or where restriction of hours of skilled workers will delay urgent service to the trade served by the industry during any eight consecutive or non-consecutive weeks of a six month period (the first period to begin on January 15, 1933), employees may work not more than forty-five hours in any one week. Time in excess of eight hours in any twenty-four hour period or forty hours per week shall be paid on a basis of time and one-half.

SECTION 2. The provisions of this article shall not apply to:

(a) Persons who are employed in a managerial or executive capacity who earn thirty five dollars (\$35.00) or more per week, to outside salesmen, or to employees engaged in emergency repair work; provided that employees engaged in emergency repair work shall be paid at least one and one-half times their normal rate for all hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours per week. Reports shall be made monthly to the Code Authority by every employer stating the number of hours so worked in excess of the maximum by emergency repair workers.

(b) Firemen and Engineers who shall not be permitted to work in excess of fifty (50) hours per week during normal periods and fifty-five (55) hours during peak periods as described in Section 1 of this article.

(c) Watchmen who shall not be permitted to work in excess of sixty (60) hours in any one week.

SECTION 3. The provisions of Section 1 of this article shall apply to employers (owners, partners, officers, members of the industry,) engaged in a productive capacity, but shall not apply to members of the industry who are exclusively or wholly engaged in an executive or administrative capacity.

SECTION 4. No employee shall be permitted to work more than five (5) days in any calendar week, except employees specified in Section 2.

SECTION 5. No employer shall knowingly permit an employee to work for any time which, when totaled with that already performed with another employer or employers, exceeds the maximum hours permitted herein.

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid less than at the rate of thirty-five cents (35¢) per hour, provided, however, that learners during a six (6) week period may be paid at a rate not less than eighty (80) per cent of the minimum rate; such learner class, however, shall not consist of more than five (5) per cent of all employees in any establishment, but any establishment may have at least one such employee.

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, such piece-work or other basic rate of compensation above the minimum, however, is to be determined by the average capacity of regular workers.

SECTION 3. The Code Authority may present for approval to the Administrator, after notice and hearing, recommendations as to upward adjustments in minimum wages generally or for specified localities or occupations, in order to effectuate the purposes of the Act.

SECTION 4. There shall be an equitable adjustment of all wages above minimum, and to that end, within sixty (60) days or two months from the approval of this Code, the Code Authority shall submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval by the Administrator, after such hearing as he may prescribe, such proposal shall

become binding as a part of this code, provided, however, that in no event shall prevailing hourly rates of pay be reduced.

SECTION 5. Female employees of the skilled class who perform the same work as male employees shall receive the same rate of pay as male employees.

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap or other incapacity may be employed on light or unskilled work, at a wage below the minimum established by this code, if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate, provided, however, that the number of such employees shall not be in excess of five (5) per cent of the total number of employees in any establishment, but any establishment may have at least one such employee. Each employer shall file with the Code Authority a list of all such persons employed by him.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator thirty (30) days after the effective date of the 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.

SECTION 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.

SECTION 3. No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code, and in this connection, employees engaged in two or more occupations or positions having different duties connected therewith, one or more of which being limited by maximum hours, shall be classified under the limited hours position which is limited to the fewer number of hours per week, and shall not be permitted to work a total number of hours in excess of those prescribed for such position.

SECTION 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.

SECTION 5. No provision in this code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection than are imposed by this code.

SECTION 6. No home work shall be permitted in this industry after June 1, 1934.

SECTION 7. All employers shall post copies of all labor provisions of this code in conspicuous places accessible to employees.

#### ARTICLE VI—ORGANIZATION POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. There shall forthwith be constituted a Code Authority consisting of the members of the Executive Committee of the National Association of Stay Manufacturers.

SECTION 2. In addition to membership as above provided, not more than three members, without vote, may be appointed by the Administrator.

SECTION 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.

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 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 composition and method of selection of the 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 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. 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 malfeasance, or misfeasance, or nonfeasance.

SECTION 7. The Code Authority shall have the following further powers and duties, and 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.

(a) To insure the execution of the provisions of this code and provide for the compliance of the industry therewith.

(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, and, in addition to information required to be submitted to the Code Authority, all or any of the persons subject to such code, agreement, or license 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; nor shall anything in any code, agreement, or license relieve any person of any existing obligation to furnish reports to Government agencies. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be designated 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.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry or affect members of this industry.

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

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

#### ARTICLE VII—TRADE PRACTICE RULES

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

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

**SECTION 2. *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.

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

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

**SECTION 5. *Threats of Law Suits.***—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

**SECTION 6. *Secret Rebates.***—No member of the industry shall offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege for the purpose of influencing a sale.

**SECTION 7. *Selling on Consignment.***—No member of the industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry require the practice.

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

**SECTION 9. *Interference with Another's Contracts.***—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.<sup>1</sup>

**SECTION 10. *Coercion.***—No member of the industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

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

SECTION 11. *Blacklisting*.—No member of the industry shall join or participate with other members of the industry who with such member constitute a substantial per cent of the business in any specific product or products of the industry, in any transaction known in law as a blacklist, including any practice or device (such as a whitelist), which accomplishes the purpose of a blacklist.

SECTION 12. *Discounts*.—Discounts for cash shall not be in excess of five (5) per cent. The general terms of the industry shall be five (5) per cent tenth of month following purchase; three (3) per cent twenty-fifth of month following purchase; net thereafter for thirty (30) days, after which interest will be charged at the rate of six (6) per cent per annum. No post datings shall be permitted.

SECTION 13. *Return of Merchandise*.—The acceptance for credit of returned goods made according to bona fide orders, shall constitute unfair competition. The granting of credit for, or allowance made for defective goods or for goods not made according to specifications, if claim is not made within fifteen days after receipt of merchandise by the customer, shall constitute unfair competition.

SECTION 14. *Labor Jobs*.—No member of the industry shall invoice work done on materials destined for the shoe industry on a basis of "labor cost only." When material is furnished by the customer such material must be billed by the customer to the manufacturer at the fair market price.

SECTION 15. *Blanket and Future Orders*.—The soliciting and acceptance of blanket and future orders, with no specifications as to time of delivery, for a quantity of merchandise beyond the customer's reasonable requirements, for the purpose of according to the customer a lower quantity price than would be justified by his actual purchases, is unfair trade practice, and constitutes a violation of this Code. All blanket and future orders accepted by any member of the industry must be bona fide orders and must provide that the entire quantity on the order must be accepted by the purchaser within a reasonable time but in no case to exceed four months.

SECTION 16. Members of this industry shall abide by the trade term provisions of the approved code of their suppliers.

#### ARTICLE VIII—STANDARD ACCOUNTING

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

SECTION 2. After approval of said cost accounting method as above provided, no member shall sell any product of the industry at less than the cost thereof to such member, which cost shall be determined pursuant to the method of accounting and costing prescribed by Section 1 of this article as soon as such method is approved. Until such method of accounting is approved a schedule of minimum cost factors shall be prescribed by the Code Authority subject to the approval



of the Administrator, and members of the industry shall not sell below their costs as determined in accordance with cost factors contained in such schedule until such time as the standard method of accounting and costing is approved in accordance with Section 1 hereof. Provided, however, that all sales of perishable, obsolete or distress merchandise, sometimes called "jobs" which are sold below the minimum prices for regular similar goods determined in accordance with either manner of cost determination provided for herein shall be reported immediately to the Secretary of the Code Authority in such detail as he may require as to quantity, nature, and origin of the goods sold; and provided further that any member of the industry shall be permitted to sell below his cost as determined in accordance with Section 1 hereof to meet a competitor's price if said competitor's price is not violative of this article.

#### ARTICLE IX—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 sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

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 modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

#### ARTICLE X—MONOPOLIES, ETC.

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

#### ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases, except such as may be required to meet individual cost, should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

#### ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 307.  
Registry No. 1655-01.



Approved Code No. 308

**CODE OF FAIR COMPETITION**

FOR THE

**FISHERY INDUSTRY**

As Approved on February 26, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**CODE OF FAIR COMPETITION FOR THE FISHERY 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 Fishery 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; provided however, that provisions thereof shall not become effective and they are hereby stayed for a period of 10 days in order to afford consideration of the objections of any interested parties, and at the expiration of which period the said Code shall become effective unless I shall by my further Order otherwise determine or extend such stay.

**FRANKLIN D. ROOSEVELT.**

Approval recommended:

**HUGH S. JOHNSON,**  
*Administrator.*

**THE WHITE HOUSE,**  
*February 26, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: A public hearing on the Code of Fair Competition for the Fishery Industry of the United States, submitted and sponsored by the National Fisheries Association, 109 Cliff Street, New York City, was held in Washington, D.C., on the 11th and 12th of December, 1933. This hearing was conducted jointly by the Agricultural Adjustment Administration and the National Recovery Administration, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### THE FISHERY INDUSTRY

The fishery industry as defined in the code includes:

The catching or taking from the water—

The cultivating—

The farming and other artificial propagation (except propagation of goldfish and tropical fish)—

The processing—

The wholesaling, if, but only if the handler or distributor has also done the processing—

of fish and all other commercial products of aquatic life in both salt and fresh water, as carried on in the several States, the District of Columbia, the several Territories of the United States, the insular possessions or other places under the jurisdiction of the United States; or on United States vessels, wherever the actual taking or processing of such products of the industry by said vessels takes place. The terms "fishery industry" or "industry" includes also commission merchants trading in products of the industry.

The commercial fishery industry is prosecuted along the entire seacoast of the United States and in our interior lakes, rivers, and streams navigable to fishing craft. A large fishery also is conducted in Alaska; and fishery products are harvested in the waters of Hawaii and other insular possessions under the jurisdiction of the United States. The industry is based on one of our great natural resources, and is the source of a valuable protein food for the nation.

According to figures published by the United States Bureau of Fisheries, the industry as conducted in the United States and Alaska, employed in 1931 about 123,000 persons as fishermen, 4,200 on transporting craft, and about 78,000 were employed in the processing and wholesale distributing industries, a total of about 200,000 persons, exclusive of duplication. The catch amounted to 2,657,317,000 pounds, valued at \$77,344,000. This value, together with an estimated revenue of \$3,136,000 received by persons on transporting craft and \$45,483,000 received as salaries and wages by persons in whole-

sale and manufacturing establishments, makes a total of \$125,963,000 as the income of primary handlers of fishery products.

In 1931, in the United States and Alaska, the production of canned fishery products amounted to 506,702,000 pounds, valued at \$62,940,000; and the output of by-products was valued at \$18,538,000. The production of fresh and frozen packaged fishery products amounted to 139,283,000 pounds, valued at \$23,076,000. The production of cured fishery products amounted to 98,969,000 pounds, valued at \$12,364,000. The pack of frozen fishery products amounted to 112,257,000 pounds, estimated to be valued at \$11,000,000, making the total value of all processed products in the entire United States and Alaska in 1931, about \$128,000,000. It is estimated that about 600,000,000 pounds of fishery products valued at \$47,000,000 were marketed fresh in ice, making a total marketed value to primary handlers of all fishery products in 1931 of about \$175,000,000. There were 2,992 firms engaged in processing the above products of the industry.

Fishery products imported for consumption were valued at \$43,033,000, while domestic exports were valued at \$11,574,000.

The code as submitted establishes a National Code Authority for the industry which has certain specified powers and duties for administering the National Code. In addition, in order to promote the policy of the Act and to effectuate the necessary local administration of the provisions of the National Code, any trade group or association in the industry may prepare, and, with your approval, adopt a divisional code. The scope of these divisional codes is outlined in the National Code herewith. Each divisional code is to be administered by an Executive Committee, the powers and duties of which are also outlined in the National Code, and are to be further extended in the respective divisional codes. The divisional codes also provide for additions and exceptions from the provisions of the National Code where the conditions peculiar to such divisions necessitate changes.

#### THE FISHING FUNCTION

The fishing function in the industry, like that of farming, is sorely depressed. This is demonstrated by the fact that the catch of fishery products in the United States and Alaska in 1931, according to the figures published by the Bureau of Fisheries, was 19 per cent less in volume than in the previous year, 29 per cent less in value, and the average price per pound was about 12 per cent less. In detail, the catch in 1929 amounted to 3,570,000,000 pounds, valued at \$123,000,000; in 1930, 3,290,000,000 pounds, valued at \$109,000,000; and in 1931, 2,660,000,000 pounds, valued at \$77,000,000. It is estimated that the volume and value of the catch for 1932 was still less than the respective volume and value for 1931.

This decline in value has caused great hardship on the fishermen for their income, in nearly all cases, is directly dependent upon the sales value of their catch rather than receipt of income from wages. Therefore no wage scale has been set for the fishermen that operate individually or as members of crews working on a profit-sharing basis in a joint venture. However in drafting the Code the above facts were given careful consideration, and provisions are now included in the Code which are intended to react favorably in

increasing the income of the fishermen. One such provision will minimize or overcome entirely destructive price-cutting, which generally in the long run results in depressed prices to fishermen.

Other provisions of the code which it is believed will react favorably in raising the income of fishermen are those relative to open bookkeeping with respect to accounts of profit-sharing agreements, purchases from producers, misrepresentation of weights and measures, and the reporting of dishonest accounts. The latter provision will be of particular benefit to fishermen marketing their products on consignment. Also it is the duty of the several Executive Committees, which may be established pursuant to the code, to make a study of the operation of the profit-sharing and other cooperative systems of producing or catching fishery products peculiar to their respective divisions of the industry—all with the view of insuring to fishermen and owners of fishing craft alike a fair and just return.

As fishing is an occupation depending upon the presence of fish, season, tide, wind, weather, State laws, and the like, it is undesirable to limit the hours of those engaged in the fishing enterprise. Therefore no limitation as to hours of labor has been placed on those engaged in this function.

#### THE PROCESSING AND DISTRIBUTING FUNCTIONS

*Processing.*—The terms of the code submitted herewith govern those firms engaged in the processing function. This function includes the packing in ice of, filleting of, cutting of, freezing of, salting of, smoking of, drying of, canning of, extracting oil from, manufacturing meal or fertilizer from, products of the industry; or otherwise manipulating products of the industry. Secondary processing of these products is not included within the scope of the code. The above functions within the fishery industry are conducted almost solely on shore, except for those conducted on a few factory ships owned by citizens of the United States, anchored on the high seas outside of territorial waters. Hour and wage provisions of the code, however, apply to those engaged in the latter function, as well as those engaged in the processing function on shore. Some products of the industry are processed aboard fishing vessels by members of the crew, as for instance the icing of fish, and possibly the salting of fish. However, these operations aboard fishing vessels have been considered a part of the trip operation, and have been exempted from the hour and wage provisions of the code.

*Distributing.*—The terms of the code submitted herewith govern those distributors who also conduct a processing operation as outlined above. Thus the code covers the operation of firms that distribute products of the industry at wholesale, and which also pack in ice, freeze, salt, smoke, dry, or otherwise manipulate products of the industry.

#### HOURS AND WAGES

By the terms of the code no clerical, accounting, or other office employee shall be permitted to work in excess of forty hours in any week. No other employee shall be permitted to work in excess of ninety hours in any two consecutive weeks. This latter provision

I am approving because of the perishable nature of the product handled in the industry, and the uncertainty as to the time when the product is available for processing. Certain employees in the latter group are permitted to work in excess of ninety hours in any two consecutive weeks where unusual or emergency conditions exist, although in some of these cases the hourly wage is increased by one-third for overtime work.

The Code establishes a minimum rate of pay of \$16.00 per week for clerical, accounting, or other office employees, except office boys, whose minimum rate of pay is \$14.00 per week. The minimum rate of pay for all other employees is \$13.00 per week in the South and \$15.00 per week in the North in cities under 100,000 population; and \$14.00 per week in the South and \$16.00 per week in the North in cities of 100,000 or more population. The minimum rate of pay as set forth above is guaranteed regardless of whether the employee is compensated on the basis of time rate or piece work performance, although it does not apply to individuals, such as fishermen, working on a profit-sharing basis.

In order to maintain fair differentials between employees an equitable adjustment in rates of pay shall be made in cases of employees who on June 15, 1933 received more than the minimum rates of pay then prevailing; but in no case as a part of such readjustment shall hourly rates be reduced.

The hour and wage provisions contained in the code are intended to cover the general conditions of employment in the entire industry. It is recognized that in some divisions of the industry it will be necessary to revise these provisions to make them applicable to these respective divisions. For these reasons the code requires that each Executive Committee established pursuant to the terms of the code shall, on or before June 1, 1934, prepare and file with the Administrator a schedule of hours, wages, and other conditions of employment applicable to its particular division, and upon approval by you said provisions shall thereafter govern that particular division of the industry, anything to the contrary in the code submitted herewith notwithstanding.

Because statistics on hours of labor, rates of pay, and other working conditions of those employed in the entire fishing industry are not available from any Governmental or private source, no estimate can be made as to the extent the hour and wage provisions will increase income and spread employment. However it is believed that when the code is in operation there will be substantial improvement in the conduct of the industry, toward the end that customary marketing channels will be opened to promote a freer flow of fishery products from the fishermen to the consumer, which will react favorably in increasing employment at the level of wages provided for in the code.

By the terms of the code no individual under sixteen years of age shall be employed in the industry.

#### OTHER CODE PROVISIONS

The unfair trade practices relate to false advertising, misbranding, destructive price-cutting, secret rebates, combination sales, commercial bribery, racketeering, false measures, free deals, reversal of

communication charges, dishonest account of sales, returns and allowances for containers, purchases from producers, false statement of accounts, and unearned service payments. Elimination of the above unfair trade practices will, it is believed, hasten the economic recovery of the industry and place it on a more favorable competitive basis with other food industries.

The code also provides for the keeping of books and records by members of the industry under certain conditions and for certain specified purposes to effectuate the policy of the Act.

#### FINDINGS

The Administrator finds that:

(a) The 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, fishery, and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and otherwise rehabilitating industry.

(b) The Code as approved complies in all respects with the pertinent provisions of said 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 National Fisheries Association is an industrial group truly representative of the aforesaid industry; and that said association imposes no inequitable restrictions on admission to membership therein. In fact, unlike most industries, the applicant association has opened its membership to organized labor within the industry for the purpose of uniting the fishery industry into one strong group for mutual benefit to all.

(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.

(f) The industry has been most cooperative in drafting this code, and to my knowledge this is the first time in history it has united as a whole for one common purpose. From evidence and testimony obtained from many sources within and without the industry and at the public hearing, and from the recommendations and reports of the various advisory boards and the Deputy Administrator handling the code, I believe that the code as it is now submitted will be a forward



step in effectuating the recovery of the fishery industry, which is based on one of our great natural resources.

For the above reasons this code is hereby recommended for approval.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 8, 1934.

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# CODE OF FAIR COMPETITION FOR THE FISHERY 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 fishery industry, and shall be the standards of fair competition for such industry, and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. As used in this code:

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

(b) The term "Act" and the term "Administrator" mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery or his duly authorized agent.

(c) The term "member of the industry" includes any individual, partnership, association, corporation or other form of enterprise engaged in the industry, either as an employer or on its or his own behalf.

(d) The term "fishery industry" or "industry" includes:

The catching or taking from the water—

The cultivating—

The farming and other artificial propagation (except the propagation of goldfish and tropical fish)—

The processing—

The wholesaling, if, but only if the handler or distributor has also done the processing—

of fish and all other commercial products of aquatic life in both salt and fresh water, as carried on in the several States, the District of Columbia, the several Territories of the United States, the insular possessions or other places under the jurisdiction of the United States; or on United States vessels, wherever the actual taking or processing of such products of the industry by said vessels takes place. The term "fishery industry" or "industry" includes also commission merchants trading in products of the industry.

(e) The term "processing" means the packing in ice of, filleting of, cutting of, freezing of, salting of, smoking of, drying of, canning of, extracting oil from, manufacturing meal or fertilizer from, products of the industry; or otherwise manipulating products of the industry; Provided However, that the term "processing" shall not include the refining of oils from products of the industry; the manufacture of mixed feeds or mixed fertilizer from products of the industry; or the manufacture of products obtained from shells, fish scales, sponges, sounds, skins, hides, bones, aquatic plants, ambergris, cuttlefish bone, and whalebone.

(f) The terms "wholesale" and "wholesaling" mean the handling or distributing, except by a carrier for hire, of products of the industry to distributors or to retail outlets, including institutions, hotels, restaurants, and other public eating places, whether or not such retail outlets are actually or legally controlled by the member of the industry performing such handling or distributing.

(g) The term "employee" means any individual engaged in the industry, however compensated, except a member of the industry.

(h) The term "employer" means any member of the industry by whom any employee is compensated or employed.

(i) The term "books and records" includes any books, records, accounts, contracts, documents, memoranda, papers, correspondence or other written data pertaining to the business of any member of the industry.

(j) The term "United States vessels" includes all vessels registered, enrolled and licensed, licensed, or recorded in the offices of collectors of customs of the United States; and all vessels engaged in the fishery industry and operated from ports of the United States, its insular possessions or other places under its jurisdiction.

(k) The term "National Fisheries Association" means the federation, national in scope, bearing that name and consisting of various regional, functional, and commodity associations in the industry.

(l) The term "code", if used without further qualifications, means this instrument, which shall constitute the national code of fair competition for the entire fishery industry.

(m) The term "divisional code" means any code of fair competition complying with the provisions set out in Article VIII, Title C, Section 1, hereof.

(n) The terms "watching crews" or "watchmen" means employees whose principal function is watching and guarding the property of a member of the industry.

(o) The term "outside salesmen" means salesmen who perform primarily selling functions and who do not deliver.

(p) The term "National Code Authority" means the body created in Article VIII, Title A, hereof.

(q) The term "Executive Committee" means the body or bodies provided for in Article VIII, Title C, Section 1, paragraph (e), hereof.

(r) The term "fisherman" means any individual who is actually engaged by his own labor in the catching or taking of products of the industry.

(s) The term "lay" means an arrangement controlling the division of proceeds of a fishing enterprise.

(t) The term "share" means the portion of the proceeds of a fishing enterprise received by any individual participating in the enterprise under a lay.

(u) Pronouns of the masculine gender shall include the feminine also.

(v) The term "national" is synonymous with basic, and shall not be construed to confine the scope of this code within limits not otherwise intended.

## ARTICLE III—HOURS OF LABOR

SECTION 1. No clerical, accounting, or other office employee shall be permitted to work in excess of forty hours in any week.

SECTION 2. No other employee shall be permitted to work in excess of ninety hours in any two consecutive weeks, with the following exceptions:

(a) Employees engaged in the operation of boats or vessels in going to cultivate, catch, or load products of the industry; in the cultivating, catching, or loading into the boat or vessel of such products; and in the returning again to shore, including the unloading or packing for shipment of such products where unloading or packing for shipment is performed by the crew of the boat or vessel as an integral part of the "trip operation" as contrasted with any typical "shore operation."

(b) Employees engaged in patrolling products or property of the industry and in going to or returning therefrom.

(c) Employees engaged in the driving, placement, maintenance, or repair of traps, nets, or other fishing appliances, including those engaged in the operation of vessels, pile drivers, or other marine equipment assisting in the performance of such work; and in going to or returning therefrom.

(d) Executive, supervisory, technical, and administrative employees, provided that they receive over \$35.00 per week; and outside salesmen, and car attendants for shipments of live fish by railway transportation or otherwise from the inception of the transportation to and including the return of the car or other vehicle of transportation so attended to the point of origin.

(e) Watching crews and watchmen; Provided However, that they shall receive the minimum wage hereinafter set forth according to the number of hours actually worked.

(f) Stationary engineers and firemen, chauffeurs, and deliverymen; Provided However, that they shall not work more than forty-eight hours in any week.

(g) Employees engaged in emergency maintenance and repair work; Provided However, that in any such case at least time and one-third shall be paid such employees for hours of work in excess of the maximum hours herein established for them respectively.

(h) Employees engaged in any seasonal or emergency situation which may arise whereby the product of the employer may be spoiled or destroyed while in a perishable condition, when additional workers of the necessary qualifications are not available to perform the operations required. In such cases the employer shall be empowered to process such product into a non-perishable condition. Employees engaged in this seasonal or emergency work shall be paid time and one-third for hours worked in excess of the maximum herein established for them respectively.

SECTION 3. Any divisional code may, with the approval of the President, prescribe certain periods throughout the year of excessive demand, such as Lent or the Jewish Holidays; of excessive surplus; or of other exigency peculiar to the division of the industry covered by said divisional code, in which periods the schedules of

hours of labor for employees in the particular division of the industry in question may differ from those herein set forth.

SECTION 4. No employer in the industry shall knowingly permit any employee to work for a total number of hours in excess of the number of hours above prescribed for him, whether employed by one or more employers.

#### ARTICLE IV—WAGES

SECTION 1. No clerical, accounting, or other office employee shall be paid at less than the rate of \$16.00 per week, except that office boys may be employed at a rate of not less than \$14.00 per week.

SECTION 2. No other employee shall be paid at less than the following rates of wages:

(a) \$16.00 per week for those who work by the week or 36¢ per hour for those who work by the hour, when the employment is in a city of 100,000 population or more in the North or in the trading area of any such city.

(b) \$15.00 per week for those who work by the week or 33¢ per hour for those who work by the hour, when the employment is in a city or town of less than 100,000 population in the North.

(c) \$14.00 per week for those who work by the week or 31¢ per hour for those who work by the hour, when the employment is in a city of 100,000 or more population in the South, or in the trading area of any such city.

(d) \$13.00 per week for those who work by the week or 29¢ per hour for those who work by the hour, when the employment is in a city or town of less than 100,000 population in the South.

(e) Population for the purposes of this code shall be based on the latest Federal census.

(f) The term "South" shall consist, for the purposes of this code, of the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Kentucky, Tennessee, Arkansas, Oklahoma, the District of Columbia, the Territories of the United States excepting the Territory of Alaska, and the insular possessions or other places under the jurisdiction of the United States. All other States of the United States, and the Territory of Alaska, shall constitute the "North" for the purposes of this code; Provided However, that in so far as concerns wholesaling the term "North" shall also include the State of Maryland and the District of Columbia.

(g) The above prescribed rates of wages shall not apply to individuals working on a "lay" or other profit-sharing basis.

SECTION 3. In order to maintain fair differentials between employees, an equitable readjustment in rates of pay shall be made in cases of employees who on June 15, 1933 received more than the minimum rates of pay then prevailing; but in no case as a part of such readjustment shall hourly rates be reduced.

SECTION 4. This code guarantees a minimum rate of pay, regardless of whether the employee is compensated on the basis of time rate or piece work performance. This section shall not apply to individuals working on a "lay" or other profit-sharing basis.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No individual under sixteen years of age shall be employed in the industry.

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. The provisions of this code shall not supersede any law or ordinance which imposes on employers more stringent requirements as to age of employees, wages, hours of work, health, fire, or other working conditions, than are imposed by the terms of this code.

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

SECTION 7. Every employer in the industry shall cause the provisions of this code, and/or of the divisional code governing his division of the industry, having to do with hours of labor, rates of pay, and other conditions of employment, to be posted in a prominent place upon his business premises in such a manner that said provisions may be readily seen and read by all employees.

SECTION 8. Each employer shall make a monthly report to the Executive Committee governing the division of the industry in which he is engaged, stating the number of hours worked in excess of the maximum under the provisions of Article III, Section 2, paragraphs (g) and (h), hereof.

SECTION 9. Each Executive Committee shall, on or before June 1, 1934, prepare and file with the Administrator a schedule of the hours of labor, rates of pay, and other conditions of employment applicable to its particular division of the industry, and, upon approval by the President, said provisions shall thereafter govern that particular division of the industry, anything to the contrary in this code notwithstanding.

SECTION 10. The terms of each "lay" or other profit-sharing agreement shall be reduced to writing and subscribed by all parties to said agreement, and shall be posted in a prominent place accessible to the parties thereto. All records of the primary payment for the catch and of expenses shared jointly under any such agreement, including deductions from the total value of the catch or gross stock, shall be kept available and in the hands of some party to said agreement, who shall be mutually agreed upon, and such records shall be exhibited by said party, upon request, to any other party to said agreement.

SECTION 11. Every employer governed by this code shall, in the conduct of his operations, lend his cooperation and support to the program of his division for the reduction of accidents; and cases of wilful disregard of the life and health of employees shall constitute a violation of this code.

#### ARTICLE VI—UNFAIR METHODS OF COMPETITION

SECTION 1. The following practices constitute unfair methods of competition and it shall be a violation of this code for any member of the industry:

(a) *False Advertising*.—To publish advertising (whether printed, radio, display or of any other nature), which is false or misleading in any material particular, to misrepresent any product of the industry (including, but without limitation, its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, material content or preparation) or credit terms, values, policies, services, prices, or the nature or form of the business of a member of the industry.

(b) *Misbranding*.—To brand or mark or pack any product of the industry in any manner which is intended to or does deceive purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, material content or preparation of such product.

(c) *Destructive Price Cutting*.—To engage in destructive price cutting.

(d) *Secret Rebates*.—To secretly pay or allow rebates, refunds, credits, or unearned discounts, whether in the form of money or otherwise; or to secretly extend to certain purchasers special services or privileges, not extended to all purchasers under like terms and conditions.

(e) *Unearned Service Payments*.—To pay a trade buyer for a special advertising or other distribution service by such buyer (1) except in pursuance of a written contract made in good faith and explicitly defining the service to be rendered and the payment for it; and (2) unless such service is rendered and such payment is reasonable and not excessive in amount; and (3) unless such contract is separate and distinct from any sales contract, and such payment is separate and distinct from any sales price and is not designed or used to reduce a sales price; and (4) unless such payment is equally available for the same service to all competitive trade buyers in the same competitive market; and (5) unless a copy of each such contract is retained on file for a period of one year. In order to investigate alleged violations of this paragraph, the Administrator may require a member of the industry to report such contracts made by him and/or to produce a copy thereof for inspection.

(f) *Combination Sales*.—To require that the purchase of any goods be prerequisite to the purchase of any other goods.

(g) *Commercial Bribery*.—To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the

knowledge of such employer, principal, or party. 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.

(h) *Violence, Intimidation or Unlawful Coercion.*—(1) Any use of violence to person or property, intimidation or unlawful coercion, by a member of the industry against a member of the industry. (2) Any threat by a member of the industry to use such violence, intimidation or unlawful coercion. (3) Any conspiracy among members of the industry, or among members of the industry and others, to use or threaten to use such violence, intimidation or unlawful coercion. (4) Any combining or cooperating by a member of the industry with any one who is using or threatening to use such violence, intimidation or coercion.

(i) *False Measures.*—To use slack weights or slack measures, or overweights or overmeasures, or to fail to observe any standard of measure or of weight imposed by his divisional code.

(j) *Free Deals.*—To grant free deals, whether in the form of money, money's worth, service, or the practice of acceptance of collect communication charges, or otherwise.

(k) *Reversal of Communication Charges.*—To engage in the practice of sending or accepting reversed telephone or telegraph or radio message charges in the obtaining of quotations or the closing of transactions, where each charge is not specifically authorized in advance by the addressee named in the message, and where such charge is not afterwards assumed and paid by the sender.

(l) *Dishonest Account of Sales.*—To render dishonest account concerning sales of products of the industry.

(m) *Returns and Allowances for Containers.*—To grant returns or allowances in money or money's worth for packages or containers to be returned, and to purchase packages or containers from customers, if the return or allowance in question or the purchase price in question constitutes more in amount than the actual value of the packages or containers in question, or if the packages or containers for which the allowance has been made or the purchase price has been fixed are not actually returned, or delivered.

(n) *Purchases.*—To refuse without lawful reason to accept and pay for, at the price agreed upon, fresh fish and/or fresh shellfish purchased from fishing vessels, officers of fishing vessels, crews of fishing vessels, or owners and/or operators of fishing equipment.

(o) *False Statements.*—To render false invoices, statements of account, orders, or acknowledgments; and to falsely report sales, whether or not the accounting concerning such sales is accurate.

## ARTICLE VII—INFORMATION, BOOKS AND RECORDS

SECTION 1. Each member of the industry shall, from time to time, furnish the Administrator and/or the Executive Committee for his division of the industry such information, on and in accordance with forms of reports to be supplied, as may be deemed necessary for the purposes of (a) assisting in the furtherance of the powers and duties of the Administrator and/or said Executive Committee with respect to this code and the several divisional codes and/or (b) enabling the Administrator and/or said Executive Committee to ascertain and de-



termine the extent to which the policy of the Act and the purposes of this code and the several divisional codes are being effectuated.

SECTION 2. Upon complaint against any member of the industry of violation of this code or of any divisional code, the member complained against shall permit the Administrator to examine his books and records during the usual hours of business and upon reasonable notice. Such examination shall be limited to the subject matter of the complaint and to those books and records appurtenant thereto.

SECTION 3. The members of the industry shall severally keep books and records which will clearly reflect all transactions of their respective businesses and the financial condition thereof. In particular such books and records shall set forth all of the elements entering into the cost of production, processing and distribution, to the end that accurate cost records are available. This section shall not be construed or applied to require the keeping of such books and records by a fisherman.

SECTION 4. All information furnished the Administrator, any Government agency, and the several Executive Committees, shall remain confidential, except upon lawful demand of the President, either House of Congress, or any committee thereof, or by any court of competent jurisdiction. The information, however, may be used in the form of general statistical studies or data, without individual identification.

## ARTICLE VIII—ADMINISTRATION

### TITLE A. NATIONAL CODE AUTHORITY

SECTION 1. The National Code Authority is hereby established, consisting of eleven members who shall be selected each year by the National Fisheries Association in such manner as to be truly representative of the industry as a whole. For the year beginning with the effective date of this code, the National Code Authority shall consist of the eleven members duly elected for that purpose by the industry and by the National Fisheries Association in convention assembled on October 19, 1933, in Washington, D.C. For the succeeding years members of the National Code Authority shall be subject to the disapproval of the Administrator.

In addition to membership as above provided, there may be three members to be appointed annually by the Administrator, to serve for a term of twelve months from the date of appointment without vote and without expense to the industry.

SECTION 2. Any vacancies occurring in the membership of the National Code Authority, except members appointed by the Administrator, shall be filled for the unexpired term by vote of the remaining members of the National Code Authority, subject to the disapproval of the Administrator.

SECTION 3. The National Code Authority shall have as its chairman one of its members duly elected by said National Code Authority.

SECTION 4. Each trade or industrial association directly or indirectly participating in the selection or activities of the National Code Authority 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 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 5. In order that the National 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 deems proper; and thereafter if he shall find that the National Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may require an appropriate modification in the method of selection of the National Code Authority.

SECTION 6. Nothing contained in this code shall constitute the members of the National Code Authority partners for any purpose. Nor shall any member of the National 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. Nor shall any member of the National 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.

#### TITLE B. POWERS AND DUTIES OF THE NATIONAL CODE AUTHORITY

SECTION 1. It shall be the duty of the National Code Authority:

(a) To assist in the organization of commodity, regional, functional, or other trade groups or associations within the industry in order that divisional codes, and agreements under Section 4 (a) of the Act, may be formulated.

(b) To act as a mediator in disputes between or among groups or associations, or within a group or association, upon request of any interested group or association.

(c) To assist the Administrator and/or the several Executive Committees in the collection of statistical or other data as required of members of the industry under Article VII hereof.

(d) To assemble reports on the investigations of "lay" or profit-sharing systems made by Executive Committees in accordance with Title D, Section 3, paragraph (a), of this Article, and on or before Sept. 1, 1934, report with conclusions and recommendations to the Administrator.

(e) To make recommendations, upon affirmative vote of at least six of its members, to the Administrator with respect to changes or amendments in this code or any divisional code, or with respect to problems of visitation or enforcement thereof; Provided However, that the National Code Authority shall give seven days' notice in writing to the parties concerned of any recommendation proposed by the National Code Authority for filing with the Administrator, and similar notice of any other action or request proposed by the National Code Authority to be taken or made which shall require approval by the Administrator. Each Executive Committee shall have right, as a party in interest, to be heard, in opposition to any such recommendation or request or action, before the National Code Authority at a hearing held by the National Code Authority before any such

recommendation or request or action shall have been referred by said National Code Authority to any Government agency. Each Executive Committee shall also have said right to be heard before any Government agency or authority to which such recommendation or request or action may be referred by said National Code Authority. However, nothing herein contained shall be deemed to be in derogation of the right of any such agency or authority to govern its own procedure.

(f) To encourage the distribution of strictly high quality products of the industry and otherwise to protect the consumer against inferior merchandise, the National Code Authority and the several Executive Committees shall investigate the feasibility and wisdom of establishing a proper system and agency for the grading of products of the industry for the fourfold purpose of benefiting the fishermen, stabilizing the industry, preventing destructive price-cutting, and eliminating from the market not only immature and undersized fish and shellfish, but also all types of inferior and unwholesome products of the industry. The several Executive Committees shall formulate their recommendations resulting from such investigations, including preliminary specifications for grading where grading has been found feasible and wise, and on or before Aug. 1, 1934, shall make a preliminary report of the same to the National Code Authority, which shall correlate the said recommendations in suitable form and, within a further period of thirty days, shall make recommendations accordingly to the Administrator.

(g) To meet with the various Government conservation agencies for the purpose of formulating a plan for the conservation of fishery resources and their sustained production, and to make recommendations to the Administrator within thirty days after such meeting bearing upon the minimum trade sizes of commercially important species of fish and shellfish, and upon other pertinent matters. Said meeting shall be held within six months after the effective date of this code.

(h) The National Code Authority shall have of its own right no powers other than those specifically granted to it by the provisions of this code and of the various divisional codes, or by the Administrator.

#### TITLE C. DIVISIONAL CODES

SECTION 1. To effectuate the necessary local administration of the provisions hereof, any division of the industry may prepare, and, with the approval of the President, adopt a divisional code. Each divisional code shall, subject to the approval of the President:

(a) Embody the provisions of this code, with such exceptions as may be specifically enumerated.

(b) Embody provisions where applicable to conserve the fishery resources and sustain production in its division of the industry.

(c) Contain such other terms and provisions with respect to its division of the industry as may be required to effectuate the policy of the Act.

(d) Contain such other terms and provisions, as may be considered wise by said division and as shall conform with the policy of the Act, with respect to uniform cost accounting, regulation of

price systems, the control of production and/or distribution, and/or the obtaining of an agreement under the terms of Section 4 (a) of the Act. Provisions in divisional codes with respect to uniform cost accounting shall allow due latitude for the obtaining of information on a comparable basis.

(e) Establish an Executive Committee or Executive Committees for the purpose of administering said divisional code. The Administrator may appoint one or more Administration members to each Executive Committee to serve without vote or expense to the industry.

**TITLE D. POWERS AND DUTIES OF EXECUTIVE COMMITTEES OF DIVISIONAL CODES**

**SECTION 1.** It shall be the duty of each Executive Committee, subject to rules and regulations established by the Administrator, to provide for compliance of the industry with this code and its divisional code, and, to investigate specific alleged violations within its jurisdiction of said codes upon complaint of any member of the industry, or upon information coming to the knowledge of said Executive Committee from any reliable source. Should it appear to said Executive Committee that a violation of the provisions of this code or of its divisional code has occurred, it shall give the accused member an opportunity for a hearing. If as a result of this hearing and/or any other information available, said Executive Committee is convinced that a violation of this code or of its divisional code has occurred, it shall so notify the member charged, and after giving notice to the National Code Authority, may present the facts to the Administrator for such action as he sees fit.

**SECTION 2.** Any Executive Committee may recommend amendments to this code or to any divisional code, and may report alleged violations of this code or of any divisional code to the National Code Authority, or to the Administrator; Provided However, that, if in the opinion of the National Code Authority, any action proposed to be taken by the Executive Committee of any divisional code shall involve the rights of members of the industry subject to another divisional code or other divisional codes, the National Code Authority shall hold a hearing among those involved, for the purpose of attempting a settlement of the question at issue before it shall be referred to the Administrator; and, Provided Further, that in each case where an Executive Committee shall seek to secure action from the Administrator, the National Code Authority shall have full right as a party in interest to appear before and be heard by any authority or agency to which the petition or motion of such Executive Committee may be referred in any proceeding relating to said petition or motion; and, Provided Further, that any Executive Committee may, at all times, anything to the contrary herein notwithstanding, after filing seven days' notice with the National Code Authority, proceed directly to petition the Administrator. However, nothing herein contained shall be deemed to be in derogation of the right of any such agency or authority to govern its own procedure.

**SECTION 3.** It shall be the further duty of each Executive Committee:

(a) To proceed with all reasonable speed to compile statistics and other data upon the operation of the various "lay", profit-sharing, or other cooperative systems of production peculiar to their respective divisions of the industry, and on or before June 1, 1934, to forward a preliminary report containing their conclusions thereon to the National Code Authority.

(b) To proceed with all reasonable speed to carry out their part of the duties set forth in Article VIII, Title B, Section 1, paragraph (f), hereof.

(c) To obtain from members of the industry such information and reports as are required for the administration of this code and its divisional code; and, Provided However, that in no event shall an Executive Committee examine the books and records of a member of the industry, except on written consent of said member.

(d) To provide ways and means for submission by members of the industry 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 However, that nothing in this code or in any divisional code shall relieve any member of the industry of any existing obligation to furnish reports to any Government agency.

(e) To prepare and file a schedule of hours of labor, rates of pay, and other conditions of employment as provided for in Article V, Section 9, hereof.

SECTION 4. For the purpose of determining a violation of Article VI, Section 1, paragraph (c), hereof (destructive price-cutting), upon receipt of information from a reliable source regarding an alleged specific violation by a member of the industry, the Executive Committee for his division of the industry shall give due notice and an opportunity for a hearing to the member whose action is under suspicion. If after such investigation said Executive Committee shall determine that destructive price-cutting has occurred, and if the practice continues thereafter, said Executive Committee shall advise the Administrator, who, upon review, shall take such action as he sees fit.

SECTION 5. Any of the several Executive Committees of the various divisions of the industry may inform the Administrator of facts concerning the importation into the United States of products competitive with products of the industry 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 or any divisional code, and may in such case urge proper action for the purpose of correcting such condition.

#### TITLE E. EXPENSES

SECTION 1. For the purpose of meeting the expense of administering this code and the several divisional codes, every member of the industry, subject to the jurisdiction of this code and/or any divisional code, shall pay as his proportionate part of the total annually required, a sum of money equal to one-tenth of one percent of his

total annual sales of products of the industry as determined by his sales for the preceding business year, and including inter-company or inter-departmental sales from those subsidiaries or departments engaged in production to those engaged in distribution. Payments shall be made in equal monthly installments on the first day of each month commencing with the first day of the month following the approval of this code by the President, and shall be collected in the following manner:

(a) Each Executive Committee shall collect the above described payments for its division of the industry; and for that purpose may retain a bonded collection agency.

(b) Any member of the industry who in any year is subject to the executive authority in more than one division of the industry because of the fact that he is engaged in business in more than one division of the industry or for any other reason, shall in paying the total amount for which he is obligated hereunder, allocate component parts of his total payment for that year among the divisions of the industry to the authority of which he is so subject. Such allocation shall be equitably made, and in such manner that the payment to any division will reflect his sales as they are apportioned to that division.

(c) The Executive Committee of each division of the industry shall at the end of each month of the calendar year forward to the National Fisheries Association for use by the National Code Authority 25 per cent of the total payments received by it during that month, and the remaining 75 per cent of said payments shall be retained by said Executive Committee for its own use in administering this code and the divisional code of the division of the industry over which said Executive Committee has control. The residue of said total payments remaining in the hands of said Executive Committee or of the National Code Authority may upon the termination of any year, and shall upon the termination of this code, be distributed pro rata to the contributors in proportion to the amounts originally contributed by them respectively. All individuals charged with the collection or the retention or disbursement of any of the money above referred to shall be adequately bonded. The payments provided for in this Title are for the sole purpose of administering this code and the various divisional codes, including the liquidation of such expenses as shall have been incurred in furthering the preparation, adoption, and approval of this code and any divisional code, and shall not be used for any other purposes.

(d) Upon his own motion, or upon petition of the National Code Authority or any Executive Committee, the Administrator, after such notice and hearing as he shall prescribe, may, from time to time on the basis of experience, revise any of the foregoing provisions relating to the expense of code administration.

#### TITLE F. PROVISIONS FOR TEMPORARY ADMINISTRATION

SECTION 1. Any trade group or association within any division of the industry, which imposes no inequitable restrictions on admission to membership and is truly representative of said division, may, pending the approval of a code of fair competition for said division

select, with the approval of the Administrator, a Temporary Executive Committee for the purpose of administering this code and such Temporary Executive Committee shall have, pending the approval of said divisional code, the powers and duties herein contemplated to be granted to and required of Executive Committees of divisional codes approved by the President.

#### TITLE G. INTERPRETATION

SECTION 1. The Administrator may from time to time, after consultation with the National Code Authority, issue such administrative interpretations of the various provisions of this code as are necessary to effectuate its purposes, and such interpretations forthwith shall become operative as part of this code.

#### TITLE H. SUSPENSION AND REVIEW

SECTION 1. If the Administrator shall determine that any action of the National Code Authority, or of any Executive Committee, or of any agency of either of them, is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period not to exceed thirty days, in order to afford an opportunity for investigation of the merits of such action and further consideration by such authority, committee, or agency pending final action, which shall be taken only upon approval by the Administrator.

#### ARTICLE IX—MODIFICATION

SECTION 1. This code and all the provisions thereof are expressly 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 the Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of this code or any conditions imposed by him upon approval thereof.

SECTION 2. It is contemplated that from time to time, after such notice and hearing as the Administrator shall specify, supplementary or amendatory provisions to this code will be submitted for the approval of the President, to prevent unfair competition and to effectuate the other purposes and policies of the Act; and, with the approval of the President, the provisions of this code may be canceled or modified as changes in circumstances or experience may indicate; Provided However, that no such supplementary or amendatory provisions shall be submitted to the President until such divisions of the industry as are affected thereby shall have been afforded an adequate opportunity to be heard.

SECTION 3. Any industry or branch of an industry related to the fishery industry but not expressly included in the industry as defined in Article II, Section 1, paragraph (d), hereof, 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.

SECTION 4. Within a period of 30 days after the effective date of this code any division of the industry expressly included within the

industry as defined in Article II, Section 1, paragraph (d), hereof, may petition the Administrator for exclusion from the terms of this code, and upon the grant of the prayer of the said petition by the Administrator said division shall cease to be bound by the terms of this code.

#### ARTICLE X—MONOPOLIES

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

#### ARTICLE XI—EFFECTIVE DATE

SECTION 1. This code shall become effective on the second Monday following its approval by the President.

Approved Code No. 308.

Registry No. 117-36.





Approved Code No. 309

**CODE OF FAIR COMPETITION**

FOR THE

**SOLID BRAIDED CORD INDUSTRY**

As Approved on February 26, 1934

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**ORDER**

**CODE OF FAIR COMPETITION FOR THE SOLID BRAIDED CORD 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 Solid Braided Cord 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 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

### INTRODUCTION

SIR: This is a report of the Hearing on the Code of Fair Competition for the Solid Braided Cord Industry in the United States, conducted in Washington, D.C., on Tuesday, October 31, 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 Solid Braided Cord Manufacturers Association, complying with the statutory requirements as representing at this time 100 percent of the total number of producers and 100 percent of the volume of the industry.

### GENERAL CHARACTERISTICS OF THE INDUSTRY

The term Solid Braided Cord Industry is used to define manufacture of all solid braided cotton cord,  $\frac{5}{32}$  of an inch in diameter and larger, including sash cord, bell cord, braided clothesline and other solid braided cords.

There are fifteen (15) manufacturers in this industry located in the states of Massachusetts, Connecticut, Pennsylvania, Maryland, Kentucky, North Carolina, Tennessee, Alabama and Georgia. It was brought out at the hearing that never in the history of the industry have there been more than 2,000 employees employed by these companies.

It was shown that the manufacturers in this industry for the past several years have been suffering not only from a potential over capacity in the industry due to the large amount of equipment set up but also from severe competition from Chains, Jute, Manila, Hemp, Sisal, Twisted, Cotton Rope, or other Coarse Fiber Cords or Rope and also Twisted and Straight Wire wherever these materials can be used in place of solid braided cord. It is felt that because of these factors the industry in the last five (5) years has not shown a reasonable profit on investment.

For years manufacturers in this industry have attempted to cooperate for the benefit of their needs, but not until the passage of the National Industrial Recovery Act were they successful in forming an association which could definitely set up a Code to aid in combating the serious evils which existed. An unusual spirit of fairness and a spirit of give and take finally brought about an agreement among all of the manufacturers, thereby aiding in the formulating of a Code of Fair Competition conforming to the purposes

of the Act. This is shown in the fact that the Association now represents 100 percent of the total number of producers in the industry.

#### RÉSUMÉ

The labor provisions of this Code both as to wages and hours are practically identical with those established in the Code for the Cotton Textile Industry. This is of benefit in view of the fact that many of the manufacturers spin their own yarns before converting them into solid braided cord.

There is a provision calling for the limitation of machine hours to two (2) shifts of forty (40) hours each. It is felt by all that eighty (80) hours of machine operation will amply take care of the production requirements of each manufacturer.

There is a recommendation calling for the registration of all productive machinery and for the requirement by the Administrator that prior to the installation of additional productive machinery by persons engaged in this industry, except for the replacement of a similar number of existing machines, or to bring the operation of existing productive machinery into balance, such persons shall secure certificates through the Code Authority that such installation will be consistent with effectuating the policy of the National Industrial Recovery Act during the period of the emergency.

#### 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 26, 1934.

# CODE OF FAIR COMPETITION FOR THE SOLID BRAIDED CORD INDUSTRY

## ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, during the period of the emergency, by reducing and relieving unemployment, improving the standards of labor, eliminating competitive practices, destructive of the interests of the public, employees, and employers, relieving the disastrous effect of over-capacity, and otherwise rehabilitating the Solid Braided Cord Industry, and by increasing the consumption of industrial and agricultural products by increasing purchasing power, and in other respects, the following provisions are established as a Code of Fair Competition for the Solid Braided Cord Industry.

## ARTICLE II—DEFINITIONS

1. The term "Solid Braided Cord Industry" as used herein means the manufacture of all solid braided cotton cord, 5/32" in diameter and larger.

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

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

4. The term "member of the Industry" as used herein means anyone engaged in the Industry as above defined, either as an employer or on his own behalf.

5. The term "productive machinery" means solid braiding machines.

6. The term "Southern section of the Industry" as used herein includes the states of Virginia, Maryland, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Arkansas, Louisiana, Oklahoma, Texas, and the term "Northern section of the Industry" includes the remainder of the United States.

7. 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 under said Act.

## ARTICLE III—HOURS OF LABOR

1. No employee—except office and supervisory staff receiving over \$30.00 per week, and repair-shop crews, engineers, electricians, firemen, cleaners, and shipping, and outside crews—shall work or be

permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period.

2. Repair-shop crews, engineers, electricians, firemen, shipping and watching crews, shall not work or be permitted to work, except in cases of emergency involving breakdowns or the protection of life or property, in excess of forty (40) hours a week, with a tolerance of ten (10) per cent. Time and one-third shall be paid for all time in excess of forty-four (44) hours per week.

3. Office employees shall not work or be permitted to work in excess of forty (40) hours per week averaged over each six (6) weeks' period nor over forty-eight (48) hours in any one week.

4. Outside crews, except in case of emergency, and cleaners shall not work or be permitted to work in excess of forty-four (44) hour per week.

#### ARTICLE IV—WAGES

1. No employee—except incapacitated employees, cleaners, and outside employees—shall be paid less than at the rate of \$12.00 per week when employed in the Southern section of the Industry and \$13.00 per week when employed in the Northern section for forty (40) hours of labor.

2. Incapacitated employees, that is, employees whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established in the foregoing section, if the employer obtains from the state authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee. No employer shall include within the category of physically incapacitated employees, more than five (5) per cent of the total number of his employees.

3. Outside employees and cleaners shall be paid not less than seventy-five per cent (75%) of the minimum wage prescribed in Section 1 of this Article.

4. The dollar differential existing prior to July 17, 1933, between the wage rates paid various classes of employees receiving more than the minimum wage prescribed above and up to \$30.00 per week, shall not be decreased; and in no event shall any employee be paid at a rate which would yield a less wage for a work week of forty (40) hours than such employee was receiving for the same class of work for a longer work week prevailing prior to July 17, 1933.

5. This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate, piece-work or other basis.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under the age of sixteen (16) years shall be employed in the Industry.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be

free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

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

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

5. 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 Articles III, IV, and V of this Code.

#### ARTICLE VI—MACHINE HOURS

Productive machinery in the Industry shall not be operated for more than two (2) shifts of forty (40) hours each per week.

#### ARTICLE VII—TRADE PRACTICES

1. No member of the Industry shall give any guarantee or other form of protection against price decline.

2. No cord shall be labeled except in conformity with the standard weights prescribed by the Code Authority.

#### ARTICLE VIII—REPORTS

1. With a view to keeping the President and the members of this Code informed as to the observance of this Code of Fair Competition, and as to whether the Solid Braided Cord Industry is taking appropriate steps to effectuate the declared policy of the National Industrial Recovery Act, each person engaged in the Solid Braided Cord Industry shall furnish duly certified reports in substance as follows and in such form as may hereafter be provided:

(a) *Wages and hours of labor.*—(1) Returns every four weeks showing actual hours worked by the various occupational groups of employees and minimum weekly rates of wage.

(2) *Emergency time.*—Reports every four weeks of any emergency time of employees of any mill.

(b) *Machinery data.*—The number of Solid Braiding Machines operated each week, the number of shifts, and the total Solid Braiding Machine hours each week.

(c) *Reports of stocks on hand and sales.*—Returns every four weeks showing the number of pounds shipped on sales during the period and the number of pounds on hand at the end of the period.

2. The Secretary of the Solid Braided Cord Manufacturers Association is hereby designated the agency to collect and receive from

each member of the Solid Braided Cord Industry the reports and data required herein and such further reports as may be required by the Administrator or the Code Authority, subject to the approval of the Administrator. The Secretary shall summarize the foregoing data and report to the Administrator or Code Authority and members of the Industry the aggregates based upon the data but shall withhold all information as to individual manufacturers, except as may be required by the Administrator or by the Code Authority in the administration of this Code.

#### ARTICLE IX—ADMINISTRATION

1. There shall forthwith be constituted a Code Authority consisting of:

(a) Five (5) representatives 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.

(b) Such additional members, without vote, as the Administrator may appoint to represent such groups or interests or such governmental agencies and for such periods as he may designate.

2. The representatives of the industry shall be selected in the following manner:

Four (4) individuals shall be elected by a majority vote of the members of the industry, each member of the industry to have one vote. A fifth individual shall be selected by a majority vote of the four (4) individuals elected by the members of the industry.

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

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

5. The Code Authority shall 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 of any person affected through a disinterested agency, and shall report the results of such investigations to the Administrator.

6. The Code Authority may from time to time present to the Administrator recommendations based on conditions in the Solid Braided Cord Industry as they may develop which will tend to effectuate the operation of the provisions of this Code and the policies of the National Industrial Recovery Act, and in particular along the following lines:



(a) Recommendations (1) for the requirement by the Administrator of registration by persons engaged in the Solid Braided Cord Industry of their productive machinery, (2) for the requirement by the Administrator that prior to the installation of additional productive machinery by persons engaged or engaging in the Solid Braided Cord Industry, except for the replacement of a similar number of existing solid braiding machines or to bring the operation of existing productive machinery into balance, such persons shall secure certificates through the Code Authority that such installation will be consistent with effectuating the policy of the National Industrial Recovery Act during the period of the emergency, and (3) for the granting or withholding by the Administrator of such certificates if so required by him.

(b) Recommendations for changes in or exemptions from the provisions of this Code as to the working hours of machinery which will tend to preserve the balance of productive activity with consumption requirements, so that the interests of the Industry and the public may be properly served.

(c) Recommendations for the making of requirements by the Administrator as to practices by persons engaged in the Solid Braided Cord Industry as to methods and conditions of trading, the naming and reporting of prices which may be appropriate to avoid discrimination, to promote the stabilization of the Industry, to prevent and eliminate unfair and destructive prices and practices.

(d) Recommendations for regulating the disposal of distress merchandise in a way to secure the protection of the owners and to promote sound and stable conditions in the Industry.

(e) Recommendations for dealing with any inequalities that may otherwise arise to endanger the stability of the Industry and of production and employment.

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

7. Any member of the Industry who accepts his share of the cost and responsibility as well as the benefits of participation in this Code may become a member of the Solid Braided Cord Manufacturers Association. The dues of the Association shall be levied on such basis as may from time to time be fixed by the Executive Committee thereof, subject to veto of the Administrator.

8. Members of the Industry who are complying with the requirements of this Code, and agree in writing, either individually or through trade associations, of which they are members, to abide by the requirements of the Code and to pay their reasonable share of the expense of the administration thereof, shall be entitled to vote in the election of the Code Authority on the same basis as a member of the Solid Braided Code Manufacturers Association, and to the benefits of the activities of the Code Authority.

9. The expense of administration of this Code shall be borne by the signatories thereto and the proportionate share of each signatory shall be determined by the Secretary of the Code Authority, subject to review of the Administrator, on the basis of volume of business and such other factors as may be deemed equitable to be taken into consideration. The assessment of each member of the Industry

shall be maintained in confidence by the Secretary of the Code Authority.

10. 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 X—GENERAL

1. The provisions of this Code shall not be interpreted or applied to permit monopolies or monopolistic practices or to eliminate or oppress small enterprises or to discriminate against them.

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

3. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of 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.

4. 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 if it appears that the public needs are not being served thereby and as changes in circumstances or experience may indicate. They shall remain in effect unless and until so modified or eliminated or until the expiration of the Act. It is contemplated that from time to time supplementary provisions of 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 National Industrial Recovery Act and which shall not conflict with the purposes hereof.

#### ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the second Monday after date of approval.

Approved Code No. 309.  
Registry No. 219-01.

Approved Code No. 310

**CODE OF FAIR COMPETITION**

FOR THE

**FRESH WATER PEARL BUTTON  
MANUFACTURING INDUSTRY**

As Approved on February 26, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE FRESH WATER PEARL  
BUTTON 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 Fresh Water Pearl Button 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 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Public Hearing on the Code of Fair Competition for the Fresh Water Pearl Button Manufacturing Industry as proposed by the National Association of Button Manufacturers, was conducted in the Mayflower Hotel, Washington, D.C., on October 11, 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 Industrial and Consumers' Advisory Boards of the National Recovery Administration and of the Legal Division. The Chairman of the Code Committee, upon authorization of the Committee has also given an approval to the final draft of the Code on behalf of the Industry.

The Industry as defined in the Code includes the manufacture of fresh water pearl button blanks and buttons, finished or unfinished. Fresh water pearl buttons are manufactured from fresh water mussel shells found largely in the Mississippi Valley. The shells are gathered by individuals who sell them to the button manufacturers. Cutting plants are scattered throughout the shell gathering territory. The shells are shipped to these plants where they are cut into blanks and the blanks are re-shipped to the finishing plants. The cutting plants furnish employment in small localities which in many cases have no other industry. A number of finishing plants are located in Muscatine, Iowa, and others in the states of Massachusetts, New York, Wisconsin, Missouri and other parts of Iowa. The product is sold largely to garment manufacturers who in turn use the product in making medium and popular priced wash garments.

According to the United States Census taken for the Industry for 1931, the fresh water pearl button branch represented 37.8% of the gross production of the entire Industry which includes the manufacture of all buttons and 30.6% of the value of the production of the entire industry for that year. It is therefore the largest single branch of the entire Industry. The number of wage earners engaged in the entire Industry throughout the Country was 8,105. It is estimated that about 4500 persons were engaged in the blank cutting and finishing operations of the Fresh Water Pearl Button Industry representing about 50% of the total number of employees in the Button Industry in the United States. Compliance with the proposed Code has increased the number of employees from 4500 to 4800 since the first of August.

It was attempted first by the Deputy Administrator to combine the various button codes into one code for the entire Industry, but this was found to be impracticable inasmuch as no unanimity could be reached by the representatives of the different branches of the Industry. However, a provision has been incorporated in this Code

which, if agreed upon by all the branches of the Industry, may open the way for a cooperative administration of the various codes.

The submitting Association represents 100% of the fresh water pearl button manufacturers in the United States and therefore 100% of the volume of business and number of employees.

#### 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.

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 general 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 Recovery Act.

Article IX states that this Code shall not permit monopolies.

Article X deals with price increases.

Article XI specifies the effective date.

#### 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 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 by otherwise rehabilitating industry.

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

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

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

(e) The Code is not designed to and will not eliminate 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 26, 1934.

# CODE OF FAIR COMPETITION FOR THE FRESH WATER PEARL BUTTON 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 Fresh Water Pearl Button Industry, and shall be the standard of fair competition for this industry, and shall be binding on every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "industry" as used herein includes the manufacture of Fresh Water Pearl Button blanks and buttons, finished or unfinished, and such related branches or subdivisions 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.

2. The term "employee" as used herein includes any person engaged in any phase of the Industry in any capacity, irrespective of the method of compensation, or his interest otherwise in said Industry.

3. The term "employer" as used herein includes any one for whose benefit such employee is so engaged.

4. The term "member of the Industry" as used herein includes any individual, partnership, association, corporation, or other person engaged in the Industry, either as an employer or on his or its own behalf.

5. The term "President", "Act", and "Administrator", as used herein shall mean respectively, President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

## ARTICLE III—HOURS

1. Except as hereinafter provided, no employee shall be permitted to work in excess of forty (40) hours in any one week, nor more than eight (8) hours in any twenty-four (24) hour period.

2. Members of shop repair crews, engineers, electricians, firemen, watchmen, plant managers, stock and shipping clerks shall not be permitted to work in excess of forty-four (44) hours in any one week.

3. The provisions of this Article shall not apply to persons employed in supervisory capacities, provided such persons earn not less than thirty dollars (\$30.00) per week.

4. No member of the Industry shall knowingly engage any employee for any time which, when totaled with that already performed

with another member or members of the Industry, exceeds the maximum permitted herein.

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

#### ARTICLE IV—WAGES

1. Except as hereinafter provided, no employee shall be paid at less than the rate of thirteen (\$13.00) dollars per forty (40) hour week.

(a) No employee as defined in Article III, Sec. 2 shall be paid at less than the rate of thirteen (\$13.00) dollars per forty four (44) hour week.

(b) The Code Authority with the approval of the Administrator shall fix the minimum piece work rate which shall be paid persons for the carding of buttons in homes.

2. No apprentice shall be paid at less than the rate of 70% of minimum wage per week of 40 hours for the first six months of employment and thereafter not less than the minimum wages in section one of this article. The period of apprenticeship shall be strictly limited to six months and the number employed at any time shall not exceed 10% of the total number of employees. Any time worked by an apprentice shall be deemed a part of such apprenticeship period, whether such time is worked continuously, or in more than one shop, or for more than one employer. An affidavit sworn to and furnished by an employee as to the total number of hours he has worked as an apprentice in the industry shall be deemed sufficient evidence of the status of such employee. The number of apprentices to be employed as mentioned in this article is subject to review by the code authority with the right to increase the number if good cause be shown.

3. Persons whose earning capacities are 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 payroll 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.

4. This article establishes a minimum rate of pay, which shall apply regardless of whether an employee is compensated on a time rate, piece work, or other basis. No employer shall reduce the full-time weekly compensation of any employee receiving more than the minimum herein provided for below that in effect as of July 1, 1933, for any given class of work, whether such work was paid for on a monthly, weekly, daily, hourly, or piece rate basis, notwithstanding that the hours of such employment may have been reduced by the provisions of this code; the Code Authority, following an investigation, may recommend such adjustments of rates as may be necessary to eliminate inequitable differentials.

#### 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, if any, which are hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within ninety (90) days of the effective date of this Code a list of such operations or occupations.

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

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

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

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

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

7. The Code Authority shall study the problem of home work in this Industry and propose to the Administrator, not longer than five (5) months after the effective date of this Code, appropriate provisions for the regulation and control of such home work, and when approved by the Administrator, shall become binding upon all members of this Industry.

#### ARTICLE VI—ADMINISTRATION

To further effectuate the purpose of the Act, a Code Authority is set up 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 not more than nine (9) members. Six (6) members shall be appointed by the National Association of Button Manufacturers. In addition thereto, the Administrator may appoint not more than three (3) members who shall be without vote and who shall serve without expense to the Industry and together with the Administrator shall be given notice of and may sit at all meetings of the Code Authority.

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

(c) In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper, and may require an appropriate modification in the method of selection of the Code Authority, or any sub-Code Authority.

(d) Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

(e) 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 exercising reasonable diligence in the conduct of his duties hereunder be liable to any one for any action or omission to act under the Code, except for his own wilful misfeasance or non-feasance.

2. 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 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 for use of the Code Authority and of the Administrator in the administration and enforcement of the Code, and for the information of the President,

reports based on periods of 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, and otherwise. 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 violation of this Code, make investigations thereof and provide hearings thereof 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 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 sub-division 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 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.

(g) To initiate, consider and make recommendations for the modifications or amendment of this Code which shall become effective as a part of this Code when approved by the Administrator after such notice and hearing as he may specify.

(h) To 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.

(i) To investigate and recommend a uniform system, or standard method of classifying blanks and grading finished buttons by the members of the Industry, which upon approval by the Administrator and after such notice of hearing, as he shall prescribe, shall become a part of this Code.

(j) To recommend to the Administrator appropriate provisions for the regulation of the disposal of distress merchandise.

(k) To recommend to the Administrator and upon his approval, subject to his review, to enforce such regulations affecting the procuring, conservation, and propagation of mussel shells as may be deemed necessary to assure a continuous supply of raw materials.

(l) To investigate competitive articles imported into the United States on such terms and under such conditions as to render ineffective or seriously endanger the maintenance of this Code and to act

as the agency for making complaints to the proper governmental agency on behalf of this Industry.

(m) 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.

(n) to coordinate the administration of this Code with such other codes as may be related to the Industry, the Code Authority may designate representatives for the purpose of meeting with like representatives designated by the Code Authorities of the related Codes referred to above. Such representatives shall be duly authorized to constitute a committee, which committee shall, as soon as practicable, submit to the Administrator reports and recommendations with respect to:

(1) The establishment and method of selection of a General Button Manufacturers Coordinating Council.

(2) The jurisdiction, as well as the administrative powers and authority to be delegated to such Coordinating Council.

Upon approval by the Administrator, after such hearings and notice as he shall prescribe, of such recommendations of the Council, selected in the manner above provided for, the Code Authority shall be subject to the jurisdiction, rules, regulations, and by-laws of the General Button Manufacturers Coordinating Council in the form and manner approved by the Administrator, any express or implied delegation of power or duty in this Code to the Code Authority notwithstanding.

3. 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. Nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any government agency.

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 VII—TRADE PRACTICES

1. No member of the Industry shall use selling methods or credit terms which tend to deceive or mislead the customers or prospective customer.

2. No member of the Industry shall brand or mark any commodity in any manner which tends to mislead or deceive purchasers with respect to the grade, quality, origin, size, material, content or preparation of such commodity in conformity with the standards as

established by the Code Authority when approved by the Administrator.

3. 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.

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

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

6. 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 or such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions are not to 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.

7. No member of the Industry shall secretly give anything of value to the employee or agent of a customer for the purpose of influencing a sale, or in furtherance of a sale render a bill or statement of account to such employee, agent or customer which is inaccurate in any material particular.

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

9. No member of the Industry shall require that the purchase of any goods be prerequisite to the purchase of any other goods.

10. No member of the Industry shall use any unfair means to secure information regarding the manner in which a competitor conducts his business.

11. No member of the Industry shall ship goods on consignment except under circumstances authorized by the Code Authority and approved by the Administrator.

12. No member of the Industry shall grant any term of cash discount in excess of one percent (1%) ten days, net thirty, E.O.M. Goods shipped on or after the twenty-fifth of a month may be billed as of the first of the following month.

13. All sample requirements in excess of one half gross in bulk in any one number and all sample cards furnished for the use of customers' salesmen shall be charged and paid for by the customer at the sales price of the finished button, plus all carding and other costs entailed.

14. No member of the Industry shall sell any articles subject to the provisions of this Code below his individual cost. However, any member of the Industry may meet the price of any competing member of the Industry whose cost is lower. Cost for the purpose of this provision shall be determined in accordance with the uniform cost system provided for in Section 2 (h) of Article VI of this Code when such system is approved by the Administrator.

#### 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 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—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. But when made such increases 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 and after the second Monday after its approval.

Approved Code No. 310.  
Registry No. 1009-1-02.

Approved Code No. 311

**CODE OF FAIR COMPETITION**

FOR THE

**READY MIXED CONCRETE INDUSTRY**

As Approved on February 27, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE READY-MIXED  
CONCRETE 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 Mixed Concrete 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, Subsection (c), insofar as they prescribe a waiting period between the filing with the committee of the marketing area 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 27, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Ready-Mixed Concrete Industry, a hearing on which was conducted in Washington on the twenty-sixth of October 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS OF THE CODE AS TO WAGES AND HOURS

This Code provides for a work week of not more than forty hours nor more than six days. Exceptions to the limitation on working hours are provided for truck drivers and dispatchers, who may work forty-four hours per week; employees engaged in emergency repair work, who are limited in number and may work forty-eight hours per week when so engaged; watchmen, who may work sixty hours per week; and salesmen and managers earning regularly over \$35.00 per week. Employees paid on an hourly basis are to be compensated at the rate of one and one-third their normal rates of pay for all time worked in excess of the maximum hours provided.

This Code provides for minimum hourly rates of pay of 35 cents per hour in the South, 40 cents per hour in the intermediate area, and 45 cents per hour in the Northern states, with 50 cents being stipulated as the minimum rate for New York City. These rates are decreased by 5 cents or 10 cents per hour, respectively, for cities between 500,000 and 75,000 population, and for cities of less than 75,000 population. Minimum weekly wages for watchmen are set at \$13.00 in the South, and \$14.00 elsewhere. Minimum wages for accounting and clerical employees are set at from \$13.00 to \$15.00 per week, depending on population. Provisions are made for maintaining normal wage differentials, and to the extent practicable, weekly earnings are not to be decreased.

No person under sixteen years of age may be employed, and no person under 18 years of age may work at hazardous or unhealthy occupations. Employers are required to provide for the welfare and safety of their employees.

### ECONOMIC EFFECTS OF THE CODE

The Research and Planning Division estimates that, based upon available data, there are about 7,500 employees in this Industry, exclusive of office help. The total employment is probably about 8,000. A 1929 estimate of value of industry products indicates a figure of about three million dollars annually, although this figure is probably high for the period since 1929.

The normal work week for employees in this Industry has formerly been from 50 to 60 hours. With a normal volume of business, the



maximum weekly working limits of 40 and 44 hours for plant and delivery employees, respectively, will result in an appreciable spread of employment. The lack of definite figures on current and past employment precludes an accurate estimate with respect to the number of employees who will be added to payrolls by reason of the approval of this Code. The same lack of information on prevailing wage rates prohibits a definite estimate as to increased earning power by reason of the Code provisions. From general information, it is considered probable that, in spite of the shorter hours worked, weekly earnings will not in any case be lowered, and the average weekly compensation per employee will probably be much higher by reason of the approval of this Code.

#### FINDINGS

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

I find that—

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

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

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

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

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

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

I wish to point out the fact that certain of the labor provisions of this Code are subject to further consideration and later revision, and are being approved primarily because of the existence of similar

provisions in approved competing Codes, to wit: the Code for the Crushed Stone, Sand and Gravel and Slag Industries, and the Code for the Builders' Supplies Trade Industry. It is my purpose to consider the advisability of re-convening hearings on all three of these Codes at a later date after proper notice, for the purpose of amending the labor provisions in these Codes with a view to more effectively spreading employment and improving living conditions for employees, and in so far as is equitable to maintain similarity in the labor requirements in these Codes.

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

WASHINGTON, D.C.,  
*February 27, 1934.*

# CODE OF FAIR COMPETITION FOR THE READY MIXED CONCRETE 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 Ready Mixed Concrete Industry and shall be binding upon every member of the Industry.

## ARTICLE II—DEFINITIONS

SECTION 1. *Ready Mixed Concrete Industry.*—As used in this Code, the term “ready mixed concrete industry” includes the manufacture for sale, and sale by those who manufacture, of ready mixed concrete, whether manufactured at a central mixing plant or in transit, or at the site of the work, and such related branches and 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.

SECTION 2. *Employee.*—The term “employee”, as used herein, includes any and all persons engaged in the Industry however compensated, except a member of the Industry.

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

SECTION 4. *Member of the 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.

SECTION 5. *Region.*—The term “region”, as used herein, includes any one of the several parts of the United States established as hereinafter set forth in Article VI of this Code.

SECTION 6. *Marketing Area.*—The term “marketing area”, as used herein, includes any subdivision of any region or regions established pursuant to Article VI of this Code.

SECTION 7. *Association.*—The term “Association”, as used herein, shall mean the National Ready Mixed Concrete Association, Inc.

SECTION 8. *Committee on Organization.*—The term “Committee on Organization”, as used herein, shall mean the committee of the Industry appointed to present this Code and to serve as the Code Authority, as described in Article VI, Section 2, of this Code, until the members of such Code Authority have been regularly elected as hereinafter provided.

SECTION 9. *Code Authority.*—The term “Code Authority”, as used herein, shall mean the committee of the Industry, selected in accordance with the provisions of Article VI, Section 2, of this Code, for the purpose of administering the provisions of this Code.

SECTION 10. *President, Act, and Administrator.*—The terms “President”, and “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. *Working Time.*—

(a) Except as set forth in Section 2 of this Article, no employee shall be permitted to work more than 40 hours per week, or more than 6 days in any one week.

(b) Employers who personally perform manual work or are engaged on mechanical operations shall be subject to the extent permitted by the Act, to the same maximum hours as are provided in this Code for employees.

(c) No employer shall knowingly engage any employee for any time which, when totaled with that previously performed with another employer in this Industry, exceeds the maximum hours herein specified.

#### SECTION 2. *Exceptions.*—

(a) *Truck Drivers and Dispatchers.*—Except as provided in subsections (b) and (e) of this Section, no truck driver, helper, or dispatcher shall be permitted to work more than 44 hours per week, nor more than 6 days in any one week.

(b) *Emergency Employment.*—Except as provided in subsection (e) of this Section, the total number of working hours of employees engaged in emergency repair work involving breakdowns or protection of life or property, comprising not more than five (5) percent of the total number of employees, shall be not more than 48 in any one week.

(c) *Salesmen and Managers.*—The maximum hours specified in Section 1 of this Article shall not apply to commercial travelling salesmen, (not including truck drivers), or to employees engaged in executive or managerial capacities who receive not less than \$35.00 per week.

(d) *Watchmen.*—The total number of working hours of employees engaged as watchmen shall not exceed 60 in any one week, nor shall any employee engaged as a watchman work more than 6 days in any one week.

(e) *Overtime Compensation.*—Employees who are compensated on an hourly basis may work in excess of the maximum hours prescribed herein, provided that not less than one and one-third times the normal hourly rate is paid for all time worked in excess of the maximum hours provided in this Article III.

### ARTICLE IV—WAGES

#### SECTION 1. *Rates of Pay.*—

(a) Except as otherwise provided in subsection (b), (c), and (d) of this section, no employee shall be paid less than the minimum rates herein below specified opposite each division within cities of over 500,000 population and in the immediate trade area of such city in such division, nor less than 5¢ per hour less than the rates

hereinbelow specified in cities of less than 500,000 population or more than 75,000 population and in the immediate trade areas of such cities in such divisions, nor less than 10¢ less than the rates hereinbelow specified in each city or place of less than 75,000 population in any such division, unless it is included in a trade area. For the purposes of this Code a trade area shall be defined by the Code Authority, subject to the approval of the Administrator, and population shall be determined by the 1930 Federal census.

Alabama, Georgia, Florida, North Carolina, South Carolina, Louisiana, Mississippi, Tennessee, Arkansas, Kentucky, Texas, Virginia, West Virginia, New Mexico, and Arizona, 35 cents per hour.

Delaware, Maryland, District of Columbia, Colorado, Wyoming, Oklahoma, Utah, Montana, Idaho, Washington, Oregon, Nevada, and southern division of California, 40 cents per hour.

California (northern division), Illinois, Indiana, Pennsylvania, New Jersey, Nebraska, New York (except New York City), Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Minnesota, North Dakota, South Dakota, Iowa, Ohio, Missouri, Kansas, Wisconsin, and Michigan, 45 cents per hour.

City of New York, 50 cents per hour.

The minimum rates of pay established in this section shall apply only to common labor or totally unskilled labor; and skilled labor shall be compensated at rates of pay higher than the rates herein provided.

The Southern Division of California, for the purposes of this Code, includes all of the State of California south of the 36th North latitudinal line; and the Northern Division of California includes the remainder of the State of California.

(b) *General Compensation Increase.*—To the extent practicable, weekly earnings shall not be decreased, notwithstanding that hours of work may be reduced, and rates of pay for occupations in excess of the minimum herein prescribed shall be increased so as to maintain differences in full time weekly earnings existing on July 15, 1933. Upon request of the Administrator, reports shall be furnished covering such adjustments.

(c) *Watchmen.*—The weekly wage for watchmen shall be not less than \$13.00 per week in Alabama, Georgia, Florida, North Carolina, South Carolina, Louisiana, Mississippi, Tennessee, Arkansas, Kentucky, Texas, Virginia, West Virginia, New Mexico, and Arizona, and not less than \$14.00 per week in Delaware, Maryland, District of Columbia, Colorado, Wyoming, Oklahoma, Utah, Montana, Idaho, Washington, Oregon, Nevada, California, Illinois, Indiana, Pennsylvania, New Jersey, Nebraska, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Minnesota, North Dakota, South Dakota, Iowa, Ohio, Missouri, Kansas, Wisconsin, and Michigan.

(d) *Salaried Employees.*—No accounting, clerical, or office employee shall be paid less than the rate of \$15.00 per week in any city of 500,000 or more population, or in the immediate trade area of such city; or less than the rate of \$14.00 per week in any city between 100,000 and 500,000 population, or in the immediate trade area of such city; or less than \$13.00 per week in any city below 100,000 pop-

ulation, or in the immediate trade area of such city. Population for the purposes of this paragraph shall be determined by reference to the 1930 Federal Census.

(e) *Piece Work Compensation.*—This section establishes a minimum rate of pay which shall apply irrespective of whether any employee is compensated on a time rate, piece rate or other basis.

(f) *Method of Payment.*—An employer shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Wages of employees paid on an hourly basis shall be paid at least twice a month and salaries at least once a month. These wages shall be exempt from any payments for pensions, insurance, or sick benefits other than those voluntarily paid by wage earners.

The employer or his agents shall accept no rebates, directly or indirectly, on such wages nor give anything of value or extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

## ARTICLE V—LABOR PROVISIONS

### SECTION 1. *Rights of Labor.*—

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

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

SECTION 2. *Child Labor.*—No person under 16 years of age shall be employed in the industry, nor anyone under 18 years of age at 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.

### SECTION 3. *Labor Protection.*—

(a) Within each State or subdivision thereof, no provision of this Code shall supersede any laws of such State or subdivision imposing more stringent requirements on employers, regulating the age of employees, wages, hours of work, or health, fire or general working conditions than are imposed under this Code.

(b) No employer shall 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.

(c) Each employer shall post in conspicuous and accessible places full copies of this Code.

(d) Each employer shall provide for the health and safety for his employees while engaged in the discharge of their duties. He shall not be relieved from protecting his employees by workmen's compensation insurance according to the amounts required in the State of jurisdiction.

(e) Each employer shall so administer work in his charge as to provide a maximum practicable continuity of employment for his employees.

(f) 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 or such employment.

SECTION 4. *Existing Labor Contracts.*—Labor agreements now in force between individual members or groups of members and their employees shall be affected only by such labor and hour provisions in this Code as may prescribe higher wages and shorter hours than are provided for by such agreements.

SECTION 5. *Accident Prevention.*—Every member of the Industry shall lend his cooperation and active support to a program for the reduction of accidents in the conduct of his operations. No member of the Industry shall be permitted to expose his employees to unnecessarily dangerous working hazards and cases of culpable disregard of the life and health of employees shall constitute a violation of this Code.

SECTION 6. *Labor on Mixers at Site of Work.*—Employees engaged at a mixing plant on the site of a construction project, established to serve that project, shall not be subject to the labor provisions of this Code, but shall be subject to the labor provisions of such National Recovery Administration Code or Codes as may be applicable to the employees on that construction project.

## ARTICLE VI—ADMINISTRATION

SECTION 1. *Regions.*—For the purpose of securing adequate representation in the national administration of this Code of Fair Competition, the United States shall be divided into seven regions, as follows:

Region No. 1. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York.

Region No. 2. Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region No. 3. North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.

Region No. 4. Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, and Tennessee.

Region No. 5. North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Montana, and Wyoming.

Region No. 6. Colorado, Kansas, Missouri, Oklahoma, Arkansas, New Mexico, Texas, and Louisiana.

Region No. 7. Washington, Oregon, Idaho, California, Nevada, Utah, and Arizona.

SECTION 2. *Code Authority.*—

(a) To effectuate further the policies of the Act, the Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code. The Code Authority shall con-

sist of one representative from each of the regions described in Section 1 of this Article, elected by the members of the Industry within each region, subject to the provisions of Section 7 of this Article, by a fair method of selection to be approved by the Administrator, two ex officio members, consisting of the president and one staff member of the Association; and from one to three members, without power to vote, appointed by the Administrator, for such terms as he may designate, such members appointed by the Administrator to act, without expense to the Industry, as his representatives or as representatives of such groups as he may designate. The Industry members of the Code Authority shall be selected within ninety (90) days after the effective date of this Code. The elective Industry members of the Code Authority shall serve for one year, or until their successors are elected.

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

(c) In order that the Code Authority shall at all times be truly representative of the members 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 selection of the Code Authority.

(d) The Committee on Organization, together with not more than three representatives appointed by the Administrator, pursuant to subsection (a) of this section, shall act for and on behalf of the Code Authority and shall be charged with all of its duties until the members of such Code Authority have been regularly elected, as hereinbefore provided. The Committee on Organization shall be specifically charged with arranging for the initial election of the Code Authority.

SECTION 3. *Marketing Areas.*—To facilitate local organization and enforcement of this Code, and to provide suitable self-determination of local issues, within the scope of the powers granted under this Code and not inconsistent with it, members of the Industry supplying ready-mixed concrete in any area, subject to the approval of the Code Authority, may designate such area as a *marketing area*. Members of the Industry supplying ready-mixed concrete in such areas may elect such committees as are necessary to administer this Code in such areas, provided, however, that any action taken by them shall be subject to the review and approval of the Code Authority, either on its own motion or at the instance of any interested person and except that the Code Authority shall reserve final responsibility for the administration of the provisions of this Code.

Members of such committees in such marketing areas shall be elected, subject to the provisions of Section 7 of this Article, by a fair



method to be approved by the Administrator, and shall serve for one year or until their successors are elected.

SECTION 4. *Voting.*—Each member of the Code Authority, Committees of Marketing Areas, the Committee on Organization, and such other committees or subcommittees as may be appointed pursuant to this Code, shall be entitled to one vote in the proceedings thereof and a majority vote shall govern.

SECTION 5. *Arbitration.*—Complaints or controversies, involving labor, the consuming interests, or other groups outside of the Industry, may be referred, with the consent of both parties to the controversy, to an Arbitration Board, composed of an equal number of representatives, not exceeding three members, of each of the groups involved in the controversy, together with a neutral arbiter selected by the appointed members of the Arbitration Board.

SECTION 6. *Statistics.*—

(a) All members of the Industry shall file with the Association such reports as may be required by the Code Authority with respect to hours of labor, rates of wages, production, stocks on hand, sales and such other information as may be necessary to the administration of this Code. All records so filed with the Association shall be confidential documents, except that they may be published in summary and except that they shall be made available upon request to the Administrator and to such impartial agency as the Code Authority may designate where necessary to facilitate the administration of the Code. The Code Authority shall make such reports to the Administrator as he may request.

(b) In addition to information required to be submitted to the Code Authority, members of the industry shall furnish to such Federal and State agencies as the Administrator may designate, such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, and nothing in this Code shall relieve any person of any existing obligation to furnish reports to Government agencies.

SECTION 7. *Administrative Expense.*—Only those members of the Industry who assent to and comply with the requirements of this Code and sustain their reasonable share of the expenses of its administration shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof, and to use the National Recovery Administration Code insignia. A reasonable share of the expenses of administration shall be determined by the Code Authority, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

SECTION 8. *Right of Appeal.*—Appeal from any decision by committees within marketing areas or by the Code Authority may be taken to the Code Authority or to the Administrator, respectively.

SECTION 9. 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 disap-

prove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

## ARTICLE VII—TRADE PRACTICES

SECTION 1. *Unfair Methods.*—The following practices constitute unfair methods of competition for members of the Industry and are prohibited:

(a) *Secret Rebates.*—No member of the Industry shall make or permit any secret rebate, refund, credit, or unearned discount in the form of money or otherwise, nor shall he extend to certain purchasers any special price or privilege not extended to all purchasers under like terms and conditions.

(b) *Payment of Commission.*—No member of the Industry shall secretly pay or promise to pay to a customer or employee of a customer a commission or consideration of any character for the purpose of inducing or compensating for a sale.

(c) *Commercial Bribery.*—No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. 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.

(d) *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.

(e) *Defamation.*—No member of the Industry shall defame a competitor by words or acts, falsely imputing to him dishonorable conduct, inability to perform contracts or questionable credit standing, or by the false disparagement of the grade or quality of his material.

(f) *Misrepresentation.*—No member of the Industry shall sell or offer for sale any product of the Industry with intent to deceive customers or prospective customers as to the quality, quantity, size, grade or substance of such product.

(g) *Unit of Sale.*—No member of the Industry shall sell his product except on a unit cubic yard basis, and measurement shall be made in accordance with Section 31 of the Tentative Specifications for Ready Mixed Concrete of the American Society for Testing Materials, which is quoted below, or subsequent revisions thereof:

"31. The basis of measurement of the concrete shall be the cubic yard. The quantity of concrete produced by a given combination of materials may be determined by measurement in a standard measure or may be calculated from the absolute volumes of the separate ingredients as determined from the weight of each used in a batch and its specific gravity. When the latter method is used, proper correction shall be made for the free and absorbed moisture content of the aggregate."

(h) *Lump Sum Bidding or Contingent Selling.*—No member of the Industry shall enter into any contract for furnishing any of his product contingent upon the sale or purchase of any other thing, the performance of any other service, or any other contingency not appearing in the contract or complying with this Code.

(i) *Waiting Time for Trucks.*—Members of the Industry shall make quotations of price subject to a charge for waiting time for trucks in excess of a maximum time established by the Committee of the Marketing Area, subject to the approval of the Code Authority and the Administrator.

(j) *Bid Peddling.*—The members of the Industry pledge their full cooperation in the elimination of the practice known as "bid peddling", and which is denounced as an unfair trade practice for the Construction Industry as defined in such basic Code of Fair Competition for the Construction Industry as may be approved by the President.

(k) *Enticement of Employees.*—No member of the Industry shall maliciously entice employees from a competitor for the purpose of interfering with his business. However, nothing in this paragraph shall prevent any employee from offering his services to a competitor, nor prevent any employer from employing the employee of another member of the Industry where the initiative in such change is taken by the employee.

(l) *Jobbers and Distributors.*—

1. All members of the Industry shall give preference in purchase of materials to a material producer or dealer who complies with the provisions of the Code of Fair Competition, if any, of the Industry by which the producer and/or dealer is bound.

2. No member of the Industry shall indirectly violate this Code by disposing of his industry products through a middleman whom he controls by stock ownership or any other form of ownership, and who does not adhere to the standards of fair competition established by the Code.

SECTION 2. *Cost Determination.*—

(a) *Uniform Cost Accounting.*—The Code Authority shall formulate and submit to the Administrator for his approval a uniform costing and accounting system or method. After such approval, all members of the Industry shall adhere to such uniform costing and accounting system, or to such other system which conforms to the principles of and is at least as detailed and complete as the system so approved; to the extent of incorporating in their calculations of cost all of the elements of prime cost and such other items of cost as may be prescribed by such system.

(b) *Selling Below Cost.*—No member of the Industry shall sell his product at less than an amount equal to his prime cost thereof, plus ten (10) percent, except as provided in this subsection (b) and in subsection (c) of this Section; provided, however, that this percentage shall be subject to revision by the Administrator after such notice and hearing as he may require. Such prime cost shall be computed in accordance with the uniform costing and accounting system as described in subsection (a) above and shall include cost of ingredients, transportation, and all other items of cost, exclusive of return on capital invested, interest on borrowed capital,

administration, reserves, and selling expense. The cost of purchased ingredients of the concrete shall be taken as the invoice price thereof. Where one or more of the ingredients for the concrete are manufactured by a member of the Industry, their cost shall be taken as the regular sales price quoted for such ingredients for sale to others at the same point of delivery and under similar conditions of sale.

The foregoing provisions of this subsection shall not prevent a member of the Industry from meeting the competition of another member of the Industry, provided, however, that the sale or price quotation of that member of the Industry whose competition is met pursuant to this provision shall constitute a violation of this Code if such sale or quotation is at less than his own prime cost plus 10% as hereinbefore defined.

(c) *Open Price Policy.*—The committee of any marketing area, if it so elects, and subject to the approval of the Code Authority and subject also to the provisions of subsection (b) of this section, may adopt for the members of the Industry selling within that marketing area the following open price policy:

In each marketing area where the 'open price' policy is adopted, each member of the Industry selling within the marketing area shall file with the committee of the marketing area, not less than, nor more than, five (5) days in advance of the effective date thereof, all prices, terms, and conditions of sale for his products, f.o.b. delivery point. Such prices, terms, and conditions of sale shall continue in effect until other prices, terms, and conditions of sale have been duly filed as hereinbefore provided. The committee of the marketing area immediately shall cause copies of all such price lists filed with it to be distributed among the members of the Industry selling within the marketing area, and to be made available for public information.

Any member of the Industry selling within a marketing area may file revised lists to meet the prices, terms, and conditions of sale of any other member of the Industry, established by the above method, as of their effective date.

Any deviation by a member of the Industry selling within the marketing area from his prices, terms, and conditions of sale, established by the above method, except as hereinbefore provided, shall constitute a violation of this Code.\*

SECTION 3. *Uniform Terms of Sale and Credit Practices.*—

(a) Subject to the approval of the Code Authority, members of the Industry within any marketing area may establish uniform terms of sale and credit practices, which, when approved by the Administrator, shall be binding upon all members of the Industry selling in such marketing area.

(b) Nothing in this section shall be construed as permitting of agreements to fix uniform selling prices.

SECTION 4. *Production Capacity and New Production.*—

(a) To promote the fullest possible utilization of the present productive capacity of the ready mixed concrete manufacturing Industry, and to effectuate the other purposes of the Act, the Code Authority shall be charged with the duty of conducting a survey for the purpose of developing information concerning existing productive

\* See paragraph 2 of order approving this Code.

capacity and current and potential demands for the products of this Industry in each marketing area, and from time to time shall make recommendations to the Administrator for the establishment of such regulations as may be necessary to avoid the aggravation of the condition of overcapacity which may exist in any marketing area.

(b) Any group of members of the Industry may agree not to be a party to any action which will increase the productive capacity within any marketing area. All such agreements shall be reviewed by the Code Authority and shall not become effective until approved by it. Such agreements may be cancelled by the Code Authority or by the Administrator, whenever either of them may determine that such agreements do not effectuate the purposes of this Code and of the Act. Any party to such agreements may withdraw therefrom on written notice to the other parties to the agreement at their last known addresses, and to the Code Authority.

The provisions of this section shall not be construed as limiting in any way the interchange of equipment among members of the Industry within a marketing area, or as preventing any member of the Industry from improving the efficiency of his plant or equipment through the installation of new machinery, or adopting such methods as will lower production costs.

#### ARTICLE VIII—MODIFICATION

SECTION 1. *Statutory Provisions.*—This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act, and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SECTION 2. *Amendments.*—This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

#### ARTICLE IX—MONOPOLIES

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

#### ARTICLE X—EFFECTIVE DATE

This Code shall become effective on the beginning of the tenth day after its approval by the President and shall cease to be in effect at the expiration of two years after the date of enactment of the Act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by the Act has ended.



CODE OF FAIR COMPETITION  
FOR THE  
NARROW FABRICS INDUSTRY

As Approved on February 27, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE NARROW FABRICS  
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 Narrow Fabrics 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 Article V, Section 8 shall be modified to read as follows:

“8. The having work done or labor performed on any product of the Industry in the home of a worker shall be prohibited.”

provided, however, that the Code Authority shall make a study at once of the extent of homework in this Industry for the Administrator, and that pending such study Section 8 of Article V, as so modified, is stayed until the Administrator shall order that it become effective.

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

Approval recommended:  
A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 27, 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 Narrow Fabrics Industry, held in accordance with the provisions of the National Industrial Recovery Act in the South Lounge of the Hotel Ambassador on January 12, 1934. The Code, which is attached, was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, said to represent 75 per cent by volume of the Industry.

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

### THE INDUSTRY

The Industry comprises about 133-35 concerns, having an investment in 1929 of approximately \$38,000,000. In 1933 the Industry provided employment for 12,000 workers which is the same number employed during 1929. Aggregate annual sales have fallen from \$45,900,000 in 1929 to about \$30,000,000 in 1933.

### PROVISIONS OF THE CODE

The Code provides for a minimum wage of 32½¢ per hour in the North and 30¢ per hour in the South. It is stated in the Code that this minimum wage applies only to the lowest paid class of labor in the Industry. The Code provides that employees shall not receive for a work week of 40 hours less compensation than they received for the longer work week prevailing prior to July 1, 1933. Pay schedules of employees receiving more than the minimum wages are to be readjusted equitably, and the Code Authority is designated the agency to see that this provision is carried out. Average weekly earnings in the Industry will be increased 5.2 per cent by the application of this Code and total pay-rolls will be increased approximately 22 per cent.

Hours of work for office employees are limited to 40 hours per week averaged over a period of three months, provided that no employee works more than 48 hours in any one week. No other employee is permitted to work more than 40 hours per week and 8 hours per day with the following exceptions: maintenance employees are permitted to work ten per cent in excess of the maximum hours; employees in the supervisory capacity receiving \$30.00 or more per week are not limited as to hours; watchmen are permitted to work not more than 56 hours per week; employees on emergency repair work are excepted, but are to be paid time and one-third for all over



time work. Operations are limited to two shifts of 40 hours each per week. The effect of this Code will be to increase employment approximately 21 per cent.

There are no highly restrictive provisions in the Code itself. The sale of merchandise below cost is prohibited when and if a uniform system of cost accounting is approved by the Administrator. It is contemplated that supplemental Codes of Fair Trade Practice will be submitted for the different divisions of 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, this Code of Fair Competition for the Narrow Fabrics Industry has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 27, 1934.

# CODE OF FAIR COMPETITION FOR THE NARROW FABRICS 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 Narrow Fabrics Industry, and shall be the standard of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Industry" as used herein includes the manufacture of the following, including any related processes (except the spinning of yarn and preparatory processes thereto), and such branches and subdivisions thereof as may from time to time be included under the provisions of this Code, viz:

(a) All Woven Elastic Fabrics, except fabrics 16" or more in width having elastic in the filling only.

(b) All Braided Elastic Fabrics.

(c) All Braided Non-Elastic Fabrics.

(d) Covered Rubber Thread, Hose Supporters for the Garment Trade, Cutting and Tipping of Shoe Laces and Corset Laces, and other related branches whose application may be approved by the Code Authority and the Administrator.

It is provided, however, that the term "Industry" shall not include millinery and dress trimmings made of unusual synthetic yarns and not of wool, silk, cotton, or rayon (or similar yarn made from acetate).

2. 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, and includes anyone who furnishes or contracts for labor as a part of a larger or further operation in the process of manufacturing narrow fabrics.

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

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

5. The term "productive machinery" as used herein means weaving and braiding machines.

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

7. The term "South" shall be defined to mean the States of North Carolina, South Carolina, Florida, Georgia, Alabama, Tennessee,

Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Arizona, New Mexico, Maryland, Kentucky, and Virginia.

8. The term "North" shall mean the rest of the United States.

9. The term "learner" as used herein includes unskilled workers with less than six weeks experience in the Industry.

10. The term "outside workers" as used herein includes workers engaged principally outside the factory and not in actual factory production.

#### ARTICLE III—HOURS

1. No office employee shall work or be permitted to work in excess of forty (40) hours per week averaged over a period of three (3) months, or forty-eight (48) hours in any one (1) week.

2. No other employee shall work or be permitted to work in excess of forty (40) hours in any one (1) week or eight (8) hours in any twenty-four (24) hour period, excepting that:

(a) Repair shop crews, shipping and outside workers, engineers, electricians, and firemen shall be permitted to work 10 per cent in excess of the maximum hours specified above.

(b) Executives and employees in a managerial or supervisory capacity who receive at the rate of \$30.00 or more per week, and outside salesmen, are excepted from the maximum hour provisions of this Article III. All such employees shall be listed with the agent of the Code Authority.

(c) Watchmen shall be permitted to work not more than fifty-six (56) hours in any one week.

3. The maximum hours fixed in the foregoing Section shall not apply to any employee on emergency maintenance or emergency repair work involving extraordinary break-downs or protection of life or property, but in any such special case one and one-third ( $1\frac{1}{3}$ ) times the normal rate shall be paid for the hours worked in excess of the maximum hours herein provided.

At the end of each calendar month every employer shall report to the agent of the Code Authority, hereinafter provided for, in such detail as may be required, the number of man-hours worked in that month in cases of emergency, and the ratio which said emergency man-hours bear to the total number of man-hours of labor during said month.

4. Members of the Industry shall not operate productive machinery as hereinbefore defined for more than two shifts of forty (40) hours each per week.

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

#### ARTICLE IV—WAGES

1. No employee shall be paid at less than the rate of  $32\frac{1}{2}\text{¢}$  per hour when employed in the North and  $30\text{¢}$  per hour when employed in the South. This minimum wage applies only to the lowest classifications of occupations; skilled workers shall be paid upon a higher wage scale as provided in Section 3 of this Article.

2. This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

3. No employee shall receive for a full week's work less compensation for the hours of labor permitted under this Code than he received or would have received for a full week's work of longer hours prior to July 1, 1933, and the same rule shall be applied equitably to any employee working less than a full week. Pay schedules of employees above the minimum shall be readjusted in any case and in such manner as shall be equitable. It shall be the duty of the Code Authority to effectuate the operation of this provision.

4. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

5. Learners shall not be paid less than 80 per cent of the minimum rate of pay and no employer shall include within the category of learners more than 5 per cent of the total number of employees in his plant.

#### ARTICLE V—GENERAL LABOR PROVISIONS

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

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

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

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

5. Within each State members of the Industry shall comply with any laws of such State imposing more stringent requirements on employers, regulating the age of employees, wages, hours of work, or health, fire or general working conditions than under this Code.

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

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

8. The doing of work or the performance of labor on any product of the Industry in the home of a worker shall be prohibited.<sup>1</sup>

9. Until adoption by members of this Industry of further provisions of this Code that may prove necessary in order to prevent any improper speeding up of the work (Stretchouts) no manufacturing employee in the Industry shall be required to do any work in excess of the practice as to the class of work of such employee prevailing on July 1, 1933, or prior to the Share-The-Work movement unless such increase is submitted to and approved by the Code Authority created by this Code and the Administrator.

10. If any employer of labor in the Narrow Fabrics Industry is also an employer of labor in another Industry, the provisions of this Code shall apply to and affect only that part of his business which is included in the Narrow Fabrics Industry.

#### 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 the Code Authority:

(a) The Code Authority shall consist of 8 Mill Executives selected by the members of the Industry as set forth in subsection (b) below and not over two additional members when approved by the Code Authority and the Administrator to represent related branches of this Industry, and such additional members without vote and without expense to the Industry, not to exceed three, as the Administrator in his discretion may appoint to represent such groups or interests or such governmental agencies as he may designate. The Code Authority may delegate to subcommittee such of its powers and duties as it may deem necessary.

(b) Each of the Divisional groups in this Industry, as provided in subsections (a), (b), and (c) of Section 1, Article II, shall elect to the Code Authority representatives of their own choosing by methods approved by the Administrator as follows:

(a) Woven Elastic Division—Four Mill Executives.

(b) Braided Elastic Division—Two Mill Executives.

(c) Braided Non-Elastic Division—Two Mill Executives.

The members of the Code Authority shall hold office for one year or until their successors are elected and qualified. Any vacancy in the membership of the Code Authority shall be filled by majority vote of the remaining members from the Division in which the vacancy occurs. In the case of failure to elect a member or members from any Division or Divisions the Administrator may appoint a member or members to act until such time as election is effected.

(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.

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

(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) The Code Authority shall investigate the importation of competitive articles into the United States which render ineffective or seriously endanger the maintenance of this Code and act as the agency for making complaint to the President on behalf of the Narrow Fabrics Industry.

(f) Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expense of its administration. The reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on such basis as may be deemed equitable.

(g) Members of the Industry shall file with the agent of the Code Authority at such times and in such manner as may be prescribed, statistics covering number of employees, wage rates, employee earnings, hours of work, production, shipments, stocks, prices, and such other data pertinent to the effectuation of the purposes of this Code, as may be required or approved by the Administrator.

(h) All data filed in accordance with the provisions of this Code shall be confidential and shall not be revealed to anyone other than an authorized Governmental agency; except that when in compiled form or coded to prevent injury to any member, it may be revealed to the Code Authority or to the authorized agent of any approved Industry group; provided, however, that any information or statistics that the Code Authority may deem to be essential for the proper performance of any of its functions shall be made available to the Code Authority by the agent receiving such reports.

2. To the extent permitted by the Act, the Code Authority shall have the following powers and duties:

(a) 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, and report the same to the Administrator.

(b) To coordinate and supervise the administration of the Code for the Industry, and to designate a disinterested agent to receive and compile all reports required under this Code, and to effectuate the policy of the National Industrial Recovery Act with respect to the Industry. The Code Authority shall set up its own rules of procedure.

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. Any interested party shall have the right of appeal to the Administrator under such rules and regulations as he shall prescribe

with respect to any decision, rule, regulation, order or finding made by the Code Authority.

5. 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 VII—TRADE PRACTICES

1. No member of the Industry shall sell or exchange any product of the Industry at a price or upon such terms or conditions that will result in the customer paying for the goods received less than the cost to the seller, as may be determined as herein provided, except to meet the competition of any member of the Industry whose price is not less than his own cost; provided, however, that dropped lines, seconds or inventories which must be converted into cash to meet emergency needs may be disposed of in such manner and on such terms and conditions as the Code Authority may approve, subject to appeal to the Administrator, and as are necessary to move such product into the buyers' hands. This provision shall not become effective until a uniform and standard system of cost accounting shall be approved by the Code Authority and the Administrator with whatever variations may be deemed advisable for the several Divisions. Following such approval, every member of the Industry shall use a system of accounting which conforms to the principles of and is at least as detailed as such system. The Code Authority, with the approval of the Administrator, shall determine the cost factors to be included in such system.

2. The following unfair trade practices are prohibited:

(a) *False Marking or Branding*.—The false marking or branding of any product of the Industry which has a 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 or otherwise.

(b) *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 representatives 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.

(c) *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.

(d) *False Invoicing*.—Withholding from, or inserting in any invoice, words or figures which make or tend to make such invoice a false record, wholly or in part, of the transaction represented on the face thereof.

#### 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 modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

3. This Code is intended to be a Basic Code and to cover the entire Industry. It is understood, however, that trade associations, groups of manufacturers or trade groups representing a substantial part of any specific subdivision of this Industry may formulate Supplementary Codes of Fair Competition, not inconsistent with the provisions of this Basic Code, defining specifically the subdivision and covering such regulations as are considered advisable by them. Such Codes when approved by the Code Authority and the Administrator shall have the same force and effect as this Basic Code.

#### 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—EFFECTIVE DATE

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

Approved Code No. 312.  
Registry No. 299-43.





Approved Code No. 313

**CODE OF FAIR COMPETITION**

FOR THE

**STEEL WOOL INDUSTRY**

As Approved on February 28, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE STEEL WOOL 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 Steel Wool 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 3 and 4) insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of price lists, as originally filed, and/or 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 28, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Steel Wool Industry, the hearing having been conducted thereon in Washington, D.C., on January 29, 1934, 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. These provisions are applicable to all employees except traveling or outside salesmen; employees engaged solely in Scientific or Research work, but who shall be employed not more than 48 hours per week; watchmen, who shall be employed not more than 56 hours per week; employees while engaged in inventory work, but no such inventory worker shall work more than an additional 20 hours in any one calendar year; provided, that such inventory workers shall be paid time and one-half for all overtime worked in excess of the maximum above provided; employees when engaged in emergency maintenance or emergency repair work (but such employees shall be paid time and one-half for all hours in excess of 44 hours per week); and persons employed in managerial, executive or supervisory capacity receiving not less than \$35.00 per week.

The rate of pay provided for production labor is 35¢ per hour for both men and women. All other employees will be paid at not less than at the rate of \$15.00 per week.

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 Steel Wool Industry as defined in the Code includes the manufacture and sale of steel wool and cleansers, which consist of steel wool with soap in packages, and its customers are the various mail order houses, department stores, grocery stores, paint and hardware dealers.

The investment in the Industry is approximately \$4,333,000 and the number of wage earners in normal times about 700 employees, with an estimated annual payroll of \$459,000.

In 1929, which was considered a normal year, operations were at a rate of approximately 66% of capacity, with a production

of about 7,703,000 pounds of steel wool. Operations in 1930 were about 45% of capacity; in 1931 about 45% of capacity; in 1932 about 40% 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 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 full-est 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 28, 1934.

## CODE OF FAIR COMPETITION FOR THE STEEL WOOL INDUSTRY

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 Steel Wool Industry, and its provisions shall be the standard of fair competition for such industry, and shall be binding upon every member thereof.

### ARTICLE I—DEFINITIONS

1. The term, the "Industry", means the business of producing and distributing "Steel Wool."

2. The term, "Member of the Industry", includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise operating a plant or plants for the production of steel wool, either directly or through an affiliating company.

The term, "affiliated company" means a company whose relations to another company are such that either one has, directly or indirectly, a 51% or more voting interest in the other, or that another company has, directly or indirectly, a 51% or more voting stock interest in both.

3. The term, "The Code", means this Code as originally approved by the President and all amendments hereafter made.

4. The term, "The President", means the President of the United States.

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

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.

8. The term, "the effective date of the Code", means the date on which the Code shall have been approved and made effective by the President.

9. The term, "Association", refers to "The Steel Wool Association"; the term "Executive Committee", refers to the Executive Committee of said Association, and the term "Secretary" refers to the "Secretary" of said "Association."

10. The term "Code Authority" refers to the Executive Committee of the Association.

11. The term "Primary Manufacturer", as used herein is defined to mean a converter of wire into steel wool and/or shavings.

12. The term, "House Brand", as used herein is defined to mean a brand owned or used by a manufacturer of steel wool.

13. The term, "Private Brand", as used herein is defined to mean a brand owned or used by someone other than the manufacturer.

## ARTICLE II—GENERAL LABOR PROVISIONS

1. In compliance with Section 7a of the Act, it is provided that:

(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 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.

2. No person under 16 years of age shall be employed in the industry. No person under 18 years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. In any state an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

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

4. Every employer shall make reasonable provision in accordance with existing law for the safety and health of his employees at the place and during the hours of their employment.

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

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

## ARTICLE III—HOURS OF LABOR

1. No employee shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any twenty-four hour period, except as in this Article otherwise provided.

2. The provisions of this Article shall not apply to

(a) Employees when engaged in emergency maintenance or emergency repair work (but such employees shall be compensated at the rate of time and one-half for all hours in excess of forty-four hours per week).

(b) Supervisors, or other persons employed in a managerial or executive capacity who earn not less than thirty-five (\$35) dollars per week.

(c) Travelling or outside salesmen.

(d) Employees engaged solely in scientific or research work, who shall not be employed more than 48 hours per week.

(e) Employees while engaged in inventory work, but no such inventory worker shall work more than an additional 20 hours in any one calendar year; provided, further, that such inventory workers shall be compensated at the rate of time and one-half for all overtime work in excess of the maximum above provided.

(f) Watchmen who shall not be employed more than 56 hours per week.

3. No employee shall be employed or permitted to work for one or more employers in the industry in an aggregate in excess of the prescribed number of hours.

#### ARTICLE IV—WAGES

1. No accounting, clerical or office, employee of any member of the industry shall be paid less than at the rate of \$15.00 per week, and no other employee shall be paid in any pay period less than at the rate of thirty-five (35) cents per hour, except as otherwise herein provided.

2. The provisions of this Article IV do not apply to apprentices with less than 3 months' experience in the industry, who may be compensated at not less than 80% of the rate herein fixed, but the number of apprentices thus paid shall not exceed 5% of the total employees, and the period of apprenticeship shall not exceed 3 months.

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

4. No member of the industry shall reduce the rates of compensation for employment now in excess of the minimum wages hereby established and there shall be an equitable adjustment of the wages of employees now receiving more than the minimum wage as provided in this Code. Such equitable adjustment shall mean that differentials existing prior to the formulation of this Code shall be maintained for all workers. The first reports of wages required to be filed under this Code shall contain all wage increases made since May 1, 1933.

5. Female employees performing substantially the same work and under the same conditions as male employees shall receive the same rate of pay as male employees.

#### ARTICLE V—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

1. A Code Authority is hereby constituted to administer this Code.

2. The Code Authority shall consist of the Executive Committee, and, in addition thereto, there may be not to exceed three (3) members without vote, to be appointed by the Administrator, whose terms of office shall be so arranged that they will not expire at the same time. The Secretary of the Association shall act as Secretary of the Code Authority; wherever provision is made in this Article for the filing of any documents with or the giving of notice to or by the

Code Authority, such documents shall be filed with and/or the notice shall be given to and/or by said Secretary.

3. The Association shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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

5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration either by becoming a member of the Association or by paying to the Association an amount equal to the dues from time to time provided to be paid by a member in like situation of the Association. The amount of any such payment or payments shall be subject to review and approval by the Administrator.

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.

7. 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.

8. The Code Authority shall have the following duties:

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 of the Code.

c. Upon complaint or upon its own initiative to investigate the operations of this Code.

9. Each member shall prepare and file with the Code Authority, such statistics, data and information relating to plant capacity, volume of production and volume of sales in terms of pounds of steel wool, number of employees, wage rates, employee earnings, and hours of work, as the Code Authority or the Administrator may from time

to time require, which are pertinent to the administration of the Code.

10. 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.

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

In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code, agreement, or license 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; nor shall anything in this Code, agreement, or license relieve any person of any existing obligation to furnish reports to Government Agencies.

12. A member of the Industry by one of its representatives on the Executive Committee may at any time make inquiry of any other member concerning alleged violations of this Code. The member to whom such inquiry is addressed shall answer it by the affidavit of one of its representatives on the Executive Committee.

13. Until such time as it adopts other by-laws, meetings of the Code Authority shall be governed by the regulations of the Association governing meetings of the Executive Committee.

#### ARTICLE VI—ACCOUNTING—SELLING

1. 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 cost in accordance with the principles of such methods.

2. Within fifteen (15) days after the approval of this Code, every such member shall file with the Code Authority a schedule of prices and terms of sale for such products as designated by the Code Authority.

3. 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 not later than ten (10) days from the date of filing. Any such schedule, or any price therein, may apply nationally or may be limited to one or more geographical divisions.

4. A revised schedule or schedules, or a new schedule or schedules, may be filed by a member with the Code Authority at any time. Any schedules filed hereunder shall become effective five (5) 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.<sup>1</sup>

5. The Code Authority shall promptly supply all members of the industry with copies of all schedules and revised schedules. 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.

6. 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 8 of this Article, provided, however, that any member may sell below his own cost to meet a competitor's price.

7. When the Code Authority determines that an emergency exists in this industry and that the cause thereof is destructive price cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the industry to sell or offer to sell any products of the industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

8. 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.

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

10. Nothing contained in this Article shall be construed to prevent the fulfillment of a bona fide contract existing on the effective date of this Code.

#### ARTICLE VII—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.

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

1. No member of the industry shall sell or offer to sell any product at prices or sales terms other than those filed with the Secretary of the Association as above provided, or violate any of the other provisions of Article VI hereof.

2. 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.

3. No member of the industry shall pay a buyer for a special advertising or distribution service by such buyer (a) except in pursuance of a written contract made in good faith and explicitly defining the service to be rendered and the payment for it; (b) unless such service is duly rendered; (c) unless such payment is entirely separate and distinct from the sales price and not used to reduce that price; and (d) unless such payment is equally available to all competitive buyers in the same trade area under like conditions.

4. No discount, contribution, preference, rebate, gift, donation, or allowance of any kind, either in cash or steel wool or other merchandise, or any other device, shall be made or used, the purpose or effect of which would be to reduce the price of the product to the purchaser below the price specified in the seller's current open price list filed with the Secretary as above provided.

5. No member of the industry shall require a buyer to purchase one product in order to purchase another.

6. No member of the industry shall offer any prize or premium or gift to either a consumer or buyer in pursuance of a plan (a) which involves fraud or deception or lottery or (b) which is, because of any other injurious abuse, detrimental to the trade or consuming public, but the provisions of this subdivision shall not be deemed to modify the limitations already imposed by subdivision "4" above.

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 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, origin, size, substance, character, nature, finish, material content, or preparation of such goods.

9. No member of the industry shall guarantee any purchaser against decline of prices subsequent to the date of shipment.

10. Orders for delivery beyond sixty days from the date of the receipt of such orders, shall be taken only on a standard form of contract which shall be prepared by the Code Authority and approved by the Administrator.

11. Primary manufacturers selling steel wool in cartons, packages, sleeves or tubes shall plainly mark such cartons, packages, sleeves

or tubes with the manufacturer's name and address and the grade contained therein.

12. No member of the industry shall manufacture or sell private brands of cleansers consisting of steel wool with soap in packages, unless such packages are plainly marked with the name and address of the manufacturer and the grade contained therein.

13. Mixed, second or off-grade steel wool shall not be offered for sale.

14. Nothing in this Code shall prevent the exchange, purchase, or sale of merchandise between primary manufacturers on such terms as the purchaser and seller may agree, but provided that such exchange, purchase, or sale is solely for the purpose of equalizing grades in stock.

15. No member of the industry shall allow a cash discount which is not earned by payment in accord with his published cash-discount offer. No cash discount shall exceed two percent ten days from date of invoice, or one percent tenth proximo.

16. Any member of the industry may sell its products through any agent at the current list prices and allow such agent a commission, provided that the member of the industry bills such product direct to the customer and that the agent sells none of its products on his own account but only as a representative of the member of the industry; and provided further that no member of the industry shall knowingly use an agent who directly or indirectly splits his commission or other compensation with a buyer.

17. No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to have the effect of harassing competitors or intimidating their customers.

18. Nothing in this Code nor anything done hereunder shall be deemed to affect or prejudice in any way the rights to contest any claims to any patents, trade marks, trade names, or copyrights.

19. All members of the industry shall list all house or private brands, together with full description thereof, with the Secretary of the Code Authority and any new brands shall be so listed prior to being offered for sale.

20. 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.

21. 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.

#### ARTICLE VIII—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 shipments for export trade.

## ARTICLE IX—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

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

3. Such of the provisions of this Code as are not required to be included herein by the National Industrial Recovery Act may be amended, modified, or eliminated. Such amendments may be proposed by the Executive Committee on the favorable vote of its entire membership. At the request of any member of the Committee, the amendment as approved shall be submitted to a meeting of the members of the Industry which shall be called for such purpose upon notice given in accordance with the rules and by-laws of the Association. The proposed amendment shall be deemed approved if, at such meeting, all the members of the Industry are in favor thereof. Upon approval of the Executive Committee or of the Industry, the amendment shall be submitted by the Executive Committee to the President for approval, if approval thereof by him shall then be required by law. Such amendment shall be effective as part of the Code upon approval by the President, provided, however, nothing in this Article contained shall be construed to prevent a truly representative group from submitting amendments to the President or to the Administrator for such action as he may deem appropriate.

## ARTICLE X—MONOPOLIES, ETC.

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

## ARTICLE XI—EFFECTIVE DATE

This Code shall become effective ten days after its approval by the President.

Approved Code No. 313.  
Registry No. 1118-22.



Approved Code No. 314

CODE OF FAIR COMPETITION  
FOR THE  
WHOLESALE COAL INDUSTRY

As Approved on March 1, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE WHOLESALE COAL  
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 Wholesale Coal 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:

K. M. SIMPSON,  
*Division Administrator.*

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

(409)

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Wholesale Coal Industry as revised after a public hearing conducted in Washington, D.C., on November 16, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### WAGE AND HOUR PROVISIONS

*Normal Hours.*—Forty (40) hours per week.

*Minimum Wages.*—Forty (40) cents per hour for part time employees, and \$15 per week for employees working the normal hours.

*Overtime Penalty.*—Provision is made for payment at the rate of time and one-half for any hours worked in excess of forty (40) hours per week.

*Age Limit.*—The employment of any person under sixteen (16) years of age is prohibited.

*Estimated Effect.*—During 1929 approximately 24,000 wage earners were employed in the Wholesale Coal Industry as compared with approximately 12,000 in 1932. It is estimated that the hour provisions of this Code will add 1,950 employees to this Industry's payroll, thereby increasing employment approximately 16% over the 1932 employment total. It is estimated that the wage provisions will increase the total payroll approximately 15% over 1932.

### MARKETING PROVISIONS

No provision is made for any price regulation except that every member of the Industry shall so conduct his business as to avoid discrimination against any class or group of customers, and it is further provided that no member of the Industry shall sell any coal at a price less than the then current market price of that grade and quality of coal established under the provisions of any Codes of Fair Competition for producers of coal in the market where the delivery is to be made or in the nearest market to the place where the delivery is to be made.

### REMARKS

Our Planning and Research Division reports that the Wholesale Coal Industry, which includes only the sales of purchased coal at wholesale, sold approximately 106,998,000 tons of coal in 1929 valued at \$319,210,000; and 61,133,000 tons in 1932 valued at \$163,920,000. The reduction in tonnage and value since 1929 is due to severe competition with oil and gas as well as to the general business depression; probably some tonnage has also been lost to other channels of distribution.

## 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.*

MARCH 1, 1934.

# CODE OF FAIR COMPETITION FOR THE WHOLESALE COAL 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 Wholesale Coal Industry, and shall be the standard of fair competition for such Industry and binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. "Coal" shall mean any anthracite, semi-anthracite, bituminous, semi-bituminous or lignite coal, fuel wood or wood-fuel products, briquettes, boulets, coke, gas-house coke, petroleum coke, petroleum carbon or any manufactured or patented fuel not sold by liquid or metered measure.

SECTION 2. "Wholesaling" shall mean the selling or selling and delivering of coal in railroad cars or cargo vessels, subject, however, to the provisions of Article III, Section 8, of this Code.

SECTION 3. "Retailing" shall mean the selling or selling and delivering of coal in other than railroad cars or cargo vessels, subject, however, to the provisions of Article III, Section 8, of this Code.

SECTION 4. "Wholesale Coal Industry" or "Industry" shall mean the wholesaling of purchased coal.

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 wholesale Coal Industry in any capacity receiving compensation for his services, irrespective of the nature or method of such compensation, except a member of the Industry.

SECTION 7. "Employer" shall mean anyone by whom such employee is compensated or employed.

SECTION 8. "Member of the Industry" shall include all those engaged in the Industry, as an employer or on his or its own behalf.

## ARTICLE III—ADMINISTRATION

SECTION 1. There shall forthwith be constituted a Code Authority consisting of seven members elected from the Industry as hereinafter provided. The Administrator may also appoint not more than three non-voting members, to serve for such terms as he may designate.

SECTION 2. The members of the Code Authority shall be elected by letter ballot by a plurality of all members of the Industry assenting to the Code, subject to the approval of the Administrator. Members of the Industry shall be entitled to participate in and share the



benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to the Code, by executing a letter substantially as shown in Schedule A annexed hereto and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration.

SECTION 3. No two of the members of the Code Authority shall be associated with the same member of the Industry. Vacancies in the Code Authority shall be filled by the Code Authority with the approval of the Administrator.

SECTION 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 misfeasance or non-feasance.

SECTION 5. The Code Authority shall have the following powers and duties, subject to such rules and regulations as may be issued by 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 enforcement of the Code, subject to the approval of the Administrator.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such Federal and State 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.

(d) To appoint agents or agencies, delegating to such agents or agencies necessary powers and to use such existing trade associations and other agencies as it deems proper for the carrying out of any of its activities 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 accepting the benefits of the Code, an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries and to recommend to the

Administrator measures for industrial planning, including stabilization or employment.

SECTION 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 appropriate, and thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may require appropriate modifications in the method of the selection of the Code Authority.

SECTION 7. The 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 Code Authorities, each Coordination Board shall have one member appointed by the Administrator with authority to vote in the case of a tie.

SECTION 8. Any business included in the definition of "Wholesaling" in Article II, Section 2, 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 3, 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 wholesaler doing retail business, or the converse.

SECTION 9. In case there should be a dispute between this Code Authority and the Code Authority of any related industry, the determination of which is not provided for by Sections 7 and 8 of this Article, this Code Authority may have the power to present it for adjustment to the proper Code Authority of such related industry and if the two Code Authorities are unable to come to an agreement, this Code Authority may present it to the Administrator for his decision.

SECTION 10. The Code Authority may divide the country into regions and when requested to do so by a majority of the members assenting to the Code in a region, shall constitute in that region a Regional Code Authority to consist of five members. These members shall be elected by a plurality vote of the members of the Industry in that region assenting to the Code, under Rules prescribed by the Code Authority and subject to the provisions of Section 3 of this Article. The Administrator may appoint one non-voting member on each Regional Code Authority. Members of the Code Authority may be members of such Regional Code Authorities.

SECTION 11. When and where Regional Code Authorities are constituted, Sections 4 to 8 inclusive of this Article shall apply to them in their regions subject to review, disapproval or modification by the Code Authority.

SECTION 12. The Code Authority shall keep the Regional Code Authorities fully informed of its proceedings and recommendations, and each Regional Code Authority shall keep the Code Authority fully informed of its proceedings and recommendations.

SECTION 13. All acts or findings of the Code Authority or any Regional Code Authority or Trade Association shall be reported to the Administrator and shall be subject to his disapproval after such notice and hearing as he may prescribe. If the Administrator shall determine at any time 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.

SECTION 14. 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.

#### ARTICLE IV—LABOR

SECTION 1. No employee (except executives and supervisory employees receiving not less than \$35 per week, and salesmen) shall be permitted to work more than 40 hours per week unless time and one-half is paid for each hour worked in excess of 40 hours per week.

SECTION 2. No employer shall reclassify employees or duties or occupations performed, or engage in any other subterfuge, so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 3. No employee shall be paid less than \$15 per week. No part time employee shall be paid less than 40 cents per hour.

SECTION 4. No employee whose normal full time weekly hours as of July 1, 1933, are reduced by 20% or less shall have his or her full time weekly earnings as of July 1, 1933, reduced. No employee whose full time weekly hours as of July 1, 1933, are reduced more than 20% shall have his or her full time weekly earnings reduced by more than 10%; provided, however, that this section shall not apply to any employee whose normal full time weekly earnings were more than \$35.00 per week prior to July 1, 1933, and whose normal full time weekly earnings were not reduced to less than \$35.00 per week between July 1, 1933, and the effective date of this Code, inclusive.

SECTION 5. No employee shall be dismissed by reason of making a complaint or giving evidence with respect to a violation of this Code.

SECTION 6. 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.

SECTION 7. 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.

SECTION 8. No person under sixteen (16) years of age shall be employed in the Industry, and no person under 18 years of age shall be employed in the use of power-driven loading or unloading equipment or power or horse-drawn vehicles. 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 age certificates or permits, showing that the employee is of the required age.

SECTION 9. Each employer shall post and keep posted in ten point type or larger, the full Labor Provisions of this Code and the name and address of the nearest place where Code violations may be reported.

SECTION 10. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

SECTION 11. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

#### ARTICLE V—MARKETING

SECTION 1. Every member of the Industry shall so conduct his business as to avoid discrimination against any class or group of customers by unfair or disproportionate allocation of his total costs, and no member shall sell any coal at a price less than any then current market price of that grade and quality of coal as established under the provisions of any Codes of Fair Competition for producers of coal approved by the President or the Administrator in the market where the delivery is to be made or in the nearest market to the place where the delivery is to be made.

SECTION 2. Water borne coal reshipped over railway operated or public docks shall not be sold at less than the established Code Mine Price plus all transportation charges, dock handling charges, insurance and a fair allowance for shrinkage.

**SECTION 3.** In order to fairly compete with sales made direct by producers of coal,

(a) As to all producers who are not bound to the contrary by a Code of Fair Competition on the effective date of this Code, members of the Industry shall be entitled to a reasonable compensation on the business handled by them, in the form of commissions, or differentials between their purchase price and the then current market price under the provisions of any Codes of Fair Competition for producers of coal approved by the President or the Administrator, the amount of such compensation shall be measured by the nature of the distribution as well as by the conditions in each consuming district, and such amount is to be established by agreement between the parties.

(b) As to all other producers, in case a fair compensation for members of the Industry, in the opinion of the Code Authority, is unobtainable by virtue of any provision of a Code of Fair Competition for any related industry, upon determination thereof by the Code Authority for this industry, the interpretation and application of such Code provisions may be settled as provided for in Section 9 of Article III of this Code.

**SECTION 4.** The members of the Industry, in buying and selling coal, shall specify the grade and size ordered, and shall require, as a condition of sale and purchase that this information be shown on the invoice, manifest and billing.

**SECTION 5.** Freight on all-rail shipments shall not be prepaid by a member of the Industry except to prepay points published in railway tariffs. But, when bids are asked for at a delivered price, whether by public advertisement or otherwise and when the terms and conditions are not secret but known to all desiring to bid, then the successful bidder may pay all transportation charges making up the delivered price.

**SECTION 6.** The Code Authority or any Regional Code Authority shall prescribe fair terms of sale.

**SECTION 7.** Nothing in this Article shall prevent any member of the Industry from creating special prices for overseas exports.

#### ARTICLE VI—UNFAIR PRACTICES

Each and every one of the following practices shall be an unfair competitive practice and a violation of this Code:

**SECTION 1.** The prepayment of freight charges with intent or with the effect of granting discriminatory credit allowances.

**SECTION 2.** The giving in any form of adjustments, allowances, unearned discounts, credits, or refunds to purchasers or sellers of coal, for the purpose or with the effect of altering retroactively a price previously agreed upon in such a manner as to create price discrimination.

**SECTION 3.** The payment or allowance of rebates, refunds, credits, or unearned discounts, whether in the form of money, or otherwise, or the extending of services or privileges not paid, allowed or extended to all purchasers under like conditions.

**SECTION 4.** The predating or postdating of any invoice or contract for the purchase or sale of coal except to conform to a bona fide agreement for purchase or sale entered into on the predate.

SECTION 5. The intentional misrepresentation of analyses or sizes, or the intentional making, causing or permitting to be made, or publishing of any false, untrue, misleading or deceptive statement by way of advertisement, invoices, or otherwise, concerning the size, quantity, character, nature, preparation or origin of any coal bought or sold.

SECTION 6. 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.

SECTION 7. The making of, or causing or permitting to be made, any false or deceptive statements, either written or oral, of or concerning the business policy of a competitor, his produce, selling price, or financial, business or personal standing.

SECTION 8. 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 credit terms, values, policies, services, or the nature or form of the business conducted.

SECTION 9. Inducing or attempting to induce by any means or device whatsoever, a breach of contract between a competitor and his customer.

SECTION 10. The sale or offering for sale of coal of a certain kind or size at a price appropriate for such coal with the secret understanding that coal of other quality, size or preparation, listed at or generally commanding a different price, will be delivered; or delivery of coal of a quality different from that agreed to be delivered upon a sale.

SECTION 11. The withholding from a customer of a water allowance granted by the producer in accordance with the provisions of the railroad tariff or the making of a water allowance to a customer other than that granted by a producer in accordance with the railroad tariff.

SECTION 12. The splitting or dividing of discounts, commissions, or allowances, or their use in any manner, through sham or indirection for the purpose of making discounts, allowances, rebates, or prices other than those provided in this Code, to any industrial consumer or to any retailer or to others. Nothing in the foregoing disallows the dividing of a compensation between Wholesalers.

#### ARTICLE VII—EXPENSES

SECTION 1. The expense of administering this Code by the Code Authority shall be borne by members of the Industry accepting the benefits of this Code, each paying a proportionate share, computed

on a tonnage basis or such other bases as the Code Authority may determine subject to the disapproval of the Administrator. All reasonable costs as approved by the Code Authority, incurred in initiating, submitting and securing the approval of this Code may also be assessed against members of the Industry receiving the benefits thereof.

SECTION 2. The costs of administering this Code by the Regional Code Authority shall be borne by members of the Industry within the region accepting the benefits of this Code, each paying his proportionate share as assessed by the Regional Code Authority, computed on a tonnage basis, with the approval of the Code Authority.

#### ARTICLE VIII—MODIFICATIONS

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under 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. 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 amended as provided in Section 3 hereof in such manner as may be indicated by the needs of the public, by changes in circumstance, or by experience; all the provisions of this Code unless so modified or eliminated, shall remain in effect until June 16, 1935.

SECTION 3. An amendment may be proposed by any interested party either to the Code Authority or directly by or to the Administrator. All proposed amendments shall be referred to the Code Authority, who shall give members of the Industry an opportunity to be heard thereon, and thereafter the Code Authority may make such recommendation thereon as is deemed proper, provided, however, that when approved by the Administrator as necessary to effectuate the policies of the Act, after such notice and hearing as he may prescribe, any proposed amendment shall thereupon become effective as a part of this Code.

#### ARTICLE IX—MONOPOLIES

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

#### ARTICLE X—EFFECTIVE DATE

This Code shall become effective 10 days after its approval by the Administrator.

Approved Code No. 314.  
Registry No. 701-32.

SCHEDULE A

On approval of the Code the Secretary of the American Wholesale Coal Association shall send to every known Wholesaler in the United States a form substantially as follows, announcing a reasonable date by or before which the ballots must be returned. He shall tabulate the ballots received and announce the names of the seven parties receiving the highest number of votes, who will become members of the Code Authority, upon approval by the Administrator.

LETTER OF ASSENT AND BALLOT

(Date)-----

SECRETARY, AMERICAN WHOLESAL COAL ASSOCIATION,  
943 Oliver Building, Pittsburgh, Pa.

SIR: We hereby assent to the Code of Fair Competition for the Wholesale Coal Industry as approved by the Administrator.

Our total tonnage from January 1, 1933, to December 31, 1933, was ----- tons.

Please record our vote for members of the Code Authority as follows:

-----  
-----  
-----

Sincerely yours,

\_\_\_\_\_  
(Name of Company)

\_\_\_\_\_  
(Name of Officer)

\_\_\_\_\_  
(Title)

(420)





Approved Code No. 315

**CODE OF FAIR COMPETITION**

FOR THE

**INDUSTRIAL SAFETY EQUIPMENT INDUSTRY  
AND INDUSTRIAL SAFETY EQUIPMENT TRADE**

As Approved on March 1, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE INDUSTRIAL SAFETY  
EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY EQUIPMENT TRADE**

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Industrial Safety Equipment Industry and Industrial Safety Equipment 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, (Section 7 (g)), insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of price lists, as originally filed, and/or 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.,  
*March 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Industrial Safety Equipment Industry and the Industrial Safety Equipment Trade as revised after the Public Hearing conducted thereon in Washington, D. C., on January 2, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

The Code provides for a normal working day which shall not exceed eight (8) hours and a normal working week which shall not exceed forty (40) hours, except as provided in the following sections of Article IV:

1. Section 2, which specifies that persons employed in accounting, clerical, office service, or office sales work shall not be permitted to work more than forty (40) hours per week on a monthly average, nor more than forty-eight (48) hours in any one week.

2. Section 3 (a) which excludes those engaged in executive, supervisory, or managerial capacities (not including foremen primarily engaged in productive work) and technical engineers, provided all of the above receive not less than thirty-five dollars (\$35) per week; which Section 3 (a) also excludes outside salesmen, watchmen (provided that watchmen shall not be permitted to work more than fifty-six (56) hours in any one week), and firemen (provided that firemen shall not be permitted to work more than forty-four (44) hours in any one week).

3. Section 3 (b), which provides that outside service employees may be worked a maximum of forty-eight (48) hours in any one week.

4. Section 3 (c), which exempts those employed in emergency when restriction of hours might handicap or impede rescue or recovery work, for orders placed on account of disaster.

5. Section 3 (d), which exempts employees engaged in emergency maintenance or emergency repair work involving breakdowns and protection of life and property.

6. Section 3 (e), which allows for conditions of peak demand when they create unusual or temporary handicap on production or installation, provided that no employee may work more than forty-eight (48) hours per week for six (6) weeks in any six months' period; and provided that one and one-half (1½) times the normal rate is paid for hours in excess of eight (8) per day or forty (40) per week.

All cases of employment in excess of forty (40) hours in subsections (c) and (d) above shall be reported to the Code Authority with the reasons therefor.

The minimum wage for male employees engaged in labor operations shall be thirty-seven cents (37¢) per hour and for female employees, thirty-two cents (32¢) per hour. Learners may be paid not less than eighty per cent (80%) of this minimum rate, but the number of learners for a three (3) months' period shall not exceed five per cent (5%) of the total number of employees in each respective plant or establishment.

Clerical and office employees may be paid a minimum wage of fifteen dollars (\$15) per week, provided that office boys and girls and learners shall be paid not less than eighty per cent (80%) of said minimum; provided further, that their number shall not exceed five per cent (5%) of the total number of office and clerical employees.

The Code establishes a minimum wage for labor regardless of whether the employee is compensated on a time rate, piece work, or other basis. Also it provides for equitable adjustment of all wages above the minimum; and it prohibits discharge of any employee now employed at a rate in excess of the minimum and his reemployment at a lower rate to evade the provisions of this Code.

The standard clauses regarding handicapped persons and female employees performing the same work as men are incorporated in this Code.

No person under sixteen (16) years of age shall be employed nor shall anyone under eighteen (18) years of age be permitted to work at hazardous occupations.

Standards for safety and health shall be submitted by the Code Authority to the Administrator.

#### GENERAL STATEMENT

This Code, which includes both the Industry and the Trade, constitutes a vertical code. The Industry manufactures and sells to itself, the Trade, and the latter sells to the consumer. The principal products of the Industry and asbestos, steel reinforced, and fire-proof duck protective clothing and gloves, gas masks, respirators safety hats and helmets, miners' lamps, and industrial first-aid kits. There are no competitive products manufactured outside of the Industry nor are there any competitive imports. About two per cent (2%) of the total production is exported to England and South America. The Industry is a consumer of sheet metal, asbestos, glass, leather, cotton, and rubber.

Figures show that a comparatively steady demand has existed for the products of the Industry through the depression; and with the ever increasing standards for protection and safety to workers, there is definite indication of a satisfactory future.

Thirty-five (35) manufacturing concerns constitute the Industry whereas the Trade consists of thirty-three (33) distributing agencies, fifteen (15) of which are also manufacturers. In 1929 thirty-five (35) concerns in the Industry had a total capital investment of \$3,112,199; in 1933 this decreased five and two-tenths per cent (5.2%) to \$2,955,391. The Trade has submitted statistics showing that in 1929 thirty-two (32) concerns represented a total capital investment of \$763,649, whereas in 1933, thirty-three (33) concerns re-

ported \$845,522, an increase of ten and seven-tenths per cent (10.7%) over 1929.

The Code Committee has reported the 1933 value of production to be sixty-one and eight-tenths per cent (61.8%) of that of 1929 as respects the Industry, and seventy-eight and five-tenths per cent (78.5%) as respects the Trade. Employment in the Industry for 1933 was sixty-six and seven-tenths (66.7%) of the 1929 number, but showed an increase of twenty-one and six-tenths per cent (21.6%) over 1932. Complete data for employees in the Trade have not been made available. The following table will illustrate the aggregate number of employees:

Year	Industry		Trade	
	Number	Per cent	Number	Per cent
1929.....	1,224	100	249	100
1930.....	947	78.4	245	98.3
1931.....	831	68.2	243	97.6
1932.....	641	52.5	238	95.5
1933.....	813	66.7	257	103

Since June, 1933, the Industry has been working a forty (40) hour week under the President's Reemployment Agreement. This effected a reduction of eight and five-tenths hours ( $8\frac{5}{10}$ ), or eighteen and four-tenths per cent (18.4%), and increased the number of employees twenty-two and five-tenths per cent (22.5%).

The following table which was deduced from statistics submitted by thirteen (13) members of the Industry, will show average hours and average rates per hour for male and female employees. It has been stated that in some concerns, females constitute as much as sixty-five per cent (65%) of the total number of employees.

	Average hours per week	Average rates per hour
June 15, 1929:		
Male.....	43.7	57.8
Female.....	42.5	35.2
June 15, 1933:		
Male.....	49	39.8
Female.....	42.2	25.7
October 15, 1933:		
Male.....	39.1	55.7
Female.....	35.5	38.8

The minimum wage rates in the Code will increase the hourly rates of approximately forty-seven per cent (47%) of all factory workers over those paid in June, 1933. Average weekly earnings for male employees will increase eleven and four-tenths per cent (11.4%) for females, twenty-seven per cent (27%).

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 restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Trade and Industry normally employ not more than 50,000 employees; and are not classified by me as major.

(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 group truly representative of the aforesaid Trade and 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.*

MARCH 1, 1934.

# CODE OF FAIR COMPETITION FOR THE INDUSTRIAL SAFETY EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY EQUIPMENT TRADE

## 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 Industrial Safety Equipment Industry and the Industrial Safety Equipment Trade, and shall be the standard of fair competition for such industry and such trade, and shall be binding on every member thereof.

## ARTICLE II—DEFINITIONS

The term "Industrial Safety Equipment Industry" as used herein includes the manufacturing and/or assembling and marketing of:

(a) Any device or appliance worn or used by any person engaged in industry, transportation, trade, commerce, or service, to protect workers from injury, as set forth in Schedule A which is hereby made a part of this definition.

(b) Any device or appliance used in industry, transportation, trade, commerce, or service to detect toxic or inflammable gases, vapors, or harmful dusts and protect persons against them, as set forth in Schedule A.

(c) Any device or appliance used for the purpose of resuscitating workers overcome by or suffering from such toxic or inflammable gases and vapors, as set forth in Schedule A.

(d) Any industrial first aid equipment used in industry, transportation, and service for dressing personal injuries, as set forth in Schedule A.

(e) And such related branches and 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.

The term "Industrial Safety Equipment Trade" as used herein includes the importing and/or distributing and/or selling of:

(a) Any device or appliance, worn or used by any person engaged in industry, transportation, trade, commerce, or service, to protect workers from injury, as set forth in Schedule B, which is hereby made a part of this definition.

(b) Any device or appliance used in industry, transportation, trade, commerce, or service to detect toxic or inflammable gases, vapors, or harmful dusts and protect persons against them, as set forth in Schedule B.

(c) Any device or appliance used for the purpose of resuscitating workers overcome by or suffering from such toxic and inflammable gases and vapors as set forth in Schedule B.

(d) Any industrial first aid equipment used in industry, transportation, and service for dressing personal injuries, as set forth in Schedule B.

(e) And such related branches and 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.

The term "member" of the industry and/or trade includes any individual, partnership, association, corporation, receiver, trustee or other person engaged in the industry and/or trade, either as an employer or on his or its own behalf.

The term "employer" as used herein means any employer engaged in the industry and/or trade.

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

The term "learner" means a person having no previous experience in the manufacture of industrial safety equipment and parts thereof, and whose employment as such shall not exceed three months of working time in the industry.

The term "maintenance employee" shall mean any employee who, through special training or mechanical ability, is essential to the upkeep and/or preservation of the premises and property of the establishment, and shall not include such workers as porters, elevator operators, janitors, and cleaners.

The term "outside service employee" shall mean any employee when actually engaged in installing or servicing industrial safety equipment and parts thereof outside the establishment.

The term "watchman" shall mean any employee engaged in safeguarding the premises and property of the establishment.

The terms "President", "Act", and "Administrator" mean respectively; the President of the United States of America, Title I of the National Industrial Recovery Act, and the Administrator of said Act.

### ARTICLE III

All of the following provisions apply equally to the Industrial Safety Equipment Industry and the Industrial Safety Equipment Trade, as defined above.

### ARTICLE IV

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty (40) hours per week or eight (8) hours in any twenty-four (24) hours' period except as herein otherwise provided. A normal work day shall not exceed eight (8) hours.

SECTION 2. *Hours for Clerical and Office Employees.*—No person employed in accounting, clerical, office service, or office sales work in the industry and/or trade shall be permitted to work more than forty (40) hours a week on a monthly average, nor more than forty-eight (48) hours in any one week.

SECTION 3. *Exceptions as to Hours.*—(a) The provisions of this Article shall not apply to employees engaged in executive, managerial or supervisory (not including foremen primarily engaged in

productive work) capacities, technical engineers, provided the above named classes of employees receive not less than thirty-five (\$35) dollars per week; outside salesmen, watchmen (provided that watchmen shall not be permitted to work more than fifty-six (56) hours in any one week), firemen (provided that firemen shall not be permitted to work more than forty-four (44) hours in any one week).

(b) The provisions of this Article shall not apply to outside service employees, provided that they shall not be permitted to work more than forty-eight (48) hours in any one week.

(c) The provisions of this Article shall not apply to employees in an emergency where restriction of hours might handicap or impede rescue or recovery work, for orders placed on account of disaster.

(d) The provisions of this Article shall not apply to employees engaged in emergency maintenance or emergency repair work involving breakdowns and protection of life and property.

(e) The provisions of this Article shall not apply to employees in any department or departments during period of peak demands when such demands place an unusual or temporary burden on production or installation. During such periods employees may be permitted to work in excess of 8 hours per day and 40 hours per week during 6 weeks in any six months' period, provided, however, that employees shall not be permitted to work in excess of 48 hours in any one week and provided, further, that one and one-half their normal rate of pay shall be paid such employees for all hours worked in excess of 8 hours per day or 40 hours per week.

(f) Subsection (e) above, insofar as it relates to the payment of overtime, shall not apply to employees specified in Sections 2, 3 (a), (b), (c) and (d).

(g) All cases of employment in excess of 40 hours a week under Subsections (c) and (d) above shall be reported to the Code Authority with reasons therefor.

SECTION 4. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which when totalled with that already performed with another employer or employer in this industry and/or trade, exceeds the maximum permitted herein.

#### ARTICLE V—WAGES

SECTION 1. *Minimum Rates.*—The minimum wage that shall be paid by any employer to any employee engaged in this industry in labor operations shall be thirty-seven (37) cents per hour for men and thirty-two (32) cents for women, provided that in no event shall minimum hourly rates of pay be reduced, and provided, also, that learners may be paid not less than 80 per cent of the minimum rate paid, determined in the manner above provided, but the number of learners for a three-month period receiving less than such minimum rate so determined shall not exceed 5 per cent of the total number of employees in each plant or establishment engaged in the processing of products and in labor operations directly incident thereto, and provided that each employer may employ a minimum of one learner.



**SECTION 2. *Minimum Wage for Clerical and Office Employees.***—The minimum wage that shall be paid by any employer to all other employees shall be at the rate of \$15.00 per week: *Provided, however,* that office boys or girls, and learners may be paid not less than 80 per cent of such minimum wage, but the number of such office boys or girls, and learners paid at a rate of less than \$15.00 per week shall not exceed 5 per cent of the total number of employees of each employer covered by the provisions of this Section 2 and provided that each employer may employ a minimum of one office boy or girl.

**SECTION 3. *Piecework Compensation—Minimum Wages.***—This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

**SECTION 4. *Evasion through Reemployment.***—No employee now employed at a rate in excess of the minimum shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

**SECTION 5. *Wage Adjustments Above Minimum.***—There shall be an equitable adjustment of all wages above the minimum. Employers shall adjust wage schedules in equitable relation to the minimum hourly rates provided in this Article, so far as such adjustments have not been made subsequent to June 16, 1933. Each member of the Industry and/or Trade shall promptly report all such adjustments to the Code Authority.

**SECTION 6. *Handicapped Persons.***—A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage not less than eighty (80) per cent of the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate, provided that the number of such employees shall not exceed five (5) per cent of the total number of employees. Each employer shall file with the Code Authority a list of all such persons employed by him.

**SECTION 7. *Female Employees.***—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 earning as the men they displace.

## ARTICLE VI—GENERAL LABOR PROVISIONS

**SECTION 1. *Child Labor Provision.***—No person under sixteen (16) years of age shall be employed in the industry and/or trade. 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 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. *Provisions from the Act.*—In compliance with Section 7 (a) of the Act, it is provided:

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

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

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

SECTION 3. *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the provisions of the Act or the purposes of this Code.

SECTION 4. *Standards for Safety and Health.*—Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

SECTION 5. *State Laws.*—No provision in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 6. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to all employees.

## ARTICLE VII—ORGANIZATION, POWERS AND DUTIES OF CODE AUTHORITY

SECTION 1. *Code Authority.*—A Code Authority is hereby constituted to administer this Code.

SECTION 2. *Membership of Code Authority.*—The Code Authority shall consist of not less than five nor more than six members of the Industry and/or Trade, to be selected as hereinafter provided and in addition thereto there may be one to three members without vote, to be appointed by the Administrator for terms of six (6) or twelve (12) months from the date of appointment.

Five members of the Code Authority shall be appointed by the Executive Committee of the trade association of the Industry and Trade (Industrial Safety Equipment Association), two of whom shall be members whose business is predominantly manufacturing safety products, two of whom shall be members who manufacture safety products and also distribute the safety products of others, and one of whom shall be a member whose business is predominantly distributing the safety products of others. If they so desire, non-members of the Association may elect one member of the Code

Authority in such manner as the Code Authority may prescribe. In cases in which the principal business of a member of the trade is to distribute the products of a member of the industry, both cannot serve on the Code Authority at the same time.

SECTION 3. *Associations*.—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.

SECTION 4. *Representative Code Authority*.—In order that the Code Authority shall at all times be truly representative of the industry and/or 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, or any sub-Code Authority.

SECTION 5. *Participation in Code*.—Any member of the industry and/or trade is and shall be eligible for membership in the trade association of the Industrial Safety Equipment Industry and Trade and there shall be no inequitable restrictions on such membership, and all members of the industry and/or trade shall be entitled to participate in and share the benefits of the activities of the Code Authority and all members of the industry and/or trade subscribing to the Code or participating in or sharing in any way in the benefits of the activities of the Code Authority or participating in the selection thereof, shall bear a reasonable share of the expenses of administering and enforcing the Code and of making amendments thereof and additions thereto. Such reasonable share of the expenses of the Code Authority shall be determined by the Code Authority, subject to review by the Administrator, on the basis of gross sales volume of business and/or such other factors as may be equitable and such funds shall be collected and administered by and through the machinery of the Code Authority of the Industry and Trade.

SECTION 6. *Liabilities*.—Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose.

SECTION 7. *Powers and Duties*.—The Code Authority shall have the following powers and duties in addition to those elsewhere provided in this Code.

(a) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code, in accordance with the powers herein granted, and to submit the same to the Administrator for his approval together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may deem necessary to effect the purposes of the Act.

(b) To obtain from members of the industry and trade 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 from and to give assistance to members of the industry and/or trade 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/or trade 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 and appoint 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 thereof.

(e) To coordinate the administration of this Code with such other codes, if any, as may be related to the industry and/or trade, 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 and/or trade.

(g) When any group manufacturing and/or selling specified products of this industry and/or trade decide by majority vote of the members of such group that it is desirable to adhere to a policy of published prices for each individual member of the group it shall be mandatory for each member of the group to adhere to this policy and file with the Code Authority his price lists which unless disapproved by the Administrator shall be effective ten days after filing. Any revision of price schedules by any member must be filed with the Code Authority ten days prior to the date of the price change being effective. The Code Authority shall notify all other members in the group affected by this price change and such prices shall be available to the trade at least five days prior to the effective date. All members of the group shall then have the privilege of making the same price change effective on the same date, due notice being given the Code Authority.<sup>1</sup>

(h) To initiate, consider and make recommendations for the modification or amendment of this Code, which shall become effective upon approval of the Administrator after such notice and hearing as he may specify.

SECTION 8. *Statistics.*—In addition to information required to be submitted to the Code Authority, all or any of the persons subject to such code, agreement, or license shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of said Act to such Federal and State

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

agencies as the Administrator may designate; nor shall anything in the code, agreement, or license relieve any person of any existing obligation to furnish reports to Government agencies.

SECTION 9. *Appeals*.—An appeal from any action by the Code Authority affecting the rights of any employer or employee in the industry and/or trade may be taken to the Administrator.

SECTION 10. *Complaint Deposit*.—When a member, participating in, subscribing to the Code and sharing in the benefits of the activities of the Code Authority and who pays his proportionate share of the expenses of the Code Administration, makes a complaint of violation of any of the provisions of the Code, such complaint shall be made in writing to the Code Authority and accompanied by a check for \$25, to apply against any expense of investigation incurred by the Code Authority or the agency that it may appoint to make such investigation.

In the event that the complaint is sustained by the Code Authority, the offending party, if he be a member in the same standing as the complaining member, will be required to defray the expense of the investigation, and the Code Authority may take such action against the violator as it deems desirable and report such action to the Administrator, in which event the deposit made by the complainant will be returned.

In the event that the complaint is not sustained, the complainant will be required to pay any additional cost.

SECTION 11. *Sub-Code Authorities*.—Groups of members of the industry and/or trade, manufacturing and/or selling a particular product or products having common interests and problems, may be grouped into product sub-divisions by the Code Authority for administrative purposes. For each such product sub-division there may be a sub-Code Authority approved or appointed by the Code Authority to cooperate with the Code Authority in the administration and enforcement of the Code and/or to cooperate in the administration and enforcement of a Supplementary Code or Codes applying to such product sub-division or part thereof.

SECTION 12. *Suspension of Code Authority Action*.—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 no 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 of the Administrator.

## ARTICLE VIII—TRADE PRACTICE RULES

*General Definition*.—For all purposes of the Code the acts described in this Article shall constitute unfair practices. Any member of the industry and/or trade 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 Marking, Branding and Packing*.—No member of the industry and/or trade shall mark, brand or pack any product

or commodity in any manner for the purpose or with the effect of misleading or deceiving purchasers with respect to the brand, grade, quality, quantity, origin, size, material, content, substance or preparation of such products purchased, whether "domestic" or "foreign."

**RULE 2. *Misrepresentation.***—No member of the industry and/or trade shall substitute, or cause to be substituted, materials inferior to those specified by the purchaser.

**RULE 3. *Inaccurate Reference to Competitors.***—No member of the industry and/or trade shall use advertising or other representation which refers inaccurately in any material particular or disseminates false or misleading information relative to any competitor or their products, selling prices, values, credit standing, credit terms, ability to perform work, conditions of employment, policies or services.

**RULE 4. *Inaccurate Advertising.***—No member of the industry and/or trade shall use advertising, (whether printed, radio, display or of any other nature) or other representation which 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 5. *Free Samples.***—No member of the industry and/or trade shall issue advertising containing offers of samples.

**RULE 6. *"Bait" Advertising.***—No member of the industry and/or trade 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 7. *Secret Rebates.***—No member of the industry and/or trade shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, for the purpose of influencing a sale, nor shall a member secretly extend to any customer any special service or privilege not extended to all customers of the same class.

**RULE 8. *Selling on Consignment.***—No member of the industry and/or trade shall ship goods on consignment, except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry require the practice.

**RULE 9. *Commercial Bribery.***—No member of the industry and/or 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. 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 the commercial bribery as hereinabove defined.

**RULE 10. *Cash Discounts.***—No member of the industry and/or trade shall give cash discounts under any condition in excess of two (2) per cent, net.

**RULE 11. *False Billing.***—No member of the industry and/or trade shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

**RULE 12. *Threats of Law Suits.***—No member of the industry and/or trade 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 13. *Selling Below Cost.***—No member of the industry and no member of the trade shall sell below allowable cost. Allowable cost, in the case of a member of the industry, is defined to mean the cost of the lowest cost producer in the industry. Allowable cost in the case of a member of the trade is defined to mean the cost of the lowest cost member of the trade. After the effective date of this code the Code Authority shall formulate or cause to be formulated a system of cost accounting subject to the approval of the Administrator. Such system of cost accounting shall be used by each member of the industry and/or trade with the necessary additions thereto or exceptions or variation therefrom to suit individual requirements, as may be approved by the Administrator. The uniform system of cost accounting shall stipulate all items to be included in computing allowable cost.

Dropped lines may be sold at such prices as are necessary to move the merchandise into buyer's hands. However all such stocks and the essential circumstances surrounding their sale must be reported to the Code Authority within two weeks of such disposal.

**RULE 14. *Quality Maintenance of Parts.***—No member of the industry and/or trade shall offer for sale or sell a part of any industrial safety equipment, approved by the Bureau of Mines, the Bureau of Standards, the American Medical Association or the American Gas Association, or any other Bureau or Association approved by the Code Authority, with the consent of the Administrator, for substitution or for replacement of a part of such approved equipment except such be a part manufactured by the manufacturer of the original approved equipment, or such be a part of equal or superior merit approved for substitution or replacement by the original approving Bureau or Association.

#### ARTICLE IX—SUPPLEMENTARY CODES

Particular product groups of competitors within the industry and/or trade may, with the approval of the Code Authority and/or the Administrator, establish supplementary codes of fair competition applying to their particular products and not conflicting with the provisions of this Code. Such a supplementary code shall apply to all members of the particular product groups within the industry, on that part of their business covered by the definition of the product or products.

#### ARTICLE X—EXPORT SALES

No provision of this Code relating to prices or terms of selling, shipping or marketing shall apply on sales or shipments for export trade.

## 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 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 XII—MONOPOLIES, ETC.

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

## ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective eleven days after its approval by the President.

Approved Code No 315.  
Registry No. 1399-24.



## SCHEDULE A

### PRODUCTS OF THE INDUSTRIAL SAFETY EQUIPMENT INDUSTRY REFERRED TO IN THE DEFINITION OF THE INDUSTRY IN ARTICLE II OF THIS CODE

- Steel reinforced and steel seived gloves and mittens
- Steel reinforced hand pads
- Safety arm protectors and sleeves
- Welding gloves (excepting rubber gloves)
- Asbestos gloves and mitts
- Safety leggings
- Safety spats
- Safety aprons
- Leather, asbestos and fireproof duck coats, pants and suits
- Industrial safety belts for personal wear
- Protective safety hats (not including metal hats)
- Welding helmets and welding hand shields
- Sandblast helmets.
- Specially designed safety protective clothing
- Eye shields
- Detachable safety guards
- Safety grips for ladders
- Safety cans for hazardous liquids
- Respiratory protective equipment including—
  - Respirators
  - Gas masks
  - Hose masks
  - Babbiting masks and shields
  - Selfcontained breathing apparatus
  - Submarine escape apparatus
  - Resuscitating apparatus
  - Detectors and recorders for explosive and/or toxic gases
- Safety apparatus and/or equipment specifically used for prevention of gas and dust explosions in mines
- Safety lamps for mine and industrial use, to protect against explosive and/or toxic gases (except flashlights)
- Industrial first aid equipment including—
  - First aid kits and materials for same used in industry, transportation and service for dressing personal injuries
- And like instruments and/or equipment worn or used in industry, transportation, trade, commerce and service to protect workers from injury.

## SCHEDULE B

PRODUCTS DISTRIBUTED AND/OR SOLD BY THE INDUSTRIAL SAFETY EQUIPMENT  
TRADE REFERRED TO IN THE DEFINITION OF THE TRADE IN ARTICLE II OF  
THIS CODE

All of the products listed in Schedule A, and in addition  
Industrial safety shoes

All industrial goggles and eye protectors (excepting the following: sun  
glasses, sport glasses, aviator's goggles, and industrial goggles and eye  
protectors fitted with prescription lenses)

And like instruments and/or equipment worn or used in industry, transporta-  
tion, trade, commerce and service to protect workers from injury.

(438)



Approved Code No. 316

CODE OF FAIR COMPETITION

FOR THE

PUNCH BOARD MANUFACTURING INDUSTRY

As Approved on March 2, 1934

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ORDER

CODE OF FAIR COMPETITION FOR THE PUNCH BOARD  
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 Punch Board 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.

*March 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The public hearing on the Code of Fair Competition for the Punch Board Manufacturing Industry of the United States, submitted by the National Association of Punch Board Manufacturers, located at 1417 West Jackson Boulevard, Chicago, Illinois, was conducted in Washington, D.C., on the 19th of December, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 93 percent of the Industry.

The maximum hours established under this Code are forty (40) per week, with the exception of one period in each calendar year, not to exceed fifteen (15) weeks, in which employees may work forty-four hours per week, provided that they are paid at least time and one-third for all hours worked in excess of forty (40) per week. Exceptions are allowed for executives, supervisors, and managers who receive not less than thirty-five dollars (\$35.00) per week, and outside salesmen.

In 1929 this industry operated approximately forty-eight (48) hours per week and the same hours prevailed in 1931. During 1929 approximately 2500 wage earners were employed and in 1931 approximately 1800 wage earners were employed. In order to bring employment back to the 1929 level it would be necessary to adopt a 19.2 hour week, which, in view of evidence submitted at the public hearing, would not be practical in this industry. It is felt that a 40-hour week would be the most equitable arrangement for all parties as approximately 200 wage earners will benefit through reemployment.

The minimum wages established in this Code are forty cents (40¢) per hour for males and office workers and thirty-two and one-half cents (32½¢) per hour for females. Protection of employees on piece work performance is guaranteed.

Exceptions to the minimum wages are allowed to handicapped persons whose earning capacity is limited, provided such employees receive not less than 80% of the minimum wage and the employer obtains a certificate from the State authority designated by the United States Department of Labor.

Wages in this industry represented 48.51 percent of the value of products in 1929, compared with 16.5 percent for all industry combined. In 1931 wages in this line of activity represented 41.74 percent of the value of products, compared with 17.4 percent for all industries combined.

Wage earners in 1931, on a 48-hour basis, were paid an average of 45.8 cents per hour for males and 20.8 cents per hour for females. No authentic figures are available for 1929 wage rates.

Due to the increase in the wages effected by the Code, which in the case of females is an increase of approximately 50 percent over those

prevailing in 1931, the increase in the price to the purchaser will represent approximately 17 percent.

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 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 the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

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

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

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

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

This Industry has cooperated in a most satisfactory manner with the Administration in the preparation of this Code. From the evidence adduced during this hearing and from recommendations and reports from the various Advisory Boards, it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this Industry and for these reasons has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 2, 1934.

# CODE OF FAIR COMPETITION FOR THE PUNCH BOARD 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 Punch Board Manufacturing Industry, and its provisions shall be the standards of fair competition for such industry and binding upon every member thereof.

## ARTICLE II

1. The term "Punch Board Manufacturing Industry" or "Industry" as used herein includes the manufacture and sale by the manufacturer of punch boards, push cards, and pull cards.

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

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

## ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any one day, except as hereinafter provided. In case of seasonal peaks employees may be permitted to work forty-four (44) hours per week for one period not to exceed fifteen (15) consecutive weeks in any calendar year; provided, however, that at least time and one-third shall be paid for all hours worked in excess of eight (8) in any one day and forty (40) in any one week.

2. The provisions of this Article shall not apply to employees engaged in an executive, administrative and/or supervisory capacity who receive thirty-five dollars (\$35.00) or more per week, nor to outside salesmen.

3. No employee shall be permitted to work for a total number of hours in excess of the number of hours herein prescribed whether he be employed by one or more employers.

4. Employment on Sundays and/or legal holidays within the State where an employee is engaged shall be compensated by overtime

payment at the rate of not less than one and one-half times the normal rate of pay.

#### ARTICLE IV—WAGES

1. (a) No male employee shall be paid less than at the rate of forty cents (40¢) per hour, except as herein otherwise provided.

(b) No female employee shall be paid less than at the rate of thirty-two and one-half cents (32½¢) per hour except as herein otherwise provided.

2. No office or clerical employee shall be paid less than at the rate of forty cents (40¢) per hour or sixteen dollars (\$16.00) per week.

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 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.

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

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage not less than eighty (80) percent of the minimum established by this Code if the employer obtains from the State authority or other agency designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him, which number shall not exceed five per cent (5%) of the total number of such member's employees.

#### 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 showing that the employee is of the required age.

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

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall

be free from the interference, restraint, or coercion of employers of labor or their agents in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

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

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

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

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

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

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

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

#### ARTICLE VI—ADMINISTRATION

1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of six (6) persons to be chosen by the Industry through a fair method of selection, approved by the Administrator. The Administrator in his discretion may appoint not more than three (3) additional members without vote and without compensation from the industry, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

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 prescribe such hear-



ings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may require an appropriate modification in the method of selection of the Code Authority.

4. 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 his reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review and disapproval 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 wilful misfeasance or nonfeasance.

6. 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.

#### POWERS AND DUTIES

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

(a) To administer the provisions of this Code, provide for the compliance of the Industry with the provisions of the Act, and to propose and submit amendments, exemptions, and/or modifications of this Code which, when approved by the Administrator, after such notice and hearing as he may specify, shall become a part 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 the Industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or Government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual reports shall be disclosed to any other member of the

industry or any other party except to such governmental agencies as may be directed by the Administrator.

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

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

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

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

#### ARTICLE VII—COST ACCOUNTING

1. The Code Authority shall set up a standard cost finding method, which when approved by the Administrator, shall be used by all members of the Industry as a basis for determining individual cost, below which no member of the Industry shall sell any products of this Industry except to meet bona fide competition in any specific instance.

2. The Code Authority may from time to time proceed to collect data and statistics from each member of the Industry to determine whether such member has accurately computed his cost in accordance with the provisions of this Article. All such data and statistics shall be and remain confidential as between the member submitting same, the Code Authority and the Administrator or his duly appointed representatives depending upon the necessities in each case.

3. If the Code Authority shall have reason to believe that any member of the Industry has not properly computed his cost, it may require him to submit statistics to substantiate such cost figures and if it finds that such computation is incorrect it may request the member filing same to revise his figures to comply with the provisions of this Article. In case of disagreement between the Code Authority and any member of the Industry, full and complete data regarding costs shall be submitted to the Administrator for such action as he may deem appropriate.

#### ARTICLE VIII—FAIR TRADE PRACTICES

1. No member of the Industry shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in

any way misrepresent any goods (including but without limitation its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

2. 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.

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

4. No member of the Industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

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

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

7. No member of the Industry shall ship goods on consignment.

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 require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

10. No member of the Industry shall accept goods for return when the agreement of sale has been fully performed by such member; provided, however, that nothing in this section shall prevent any member of the Industry from accepting returned goods for legitimate credit reasons.

11. No member of the Industry shall sell the products of this Industry on terms more favorable than net thirty days from date of invoice. All products shall be sold F.O.B. factory, except that freight allowances may be allowed when the shipment amounts to fifty dollars (\$50.00) net or more.

12. No member of the Industry shall employ any person who is employed by, or affiliated with, any punch board operator, or any user of punch boards, and/or any one who buys the same for resale, nor shall any member employ any one who is employed by any association, whose members use punch boards.

#### 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 as 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 the approval of the President, unless otherwise provided.

#### ARTICLE X—MONOPOLIES

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

#### ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

#### ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 316.  
Registry No. 1713-26.



Approved Code No. 317

CODE OF FAIR COMPETITION

FOR THE

VACUUM CLEANER MANUFACTURING INDUSTRY

As Approved on March 2, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE VACUUM CLEANER  
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 Vacuum Cleaner Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

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

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

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*March 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Vacuum Cleaner Manufacturing Industry as revised after a public hearing conducted in Washington, D.C., on November 17, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### RÉSUMÉ OF LABOR PROVISIONS

The Code provides a standard work week of forty (40) hours, except during peak periods which are limited to six (6) weeks in any six (6) months. No employee may work more than six (6) days or more than forty-eight (48) hours in any one week.

These provisions are applicable except in cases of emergency and to employees engaged in executive, managerial or supervisory capacities and personal secretaries receiving \$35.00 or more per week, and to outside salesmen.

Watchmen may be employed not to exceed forty-four (44) hours in any one week.

While the uncertainties of production processes in the Industry make it difficult always to assure an eight (8) hour day, the Industry recognizes the principle of the eight (8) hour day and the Code contains a statement to that effect.

A minimum wage of forty (40) cents per hour is provided, with a rate of \$15.00 per week for office employees, except that a limited number of office boys and girls may be paid at the rate of \$12.00 per week. Learners, who may be so classified for a period of three (3) months, may be paid not less than eighty (80) percent of the minimum wage.

The Code contains a provision requiring that, with a forty (40) hour week and an eight (8) hour day as a basis, overtime be paid for excess hours at the rate of one and one-third times the normal rate paid.

However, watchmen and truckers, and employees in receiving and shipping departments are permitted a ten per cent tolerance as regards the effect of this provision.

Child labor is prohibited, and no person under eighteen (18) years of age may be employed in any hazardous occupation.

### ECONOMIC EFFECT OF THE CODE

The manufacture and sale of vacuum cleaners is a distinct industry and the bulk of production is for household use although some units are designed for hotel and similar use.

The volume of sales for 1933 as estimated, will be about fifty (50) per cent of that of 1929. However, this represents an increase of thirty-three and a third ( $33\frac{1}{3}$ ) per cent over sales in 1923. The value of units sold in 1929 was between \$50,000,000 and \$60,000,000. The estimated value of 1933 sales is between \$20,000,000 and \$25,000,000. There has been an increase of from fifteen (15) to twenty (20) per cent in the cost of production due to operating under the President's Reemployment Agreement. This additional cost was not passed on to the consumer but absorbed by a steadily increasing volume of sales.

In the early part of 1933, the number of employees gradually decreased until, in the months of September and October, due to the President's Reemployment Agreement, an increase of about twelve (12) per cent occurred. In 1928 the Industry employed about 5,400 people, in January 1933, 4,100 and in October 1933, 6,300. Should the present demand continue, it will be necessary to increase the number of employees in this Industry both in the factory and in the office.

The hourly provisions in this Code materially decrease the normal daily and weekly work periods in this Industry. Prior to 1929 the Industry worked a nine (9) hour day and a forty-five (45) to fifty-five (55) hour week.

This Industry has invariably maintained a relatively high wage standard. Although the pay-roll for 1933 is seven and a half ( $7\frac{1}{2}$ ) per cent below that of September, 1929, it is twelve (12) per cent above that for the first seven months of the current year. Due to the increase in the number of employees and the wages paid, more than \$875,000 has been added to the yearly pay-roll.

About twenty-five (25) per cent of the factory employees in this Industry are women who are employed at light work requiring little skill. The Code increases the hourly rate of these employees from a previous standard of twenty-four (24) cents per hour to a minimum of thirty-six (36) cents per hour.

#### 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 re-

ducing 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.*

MARCH 2, 1934.



# CODE OF FAIR COMPETITION FOR THE VACUUM CLEANER MANUFACTURING INDUSTRY

## ARTICLE I—PURPOSES

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

## ARTICLE II—DEFINITIONS

The term "Industry", as used herein, is defined to mean the manufacture and sale by the manufacturer (including his wholly owned subsidiaries, and distributors of vacuum cleaners exclusively, for whom the manufacturer manufactures under contract products of the Industry which are sold under such distributor's own trade name), to the wholesaler or retailer, or, whether for himself or for the retailer, to the consumer, of vacuum cleaners.

The term "employee", as used herein, includes any person engaged in any phase of the Industry in any capacity in the nature of employee, irrespective of the methods of payment of his compensation.

The term "employer", as used herein, includes anyone by whom such an employee is so employed.

The term "member of the Industry" includes anyone engaged in the Vacuum Cleaner Manufacturing Industry, either as an employer or on his own behalf.

The term "Association", as used herein, means Vacuum Cleaner Manufacturers' Association.

The term "Executive Committee", as used herein, means the Executive Committee of Vacuum Cleaner Manufacturers' Association.

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

The term "Code Authority", as used herein, means the Code Authority constituted by Article VI of this Code.

The term "effective date", as used herein, means the second Monday after this Code shall have been approved by the President.

## ARTICLE III—HOURS

A. Except as provided in Section B of this article, no employee shall be permitted to work in excess of the following maximum hours:

1. For employees engaged in the production of products of the Industry, and labor operations directly incident thereto—forty hours in any one week and eight hours in any 24-hour period.

2. For watchmen, truckers, and employees in receiving and shipping departments—a tolerance of 10% above the weekly and daily maximum hours provided for employees classified under subsection one (1) above.

3. For office, clerical and other employees—forty hours in any one week.

B. Exceptions:

1. Any employer may operate on a schedule not to exceed forty-eight hours per week for each employee during a period of seasonal demand covering not more than six weeks out of each successive six months' period.

2. (a) Traveling or outside salespeople, whether wholesale or retail, (b) executives, personal secretaries, and employees engaged in managerial or supervisory capacity, who receive \$35.00 or more per week; (c) field service employees, and outside collectors, shall not be subject to any hourly limitations.

3. In the event of emergencies endangering life or property, or limiting production, employees engaged in safety, maintenance, or repair work shall be exempt from all hourly limitations imposed by this Article.

C. None of the employees covered by Section A or Subsection B-1 of this Article shall be permitted to work in excess of six days in any week.

D. 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

A. All male employees covered by Subsections 1 and 2 of Section A of Article III shall be paid not less than at the rate of 40 cents per hour, and all female employees in such classes shall be paid not less than at the rate of 36 cents per hour; provided, however, that female employees shall be paid at the same rates as male employees when engaged in similar occupations; provided, further, that learners may be paid not less than 80% of such minimum wage, but the total number of such learners shall not exceed 5% of the total number of employees covered by said Subsections 1 and 2 of Section A of Article III employed in process labor by such employer. No employee shall be classified as a learner for a period longer than three (3) months, in the Industry.

B. All office, clerical and other employees as covered by Subsection 3 of Section A of Article III in the employ of any employer shall be paid at the rate of not less than \$15.00 per week, provided that office boys or girls and learners may be paid not less than 80% of such minimum wage, but the total number of office boys and girls and learners receiving less than the minimum wage in any calendar month shall not exceed 5% of the total employees covered by said Subsection 3 of Section A of Article III, or two employees, whichever is higher.

C. All employees (except those mentioned in Subsection 2 of Section B of Article III), employed in excess of forty (40) hours in any one week, and eight (8) hours in any one day, shall be paid

at the rate of one and one third times their normal rate of pay for such excess hours.

D. Except that watchmen, truckers, and employees in receiving and shipping departments shall for all hours in excess of forty-four (44) hours in any one week be paid at the rate of one and one third times their normal rate of pay for all such excess hours.

E. Equitable adjustment in the pay schedules of all employees receiving more than the minimum wage herein above provided shall be made not later than thirty (30) days from the effective date; provided, that employers who have not reduced pay schedules since October 1, 1929, and are now maintaining equitable pay schedules, and employers who have heretofore made equitable adjustment of pay schedules, shall not be required to make adjustments of such pay schedules under this section; and provided further, that in no event shall hourly rates of pay be reduced in making such adjustment. Each employer shall within sixty (60) days after the effective date, report to the Code Authority all action taken under this section, including all wage increases made since March 31, 1933.

F. This article establishes a minimum rate of pay regardless of whether or not an employee is compensated on a time rate, piece rate, or other basis.

G. Commission salespeople, whether wholesale or retail, not receiving a base salary or guaranteed compensation, shall be excepted from all provisions of this Article.

#### ARTICLE V—LABOR PROVISIONS

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

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

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

D. 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 thirty (30) days after the effective date 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.

E. 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.

F. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of this Code.

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

H. A person whose earning power is limited because of physical or mental defect, age, or other infirmity, may be employed on light duty below the minimum wage set by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Such Authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons.

#### ARTICLE VI—ADMINISTRATION

A. The Executive Committee of the Association is hereby designated as the Code Authority, to cooperate with the Administrator in administering, supervising and promoting the performance of the provisions of this Code by members of the Industry. No inequitable restrictions upon membership in the Association shall at any time be imposed. The Administrator may, if he so elects, appoint not to exceed three nonvoting members of the Code Authority in addition to the Executive Committee.

B. Members of the Industry who are complying with the requirements of the Code, and who agree in writing either individually or through trade associations of which they are members, to abide by the requirements of the Code and to pay their equitable and proportionate share of the expenses of the administration thereof, as determined by the Code Authority subject to the approval of the Administrator, shall be entitled to participate in the Code activities of the Code Authority.

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

D. The Code Authority shall, by the Act, have the duties and powers provided for it in this Code, subject to review and disapproval by the Administrator.

E. With a view to providing information for the purpose of keeping the President of the United States and the Administrator informed as to the observance or nonobservance of this Code, and as to whether the Industry is taking appropriate steps to effectuate in all respects the declared policy of the Act, the Code Authority shall make such reports as the Administrator may direct, periodically, or as often as requested, and 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, reports, statistics and such other relevant data or information as the Code Authority may from time to time require.

F. Except as otherwise provided in the Act, all statistics, data and information filed in accordance with the provisions of this Article shall be confidential and 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 employees of any employer affected by this Code, but may be a firm of certified public accountants, even though doing auditing or accounting work for any member of the Industry), and the Administrator, shall have access to any and all statistics, data and information that may be furnished in accordance with the provisions of this Code.

G. In addition to information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act; nor shall anything in any code, agreement, or license relieve any person of any existing obligation to furnish reports to government agencies.

H. If formal complaint is made to the Code Authority that the provisions of Article VII of this Code or of any supplement thereto have been violated by any employer, the Code Authority, by its duly authorized representatives, shall make such investigation of the facts as may be deemed necessary.

I. The Code Authority shall 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.

#### ARTICLE VII—TRADE PRACTICES

A. The Code Authority shall, within thirty (30) days after the effective date, with the approval of the Association, prescribe and/or approve standard cost accounting procedure and principles to be followed by all members of the Industry in determining the cost of manufacture, distribution, sale of products, and administration of business, which, after approval by the Administrator, shall be followed by all members of the Industry, with such variations therefrom or exceptions thereto as may be required by the conditions affecting any individual member of the Industry and as may be approved by the Code Authority. The Code Authority shall, with the approval of the Administrator, specify those items of cost determined pursuant to this Section, which shall be included in allowable cost.

B. No member of the Industry shall sell or exchange any product of his manufacture at a price or upon such terms or conditions that will result in the buyer's paying for the goods received less than the allowable cost to the member of the Industry, determined in accordance with the uniform and standard method of costing hereinabove prescribed; provided, however, that inventories of finished products, which must be converted into cash to meet emergency needs, dropped lines, or seconds may be disposed of in such manner, and on such terms and conditions, as the Code Authority may approve and as

are necessary to move such product into buyer's hands; and further provided that the Code Authority, upon application to it, may grant permission to any member of the Industry to sell below cost in order to meet existing competition on products of equivalent design, character, quality or specifications. If the Code Authority shall refuse approval as in this paragraph provided, or if the Code Authority does not within ten (10) days from the date of application, notify the member of the Industry who applies for approval, of the decision of the Code Authority, such member may appeal to the Administrator.

C. The Code Authority shall continue its study of trade practices of the Industry and shall, with the approval of the Association, make any recommendations from time to time to the Administrator which it deems desirable for modification or addition hereto, which, upon the approval of the Administrator, after such hearing as he may prescribe, shall become a part of this Code and have full force and effect as the provisions hereof.

#### ARTICLE VIII—GENERAL

A. 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, as far as reasonably possible, be limited to actual increases in the seller's costs.

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

C. 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.

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

Approved Code No. 317.  
Registry No. 1629-1-01.

Approved Code No. 318

## CODE OF FAIR COMPETITION

FOR THE

## WRECKING AND SALVAGE INDUSTRY

As Approved on March 3, 1934

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### ORDER

#### APPROVING CODE OF FAIR COMPETITION FOR THE WRECKING AND SALVAGE 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 Wrecking and Salvage 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.,  
*March 3, 1934.*

## REPORT TO THE PRESIDENT

THE PRESIDENT,

*The White House.*

SIR: This is a report on the Code of Fair Competition for the Wrecking and Salvage Industry in the United States, the hearing having been held in Washington, D.C., December 5, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

All employees except those in an executive or managerial capacity who receive more than thirty-five (35) dollars per week shall be paid a minimum of forty (40) cents per hour except in the hereinafter mentioned areas, where the wages shall be as follows:

Metropolitan area, City of New York, seventy (70) cents per hour;

City of Chicago, fifty (50) cents per hour;

The States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, thirty (30) cents per hour.

No employee shall be permitted to work more than forty (40) hours per week, or more than eight (8) hours in any twenty-four (24) hour period.

Tolerance in hours is granted to yard foremen who are permitted forty-four (44) hours per week, time keepers forty-eight (48) hours per week, truck drivers forty-four (44) hours per week, and watchmen one hundred and twelve (112) hours every two weeks, as well as to employees on emergency work.

All employees on emergency work shall be paid at the rate of time and one-third for hours in excess of the normal daily or weekly maximum.

Minimum wage of office employees shall be not less than thirteen (13) dollars and fifty (50) cents per week.

No person under the age of 18 shall be employed by the Industry.

A minimum rate of pay is established regardless of whether an employee is working on a time or piece work, or other basis, and it is also provided that no employee shall be reclassified or suffer any reduction in hourly wages.

### ECONOMIC EFFECTS OF THE CODE

According to the statistics compiled by the Industry, there is a normal employment of approximately thirty thousand (30,000) people.

The wrecking and Salvage Industry reports that it is closely allied with the Construction Industry and naturally conforms fairly closely to the distribution of population, a large proportion of the Industry being in large cities. Employment in the Industry is naturally seasonal.



During the past four years, according to the Industry, minimum wages have ranged from as low as seven and one-half (7½) cents to twenty-five (25) cents per hour. Owing to the President's Reemployment Agreement minimum wages have in some cases risen to fifty (50) cents. However, only a few of the members of the Industry have complied with this Agreement. It is estimated that under the Code, increases in wages will amount to fully thirty (30) percent, and owing to the maximum hours established, an increase in employment of some forty (40) percent should be noted.

#### FINDINGS

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

I find that:

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

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

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

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

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

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

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 3, 1934.

# CODE OF FAIR COMPETITION FOR THE WRECKING AND SALVAGE 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 Wrecking and Salvage 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 "wrecking and salvage industry" or "industry" as used herein is defined to mean the dismantling, wrecking, razing or demolishing for pay or salvage and/or the salvaging, wholly or in part of any building, bridge, or other structure, except:

(a) The dismantling, wrecking, razing, demolishing and/or salvaging of cars, ships, locomotives, traction lines, railroads, well derricks or structures the wrecking or salvaging of which is generally recognized as not among the operations of the industry.

(b) The dismantling, wrecking, razing, demolishing and/or salvaging of any structure or part thereof where such operation or operations is or are governed by a code of fair competition approved, or which may be approved by the President or his duly authorized agent.

(c) Any of the above mentioned operations when performed in connection with other work that is not included in the operations of this industry and when such combined operations by custom have previously been performed by another industry.

2. The term "employee" as used herein includes anyone except a member of the Industry engaged in the "Industry" in any capacity receiving compensation for his service, irrespective of the nature or method of payment of such compensation.

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

4. The term "member of the industry" as used herein is defined to mean anyone who is engaged in the industry as above defined whether as an employer or on his own behalf.

5. The term "Association" as used herein is defined to mean the Associated Wrecking & Salvage Contractors of the United States.

6. The term "emergency work" is defined to mean any work which requires immediate attention pursuant to any rule or regulation of a municipal, state, or government authority.

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

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

8. A yard manager is defined to mean that person who supervises a yard together with any other part of the business of the member of the Industry connected with the yard.

9. A yard foreman is defined to mean that person who supervises a yard under the jurisdiction of the yard manager.

10. A brick and/or lumber cleaner is defined to mean that class of labor which cleans bricks and/or lumber removed from a wrecked structure.

11. The term "State" as used herein shall include the forty-eight (48) states of the United States, the District of Columbia and all territories and possessions of the United States to which the Act is applicable.

### ARTICLE III—HOURS

1. No employee shall be permitted to work more than forty (40) hours per week or eight (8) hours in any twenty-four (24) hour period, except as hereinafter provided:

(a) Employees who are engaged in executive and/or managerial capacities and who regularly earn not less than thirty-five dollars (\$35.00) per week, outside salesmen, and yard managers. Each yard shall be restricted to one yardmanager.

(b) Yard foremen shall be permitted to work not more than forty-four (44) hours per week or nine (9) hours in any twenty-four (24) hour period.

(c) Time keepers may be permitted to work not more than forty-eight (48) hours per week or nine (9) hours in any twenty-four (24) hour period.

(d) Truck drivers and their helpers may be permitted to work not more than forty-four (44) hours per week or nine (9) hours in any twenty-four (24) hour period, except where contracts, now in effect, and arrived at through collective bargaining, are based on longer hours. In such latter cases the maximum hours of work shall in no event be greater than forty-eight (48) hours per week.

(e) Watchmen shall work not more than one hundred and twelve (112) hours every two weeks.

2. In each division or subdivision of the industry, truly representative associations or groups of employers and employees respectively concerned, after proper notice and hearing and as a result of bona fide collective bargaining, may establish by mutual agreement (when approved by the President as provided in Section 7 (b) of the Act), for a specifically defined region or locality the standards of hours of labor, rates of pay and such other conditions of employment, relating to occupations or types of operations in such division or subdivision, as may be necessary to effectuate the policy of Title I of the Act. The terms of such an agreement between the employers and employees of a division or subdivision of the industry shall not be binding upon the employers and employees of any other division or subdivision of the industry.

After the President has approved any such agreement arrived at within any such division or subdivision, and after proper notice of such approval, it shall be deemed prima facie unfair competition

for any employer in such division or subdivision to fail to comply with the standards of maximum hours of labor, minimum rates of pay or other conditions of employment so approved and prescribed by the President in respect of the performance within the defined region or locality of the types of operations concerned; and the failure of such an employer to desist from such unfair competition after being given due notice and opportunity to be heard, shall constitute a violation of the requirements of this Code.

There may be established by the Administrator, Industrial Relations Boards 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, an impartial chairman shall be selected by that Board to render a decision. The creation and functioning of these Boards including the selection of representatives of employees shall be in accordance with Section 7 of the Act. If no truly representative labor organization exists, the employee members of such Board shall be chosen by the Labor Advisory Board of the N.R.A. The employer representatives shall be chosen by the Code Authority. The Industrial Relations Board may establish such subsidiary agencies constituted in like manner as it finds necessary.

The provisions of this Section shall not be construed to limit the power of the President, in the absence of such a mutual agreement, to exercise any authority conferred upon him under Section 7 (c) of the Act.

3. Where provisions concerning hours of labor or rates of pay have been established for specific projects, by competent governmental authority or agencies (whether Federal, State or political subdivisions thereof) acting in accordance with law, any employer required to comply and complying with the provisions so established shall be relieved of compliance with any conflicting provisions of this Article or of any actions taken in accordance therewith.

Where an employer is obligated by the terms of an agreement made prior to June 16, 1933, which is still in full force and effect, under which he is legally bound to employ workers for other hours per day or per week or to pay them other wages than those provided in this Code, and which he is unable to revise by mutual consent, the requirements of such an agreement may be observed notwithstanding any conflicting requirements of this Code.

4. Employees engaged in emergency work may be permitted to work in excess of the maximum hours set forth herein, provided they are paid at least one and one third ( $1\frac{1}{3}$ ) times their regular wage rate for the overtime.

5. No employee in the metropolitan area of City of New York shall be permitted to work more than thirty-five (35) hours per week or seven (7) hours in any twenty-four (24) hour period, except if he is in one of the classes of employees covered by the exceptions in the subdivisions of this Article.

6. Employees, except watchmen and those engaged in emergency work, shall not be permitted to work on Sundays or legal holidays.

## ARTICLE IV—WAGES

1. No employee shall be paid at less than the rate of
  - (a) seventy cents (70¢) per hour in the Metropolitan area of the City of New York,
  - (b) fifty cents (50¢) per hour in the Metropolitan area of the City of Chicago,
  - (c) thirty cents (30¢) per hour in the States of Alabama, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, and Tennessee, and
  - (d) forty cents (40¢) per hour in all other areas; except as hereinafter provided.

2. No clerical or office employee shall be paid less than at the rate of fifteen dollars (\$15.00) per week in any city having more than 500,000 inhabitants, or in the immediate trade area of such a city; nor less than at the rate of fourteen dollars and fifty cents (\$14.50) per week in any city having between 250,000 and 500,000 inhabitants, or in the immediate trade area of such a city; nor less than at the rate of fourteen dollars (\$14.00) per week in any city having between 2,500 and 250,000 inhabitants, or in the immediate trade area of such a city; nor less than at the rate of thirteen dollars and fifty cents (\$13.50) per week in towns of less than 2,500 inhabitants.

3. Brick and lumber cleaners who, on account of infirmities of age or physical or mental disabilities, cannot do the work of able bodied workers, are exempt from the minimum wages specified herein, provided:

(a) That such employees shall not exceed 10% of the total employees of any employer.

(b) That in no case shall they be paid less than seventy-five percent (75%) of the minimum wage rate for unskilled workmen.

(c) That such employer obtain from the authority designated by the United States Department of Labor a certificate authorizing such employment at such wages, and for such hours as shall be stated in the certificate. Such authority shall be guided by the instruction of the United States Department of Labor in issuing certificates to such persons.

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

4. No employee shall be paid a wage rate which will yield a lesser wage for a maximum work week specified herein than employees were receiving for the same class of work for a longer work week immediately preceding June 16th, 1933.

5. This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate, piece-work, or other basis.

## ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under eighteen (18) years of age shall be employed in the industry.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or

in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

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

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

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

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

7. Each member of the Industry shall post in conspicuous places, which are easily accessible to employees, both in his yard and on the sites of all wrecking operation, copies of Articles III, IV and V of this Code.

8. No employer shall permit any employee to work for a total number of hours in excess of the number of hours herein prescribed, whether employed by one or more employers.

9. Any employer who in company with any other person or persons performs manual labor customarily performed by an employee shall be subject to maximum hourly limitations and other provisions of this Code pertaining to employees.

10. Every employer shall provide for the health and safety of his workmen. He shall comply with the Workmen's Compensation laws of the state in which the operations are carried on. A safety and health manual is to be submitted by the Code Authority for approval before June 1, 1934.

#### ARTICLE VI—ADMINISTRATION

A Code Authority is hereby constituted to co-operate with the Administrator in the administration of this Code.

1. The Code Authority shall consist of seven (7) individuals or such other number as may be approved from time to time by the Administrator, to be selected by the members of the Industry as hereinafter set forth. The Administrator may appoint from one (1) to three (3) additional members without vote to represent the Government on the Code Authority without expense to the Industry. Members appointed by the Administrator are to be appointed for terms of from six (6) months to one (1) year, and the terms of appointment are to be so arranged that they do not expire at the same time.

2. The members of the Code Authority to be selected by the members of the Industry shall be chosen as soon as practicable after the effective date of this Code, by some fair method of selection approved by the Administrator. Pending such selection of the Code Authority by the members of the Industry, the Association shall select seven (7) individuals who shall act as the Code Authority

and who shall be subject to all provisions in respect to the Code Authority.

3. Each trade or industrial association, directly or indirectly participating in the activities of the Code Authority shall

(a) Impose no inequitable restriction on membership.

(b) Submit to the Administrator true copies of its Articles of Association, By-Laws, Regulations and any Amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effect the purposes of the Act.

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

5. 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 of such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

6. The Code Authority shall have the following duties and powers subject to the right of the Administrator on review to disapprove any action taken by the Code Authority.

(a) To select employees and officers, and to assign to them such duties as it may consider advisable and to provide rules for its procedure and its continuance as the administrative agency of this Code, in accordance with the terms of the Act and the principles herein set forth.

(b) To receive, investigate and adjust complaints of violations of this Code and, based upon such investigations and upon such hearings as it may deem proper, to make recommendations in respect thereto to the proper authorities for the prosecution of such violations.

(c) To obtain from time to time from employers in the industry reports with respect to wages, hours of labor, conditions of employment, number of employees and any and all other matters pertinent to 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.

In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in section 3(a) of said act to such Federal and State agencies as the Administrator may designate; nor shall anything in this Code relieve any person of any existing obligation to furnish reports to Government agencies.

No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) 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.

(e) To coordinate the administration of this Code with such other codes, if any, as may be related to this industry, or any subdivision thereof, with a view to promoting joint and harmonious action upon matters of common interest.

(f) To make surveys, to compile reports, to collect statistics and trade information, to investigate unfair trade practices, to make recommendations for fair trade practices, and otherwise assist the Administrator in effecting the purposes of this Code and the Act.

(g) To provide ways and means for financing the operation of said Code Authority and to determine an equitable method of apportioning in the industry the cost of administering this Code.

(h) To cooperate with the Administrator in regulating the use of the N. R. A. insignia solely by those members of the industry who assent to and are complying with the requirements of this Code and pay their proportionate share of the cost of administering this Code.

(i) Subject to the approval of the Administrator to adopt a uniform cost accounting system for the industry, which when approved by the Administrator shall be the standard cost accounting system for the Industry and shall be substantially followed by all members of the Industry. Provided, however, that the Code Authority subject to review and disapproval by the Administrator, may make such exceptions, or permit such variations from such approved cost accounting system as particular circumstances may necessitate.

(j) Subject to the approval of the Administrator, to prepare and suggest a standard form of estimate and computation of prices and form of contract. To set up credit bureaus for exchange and dissemination of credit information.

(k) Subject to the approval of the Administrator, to set up rules and regulations governing methods of bidding in any trade area which shall become effective upon receiving affirmative vote by secret ballot of two-thirds of the members of the Industry in such trade area.

(l) To have such other powers and duties consistent with the Act as may be necessary for the complete administration of this Code.

7. Members of the industry shall be entitled to participate in, and share the benefits of, the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.



## ARTICLE VII—TRADE PRACTICES

1. It shall be an unfair trade practice for any member of the industry to do any of the following:

(a) To submit any bid which shall not be in writing signed by an authorized representative of the bidder.

(b) To encourage or induce anyone to reject bids and readvertise, in order that he may revise his original offer.

(c) To bid upon a project upon which bids have previously been invited, received and opened at any time within thirty (30) days after the date of the previous opening of bids next thereafter, except where there is a substantial change in the plans and specifications.

(d) To fail to comply with approved rules and regulations set up by the Code Authority in pursuance of Section K, Article VI.

(e) To submit a bid without specifying that he shall not be required to accept the award of a contract thirty days after the date of submission of the bid, except when the invitation to bid expressly states otherwise.

(f) To let or underlet any contract or part thereof requiring the services of a laborer or mechanic in the industry unless the person to whom the contract is let or underlet agrees to comply with all the provisions of Articles III, IV and V of this Code.

(g) To 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.

(h) To maliciously induce or attempt to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

(i) To secretly pay or allow rebates, refunds, commissions, credits or unearned discounts, whether in the form of money or otherwise; to secretly extend to any awarding authority special privileges or services not extended to all awarding authorities on like terms and conditions.

(j) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their service.

(k) To secure confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

(l) To sell or offer for sale or exchange any service at a price below the allowable cost of such service to the individual employer as determined by uniform standards and principles of cost accounting and estimating to be set up by the Code Authority as herein provided.

(m) To maliciously entice away the employees of competitors with the purpose of unduly hampering, injuring or embarrassing them in their business.

(n) To use violence to person or property, intimidation or unlawful coercion, by a member of the industry against a member of the industry including:

1. Any threat by a member of the industry to use such violence, intimidation or unlawful coercion.

2. Any conspiracy among members of the industry, or among members of the industry and others, to use or to threaten to use such violence, intimidation or unlawful coercion.

3. Any combining or cooperating by a member of the industry with anyone who is using or threatening to use such violence, intimidation or coercion.

(o) To engage in the industry without complying with the Workman's Compensation laws of the state in which the operations are carried on.

(p) Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding and order, that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provisions of the Act or of this Code.

(q) There shall be no collusion between the different bidders in the preparation of any bid.

#### ARTICLE VIII—MODIFICATIONS

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

#### ARTICLE IX—MONOPOLIES

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

#### ARTICLE X—PRICE INCREASES

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

increases should be delayed and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

#### ARTICLE XI—JURISDICTION

All persons engaged in this industry shall be subject to the provisions of this code and of the approved rules and regulations issued pursuant to its provisions and shall be compelled to adhere thereto under such penalties as may be prescribed by the law.

#### ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 318.  
Registry No. 1616-104.





Approved Code No. 319

**CODE OF FAIR COMPETITION**

FOR THE

**NEWSPAPER PRINTING PRESS INDUSTRY**

As Approved on March 5, 1934

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**ORDER**

APPROVING CODE OF FAIR COMPETITION FOR NEWSPAPER PRINTING  
PRESS 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 Newspaper Printing Press 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 in the second sentence of Section 3, Article III, the words and figures, "forty-eight (48) hours per week," be eliminated and the words and figures, "forty-five (45) hours per week," be inserted.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

MARCH 5, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Newspaper Printing Press Industry, as revised after a Public Hearing held in Washington on the 27th day of December, 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 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 6 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.

Clerical employees shall not be paid less than at the rate of \$15.00 per week.

### ECONOMIC EFFECT OF THE CODE

In June, 1933, this Industry, which comprises five companies, employed 1,185 persons. Since adoption of the 40-hour week as provided in this Code, employment has increased to 1,635 persons, or an increase of 35%.

The invested capital of the Industry is about \$20,000,000 and the average annual value of its products for the past five years was approximately \$10,000,000.

### 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 restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant 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 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 by me, on condition that in the second sentence of Section 3, Article III, the words and figures, "forty-eight (48) hours per week," be eliminated and the words and figures, "forty-five (45) hours per week," be inserted.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 5, 1934.

# CODE OF FAIR COMPETITION FOR THE NEWSPAPER PRINTING PRESS 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 Newspaper Printing Press 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 "Newspaper Printing Press Industry" as used herein includes the manufacture, and sale by the manufacturer, of Roll-fed Web-perfecting Printing Presses, printing from either curved stereotype plates or flat forms, generally in use for the normally black sections of Newspapers.

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

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

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

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

The term "metropolitan district" as used herein shall mean any location in, or within a radius of fifty miles of, a city of 100,000 population or more. The term "non-metropolitan district," shall mean all territory other than defined as metropolitan.

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

The term "Association," as used herein, means the Newspaper Printing Press Builders' Association.

## ARTICLE III—HOURS

1. 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, except as hereinafter provided.

2. The provisions limiting hours of work shall not apply to traveling salesmen; or to technical engineers or persons employed in a



managerial or executive capacity who earn not less than thirty-five (\$35.00) dollars per week.

3. Watchmen may be permitted to work not in excess of fifty-six (56) hours per week. Firemen may be permitted to work not in excess of forty-eight (48) hours per week.<sup>1</sup>

4. The maximum hours set in Section 1 of this Article shall not apply to field service men who may be permitted to work whatever hours may be considered necessary to avoid interruption in operation of newly-installed or moved machinery in newspaper plants. In all such cases, however, at least one and one-half (1½) times the regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any seven (7) day period.

5. To facilitate the working of two (2) or more regular crew shifts in any plant, a transfer of an employee from one regular shift to another regular shift within the same twenty-four (24) hour period may be made without incurring payment of penalty overtime rates for hours worked in excess of eight (8) hours in any twenty-four hour period, provided that any such transfer must be for a period of not less than one (1) week's duration, and further provided that in all such cases the total regular time hours worked by such employee for any one (1) week shall not exceed forty (40) hours.

6. Certain trades in the Newspaper Printing Press Industry have a limited number of available qualified workmen. At times conditions arise due to lack of such labor or machine capacity, or due to accidents, spoilage or unforeseen delay, which make it necessary (in order to keep employed, or to increase the number of, workers in other departments) to have these specially qualified men work in excess of the hours prescribed in Section 1 of this Article. In such cases, when no such specially qualified person can be hired in the available time, it shall be permissible to work the additional time required to balance the production schedule and/or to avoid laying off other workers. In any such special case at least one and one-half (1½) times the normal rate shall be paid for hours worked in excess of the maximum hours provided in Section 1 of this Article.

7. The maximum hours set in Section 1 of this Article shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case, at least one and one-half (1½) times his regular rate shall be paid for hours worked on such work in excess of the hours fixed in Section 1 of this Article.

8. The maximum hours fixed in Section 1 of this Article shall not apply during any six (6) weeks in any twenty-six (26) weeks' period, during which time overtime shall not exceed eight (8) hours in any one (1) week; provided that in any such special case at least one and one-half (1½) times the regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any seven (7) day period.

9. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed for

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

another employer or employers, exceeds the maximum permitted herein.

#### ARTICLE IV—WAGES

1. (a) No employee, except as hereinafter provided, shall be paid less than at the rate of forty (40) cents per hour.

(b) No clerical or office employee shall be paid less than at the rate of fifteen (\$15.00) dollars per week; provided, however, that office boys, office girls, and messengers may be paid not less than eighty (80%) percent of the fifteen (\$15.00) dollar rate herein fixed; but the total number of such office boys, office girls and messengers so paid shall not exceed five (5) percent of the total number of office and clerical employees of any one employer, but in any case such employer shall be entitled to employ at least two (2) such employees.

2. This Article establishes minimum rates of pay, regardless of whether an employee is compensated on a time-rate, piece-work, or other basis.

3. There shall be an equitable adjustment of all wage rates above the minimum unless this has already been done, but in no case shall the wages above minimum be decreased as a result of this adjustment. The action taken by each member shall be reported to the Code Authority within thirty (30) days after the effective date and to the Administrator on request.

4. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on appropriate 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.

5. 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 agrees to serve an employer for a certain stated period of time at predetermined wages for the period in order to learn the trade.

6. The term "apprentice" applies to those employees who are regularly indentured in the Industry for a sufficient period of time to be systematically advanced through the various operations in any of the several trades or occupations. No employer shall employ apprentices in a number to exceed the ratio of one (1) apprentice to every ten (10) journeyman workers employed by him in the particular trade or occupation at the time of the employment of such apprentices. In case of reduction in force a ratio of not more than one (1) apprentice for every five (5) journeymen workers employed by such employer may be maintained, but no new apprentices shall be employed until the ratio of one (1) apprentice to every ten (10) journeyman workers is reestablished.

## 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 in operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator for approval within ninety (90) days after the approval of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

2. Pursuant to Section 7 (a) of the Act it is provided 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.

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 employer shall reclassify employees or duties of occupations performed or engage in any subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

4. 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 and hours of work, safety or health, fire, insurance, or general working conditions than under this Code.

5. Within ten (10) days after the effective date, each employer shall post, and thereafter maintain, in conspicuous places accessible to employees full copies of the wages and hours provisions of this Code and any amendments or modifications which may later be approved.

6. Labor agreements now in force between members of the Industry and their employees shall be affected only by such provisions in this Code as may prescribe higher wages and shorter hours than are provided for in such agreements.

## ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to 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 five (5) individuals or such additional number as may from time to time be desired by the

Association and approved by the Administrator, to be selected by the Members of the Association, but no Member of the Association shall select more than one (1) Member of the Code Authority. In addition to membership, as provided above, the Administrator may appoint not to exceed three (3) members without vote and without veto to represent him or such groups or interests as the Administrator may designate.

(b) The Association shall: (1) impose no inequitable restrictions on membership; and (2) submit to the Administrator true copies of its articles of association, by-laws, and any amendments when made thereto, together with such other information as to membership, organization, and activities as may be necessary to effectuate the purposes of the Act.

(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 of the method of selection of the Code Authority.

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

(a) To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

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

3. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration.

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 (30) days' notice to him of intention to proceed with such action in its original or modified form.

#### ARTICLE VII—TRADE PRACTICES

1. *Accounting and Costing.*—With respect to that portion of his product which is within the Industry, every employer shall use an accounting system 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. The Code Authority shall, with the approval of the Administrator, specify those items of costs which shall be included in allowable costs.

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

2. *Selling Below Cost.*—Selling or exchanging any product of the Industry at a price, or upon terms and conditions, which will result in the purchaser paying for the goods received less than the allowable cost thereof to the seller, determined in accordance with the method of costing described in Section 1 of this Article; *provided, however,* that where any member of the Industry desires to sell any Presses, Units, or Folders, new or used, already on hand, below cost he shall notify the Code Authority of such fact, together with the reasons therefor, coincident with making such proposal; and *provided, further,* that when a member of the Industry wishes to sell below his own allowable cost to meet the competition of a lower cost producer or to meet competition from products of equivalent design, character, or specifications manufactured outside of the United States, he shall so report to the Code Authority and shall cite the competition which causes him to take this action.

3. *Including Delivery and/or Installation without Proper Charge.*—Including in any Quotations and in any Sales Contracts, for either new or used machinery, partial or complete delivery thereof to, and/or partial or complete erection thereof in, purchaser's places of business, without stating the price basis of said new machinery f.o.b. its point of manufacture (or, in the case of used machinery, its price basis f.o.b. its point of location) and a separately stated full charge covering all costs of transportation, handling, and/or erection that are included in said Quotations and Sales Contracts.

4. *Trade-in Allowance.*—Any trade-in allowance for used machinery greater than its fair resale value, as determined by a method to be formulated by the Code Authority and approved by the Administrator, less all expenses of removal, reconditioning and marketing.

5. *Unusual Service.*—Furnishing to any purchaser of the products of the Industry or in connection with the sale of such products, any unusual service or equipment unless fair compensation therefor is paid by the purchaser.

6. *Machines on Trial.*—Placing machines and/or equipment on trial or placing or loaning or renting machines and/or equipment under optional surrender conditions tantamount to trial; provided that it shall not be construed unfair trade practice to install newly-developed machines or equipment in a customer's plant for the purpose of testing their operation under practical working conditions.

7. *Secret Payments.*—Secret payments, commissions or allowances to any purchaser or any of his employees, whether in the form of money or otherwise, or secretly extending to any purchaser or any of his employees special privileges not extended to all purchasers under like terms and conditions.

8. *Special Discounts.*—Payments of any kind in the form of commissions, discounts, rebates or allowances on the purchase price of any new or used product of the Industry to any newspaper-owned purchasing supply company, consulting engineers, engineering companies, architects, or newspaper group buying associations, as an inducement to influence their employers, members of such associations, and/or principals to purchase or contract to purchase from the maker of such payment, or to refrain from dealing or contracting to deal with competitors.

9. *Advertising with Customers.*—The taking of advertising space in consideration for machinery sold, as such is a practice in the nature of a rebate.

10. *Future Commitments.*—Commitments in Sales Contracts for future sales, or Buyer's options for future purchases, at fixed prices; also guaranteeing to any purchaser, or offering to any purchaser any option to trade in, at any future time, any used machinery at any fixed amount of trade-in allowance.

11. *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.

12. *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 harrassing competitors or intimidating their customers.

13. *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.

14. *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.

15. *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, substance, character, nature, origin, size, finish or preparation of any product of the Industry, or otherwise.

16. *Misrepresentation or False or Misleading Advertising.*—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.

17. *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—EFFECTIVE AREA

The Trade Practice Provisions in Article VII of this Code concern sales for use within the continental United States alone.

#### 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. Recommendations as to such modifications may be made by the Code Authority and shall become effective as part of this Code upon approval thereof by the Administrator after such notice and hearing as he may specify.

#### 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 the tenth day after its approval by the President.

Approved Code No. 319.  
Registry No. 1325-05.





Approved Code No. 320

**CODE OF FAIR COMPETITION**

FOR THE

**HIDE AND LEATHER WORKING MACHINE  
INDUSTRY**

As Approved on March 6, 1934

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**ORDER**

APPROVING CODE OF FAIR COMPETITION FOR THE HIDE AND LEATHER  
WORKING MACHINE 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 Hide and Leather Working Machine 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.,  
*March 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on the Code of Fair Competition for the Hide and Leather Working Machine Industry, as revised after a Public Hearing held in Washington on January 22, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

Employment is limited to 40 hours per week, 8 hours per day and 6 days in any 7 day period, with the following exceptions: Executives and salaried field service men receiving \$35.00 per week and traveling salesmen. Watchmen may work 56 hours and heating firemen 44 hours per week. To provide for emergency production demands a tolerance of 5 hours per week is allowed. Overtime for emergency maintenance will be paid for at 1½ times the regular rate.

Males and females may be employed at a minimum rate of 40 cents per hour except that office and clerical workers may be paid at a minimum rate of \$15.00 per week and office boys, girls and messengers may be paid at the minimum rate of \$12.00 per week.

### ECONOMIC EFFECT OF THE CODE

In 1929 this Industry, which comprises approximately 40 firms, employed about 360 factory workers. In October, 1933, the average work week was reported at 42 hours. The adoption of the 40 hour week as provided in this Code will show an estimated increase in employment of about 5% and will benefit about 40% of the employees in the Industry.

During the past 5 years the average invested capital has been \$1,877,000 and the average annual value of products has been \$1,316,000.

### 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 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.*

MARCH 6, 1934.

# CODE OF FAIR COMPETITION FOR THE HIDE AND LEATHER WORKING MACHINE 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 Hide and Leather Working Machine Industry, and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "Industry", as used herein, shall be defined to mean the manufacture, repair or rebuilding, for sale or lease, of machinery, mechanisms, and mechanical devices, used in the processing of hides and leathers.

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 any one by whom any such employee is compensated or employed.

The term "Member of the Industry", as used herein, includes any one engaged in the Industry as above defined, either as an employer or on his own behalf.

The term "Association", as used herein, shall mean the National Hide and Leather Working Machine Association.

The term "Apprentice", as used herein, shall designate any one regularly indentured for a sufficient length of time to systematically learn the various operations in any one of the trades or occupations in the Industry.

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 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, except as herein otherwise provided.

SECTION 2. To cover any emergency production demand which cannot be met by hiring additional employees, an allowance above the maximum hours fixed in Section 1 of not to exceed five (5) hours in any one (1) week shall be permitted; provided that one and one-half (1½) times the regular rate of pay shall be paid for such hours.

SECTION 3. Watchmen shall not be permitted to work in excess of fifty-six (56) hours per week.

SECTION 4. The provisions of this Article limiting hours of work shall not apply to salaried field service men, or to persons employed in a managerial or executive capacity who earn not less than thirty-five (\$35.00) dollars per week, or to traveling salesmen.

SECTION 5. The maximum hours fixed in Section 1 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 (1½) times his regular rate shall be paid for hours worked in excess of the maximum provided in Section 1 of this Article III.

SECTION 6. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

SECTION 7. 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.

SECTION 8. Employers who personally perform manual work or are engaged in mechanical operations shall not exceed the prescribed maximum number of hours.

SECTION 9. In addition to the maximum hours provision of Section 1, there shall be a ten (10%) percent tolerance in respect to engineers and firemen.

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid less than at the rate of forty (40) cents per hour, except as herein otherwise provided.

SECTION 2. No employee engaged in clerical or office work shall be paid less than at the rate of fifteen (\$15.00) dollars per week, except as herein otherwise provided.

SECTION 3. This Article establishes a minimum compensation rate, irrespective of whether an employee is actually compensated on a time rate, piece work, or other basis.

SECTION 4. The minimum wage that shall be paid to office boys and girls and messengers shall be not less than eighty (80%) percent of the minimum established in Section 2 of this Article, but the number of office boys and girls and messengers compensated at less than the rate prescribed in such Section shall not exceed five (5%) percent of the clerical and office employees; provided, however that at least one such employee may be so compensated regardless of the number of office employees.

SECTION 5. The wage rates for all operations and duties which are in excess of the minimum herein prescribed shall be equitably adjusted and in no case shall they be decreased. The action taken by each member shall be reported to the Code Authority not later than thirty (30) days after the effective date and to the Administrator at his request.

SECTION 6. Apprentices shall be regularly indentured for a sufficient period of time to be systematically advanced through the various operations in any one of the trades or occupations. The number of apprentices shall not exceed a ratio of one (1) such apprentice to

ten (10) competently skilled journeymen employed by any member of the Industry. Copies of all apprentice contracts shall be filed with the Code Authority and be subject to review by the Administrator.

## ARTICLE V—ADDITIONAL LABOR PROVISIONS

### EMPLOYMENT OF MINORS

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, a list of such occupations.

In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a 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

SECTION 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.

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

SECTION 5. Within ten (10) days of the effective date, each employer shall post and thereafter maintain, in conspicuous places accessible to employees full copies of this Code and any amendments or modifications which may later be approved.

SECTION 6. The provisions of this Code shall not supersede any provision in a collective labor agreement, now in force, establishing shorter hours or higher wages than are provided for in this Code.

## STATE LAWS

SECTION 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.

## ARTICLE VI—GENERAL PROVISIONS

## MODIFICATIONS

SECTION 1. (a) This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof; and, (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.

## ACCOUNTING AND COSTING

SECTION 2. The Code Authority shall cause to be formulated, subject to the approval of the Administrator, 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.

## SELLING BELOW ALLOWABLE COST

SECTION 3. 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 Section 2 of this Article VI; 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 the Code Authority a statement in writing setting forth the facts of, and reasons for, such proposed disposal, and the Code Authority has not, before the termination of such two (2) weeks' period, in writing disapproved the proposed disposal; 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, or to meet competition from products of equivalent design, character, quality, or specifications, manufactured outside the United States, may do so provided that he has first reported to the Code Authority and in such report has cited the competition which caused him to take such action.

SECTION 4. Nothing in this Code shall be construed as prohibiting any member of the Industry from exercising all his lawful patent rights.

#### ARTICLE VII—UNFAIR PRACTICES

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

(a) *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.

(b) *Secret Rebates.*—The secret payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or the secret extension to certain purchasers of special services or privileges not extended to all purchasers on like terms and conditions.

(c) *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.

(d) *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.

(e) *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.

(f) *Other Unfair Trade Practices.*—Nothing in this Code shall limit the effect of any adjudication by the Courts, or holding by the Federal Trade Commission on complaint, finding, and order, that any practices 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—ADMINISTRATION

SECTION 1. *Organization and Constitution of the Code Authority.*—(a) The Code Authority shall consist of seven (7) individuals, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth. The Administrator, in his discretion, may appoint not more than three (3) additional members (without vote) to represent the Administrator or such groups or interests as may be agreed upon.

(b) Six (6) members of the Code Authority shall be elected by members of the Industry who are members of the Association. This election shall be held at a meeting of the Association, such meeting to be called by the Association within fifteen (15) days after the effective date of this Code.

(c) Notice of such meeting shall be sent to all members of the Association and each member shall be entitled to such vote or votes as determined by the By-Laws of the Association, said vote or votes to be cast in person or by proxy or by letter ballot.

(d) A plurality of the number of votes cast shall be necessary for election, and individuals so elected shall serve for one year at the end of which time there shall be another election conducted in the same manner as above set forth.

(e) One (1) member of the Code Authority shall be elected, if desired, by members of the Industry who are not members of the Association, but who agree to pay their proportionate share of the expense of administration of the Code, at a meeting duly called for them by the Association, within ten (10) days after the effective date of the Code.

(f) Every member of the Industry outside of the Association who is registered with the Association or whose identity and address can be ascertained through diligent inquiry, shall be notified by the Association of the time and place of such meeting by registered mail, at least ten (10) days in advance of the election and each of the non-members shall be entitled to one (1) vote, said vote to be cast in person, by proxy, or by letter ballot.

(g) A plurality of the number of votes cast shall be necessary for election and the individual so elected shall serve for one year, at the end of which time there shall be, if desired, another election held in the same manner to elect a successor.

(h) Any individual elected to the Code Authority shall be eligible to re-election.

(i) If, however, selection by the Industry is impossible for any reason, the members of the Code Authority shall be appointed by the President. Vacancies in the Code Authority shall be filled by elections conducted in the manner set forth above.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall: (a) Impose no inequitable restrictions on membership, and (b) submit to the Administrator true copies of 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 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 4. 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 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.

SECTION 5. 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.

SECTION 6. In order to provide data necessary for the administration of this Code, all members of the Industry shall furnish to the Code Authority such information or reports as may be required, subject to the approval of the Administrator. Such information as may be submitted by a member shall not be revealed to any one not a member of the Code Authority, but shall at all times be available to the Administrator.

SECTION 7. Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the election 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.

SECTION 8. 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.

SECTION 9. The Code Authority shall have the following further duties and powers to the extent permitted by the Act:

(a) To adopt By-Laws and rules and regulations for its procedure and for the administration of the Code.

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

(c) To hear complaints and attempt to adjust the same, under such rules and regulations as may be prescribed by the Administrator.

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

(e) To study the effect of the various provisions of this Code on the Industry and consider proposals for amendments or modifications and make recommendations from time to time thereon which amendments or modifications will become effective as part of the Code, upon approval of the Administrator after such notice and hearing as he may specify.

(f) To make rules and regulations necessary for the administration and for facilitating the enforcement of this Code, under such rules and regulations as may be prescribed by the Administrator, subject to the right of any affected person to appeal to the Administrator.

#### ARTICLE IX—MONOPOLIES

No provision in this Code shall be so interpreted or 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 the second Monday after its approval by the President.

Approved Code No. 320.  
Registry No. 1399-27.





Approved Code No. 321

**CODE OF FAIR COMPETITION**

FOR THE

**ROCK AND SLAG WOOL MANUFACTURING  
INDUSTRY**

As Approved on March 6, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE ROCK AND SLAG WOOL  
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 Rock and Slag Wool Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

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

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

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

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

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Rock and Slag Wool Manufacturing Industry as revised after a public hearing conducted in Washington, D.C., on January 30, 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 in the northern section and thirty-five cents per hour in the southern section. 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 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 or supervisory work (except foremen engaged in manual labor) 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 nine hours per day or forty hours per week. All employees, except office employees and watchmen 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 uses for the products of this Industry may be classified into two major classes: industrial installation for hot surfaces and domestic insulation. There were nine concerns engaged in the manufacture of rock and slag wool in 1929, twenty-eight concerns in 1933. This increase represents a number of small concerns entering the field.

The sales for 1933 were eight percent less than 1929 but fifty-five percent above 1932. According to the Research and Planning Division's report there were, in 1929, three hundred and forty-eight wage earners employed by the industry, in 1933 eight hundred and fifty-five. This increase was partly due to the increase in the number of concerns engaged in the Industry and partly because of the P. R. A.

Average hours worked per week in 1929 were sixty-one. The hourly provision of the Code will reduce the hours worked per week by about thirty percent. Should volume of business increase, this industry will be able to absorb workers from other industries that are not able to reabsorb their entire force.

Seventy-five percent of the wage earners in this industry will be affected by the minimum wage provisions of this Code. For this reason, and also the provision that there shall be an equitable adjustment of wages above the minimum, the purchasing power of the wage earners in this industry should be materially increased. Trade practice provisions of the Code are expected to remedy many of the Industry evils that have been prevalent in the past.

#### FINDINGS

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

I find that:

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

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

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

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

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

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

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 6, 1934.



# CODE OF FAIR COMPETITION FOR THE ROCK AND SLAG WOOL 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 Rock and Slag Wool 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 "Rock and Slag Wool Industry" as used herein includes the manufacturing, the manufacturing and selling by a manufacturer, and the selling as or by a manufacturer of the products listed in Section 2 of this Article, and such branches or subdivisions of said Industry as may from time to time be included under the provisions of this Code.

SECTION 2. The term "Products", means Rock and Slag Wool Blankets, Rock and Slag Wool Pipe Covering, Rock and Slag Wool Blocks, Rock and Slag Wool Loose, Rock and Slag Wool Granulated, Rock and Slag Wool Home Insulation—Loose, Modulated, Bats, or Rolls—Rock and Slag Wool Cements. Other Rock and Slag Wool Products.

SECTION 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.

SECTION 4. The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

SECTION 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.

SECTION 6. The term "trade" as used herein shall mean all channels of distribution of the products, except members of the industry.

SECTION 7. The term "Member of the Code" as used herein includes any member of the Industry who shall expressly assent to this Code in accordance with Section 2, paragraph (c), Article VI.

SECTION 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.

SECTION 9. The term "Association" as used herein means the National Association of Rock and Slag Wool Industries, an unincorporated association.

SECTION 10. The term "Southern Section" as used herein means the States of North Carolina, Tennessee, Arkansas, Oklahoma, Texas,

Louisiana, Mississippi, Alabama, Georgia, South Carolina and Florida.

SECTION 11. The term "Northern Section" as used herein means all states of the United States not included in the term "Southern Section."

#### 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 ( $1\frac{1}{2}$ ) 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; nor shall they be permitted to work more than six (6) days in any seven (7) day period. The foregoing limitations shall not apply to:

(a) Those employed in executive, managerial, or supervisory work who regularly receive thirty-five (\$35.00) dollars or more per week. Foremen engaged in manual labor shall not be considered to be in such supervisory capacity;

(b) Outside salesmen;

(c) Employees engaged solely at maintenance and repair work, truckmen, firemen and engineers, who may be permitted to work not more than nine (9) hours in any one day, or forty-four (44) hours in any one week. These employees may also be permitted to work forty-eight (48) hours per week during any six (6) weeks in any six (6) months period. One and one-half times the normal rate of pay shall be paid for hours worked in excess of eight (8) hours per day and forty (40) hours per week.

(d) Employees on emergency maintenance or emergency repair work involving breakdowns or the protection of life or property, but in such special case at least one and one-half ( $1\frac{1}{2}$ ) times the normal rate shall be paid for hours in excess of forty (40) hours per week and eight (8) hours per day.

(e) 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.

SECTION 2. No accounting, clerical or office employee shall be employed in excess of an average of forty (40) hours a week or nine (9) hours per day. Eight 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. (a) No employee shall be paid at less than the rate of forty (40) cents per hour in the Northern section or thirty-five (35) cents per hour in the Southern section, except that:

(b) Accounting, clerical, service, sales and office employees may be paid at not less than fifteen (15) dollars per week.

(c) 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 office employees of the employer, except that any employer may employ at least two (2) such persons as above provided.

SECTION 2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piecework, or other basis.

SECTION 3. Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

SECTION 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.

SECTION 5. A person whose earning capacity is limited because of age or physical handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall maintain on file with the Code Authority a list of all such persons employed by him.

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 law. Wages shall be paid at least at the end of every two-week period, and salaries at least at the end of every month.

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, 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 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 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.

SECTION 6. Each employer shall post complete copies of the labor provisions of this Code in conspicuous places accessible to employees.

## ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 1. *Organization and Constitution of Code Authority.*—

(a) The Code Authority shall consist of three (3) individuals, or such greater number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth. The Administrator, in his discretion, may appoint no more than three (3) additional members without vote to represent the Administrator and without expense to the Industry.

(b) All voting members of the Code Authority shall be selected from members of the Code and shall be elected by a vote of two thirds ( $\frac{2}{3}$ ) of all the members of the Code.

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

(d) In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with

the provisions of the Act, the Administrator may provide such 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, provided that no such modification shall permit any one not a member of the Industry to become a voting member of the Code Authority.

(e) The Code Authority may adopt its own rules of procedure and may delegate its authority, or some part thereof, to such agencies or committees as it may select, but all contacts with the Administrator shall be by the Code Authority.

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

(a) 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.

(b) With a view to keeping the President and the members of the Industry informed as to the observance or nonobservance of the Code, and as to whether the members of the Industry are taking appropriate steps to effectuate the declared policy of the Act, the Code Authority shall report to the Administrator at such times and concerning such conditions in the industry as he may from time to time require and each member of the Industry shall file with the Code Authority such certified reports with respect to wages, hours of labor, conditions of employment, number of employees, and other matters as may be deemed pertinent by the Code Authority, or by the Administrator, to the proper administration of the Code.

(c) Members of the Industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by signing and delivering to the President of the Association a letter assenting to and agreeing to comply 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 on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

(d) All confidential information of any nature which may be requested by the Code Authority shall be collected through an agency or agencies selected by the said Code Authority and such information shall be kept confidential by the agency, except when required by the Code Authority for the proper administration of the Code, and with the further exception that all such information shall be fully available to the Administrator at all times.

(e) The Code Authority shall designate an agent or agents, not members of the Industry, to investigate complaints of violations of the Code. The members of the Code shall facilitate such investigations by producing all pertinent data, including correspondence, books, and accounts relating to alleged violations for examination by such authorized agent and by furnishing relevant information. All such pertinent information shall be kept confidential by the agent or

agents except that, in the event of any such violation being substantiated, the Code Authority shall be informed and may present evidence thereof to the Administrator or to such department, agency, or judicial branch of the Government, as he may designate. If, upon such investigation, any complaint of a violation of the Code shall be substantiated in any material respect, the member of the Code guilty of such violation shall pay the cost of the investigation, otherwise the cost shall be borne by the complainant member of the Code.

The provisions of this subsection (e) of Section 2 of this Article VI shall only apply to those members of the Code who agree thereto in writing which shall be separate and apart from the letter of assent referred to and required of members of the Code by the provisions of subsection (c), Section 2 of this Article VI.

(f) The Code Authority shall study conditions in the Industry and shall make any recommendations from time to time for the Administrator which it deems desirable to further the policies of the Act, including, but without limitations:

Industry Merchandising Plans

Simplification and Standardization

System of Exchange of Credit Information

Inequalities affecting the Stability of the Industry

These recommendations after such notice and hearing as the Administrator may specify, shall become effective on approval by the Administrator or the President, with the same force and effect as if originally made a part hereof.

(g) 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.

(h) The Code Authority shall make studies with a view to the establishment of classifications and standards of quality for products of the Industry, in cooperation with some Federal Government agency or agencies.

(i) Any member of the industry shall have the right of complaint to the Code Authority and a prompt hearing and decision thereon, under such rules and regulations as it shall prescribe, in respect to any act of any agent or agency designated by the Code Authority to act in its behalf.

(j) In addition to the information required to be submitted to the Code Authority, all or any of the persons subject to the Code, agreement, or license 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; nor shall anything in any code, agreement, or license relieve any person of any existing obligation to furnish reports to Government agencies.

(k) Nothing contained in the Code shall be deemed to constitute any of the members thereof partners for any purpose. No member of the Code shall be liable in any manner to anyone for any act of

any member or agent of the Code Authority performed pursuant to the provisions of this Code. No member of the Code and no member or agent of the Code Authority shall be liable to anyone or in any manner other than as provided in the Act, or in the Code, for any act performed in accordance with, or for any failure to act pursuant to the provisions of the Code.

#### 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 to his trade, each class of trade being furnished 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, term, 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 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. On the effective date of any such change, the industry member shall publish the same to the trade concerned and 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 had 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 other than a member of the Industry, except in accordance with his prices, terms and conditions of sale then in effect and published in the manner described herein. Each member of the Industry shall have the right, individually, to publish new 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 to its trade 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 to the trade 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 dealer prices, grouped according to his own stated qualifications then in effect. The names and locations so filed shall be available to the trade 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, except to the extent as may be approved by the Administrator.

## ARTICLE IX—TRADE PRACTICES

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

1. *False Marking or Branding.*—The false marking or branding of any product of the industry which has the tendency to mislead or deceive customers or prospective customers, whether as to grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation 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 otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

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

4. *Interference with Contractual Relations.*—Maliciously inducing or attempting to induce the breach of an existing contract between a competitor and his customer or source of supply, involving the purchase of specific quantities of the product and/or their component parts or materials, or interfering with or obstructing the performance of any such contract.



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 circularization 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 false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

10. To sell for export unless the buyer has agreed not to resell the products within the United States.

11. *Fictitious Invoicing.*—To invoice fictitiously, ship in excess of quantities invoiced, make fictitious allowances or guarantees.

12. *Consignment Stocks, etc.*—To warehouse with a customer a consigned stock, or fail to prescribe definite terms or make guarantees against price decline.

13. *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 the Act or any specific provision of this Code.

#### ARTICLE X—SELLING BELOW COST

SECTION 1. It shall constitute a violation of this Code for any member of the Industry to initiate a price or to sell any product at a net price which shall be below the said member's "direct cost." Such "direct cost" shall include the sum of the following items chargeable to the operation of such member's business in conformity with sound accounting practice, during the preceding calendar month:

(a) Direct raw material cost (inclusive of transportation and shrinkage), plus

(b) Direct labor cost, plus

(c) Manufacturing burden (inclusive of power and steam, factory overhead, maintenance expense on utilized factory equipment, technical control, utilized factory warehouse, and factory shipping charges), plus

(d) Freight allowance, cash discount, direct selling expense, depreciation and depletion allowance in accordance with Federal income tax regulations, provided that taxes, insurance, reserves of any

character, interest on investments, administration expenses, likewise interest charges on funded or other debt, and prior operating losses shall not be included in "manufacturing burden" and for the purpose of this section direct selling expenses shall include only salesmen's compensation plus salesmen's traveling expense; and provided further that any member of the industry may sell below his own "direct cost" under the following circumstances:

(e) To meet competition on prices established on industry products of competing grade and quality filed by another member of the Industry pursuant to Article VII hereof, and not directly or indirectly instigated by the party desiring to meet such competition, or

(f) To meet competition in violation of this rule concerning which he has made complaint to the Code Authority, or any authorized agency thereof, but only pending action thereon.

#### ARTICLE XI—GENERAL

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.

SECTION 2. Corporations shall be considered to be affiliated to any corporate member of the Industry (hereinafter described as "the parent corporation") which owns a majority of the outstanding voting capital stock of the other. Any such parent corporation shall be responsible for the observance by any affiliated corporation of all the provisions of Articles III, IV, V, VII, VIII, IX, X, and XI of this Code with respect to the production and/or sale of the products covered by this Code, provided that in the event of the provisions of Article VII and VIII being observed by any such affiliated corporation of such parent corporation, then the parent corporation need not comply with the Publicity requirements of Article VII with respect to prices, terms, and conditions of sale made to such affiliated corporation.

SECTION 3. Nothing contained in this Code shall be construed as prohibiting any member of the Industry from exercising all its and/or their lawful patent rights, or as requiring any member of the Industry to do any act in conflict with the terms of any valid patent licensing agreement.

SECTION 4. Articles VII, VIII, and X shall not apply to products exported from the United States.

SECTION 5. Where the cost of executing contracts entered into in the Rock and Slag Wool Industries prior to the effective date of this Code are increased by the application of the provisions of the Code to the Industry, it is equitable and promotive of the purposes of the National Industrial Recovery Act that appropriate adjustments of such contracts be arrived at to reflect such increased costs by arbitral proceedings or otherwise. The Code Authority is constituted an agency to assist in effecting such arbitral proceedings and adjustments.

SECTION 6. Any notice, demand, or request required or permitted to be given to or to be made upon any member of the Industry shall be sufficiently given if sent by registered mail, postage prepaid,

addressed to such member of the Industry at his address on file with the Code Authority.

SECTION 7. If the Administrator shall determine that any action of a Code Authority or 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 such 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 XII—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act.

SECTION 2. The provisions of the Code shall remain in effect unless and until so modified or eliminated, or until the expiration of the Act; namely, June 16, 1935, or sooner, if the President shall, by proclamation, or Congress shall, by joint resolution, declare the emergency recognized by Section 1, Title I, of the Act ended.

#### ARTICLE XIII—EFFECTIVE DATE

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

Approved Code No. 321.  
Registry No. 1630-07.





Approved Code No. 322

**CODE OF FAIR COMPETITION**

FOR THE

**EARTHENWARE MANUFACTURING INDUSTRY**

As Approved on March 8, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE EARTHENWARE  
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 Earthenware 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.,  
*March 8, 1934.*

(513)

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: A Public Hearing on the Code of Fair Competition for the Earthenware Manufacturing Industry, submitted by the Earthenware Manufacturers Association, located at Zanesville, Ohio, was conducted in Washington on the 13th of November, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 90 per cent of the Industry.

The maximum hours permitted under this Code are forty (40) hours per week averaged over any one period of thirteen (13) weeks as selected by the employer, and not in excess of forty-four (44) hours in any one week nor eight (8) hours in any one day, except that in the event of an emergency involving breakdowns or protection of life or property or during periods of peak demands, when approved by the Code Authority subject to the disapproval of the Administrator, employees may be permitted to work in excess of the maximum hours herein prescribed provided that in all such cases employees shall receive time and one-third for all hours worked in excess of eight (8) hours in any one day. Excepted also from this provision are persons employed in a supervisory or executive capacity, designers and sculptors who receive thirty-five dollars (\$35.00) or more per week, and traveling salesmen.

The minimum wage is forty cents (40¢) per hour for males and thirty-two cents (32¢) per hour for females. It is provided that accounting, clerical and office employees be paid not less than at the rate of sixteen dollars (\$16.00) per week in any city having a population of one hundred thousand or over or in the immediate trade area of such city; in any city having a population of between twenty-five hundred and one hundred thousand or in the immediate trade area of such city not less than fifteen dollars (\$15.00) per week; and in any city having a population of twenty-five hundred or less not less than fourteen dollars (\$14.00) per week. Apprentices shall be employed at not less than eighty per cent (80%) of the minimum wage, provided, however, that the total number of apprentices employed by any member of the Industry shall not exceed five per cent (5%) of the total number of employees of any such member and that the period of apprenticeship shall not exceed twelve (12) weeks whether served under one or more employers. It is further provided that in cases where female employees displace men they shall receive the same rates of pay as the men they displace.

The average wage in the Earthenware Manufacturing Industry, during 1929, was \$21.08 a week. During 1933, however, average wages in this industry dropped 19.2 per cent to an average of \$17.02.

Wages in this industry represented 38 per cent of the value of products in 1929, compared with 46.8 per cent in 1933. During 1933, total wage payments fell 30.5 per cent under 1929, while average weekly wages declined 19.2 per cent.

On the basis of the 1929 hourly average, 42.2 cents, and regardless of whether a 40-hour or a 34-hour week were adopted, the total pay-

roll would increase \$468,250, or 18.9 per cent over the 1933 total, because of the fact that the spread-work feature would hold the payroll at a higher constant than prevailed in 1933.

According to information obtained from the Earthenware Manufacturing Industry, the value of products aggregated \$9,401,000, during 1929. During 1933, the value of products in the aggregate declined to \$5,298,900, or 43.6 per cent under the 1929 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.*

MARCH 8, 1934.

# CODE OF FAIR COMPETITION FOR THE EARTHENWARE 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 Earthenware Manufacturing Industry, and its provisions shall be the standards of fair competition for such industry and binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "association" as used herein shall mean Earthenware Manufacturers Industry Association.

2. The term "Earthenware Manufacturing Industry" or "Industry" as used herein, shall mean the manufacture of clay products produced from secondary clays, either as raw clays without additions, or as mixtures of secondary clays with fluxes, glazed or unglazed, having utility value as kitchenware, decorative art pottery, heavy art pottery, stoneware, common red flower pots, excluding dinnerware, kitchenware produced from primary kaolins and mixtures of primary kaolins with fluxes, sanitary ware, chemical porcelain and chemical stoneware.

3. The term "first quality" as used herein shall mean only sound useable flower pots.

4. The term "member of the industry" as used herein, shall mean any individual, co-partnership, corporation, association, or other form of enterprise engaged in the industry either as an employer or on his or its own behalf.

5. The term "employee" as used herein, shall mean any and all persons engaged in the industry, however compensated, except a member of the industry.

6. The term "employer" as used herein, shall mean anyone by whom any such employee is compensated or employed.

7. The term "apprentice" as used herein, shall mean any employee without previous experience or employment in the industry.

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

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

## ARTICLE III—HOURS

SECTION 1. *Maximum hours.*—Except as hereinafter provided, no employee shall be permitted to work in excess of forty (40) hours per week averaged over any one period of thirteen (13) weeks as selected by the employer, and not in excess of forty-four (44) hours in any one (1) week nor eight (8) hours in any one day, except that in the event



of an emergency involving breakdowns or protection of life or property or during periods of peak demand, upon recommendation of the Code Authority and subject to the approval of the Administrator, employees may be permitted to work in excess of the maximum hours herein prescribed provided that in all such cases employees shall receive time and one-third for all time worked in excess of eight (8) hours in any one day.

SECTION 2. *Exceptions as to hours.*—The provisions of Section 1 of this Article shall not apply to persons employed in a supervisory or executive capacity, designers and sculptors who receive thirty-five dollars (\$35.00) or more per week, nor to traveling salesmen.

SECTION 3. The provisions of Section 1 of this Article shall not apply to watchmen who may be employed in pairs and who shall not be permitted to work in excess of thirty-six (36) hours per week and forty-eight (48) hours per week on alternate weeks, or an average of forty-two (42) hours per week.

SECTION 4. The provisions of Section 1 of this Article shall not apply to continuous kiln firemen, who shall not be permitted to work in excess of fifty-six (56) hours per week nor more than twelve (12) hours per day and who shall receive time and one-third for all hours in excess of forty-two (42) hours per week.

SECTION 5. The provisions of Section 1 of this Article shall not apply to periodic kiln firemen and truck drivers engaged in inter-city hauling, who shall not be permitted to work more than eighty (80) hours in any two (2) weeks period, nor more than fifty-six (56) hours in any one (1) week.

SECTION 6. *Employment by several employers.*—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.

SECTION 7. *Employers performing the work of employees.*—Employers who personally perform manual work or are engaged in mechanical operators shall not exceed the maximum hours permitted by this Code.

#### ARTICLE IV—WAGES

SECTION 1. *Minimum wage.*—No male employee, except as hereinafter specifically provided, shall be paid less than at the rate of forty (40¢) cents per hour. No female employee, except as hereinafter specifically provided, shall be paid less than at the rate of thirty-two (32¢) cents per hour.

SECTION 2. No accounting, clerical, or office employee shall be paid less than at the rate of sixteen dollars (\$16.00) per week in any city having a population of one hundred thousand or over or in the immediate trade area of such city; nor less than at the rate of fifteen dollars (\$15.00) per week in any city, town or village having a population between twenty-five hundred and one hundred thousand or in the immediate trade area of such city, town or village; nor less than at the rate of fourteen dollars (\$14.00) per week in any city, town or village having a population of twenty-five hundred or less.

SECTION 3. The minimum wages in the Southern Districts, as defined in Article 6, Section 3, (a & c) shall be not less than eighty (80%) percent of the minimum wages provided in Sections 1 and 2

of this article but in no event shall the minimum wage be less than thirty (30¢) cents per hour.

SECTION 4. Apprentices may be employed at not less than eighty (80%) percent of the minimum wage prescribed in Sections 1, 2, 3 and 6 of this Article, provided, however, that the total number of apprentices employed by any member of the industry shall not exceed five (5%) percent of the total number of employees of any such member and their period of apprenticeship shall not exceed twelve (12) weeks whether served under one or more employers.

SECTION 5. *Piecework Compensation—Minimum Wages.*—This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework performance, or other basis.

SECTION 6. *Wages Above Minimum.*—The hourly rates for all occupations, excepting those receiving thirty-five dollars (\$35.00) or more per week, shall maintain the difference in hourly earnings between such occupations which existed on June 16, 1933, provided, however, that if the foregoing provision raises the hourly rate higher than the hourly rate for the same occupations which existed on July 15, 1929, the hourly rate in effect on that date shall apply, but in no event shall this rate be less than specified in Section 1 of this Article. The average hourly rates of the Industry rather than the hourly rate of any individual member of the industry shall be used to determine the July 15, 1929, rate and the June 16, 1933, rate. Within thirty days after the approval of this Code, the Code Authority, with the approval of the Administrator, shall determine and promulgate to members of the industry the average hourly rates of pay existing on July 15, 1929 and June 16, 1933 for all occupations in the industry.

SECTION 7. *Female Employees.*—Female employees performing substantially the same work as male employees and employed during the same work period, shall receive the same rates of pay as male employees and where they displace men, they shall receive the same rate of earning 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.

SECTION 8. *Handicapped Persons.*—A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him. The number of persons thus employed by any one member of the industry shall not exceed five (5%) percent of his total number of employees.

SECTION 9. *Payment.*—Employers shall pay employees only in cash or negotiable checks drawn at par on date of issue and employers and employees shall not enter into any agreement, the purpose or effect of which is to frustrate the purpose of this Section. Wages shall be payable at least twice a month and shall be exempt from any charges, fines and/or deductions by the employer, other than those agreed to by the employee or sanctioned by law.

## 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. 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.

SECTION 2. *Provisions from the Act.*—In compliance with Section 7 (a) of the Act it is provided that:

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

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

(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. *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.

SECTION 4. *Standards for Safety and Health.*—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. *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, or general working conditions, than are imposed by this Code.

SECTION 6. *Posting.*—All employers shall post and keep posted complete copies of the hour, labor and wage provisions, including wage differentials and classifications of this Code in conspicuous places accessible to employees.

## ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

## ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this Code and shall consist of nine (9) members; three (3) members to be chosen from each division of 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. There shall also be not more than three (3) additional members without vote and without compensation from the Industry to be appointed by the Administrator in his discretion and to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

SECTION 2. Vacancies in the personnel of the Code Authority selected by the Industry, shall be filled, pending a selection as provided for the original members, upon nomination by the Code Authority and approval by the Administrator.

SECTION 3. The Divisions of the Industry shall be as follows: Stoneware Division, Earthenware Division and Clay Flower Pot Division.

a. The Stoneware Division shall be divided into geographical regions, as follows:

(1) *Eastern District*.—Including therein the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, District of Columbia, Maryland, Virginia, West Virginia, Ohio, Indiana and Michigan.

(2) *Middle Western District*.—Including therein the States of Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Montana and Colorado.

(3) *Pacific District*.—Including therein the States of Idaho, Wyoming, Utah, New Mexico, Arizona, Nevada, California, Oregon and Washington.

(4) *Southern District*.—Including therein the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee, Arkansas, Louisiana and Texas.

(5) Other districts may be established upon application of any group desiring a separate regional district, subject to the approval of the Divisional Executive Committee.

(6) Each geographical region, and any others which may subsequently be formed, shall set up a district divisional committee consisting of five (5) members, for the purpose of administering in such district the provisions of the Code insofar as authority may be delegated to such committee by the Code Authority. Each member of each district divisional committee shall be an officer or director of a member of the industry or an individual engaged in the industry. Any district division may select one (1) member of another district to serve on its district divisional committee.

(7) The Stoneware Division shall be governed, as hereinbefore provided, by a Divisional Executive Committee of five (5) members, and they shall be chosen from each district divisional committee as follows:

- (a) Eastern District, two members
- (b) Middle Western District, one member
- (c) Pacific District, one member
- (d) Southern District, one member

This Divisional Executive Committee shall elect three (3) of its members to serve as the representatives of the Stoneware Division on the Code Authority.

b. The Earthenware Division shall be considered as a national unit without districts.

c. The Clay Flower Pot Division shall be divided into geographical regions, as follows:

(1) *Eastern District*.—Including therein the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York east of but not including Buffalo, Pennsylvania east of and including Altoona, New Jersey, Delaware, District of Columbia, Maryland and Virginia.

(2) *Central District*.—Including therein the States of New York west of and including Buffalo, Pennsylvania west of but not including Altoona, West Virginia, Ohio, Michigan, and Indiana.

(3) *Southern District*.—Including therein the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee, Arkansas, Louisiana and Texas.

(4) *Western District*.—Including therein the States of Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, Nebraska, Kansas, Oklahoma, Montana and Colorado.

(5) *Pacific District*.—Including therein the States of Idaho, Wyoming, Utah, New Mexico, Nevada, California, Oregon and Washington.

(6) Other districts may be established upon application of any group desiring a separate regional district, subject to the approval of the Divisional Executive Committee.

(7) The Flower Pot Division shall be represented by a Divisional Executive Committee. This Committee shall be composed of one representative from each of the regional districts and shall elect three (3) of its members to serve as the representatives of the Flower Pot Division on the Code Authority.

(8) Each member of the Divisional Executive Committee shall be entitled to one vote and a majority vote of all the members thereof is required to be a binding decision of the Committee. Any member may designate a proxy to act in his behalf at any meeting, providing such proxy is a member.

SECTION 4. Each Division, subject to rules and regulations of the Code Authority and the Administrator, shall have exclusive jurisdiction with respect to problems relating exclusively to said Division and each Division shall, through a fair method of selection, establish an executive committee who shall work with and under the direction of the Code Authority in administering the provisions of this Code in that Division.

SECTION 5. 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.

SECTION 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 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.

SECTION 7. 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 his reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SECTION 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 on the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

#### POWERS AND DUTIES

SECTION 9. The Code Authority shall have the following further powers and duties:

a. To administer the provisions of this Code, provide for the compliance of the Industry with the provisions of the Act, and to propose and submit amendments and/or modifications of this Code which on approval of the Administrator after such notice and hearing as he shall specify, shall become a part 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 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; but 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 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 subject to the disapproval of 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.

SECTION 9. 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

SECTION 1. The Code Authority, with the approval of the Administrator, shall prescribe an adequate cost finding method and thirty (30) days after approval thereof by the Administrator, each member of the industry shall use a cost finding method which shall conform to the principles of, and be at least as detailed and complete as that prescribed by the Code Authority.

SECTION 2. The Code Authority with the approval of the Administrator shall prescribe for each division, standard provisions governing maximum cash discounts, terms of payment, provisions governing delinquency, cancellation and/or return of industry products, which terms shall be adhered to and incorporated in all order, invoice and/or acknowledgement forms and used by all members of the industry.

SECTION 3. a. When such cost finding method shall have become effective as provided in Section 1 of this Article, each member of the industry shall publish and file with the Code Authority his own price lists and/or price lists and discount sheets, individually prepared by him, based on such cost finding method and covering each kind and size of each standard product offered for sale or sold by him, and such price lists and/or discount sheets shall become effective immediately upon the date of filing, or sixty (60) days after the effective date of this Code they shall become effective after such period of time as shall hereafter be established by the Code Authority with the approval of the Administrator. All such price lists and/or price lists and discount sheets shall state all discounts, (trade and cash) if any, and all other terms and conditions of sale provided in Section 2 of this Article, and shall be available upon request to any member of the industry or to any other interested party.

b. Revised price lists and/or price lists and discount sheets may be filed from time to time by any member of the industry which shall become effective immediately upon the date filed, or sixty (60) days after the effective date of this Code they shall become effective after such period of time as shall hereafter be established by the Code Authority with the approval of the Administrator, and shall be avail-

able upon request to any member of the industry or to any other interested party.

c. Price lists of non-standard specialty products need not be filed unless specifically requested by the Code Authority.

d. After the filing of such price lists and/or price lists and discount sheets, no member of the industry shall sell or offer for sale any of the products of this industry on a basis at variance from those filed in accordance with the provisions of this Section 3.

SECTION 4. No member of the industry shall sell or offer for sale any products of the industry below his own individual cost as determined by the use of a cost finding method, as provided in Section 1, except that such member may, in order to meet bona fide competition, file and thereafter offer to sell and sell at a price not less than the lowest filed price of a competing member on a comparable article, provided, however, that in the event of necessity requiring immediate disposition of inventories or with respect to sale or offer of sale of dropped lines or seconds, a member desiring to make such disposition or sale shall at least two weeks prior to any offer for sale or sale of same, furnish to the Code Authority such information concerning same as it shall prescribe. The Code Authority shall within ten days after receipt of such information render its decision of whether such facts thus disclosed warrant an exception hereunder. In the event that the Code Authority shall determine that such circumstances do not warrant such sale, the member may immediately appeal to the Administrator.

#### ARTICLE VIII—STANDARD SIZES

SECTION 1. All clay flower pots shall be sold in one grade only which shall be called "first quality" and on a basis of uniform standard sizes measured in inches of inside diameter at the top of the flower pot; however, a tolerance of variation at the rate of  $\frac{1}{32}$  of an inch for each inch of diameter shall be permitted, but flower pots of greater size than the allowed tolerance shall be sold as the next larger standard size; all flower pots and saucers up to and including 16 inches inside diameter shall be sold as one of the following sizes which shall be the standard of the industry subject to the right of the Code Authority with the approval of the Administrator to change such standards and tolerances from time to time as conditions warrant:

a. Standard, azalea ( $\frac{3}{4}$  height) and bulb ( $\frac{1}{2}$  height) pots.

1''	2 $\frac{1}{4}$ ''	4 $\frac{1}{2}$ ''	9''
1 $\frac{1}{8}$ ''	2 $\frac{1}{2}$ ''	5''	10''
1 $\frac{1}{4}$ ''	3''	5 $\frac{1}{2}$ ''	11''
1 $\frac{1}{2}$ ''	3 $\frac{1}{2}$ ''	6''	12''
1 $\frac{3}{4}$ ''	3 $\frac{3}{4}$ ''	7''	14''
2''	4''	8''	16''

b. Rose pots.

1 $\frac{1}{2}$ '' x 2''	2 $\frac{1}{2}$ '' x 3''
1 $\frac{3}{4}$ '' x 2 $\frac{1}{4}$ ''	2 $\frac{1}{2}$ '' x 3 $\frac{1}{2}$ ''
2'' x 2 $\frac{1}{2}$ ''	3'' x 4''
2 $\frac{1}{4}$ '' x 2 $\frac{3}{4}$ ''	

c. Saucers.

1''	5''	8''	12''
2''	6''	9''	14''
3''	7''	10''	16''
4''			



## ARTICLE IX—TRADE PRACTICE RULES

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

RULE 1. To give to any purchaser any special or discriminatory prices, terms, privileges, rebates, allowances, refunds, unearned credits or discounts, in any manner whatsoever not extended to all purchasers of the same class under like terms and conditions.

RULE 2. To evade or disguise actual prices of any transaction in any manner whatsoever; or to sell or deliver a greater quantity or a superior quality of material than is charged for.

RULE 3. To quote, make, allow, or sell at a price or discount conditioned on the basis of combined sales or shipments of products of two or more divisions of the industry, except to allow for actual freight saved to the purchaser through carload shipment.

RULE 4. To assist in the establishment of fair competition, the Code Authority, with the approval of the Administrator, shall establish standard qualifications of types of buyers and thereafter no member of the industry shall sell or offer to sell any industry products at variance with the standards thus established.

RULE 5. To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 6. To attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; or to interfere with or obstruct the performance of such contractual duties or services.

RULE 7. To publish advertising, or make or cause to be made any statement, which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services.

RULE 8. To ship goods on consignment except under conditions to be defined and applied uniformly, by the Code Authority, where peculiar circumstances of the industry require the same.

RULE 9. To withhold from or insert in an invoice, statements or entries which make such invoice a false record, wholly or in part, of the transaction represented on the face thereof.

RULE 10. To describe any industry products, or the materials that go into such, in any manner tending to deceive the customer; or to substitute, without the knowledge of the purchaser, inferior materials.

RULE 11. To guarantee against price decline or price advance.

RULE 12. To give discounts in excess of five per cent (5%) on the sale of clay flower pots in consideration of the buyer calling at the factory or warehouse for the merchandise instead of requiring delivery by the seller.

RULE 13. To split or divide commissions, brokers' fees, or brokers' discounts, or otherwise in any manner through sham or indirection

to use or endeavor to use a brokerage commission, or jobber's arrangement or sales agency to make discounts, allowances, rebates, or prices to customers other than as provided in this Code.

RULE 14. To sell to or through any broker, jobber, commission account, or sales agency which is in fact an agency for retailers whereby such retailers endeavor to thus secure a discount, allowance, or price other than the price published for retailers, except to buying syndicates, which purchase and pay for the products.

RULE 15. To publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

RULE 16. To imitate a competitor's trade mark, trade name, or exclusively established design of product, or package, intended to identify the maker or vendor of said product, when the effect of such imitation may be to cause confusion in the minds of purchasers with reference to the identity of the maker thereof.

RULE 17. To sell or offer to sell common red flower pots as "seconds" or as any other class except "first quality."

#### ARTICLE X—MODIFICATION

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

SECTION 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 hearings as he shall specify, and to become effective on approval of the Administrator, unless otherwise provided.

#### ARTICLE XI—MONOPOLIES, ETC.

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

#### ARTICLE XII—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 such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

#### ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective on the fifteenth day after its approval by the Administrator.

Approved Code No. 323

**CODE OF FAIR COMPETITION**  
FOR THE  
**DIE CASTING MANUFACTURING INDUSTRY**

As Approved on March 8, 1934

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**ORDER**

APPROVING CODE OF FAIR COMPETITION FOR THE DIE CASTING  
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 Die Casting Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved subject to the following condition: that the continued participation of the American Die Casting Institute in the Code Authority after 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.,  
*March 8, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Die Casting Manufacturing Industry as revised after the Public Hearing held thereon in Washington, D.C., on December 20, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS REGARDING HOURS AND WAGES

The Code provides a maximum work week of forty (40) hours with an allowance of forty-eight (48) hours per week during peak periods, but such hours worked in excess of forty (40) hours per week shall not exceed a total of six (6) weeks in any six (6) months' period.

Provision is made that when additional skilled men are not available Die and Tool Makers may be requested to work additional hours, when restriction of hours of these men would unavoidably reduce the hours of other productive workers. This over-time is compensated at the rate of time and one-half.

A tolerance of ten (10) per cent longer hours shall be allowed for firemen, engineer, electricians, emergency repair and maintenance, shipping, and delivery crews. Watchmen shall be permitted to work fifty-six (56) hours per week. The provisions as to hours shall not apply to executives, administrative, and supervisory employees receiving \$35.00 or more per week.

A minimum wage rate of forty (40) cents per hour is provided regardless of the basis of compensation, with the following exceptions:

(1) Those engaged in light repetitive work consisting of cleaning, finishing, and inspecting shall be paid at the rate of not less than thirty-two and one-half ( $32\frac{1}{2}$ ) cents per hour, but the number of employees so paid shall not exceed five (5) per cent of the total number of employees; (According to information furnished by the Industry, this is the only type of factory work for which female labor is employed; consequently this clause establishes the minimum rate of pay for female labor.)

(2) Beginners learning a trade in the die making departments may be paid at eighty (80) per cent of the minimum rate for a three (3) months' period, but the number of learners shall not exceed one for every ten skilled mechanics.

(3) Office workers shall receive a minimum wage of \$15.00 per week in cities of more than 500,000 population, \$14.50 per week in cities of between 250,000 and 500,000 population, and \$14.00 per week in all other cities. Office boys or girls may be paid at not less than

eighty (80) per cent of such minimum rates, but their number shall not exceed five (5) per cent of the total number of office employees.

(4) Partially incapacitated persons may be employed at lower wages under conditions authorized by an agency designated by the United States Department of Labor.

Equitable adjustments of pay schedules above the minimum shall be made and no employee shall be reduced, nor shall employees be reclassified to defeat the purposes of the Act.

No person under sixteen (16) years of age shall be employed and none under eighteen (18) years at hazardous occupations.

#### ECONOMIC AND STATISTICAL MATERIAL

The industry is not large as there are believed to be less than fifty firms engaged in producing commercial castings and three-fourths of the business is concentrated in less than twenty firms. Responses from the firms doing three-fourths of the business show that sales have dwindled from \$20,000,000 in 1929 to \$6,000,000 in 1932, and during the same period, the capital invested dropped from \$12,000,000 to \$7,000,000.

In each of the years, 1928 and 1929, the total net profits of these companies amounted to about \$1,500,000, but this fell to \$13,000 in 1930 and since then there has been a loss, as shown by the following table:

Year	Em- ployees	Minimum wage (cents per hour)		Weekly pay roll	Year	Em- ployees	Minimum wage (cents per hour)		Weekly pay roll
		Male	Fe- male				Male	Fe- male	
1928.....	2, 825	34	27	\$103, 000	1932.....	1, 672	29	24	\$48, 000
1929.....	3, 483	35	28	118, 000	1933 (March).....	1, 823	26	23	1 38, 000
1930.....	2, 309	34	28	75, 000	1933 (November)....	2, 990	33	30	-----
1931.....	1, 776	33	28	55, 000					

<sup>1</sup> First 8 months 1933.

The Industry was unable to assemble and tabulate figures of hours worked per week, but it was stated that they have been in excess of forty (40). It is significant that the minimum wage rates per hour for both male and female labor, as provided in the Code, show a substantial increase over those prevailing in 1929. It is also noteworthy that employment in November, 1933, exceeded that in 1928 and, furthermore, showed a fifty (50) percent increase in the fall over that in the spring. It is believed that this gain may be further increased under the Code.

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

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 group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

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

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

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

For these reasons, therefore, I have approved this Code subject to the following condition: that the continued participation of the American Die Casting Institute in the Code Authority after 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.*

MARCH 8, 1934.

# CODE OF FAIR COMPETITION FOR THE DIE CASTING MANUFACTURING INDUSTRY

## ARTICLE I—PURPOSES

To effectuate the policies of Title 1 of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Die Casting Manufacturing Industry, and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "Industry" as used herein includes the manufacture for sale of die castings, and does not include the manufacture of die castings when manufactured for use as part of another product by the manufacturer of such other product.

The term "die casting" as used herein is a casting made by forcing molten metal under pressure into a metallic mold or die.

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

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

The term "member of the Industry" includes anyone engaged in the Industry as defined above, 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 1 of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

## ARTICLE III—HOURS

SECTION 1. On and after the effective date no employee shall be permitted to work in excess of forty (40) hours per week.

(a) Provided, that during peak periods in which a concentrated demand shall place an unusual and temporary burden for production upon the facilities of the Industry, employees may be permitted to work not more than forty-eight (48) hours per week in any six (6) weeks in any six (6) months' period.

(b) Provided, further that firemen, engineers, electricians, emergency repair and maintenance, shipping, and delivery crews shall be allowed a tolerance of ten percent (10%) based upon the maximums above prescribed.

(c) Provided further that when additional skilled men are not available Die and Tool Makers, at the request of the employer, may

work additional hours beyond those specified above when restriction of hours of these highly skilled workers would unavoidably reduce the hours of other productive workers, provided such additional hours shall be paid for at the rate of time and one-half.

(d) Providing further, that nothing in the foregoing employment provisions shall apply to executives, administrative, and supervisory employees who receive thirty-five dollars (\$35.00) or more per week; and outside salesmen.

SECTION 2. Watchmen shall not work in excess of fifty-six (56) hours per week and not more than six (6) days in any seven (7) day period.

SECTION 3. The Industry recognizes the desirability of and accepts the principle of the eight (8) hour working day for labor and insofar as it reasonably can, the Industry will endeavor to employ its labor on that basis.

SECTION 4. No employee shall knowingly be permitted to work for one or more employers in the aggregate in excess of the above prescribed number of hours.

#### ARTICLE IV—WAGES

SECTION 1. No employee except as hereinafter provided shall be paid at less than the rate of forty cents (40¢) per hour with the exception of those engaged in light, repetitive work, consisting of cleaning, finishing and inspecting, who shall be paid at not less than the rate of thirty-two and one-half cents (32½¢) per hour, provided that the number paid at this rate by any member shall not exceed five percent (5%) of his total number of factory employees.

(a) Provided that beginners learning a trade in the die making departments of any plant may be paid not less than eighty percent (80%) of the minimum rate for not more than three (3) months, and provided further that the number of such employees paid less than the minimum rate shall not exceed one for every ten (10) skilled mechanics in this department. Provided, also, that each employer shall be entitled to at least one such employee.

SECTION 2. Office, accounting, and clerical employees shall receive a minimum wage of fifteen dollars (\$15.00) per week in cities of more than five hundred thousand (500,000) population, fourteen dollars fifty cents (\$14.50) per week in cities of between two hundred fifty thousand (250,000) and five hundred thousand (500,000) population, and fourteen dollars (\$14.00) per week in cities of two hundred fifty thousand (250,000) population and less.

SECTION 3. These rates shall not apply to office boys and girls, who may be paid not less than eighty percent (80%) of such minimum rates, but the total number of such office boys and girls shall not exceed in any calendar month five percent (5%) of the total number of office employees for each employer and in no case less than one.

(a) Provided, however, that where any State law requires any higher minimum wages than those specified in this Article such higher minimum wages shall apply in all cases; and



(b) Provided, 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.

SECTION 4. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piecework, or other basis.

SECTION 5. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 6. Equitable adjustments in all pay schedules of employees above the minima shall be made on or before fifteen (15) days subsequent to the effective date of this Code by any employers who have not made such adjustments since May 1, 1933.

SECTION 7. No employees receiving more than the minimum rate shall have their wages reduced.

SECTION 8. Each employer shall post in a conspicuous place the labor provisions of this Code.

SECTION 9. The first report of wages, required to be filed under this Code, shall contain all wage increases made since May 1, 1933.

#### ARTICLE V—GENERAL LABOR PROVISIONS

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

SECTION 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.

SECTION 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.

SECTION 4. 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 such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 5. Employers shall not reclassify employees so as to defeat the purposes of the Act.

ARTICLE VI—ADMINISTRATION <sup>1</sup>

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 1. The Code Authority shall consist of five individuals from among the members of the Industry, three of whom shall be elected as regional representatives, one for the region East of the Meridian, forming the western boundary of the City of Buffalo, New York; one from the region from that line westward to the Meridian forming the Illinois, Indiana boundary; one from the region from the Meridian forming the Illinois, Indiana boundary westward; and two as members of the Industry at large. All shall be elected by the members of the Industry, each member of the Industry to have only one vote. Such election shall be by mailed ballots which ballots shall be sent to all members of the Industry by the Secretary of the American Die Casting Institute who is authorized to conduct the election. In addition to the membership, as above provided, there may be not more than three members without vote to be appointed by the Administrator.

SECTION 2. The expenses of the administration of this Code shall be apportioned by the Code Authority subject to the disapproval of the Administrator among the employers of the Industry on the basis of the number of man hours worked by employees falling under this Code for the period of any assessments made hereunder and any other factors which in justice and reason should be considered.

SECTION 3. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject only to disapproval by the Administrator.

(a) To make rules and regulations and to appoint such agents as may be necessary for the administration of this Code.

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

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

(d) To collect such reports and statistical data from persons engaged in the Industry as may be required to secure proper observance of the Code. Such data shall be submitted to an impartial agent designated by the Code Authority. No individual reports shall be disclosed to any member of the Industry or any other party except to such governmental agencies as may be directed by the Administrator to secure enforcement of the provisions of this Code.

(e) To prescribe methods and conditions for the reporting of prices subject to the disapproval of the Administrator.

(f) To cooperate with the Administrator in making investigations as to the functioning and observance of any of the provisions of this

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

Code, at its own instance or on complaint by any person affected, to adjust complaints directly or through its designated agents, and to report complaints or violations to the Administrator.

(g) To inform the President on behalf of the Industry as to the importation of competitive articles into the United States in substantial quantities or increasing ratio to domestic production on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code and make complaint to the President on behalf of the Industry, under the provisions of the National Industrial Recovery Act, with respect thereto.

(h) Any action taken by the Code Authority, or other group within the Industry, for the purpose of making effective the provisions of this Code, may in the discretion of the Code Authority or such other group be submitted to the Administrator for approval, and shall, in any case, be subject to the disapproval of the Administrator.

(i) Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose.

#### ARTICLE VII—STATISTICS

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

#### ARTICLE VIII—TRADE PRACTICES

The practices and methods as set forth in this Article are hereby designated as unfair methods of competition, and indulgence by any member of the Industry in any of the same shall be a violation of this Code.

SECTION 1. To make or cause or permit to be made or published any false, inaccurate or deceptive statement in any material detail 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 and capacity to mislead or deceive customers or prospective customers.

SECTION 2. To use or substitute materials inferior in quality to those specified by the purchaser without the knowledge and consent of the purchaser.

SECTION 3. To allow a discount for payment in advance of the due date greater than one percent (1%) on castings or to allow any discount for cash on dies and tools.

SECTION 4. No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such 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 as far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 5. To fail to charge the customer for any castings in process, as well as the cost of dies and tools discarded because of changes in the order made by the customer.

SECTION 6. Inasmuch as full compensation for the special engineering, maintenance, storage, handling, insurance and repair of dies and equipment is not included in the price, being assumed by the die caster, and for this reason and because of the special character of the processes, the dies and tools shall be the joint property of the customer and the die caster. Therefore it is an unfair method of competition to fail to make a charge to cover the special engineering, maintenance, storage, handling, insurance and repair of dies and equipment before transferring possession of the die to the customer. This charge shall be determined by the Code Authority and shall be subject to the disapproval of the Administrator.

This clause need not apply in cases where the maker of the die delivers it to the buyer who owns die casting machinery purchased from the maker of the die.

SECTION 7. To fail to include in all quotations, acknowledgments, orders, or contracts covering dies to be used for supplying castings a provision reading as follows: "the above described dies will remain in our possession and control, and when for three consecutive years no orders are received for castings to be made from such dies, they will be considered as obsolete and may be destroyed by us after giving thirty (30) days written notice thereof to the customer."

SECTION 8. To quote on die castings to be produced from dies in the possession of another die caster.

SECTION 9. To quote prices on castings without quoting a separate charge which covers the cost of constructing the necessary dies and tools required for the production of such castings.

SECTION 10. To accept requirement contracts without a specific minimum which shall not be less than seventy-five percent (75%) of the maximum and without specifying the time limit, except where such contracts permit of a price adjustment on date of release of quantities under the contract.

SECTION 11. To withhold from or insert in an invoice anything which would make the invoice a false record, wholly or in part, of the transaction in question, or make any arrangement which would contemplate payment or settlement contrary to the face of the invoice.

SECTION 12. 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.

SECTION 13. To imitate or simulate the trade mark, trade name, package, wrapper, or label of a competitor's product to such a degree as to deceive or have a tendency to deceive customers.

SECTION 14. To give buyers guarantees against price declines or protection against price advances.

SECTION 15. To accept orders or releases for production in quantities substantially less than those estimated as a continuous run

on which the sales price was based, unless an additional charge covering increased cost per piece be made.

SECTION 16. 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.

SECTION 17. To sell any dies, tools, castings, services, and/or any one of these at a price, or upon terms and conditions, which will result in the customer's paying for the goods received less than the cost thereof to the seller, determined in accordance with the method of costing described in Article IX, Section 1; provided, however, that nothing herein contained shall prevent any member of the Industry from meeting the price of any competitor who is not himself selling below cost.

#### ARTICLE IX—COST FINDING AND SALE BELOW COST

SECTION 1. 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.

SECTION 2. When the Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

#### ARTICLE X—MODIFICATION

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

SECTION 2. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the Administrator, be modified or eliminated as changes in circumstances 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 competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of the Act consistent with the provisions thereof.

#### ARTICLE XI—MONOPOLIES, ETC.

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

#### ARTICLE XII

This Code shall become effective ten (10) days after its approval by the President.

Approved Code No. 323.  
Registry No. 1224-1-02.



Approved Code No. 324

**CODE OF FAIR COMPETITION**

FOR THE

**TEXTILE PRINT ROLLER ENGRAVING INDUSTRY**

As Approved on March 8, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE TEXTILE PRINT  
ROLLER ENGRAVING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Textile Print Roller Engraving 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 is hereby approved.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

W. A. HARRIMAN,

*Division Administrator.*

WASHINGTON, D.C.,

*March 8, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Textile Print Roller Engraving Industry of the United States, as revised after a Public Hearing conducted in Washington on December 29, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

Employees are limited to 40 hours per week and 8 hours per day except that upon specific approval of the Joint Industrial Relations Board, established under the Code, any employee may be permitted to work 48 hours per week in any 12 weeks in any calendar year, provided time and a half is paid for all hours worked in excess of 8 per day or 40 per week. Care and maintenance employees and stock, shipping, and delivery employees are permitted a tolerance of 10%, providing that they do not work in excess of 44 hours per week in any 6 weeks in any 6 month period. Employees engaged in outside service work or emergency maintenance or emergency repair work may be employed for any required number of hours, if paid time and a half for all hours in excess of 8 per day or 40 per week. Watchmen may work 56 hours per week but only 6 days in 7 days. The hour limitation does not apply to persons employed in a managerial, executive, or supervisory capacity who receive more than \$35 per week or to commercial traveling salesmen. Office employees may work 40 hours per week and 9 hours in any 24 hour period but a normal day shall not exceed 8 hours.

The minimum wage paid all employees will be \$16 per week, or 40 cents per hour, except that wages for apprentices and learners may be at a lesser rate to be determined by the Joint Industrial Relations Board.

### 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 THE CODE

The Textile Print Roller Engraving Industry is a service industry engraving printing rolls and plates for the textile printing industry. The demand for the products of the Industry follows the demand for textiles and the changes in styles and designs.

Prior to the signing of the President's Reemployment Agreement, the hours in the Industry averaged 48 per week.



The aggregate number of employees in the Industry in 1929 was 3000 but this had dropped to a low point of approximately 1800 early in 1933. Operating under the President's Reemployment Agreement and the hour and wage provisions of this Code, employment has been increased by 200 employees with an additional purchasing power of ten percent.

#### FINDINGS

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

I find that:

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

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

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant 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 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 for Industrial Recovery.*

MARCH 8, 1934.

# CODE OF FAIR COMPETITION FOR THE TEXTILE PRINT ROLLER ENGRAVING 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 Textile Print Roller Engraving Industry and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The following terms are used herein with the meanings set forth below:

SECTION 1. "Textile Print Roller Engraving Industry" or the "Industry"—the engraving of copper, steel and brass rollers, dies, mills and plates used for the printing and embossing of textile fabrics, paper and leather, and all related branches or sub-divisions thereof.

SECTION 2. "Member of the Industry"—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.

SECTION 3. "Employee"—anyone engaged in the Industry in any capacity, receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

SECTION 4. "Employer"—anyone by whom any such employee is compensated or employed.

SECTION 5. "Person"—a natural person, a partnership or a corporation, or any other entity.

SECTION 6. "Guild"—the Master Engravers Guild, a non-profit association with principal offices at Bound Brook, New Jersey.

SECTION 7. "President", "Act", and "Administrator"—respectively, the President of the United States of America, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery under said Act.

SECTION 8. "Effective date"—the tenth day after the Code has been approved by the President.

## ARTICLE III—HOURS

SECTION 1. No employee, except as hereinafter provided, shall be permitted to work in excess of forty (40) hours in any one (1) week, nor in excess of eight (8) hours in any one (1) day, nor in excess of five (5) days in any one (1) week, and only between 7 A.M. and 7:30 P.M.; provided, however, that upon specific ap-

proval of the Joint Industrial Relations Board, established and functioning pursuant to Article VI hereof, employees within any defined area of the Industry may be permitted to work not in excess of forty-eight (48) hours per week in any twelve (12) weeks in any calendar year; provided, further, that time and a half shall be paid for all hours worked in excess of eight (8) hours in any one (1) day or forty (40) hours in any one (1) week.

SECTION 2. The limitations as to hours of labor stipulated in Section 1 of this Article shall not apply to:

(a) Employees engaged in the care and maintenance of plant, machinery and production facilities and as stock and shipping clerks and delivery employees, who may be permitted to work not in excess of eight and eight-tenths (8.8) hours in any one (1) day; provided, however, that such employees shall not be permitted to work in excess of forty-four (44) hours per week for more than six (6) weeks in any six (6) month period.

(b) Outside service employees or employees engaged in emergency maintenance or emergency repair work in the plant of a member of the Industry, or for a customer of such member in the customer's plant, who may be permitted to work such hours as may be required by the necessities of the situation; provided, however, that such outside service employees or employees engaged in emergency maintenance or emergency repair work shall be paid at the rate of time and one-half for all hours worked in excess of eight (8) hours in any one (1) day or forty (40) hours in any one (1) week.

(c) Watchmen, who may be permitted to work not in excess of fifty-six (56) hours in any one (1) week nor in excess of six (6) days in any seven (7) day period.

(d) Persons employed in a managerial, executive, or supervisory capacity, who receive more than thirty-five (35) dollars per week, or commercial traveling salesmen.

SECTION 3. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any one (1) week or in excess of nine (9) hours in any twenty-four (24) hour period. A normal day shall not exceed eight (8) hours.

SECTION 4. 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 Industry, exceeds the maximum permitted herein.

SECTION 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

SECTION 1. No employee shall be paid less than at the rate of sixteen (16) dollars per week, or forty (40) cents per hour; provided, however, that the Joint Industrial Relations Board, established and functioning pursuant to Article VI hereof, may hereafter determine the minimum wages to be paid apprentices and learners, subject to the approval of the Administrator.

SECTION 2. This Article establishes a minimum rate of pay, regardless of whether an employee is actually compensated on a time rate, piece-work or other basis.

SECTION 3. No employee whose normal full time weekly hours for the four (4) week period ending June 30, 1933, are reduced by sixteen and two-thirds ( $16\frac{2}{3}$ ) percent or less shall have his or her full time weekly earnings reduced.

SECTION 4. Female employees performing 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.

#### 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. Each member of the industry shall submit to the Code Authority 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 or Agency in such 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:

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

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

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

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. Within each State this Code shall not supersede the laws of any such State which impose 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.

SECTION 5. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within six (6) months after the effective date of this Code.

SECTION 6. Every employer shall make payment of all wages due in lawful currency or by negotiable check therefor payable on de-

mand. No deduction from wages shall be made by any employer for 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 semi-monthly period, and salaries at least at the end of every month. No employer shall withhold wages.

SECTION 7. Each employer shall post Articles III, IV, V, and VI of this Code in conspicuous places accessible to employees.

#### ARTICLE VI—JOINT INDUSTRIAL RELATIONS BOARD

SECTION 1. A Joint Industrial Relations Board is hereby established to consist of three (3) representatives of employers and three (3) representatives of employees to deal with all matters in the Code relating to labor. Where a majority agreement of this Board cannot be reached, the Board shall select an impartial chairman to render a decision.

SECTION 2. The creation and functioning of this Board, including the selection of representatives of employees, shall be in accordance with Section 7 of the Act. The three (3) representatives of the employees shall be designated by the Friendly Society of Engravers, and the three (3) representatives of the employers shall be designated by the voting members of the Code Authority. The decisions of this Board shall be final and binding on employers and employees only after approval by the Administrator.

SECTION 3. Should the Administrator hereafter find, after such notice and hearing as he may specify, that the Friendly Society of Engravers is not truly representative of the employees or that for any other reason, within the purview of the Act, the method of selection of the employee representatives should be changed, he may require an appropriate modification in the method of selection of the employee representatives.

#### ARTICLE VII—ADMINISTRATION

To effectuate further the policies of the Act, a Code Authority is hereby constituted:

SECTION 1. Organization and constitution of Code Authority:

(a) The Code Authority shall consist of five (5) representatives of the Master Engravers Guild to be selected by the Board of Directors of the Master Engravers Guild. Members of the Industry who are non-members of the Guild may, if they so desire, elect two (2) members of the Code Authority in any fair manner approved by the Administrator; provided, however, that only those non-members who agree to pay their reasonable share of the expense of the administration of the Code shall be entitled to participate in the election of the representatives of the non-members. The Administrator in his discretion may appoint one (1) to three (3) additional members without vote to represent the Administrator or such groups or interests as he may designate.

(b) The Guild or any Association directly or indirectly participating in the activities of the Code Authority agree to (1) impose no inequitable restrictions on membership, and (2) submit to the

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

(c) In order that the Code Authority shall at all times be truly representatives of the non-members. The Administrator in his discretion under 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) 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 its 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 2. The Code Authority shall have the following duties and powers to the extent permitted by the Act:

(a) To adopt by-laws and rules and regulations for its procedure and for the administration of this Code, except such matters as come within the jurisdiction of the Joint Industrial Relations Board, established and functioning pursuant to Article VI hereof.

(b) To require from members of the Industry such reports as are necessary to effectuate the purposes of the Act, make investigations upon its own initiative or upon complaint of any member of the Industry as to the functioning and observance of any provision of the Code; hear all matters developing from such investigations to determine the same; and from time to time present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of the provisions of the Act.

(c) To hear all matters pertaining to the provisions of the Code which may be submitted to it by any member of the Industry; report such matters to the Administrator; and exercise any other general and lawful powers which may be necessary to facilitate the administration of this Code.

(d) To study the effect of the provisions of this Code on the Industry and consider proposals for modifications and amendments thereto and make recommendations from time to time to the Administrator which modifications and amendments shall become effective as a part of this Code upon approval by the Administrator after such notice and hearing as he may specify.

(e) To 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.

(f) To obtain from members of the Industry such information and reports as are required for the administration of the Code and 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, however, 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 anyone not a member of the Code Authority; provided, further, that such information and reports shall at all times be available to the Administrator.

(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 investigate the importation of competitive articles into the United States on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code and of the Act; the Code Authority is hereby designated as the Agency for making complaint to the President on behalf of the Industry, under the provisions of the Act, with respect thereto.

(i) To provide for the compliance of the Industry with the provisions of the Code, under such Rules and Regulations as may be prescribed by the Administrator.

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

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

SECTION 3. 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 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—TRADE PRACTICES

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

SECTION 1. *Selling Below Reasonable Cost.*—When the Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such deter-

mination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such product. When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

SECTION 2. *False Billing*.—Withholding from or inserting in any quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 3. *Misrepresentation*.—Making, causing, or permitting to be made or published any false or misleading or materially inaccurate statement concerning the grade, quality, or nature of any process in the Industry or results obtainable thereby.

SECTION 4. *Defamation*.—Making or causing to be made false or defamatory statements concerning a competitor, his business, policies or products.

SECTION 5. *Commercial Bribery*.—Giving, permitting to be given, or directly offering to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party; provided, however, that this shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 6. *Subterfuge, Collusion*.—Knowingly violating or inducing another to violate or using subterfuge to evade the Code of Fair Competition of this or of any other Industry, or being an accessory to such evasion or violation.

SECTION 7. *Secret Rebates*.—Secretly making or offering to make payment or allowance of rebates, refunds, commissions, credits, unearned discounts, or excess allowances, whether in the form of money or otherwise, or secretly extending or offering to extend to any customer any special service or privilege not extended to all customers of the same class.

SECTION 8. *Dividing Compensation*.—Paying or allowing to anyone who is engaged in the processing of goods any part of the compensation received by a member of the Industry for services within the Industry performed for a third party.

SECTION 9. *Subcontracting Work*.—Contracting with an employee of a member of the Industry to do work of an engraving nature outside his regular hours of employment. Each member of the Industry shall furnish the Code Authority within thirty (30) days after the effective date of this Code, and once every month thereafter, the names of any persons to whom work of an engraving nature has been given to be performed off the premises of such



member of the Industry. The list of names so filed shall be available to the Administrator upon request.

SECTION 10. *Estimating*.—No member of the Industry shall quote prices for engraving of any nature until patterns have first been submitted to him for estimating.

#### ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President in accordance with the provisions of Section 10 (b) 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 the Act, may be modified on the basis of experience or change in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval by the President.

#### ARTICLE X—MONOPOLIES

SECTION 1. Nothing in this Code shall be interpreted or applied in such a manner as to permit or promote monopolies or monopolistic practices, permit or encourage unfair competition or to eliminate, oppress or discriminate against small enterprises.

#### ARTICLE XI—EFFECTIVE DATE

SECTION 1. This Code shall become effective on the tenth day after its approval by the President.

Approved Code No. 324.

Registry No. 504-9-01.





**CODE OF FAIR COMPETITION**  
**FOR THE**  
**HORSESHOE AND ALLIED PRODUCTS**  
**MANUFACTURING INDUSTRY**

As Approved on March 8, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE HORSESHOE AND ALLIED  
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 Horseshoe and Allied 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 VII. (Section 1) insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale be and they are hereby stayed pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration; provided, further, that Section 2 of Article VII be deleted in its entirety from the Code.

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

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*March 8, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Horseshoe and Allied Products Manufacturing Industry, the hearing having been conducted thereon in Washington, D.C., on January 9, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### RÉSUMÉ OF CODE AS TO WAGES AND HOURS

This Code provides that the normal number of working hours shall be 8 hours per day and 40 hours per week, except that employees may work not exceeding 48 hours a week for four weeks in any six months' period. These provisions apply to all classes of employees except those employed in managerial, executive, supervisory or technical capacities receiving not less than \$35.00 per week, field service men, employees engaged in emergency repairs and watchmen. Watchmen are not permitted to work more than 48 hours per week.

The minimum hourly rates in plants located in the North are forty (40) cents per hour for males and females in all branches of the Industry, except the Horseshoe Nail branch. The minimum rate in the Horseshoe Nail branch shall be at the rate of forty (40) cents per hour for males and thirty-five (35) cents per hour for females, and in plants located in the South the said minimum hourly rate shall be thirty (30) cents per hour for both males and females.

The minimum weekly wage is \$16.00 with exception of watchmen, office boys and girls who shall be paid not less than 80% of the minimum rate.

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 Horseshoe and Allied Products Manufacturing Industry as defined in the Code includes the manufacture and sale of shoes for horses and mules, drop forged drive and screw calk shoes and calks and rubber calks, tools manufactured specifically for installing drive calk and screw calk shoes, rubber filled horseshoes, rubber hoof pads for horses and mules and horseshoe nails, and its customers are, therefore, jobbers in blacksmith supplies and blacksmiths.

The investment in the Industry was approximately \$18,000,000 in 1928 and \$15,000,000 in 1933 and the wage earners in normal times number about 3,000 people, while the total annual payroll was not available the average annual wage was nearly \$1,400 in most of the northern plants.

Due to the automobile the production of the Industry has dropped considerably in the last decade; the value of production in 1928 being \$8,000,000 while in 1933 it was only \$4,000,000. Operations in 1928 and 1929 were 23% of total capacity; in 1930, 22% of total capacity; in 1931, 19% of total capacity; in 1932, 16% of total capacity and in 1933 about 14½% of total 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; provided, however, that the provisions of Section 1, Article VII, 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.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 8, 1934.

# CODE OF FAIR COMPETITION FOR THE HORSESHOE AND ALLIED PRODUCTS MANUFACTURING INDUSTRY

## ARTICLE I

For the purpose of effectuating the policy of Title I of the National Industrial Recovery Act, in its relation to the Horseshoe and Allied Products Manufacturing Industry, the following provisions are hereby established as constituting a Code of Fair Competition for the said Industry, and its provisions shall be standards of fair competition for the Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

(a) The term "Horseshoe and Allied Products Manufacturing Industry," as used in this Code, shall include the manufacture and sale of:

1. Shoes for Horses and Mules.
2. Drop Forged Drive and Screw Calk Shoes and Calks and Rubber Calks; and tools manufactured specifically for installing Drive Calk and Screw Calk Shoes.
3. Rubber Filled Horseshoes.
4. Rubber Hoof Pads for Horses and Mules.
5. Horseshoe Nails.

Said term shall not include blacksmithing.

(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 or its own behalf.

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

(d) 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 OF LABOR

SECTION 1. On and after the effective date, no employee shall be permitted to work more than 40 hours per week, or more than 8 hours in any one day, except as hereinafter provided. This restriction as to hours shall not apply to conditions of peak demand for four (4) weeks in any six months period beginning January first and July first of each year, but not in excess of forty-eight (48) hours per week.

SECTION 2. The aforesaid limitations as to hours of labor shall not apply to persons who earn not less than \$35.00 per week, employed in a managerial, executive or supervisory capacity, and/or

in a technical capacity, and/or as field service men. The aforesaid limitations as to hours of labor shall also not apply to commercial traveling salesmen or watchmen; nor to employees engaged in emergency maintenance or repair work; provided, however, that in such cases of emergency, maintenance or repair work, all work done in excess of 8 hours per day shall be compensated at a rate of not less than one and one-half times the normal rate of each workman so engaged.

SECTION 3. On and after the effective date, no accounting, clerical, or other office employees shall be permitted to work more than 40 hours per week, nor more than 8 hours in any one day, except as otherwise provided in Section 2 of this Article.

SECTION 4. The provisions of this Article shall not apply to watchmen, but watchmen shall not be permitted to work more than forty-eight (48) hours in any one week.

SECTION 5. 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.

SECTION 6. All employees who work more than the normal number of hours per day (8) in any twenty-four (24) hour period or more than the normal number of hours per week (40) in any seven days, shall be paid time and a half the normal rate of pay for such excess. Such overtime shall not exceed eight (8) hours in any one week, except in cases of emergency maintenance or emergency repair work. This Section shall not apply to employees specified in Section 2 of Article III (except employees engaged in emergency maintenance or repair work).

#### ARTICLE IV—WAGES

SECTION 1. On and after the effective date, the minimum wage that shall be paid to employees by members of the Industry in plants located in the North shall be at the rate of forty (40) cents per hour for males and females, in all branches of the Industry except the Horseshoe Nail branch. The minimum rate in the Horseshoe Nail branch shall be at the rate of forty (40) cents per hour for males and thirty-five (35) cents per hour for females; and in plants located in the South the said minimum wage shall be at the rate of thirty (30) cents per hour for both males and females. The South is defined as comprising Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi and Tennessee; the North as comprising the remainder of continental United States.

SECTION 2. On and after the effective date, the minimum wage that shall be paid by any member of the Industry to all employees other than factory employees, shall be not less than at the rate of \$16. per week.

SECTION 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.

SECTION 4. There shall be an equitable adjustment of all wages above the minimum, and to that end, within sixty days from the



approval of this Code, the Code Authority shall submit for the approval of the Administrator, its proposal for adjustment in wages above the minimum, provided such adjustment has not already been made. 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.

SECTION 5. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority designated by the 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.

SECTION 7. The minimum wage that shall be paid to office boys and office girls and messengers, shall be not less than eighty (80%) per cent of the said minimum wage specified in Section 2 of this Article; but the total number of such office boys and girls and messengers shall not exceed 5% of the total number of all office employees, but any employer may have at least two.

SECTION 8. Watchmen shall be paid at a rate of not less than 80% of the minimum wage provided in Section 1 of this Article.

#### 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, for his approval, within 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 valid certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 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.

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. 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.

SECTION 5. All employers shall post and maintain complete copies of the labor provisions of this Code in conspicuous places accessible to employees.

## ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

### ORGANIZATION AND CONSTITUTION

SECTION 1. There shall forthwith be constituted a Code Authority consisting of five persons, who shall comprise one of the members respectively, of each of the five branches of the Industry mentioned in Article II (a) of this Code, each of them, respectively, to be selected by the members of one of the said branches.

Such election shall take place within thirty days after the effective date of this Code, on seven days' prior notice to all members of the Industry who have assented to this Code, such election to be conducted by the Horseshoe and Allied Products Manufacturers' Association, and the persons so elected shall serve for a period of one year and until their successors are elected and shall qualify. A majority vote of the members of each of the said groups, present in person or by proxy, who have assented to this Code, shall be necessary for the election of members of the Code Authority.

In order that the Code Authority shall be at all times truly representative of the Industry, and in other respects shall 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 of the Industry, or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of election of the Code Authority.

SECTION 2. In addition to membership as above provided, there may be not more than three (3) members, without vote, to be appointed by the Administrator, to serve for a term of six (6) months to twelve (12) months from the date of appointment.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership,

organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 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 equitable.

#### POWERS AND DUTIES

SECTION 5. The Code Authority shall have the following powers and duties:

(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, under such rules and regulations as may be established by the Administrator.

(b) The members of the Industry assenting to this Code who manufacture and sell the commodities enumerated in Article II (a) of this Code, shall, with respect to each of the said commodities, have the right to designate and appoint a separate committee with respect to each of the said commodities, such committee to be composed of not more than three members. Each of the said committees shall have the authority to cooperate with the Code Authority in respect to all matters relating to each of the said commodities, respectively.

The Code Authority must submit to the Administrator, for his approval or disapproval, any recommendation made by any of the said committees with respect to modifications of any provisions of this Code other than its labor provisions.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code.

In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the 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 necessity or obligation to furnish reports to Government agencies. No individual reports shall be disclosed to any other member of the Industry or to any other person except to such governmental agencies as may be directed by the Administrator.

(d) To establish classifications and standards of quality for products of the Industry, subject to the approval of the Administrator in order to assist in making effective the reports from the Industry, and in eliminating unfair competition. The representation of any product of the Industry as complying with such standards as may be established by the Industry, when such is not the case, is deemed and declared to be an unfair method of competition.

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

(f) To cooperate with the Administrator in regulating the use of any NRA insignia solely by those members of the Industry who have assented to, and are complying with, this Code.

SECTION 6. 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 30 days to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

## ARTICLE VII—FILING PRICE LISTS

SECTION 1. Each member of the Industry must file with the Code Authority, within 10 days after the effective date of the Code, a price-list, together with discounts and terms of sale and maximum rates of discounts for early payment and maximum periods of free credit; and the same must be strictly adhered to. The said price-lists shall state the particulars in which the same apply (a) to wholesalers, (b) to retailers where such member of the Industry sells to retailers, and (c) to blacksmiths or other ultimate consumers.

No such price-list, discounts, terms of sale, or periods of free credit shall be changed except on five days' notice to the Code Authority, such five days to begin upon receipt of such notice by the Code Authority, who shall immediately notify all members of the particular group affected, as defined in Article II (a) of this Code; such members shall then have the right to change their respective price-lists and the other elements connected with such price-lists as above enumerated, so as to conform with the change or changes made by the member giving such notice, by giving notice to the Code Authority of such change, the same to be effective at the expiration of the said period of five days above mentioned.

Such price-lists and changes thereof, shall be open to inspection at all reasonable times by anyone.

SECTION 2. In conformance with existing law, each member of the Industry may announce to his customers suggested minimum prices for the resale of his products by such customers; and may also announce that he will refuse to make further sales of his products to any customer who shall sell such products at less than such suggested prices.

Whenever any member shall make such announcement, a copy of such announcement shall be filed with the Code Authority within 10 days after the issuance of such announcement and the same shall be open to inspection at all reasonable times to anyone.

The above provision shall not be construed to permit the making of agreements or the acceptance of promises to maintain suggested minimum resale prices.<sup>1</sup>

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

## ARTICLE VIII—TRADE PRACTICES

For all purposes of this 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, agency, or representative, knowingly use, employ, or permit to be employed, any of such unfair practices, shall be guilty of a violation of this Code.

(a) The paying or allowing to any purchaser in connection with the sale of any products, of any rebate, commission, credit, discount, adjustment or similar concession, other than as specified in the published price list and discount sheet specified in Article VII of this Code, constitutes an unfair method of competition and is prohibited.

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

(c) Payment of specific advertising expenses in behalf of certain purchasers, not offered to all purchasers, under like terms and conditions.

(d) Procuring, without the consent of any member of the Industry, any information concerning the business of such members which is properly regarded by it as a trade secret or confidential within its organization, except information relating to a violation of any provisions of this Code.

(e) Imitating or simulating any design, style, trade mark, trade name, or trade brand, to which any member of the Industry has an exclusive right, with the intent to deceive the purchaser.

(f) False or misleading advertising.

(g) Disseminating, publishing, or circulating any false or misleading information relative to any product or price for any product of any member of the Horseshoe and Allied Products Manufacturing 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.

(h) Making or giving to any purchaser of any product any guaranty or protection in any form against decline in the market price of such product.

(i) Stating in the invoice of any product as the date thereof a date later than the date of the shipment of such product, or including in any invoice any product shipped on a date earlier than the date of such invoice.

(j) Making any sale or contract of sale of any product under any description which does not fully describe such product in terms customarily used in the Industry.

(k) Rendering to any purchaser of any product, in or in connection with the sale of such product, any service, the effect of which will be a concession in price, constitutes an unfair method of competition and is prohibited.

(l) No member of the Industry shall sell any commodity at a price below cost. However, any member may meet the price competition of anyone whose costs under this Code Provision are lower. Cost shall be determined in accordance with the principles formulated by the Code Authority with the approval of the Administrator.

#### ARTICLE IX—UNITED STATES CUSTOMS TARIFFS

The said Code Authority is also established as an Agency of the Industry for the purpose of investigating and informing the Administrator as to the importation of competitive commodities into the United States in substantial quantities or in increasing ratio to domestic production, upon such terms and under such conditions as to render ineffective or substantially to impair or endanger the maintenance or effectiveness of this Code; and as an Agency for making complaint with respect thereto, to the President, on behalf of the said Industry, under the relevant provisions of the said Act.

#### ARTICLE X—ARBITRATION

Any complaint, dispute, controversy, or other matter of difference arising between members of the Industry under, or in connection with this Code, may be submitted to the Code Authority for arbitration and decision in accordance with such rules as shall be established by the Code Authority subject, however, to the disapproval or modification thereof by the Administrator.

#### ARTICLE XI—MONOPOLIES

No provision of this Code shall be so applied as to promote monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises. The said Code will be interpreted and applied in such a manner as to effectuate the policy of Title I of the National Industrial Recovery Act.

#### ARTICLE XII—MODIFICATION

SECTION. 1. This Code, and each provision thereof, are hereby expressly made subject to the right of the President, in accordance with the provision of Section 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of the said Act.

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 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 XIII—EXPORT TRADE

The provisions of the Code now or hereafter adopted with regard to prices, discounts, deductions, allowances, extras, commissions, or methods and/or terms of sale, are not to apply to direct export sales or to sales in course of export (i.e., sales destined ultimately for export) or to sales of materials used in the manufacture of products for export. The term "export" shall include, in addition to shipments to foreign countries, shipments to Alaska and to all oversea territories or possessions under the jurisdiction of the United States.

## ARTICLE XIV—EFFECTIVE DATE

The term "effective date" of this Code, shall be the 10th day after the approval of this Code by the President of the United States.

Approved Code No. 325.

Registry No. 1101-03.







Approved Code No. 326

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**FIBER WALLBOARD INDUSTRY**

As Approved on March 10, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE FIBER WALLBOARD  
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 Fiber Wallboard 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.,  
*March 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on the Code of Fair Competition for the Fiber Wallboard Industry in the United States, as revised after a public hearing conducted in Washington on December 6, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

Employees are not permitted to work more than forty hours per week or eight hours per day except as otherwise provided.

To meet peak production periods, plant and factory employees may be permitted to work forty-eight hours per week during any six weeks in each six-month period provided one and one-half times the normal rate is paid for hours worked in excess of eight per day and forty per week.

Chauffeurs and truckmen may not be permitted to work in excess of ten hours per day, forty-eight hours per week and one-hundred and sixty-eight hours in any four-week period provided one and one-half times the normal rate is paid for hours worked in excess of forty per week and eight per day.

Engineers and certain other classes of employees, not exceeding ten per cent of an employer's total number of plant employees, are permitted a tolerance of ten per cent over their normal hours but in no event in excess of forty-eight hours per week provided time and one-half is paid for all hours worked in excess of forty a week and eight a day.

Watchmen are permitted to work fifty-six hours a week.

Office service and sales employees are permitted to work forty hours a week. A normal work day shall not exceed eight hours.

Hourly limitations do not apply to outside sales or sales service men; or to executives, managers or supervisors, receiving thirty-five dollars or more per week.

Hourly limitations do not apply to employees engaged in emergency work involving breakdowns or in the protection of life or property provided one and one-half times the normal rate is paid for all hours worked in excess of forty per week or eight per day.

Employees are not permitted to work in excess of six days in any seven day period.

The minimum hourly rate for all employees shall be forty cents an hour, except as otherwise provided.

With the permission of the state authority, handicapped persons, not exceeding five per cent of an employer's total number of employees, may be employed on light work at a wage not less than eighty per cent of the minimum rate provided.

Regardless of whether an employee is compensated on a time rate, piece-work or other basis, a minimum rate of pay is established.

Compensation of employees receiving more than the minimum shall be equitably adjusted and reported to the Code Authority but in no case shall hourly or piece work rates be reduced.

Office and sales employees shall receive fifteen dollars per week except office boys or girls not exceeding five per cent of an employer's total number of office employees who may be paid eighty per cent of this amount.

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

No one under sixteen year of age shall be employed in the industry nor anyone under eighteen years of age on machine operations.

#### ECONOMIC EFFECTS OF THE CODE

By operating under the President's Reemployment Agreement, this industry's payrolls were increased eighteen per cent. This Code will effect further increases in the industry's payrolls.

The weekly income of fourteen per cent of the industry's office employees will be raised to fifteen dollars per week by this Code.

The minimum hourly rate which this Code provides for factory employees is substantially above that which has prevailed in the past.

The fifty-one hour work week for factory employees, which prevailed in 1929, will be reduced by this Code to forty hours a week, with minor exceptions. This reduction in working hours should substantially increase employment in the industry.

This Code will eliminate many unfair trade practices and facilitate the rendition of better service to the construction 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 reducing 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 for Industrial Recovery.*

MARCH 10, 1934.

# CODE OF FAIR COMPETITION FOR THE FIBER WALLBOARD 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 Fiber Wallboard Industry, shall be the standard of fair competition for this industry, and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "Fiber Wallboard Industry", or "the industry", as used herein means and includes the manufacture and sale by the manufacturer of fiber wallboard, and the sale of such fiber wallboard by manufacturers of roofing products, insulation products or gypsum products who do not manufacture fiber wallboard but purchase it for resale from the manufacturers thereof.

The term "fiber wallboard" as used herein means and includes all products principally composed of mechanical, chemical, and/or re-worked vegetable fibers manufactured in laminated sheets or plies, and having a caliper thickness of .125 of an inch or more and sold or offered for sale, principally for use for walls, ceilings, partitions, signs, "cut-outs" and/or displays.

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

The term "employer" as used herein includes any one for whose benefit such an employee is so engaged.

The term "member of the industry" includes but without limitation any individual, partnership or corporation, association or other form of entity engaged wholly or in part in the industry as herein defined.

The term "President" as used herein shall mean the President of the United States.

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

## ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any week and eight (8) hours in any day except as otherwise provided in this Article III.

SECTION 2. In order to provide for peak production periods, plant and factory employees may, during any six weeks in each six month period beginning January 1 and July 1 of each year, be permitted

to work up to but not in excess of forty-eight (48) hours in any one week but all such time worked in excess of eight hours in any one day and forty (40) hours in any week shall be paid for at not less than one and one-half ( $1\frac{1}{2}$ ) times the normal rate except as provided in Section 3.

SECTION 3. (a) Chauffeurs and truckmen may not be permitted to work in excess of ten hours per day, forty-eight (48) hours per week and one-hundred and sixty-eight (168) hours in any four week period, beginning the effective date of this Code. If any such employee works in excess of eight hours per day and/or forty (40) hours per week, he shall be compensated for such excess hours at the rate of at least one and one-half times the normal rate.

(b) Engineers, firemen and electric operators may be permitted to work not more than ten percent more hours than are permitted in Section 1 and may not be permitted to work in excess of forty-eight (48) hours per week for the peak periods provided in Section 2 but all work in excess of forty (40) hours per week and eight hours per day shall be compensated by at least one and one-half ( $1\frac{1}{2}$ ) times the normal rate. The number of such employees shall not exceed ten percent of an employer's total number of employees.

SECTION 4. The maximum hours for watchmen shall be fifty-six (56) hours in any week.

SECTION 5. No accounting, clerical, office or sales employee shall be permitted to work in excess of forty (40) hours. A normal work day shall not exceed eight hours.

SECTION 6. The provisions of this Article shall not apply to outside sales or sales service men; or to executives, managers or supervisors, receiving thirty-five (35) dollars or more per week.

SECTION 7. The provisions of this Article shall not apply to employees engaged in emergency work involving breakdowns or the protection of life or property provided they are paid at least one and one-half ( $1\frac{1}{2}$ ) times the normal rate for all hours worked in excess of eight hours per day and forty (40) hours per week.

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

SECTION 9. No employee shall be permitted to work in excess of six days in any seven day period.

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid at less than at the rate of forty (40) cents per hour except as otherwise provided in this Article.

SECTION 2. Section 1 establishes the guaranteed minimum rate of pay regardless of whether the employee is compensated on the basis of a time rate or a piece-work performance or other basis.

SECTION 3. An equitable adjustment will also be made of compensation in excess of such minimum rate by all members of the Industry who have not heretofore made such an equitable adjustment and within sixty (60) days from the effective date hereof, each employer shall report to the Code Authority, for submission to the Admin-

istrator, the action taken by such employer in pursuance of this provision but in no case shall hourly or piece-work rates be reduced.

SECTION 4. All employers 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 payment for pensions, insurance or sick benefits other than those voluntarily paid by employees or required by state and federal law. Employees or their agents shall accept, directly or indirectly, no rebates on such wages nor give anything of value nor extend favors to any person for the purpose of harmfully influencing rates of wages or working conditions of employees.

SECTION 5. No accounting, clerical, office or sales employee shall be paid at less than the rate of fifteen (15) dollars per week, except office boys or girls receiving less than such minimum, who shall be paid at least eighty (80) percent of the minimum provided in this section. The number of such office boys or office girls shall not exceed five percent of any employer's total number of office employees, except that any employer may employ at least one such office boy or office girl.

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage not less than eighty (80) percent of the minimum rate established by this Code, provided the employer obtains from the State Authority designated by the United States Department of Labor, a certificate authorizing his employment at such wages as shall be stated in the certificate. The State Authority shall be guided by the instructions of the United States Department of Labor in issuing such certificates. The number of such employees shall not exceed five percent of any such employer's total number of employees. Each employer shall file with the Code Authority a list of such persons employed by him.

SECTION 7. Female employees performing substantially the same work as male employees shall receive the same pay as male 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 on machine operations.

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, 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.

SECTION 3. No provision in this Code shall supersede any state or Federal law which imposes on employers more stringent requirements as to sanitary or general working conditions or insurance or fire protection than are imposed by this Code.

SECTION 4. No employer shall re-classify 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 5. Each employer shall keep posted, under such rules as the Administrator may prescribe, in a conspicuous place at every plant or factory in which Industry products are manufactured a copy of this Code.

SECTION 6. Each employer shall make reasonable provision for the health and safety of his workmen 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

SECTION 1. The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating covering cost of industry products sold capable of use by all members of the Industry. After such system and methods have been formulated and approved by the Administrator, 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.

SECTION 2. No member of the industry after the adoption by the Code Authority and approval by the Administrator of a uniform cost formula shall price or sell any industry product below such member's cost as determined by such formula except to meet an established market price for the product. Established market price on any industry product to any class of trade, except to another member of the industry, means, for the purpose of this Section, the price at which any competitor is selling such product to such class of trade.

SECTION 3. When the Code Authority determines that an emergency exists in this industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the industry to sell or offer to sell any products of the industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.



When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

#### ARTICLE VII—PUBLICATION OF PRICE

SECTION 1. Each member of the industry shall, within five days after the effective date of this Code, file with the Code Authority or such other agency as the Code Authority may designate, a complete list or schedule of prices and terms and conditions of sale of all fiber wallboard products offered for sale by such member, and shall thereafter publish and file with the Code Authority, or with its designated agency, all changes or revisions in such price list or schedule of prices and terms and conditions of sale. The price list or schedule of prices and terms and conditions of sale so filed shall, for the purpose of this Code, be treated as the published price list and terms and conditions of sale of the member filing the same and shall be available for distribution to all members of the industry and to any interested party. The Code Authority shall promptly cause a copy of all such price lists and terms and conditions of sale, and all changes therein or revisions thereof, to be sent to each member of the industry.

SECTION 2. No member of the industry shall sell any fiber wallboard products at a price or prices less than, or upon terms and conditions more favorable to the purchaser, than those stated in the price list and terms and conditions of sale published and filed by such member and then in effect, except to another member of the industry.

SECTION 3. If at any time hereafter the Administrator shall give his approval to the requirement that subsequent changes or revisions of price lists or terms and conditions of sale as provided in Section 1 hereof shall be filed a specified period of time prior to effective date thereof, the Code Authority may require that all changes in such price lists or terms and conditions of sale or revisions thereof thereafter filed shall be filed five (5) days (or such other period of time as may be approved by the Administrator) prior to the effective date of any such subsequent changes or revisions and any such price list and terms and conditions of sale and changes therein or revisions thereof as aforesaid so filed shall (unless the member filing such change or revision shall cancel the same before the effective date thereof) for the purpose of this code be treated as the published price list and terms and conditions of sale of the member filing the same and shall be available to each member of the Industry and after effective date thereof to any interested party. The Code Authority shall promptly cause a copy of all such price lists and terms and conditions of sale and all changes therein or revisions thereof to be sent to each member of the Industry. In the event that any industry member shall not receive sufficient notice of the filing by any other industry member of changes in such other member's prices or terms and conditions of sale as will enable such member to meet such changes on the effective date thereof, such member may file with the appropriate agency such changes in his prices or terms and conditions of sale as may be required to meet the changes filed by such

other member. Changes so filed shall become effective on the same date as the effective date for the changes of such other member first filing as aforesaid, or, if those changes shall have already become effective, then the changes subsequently filed as aforesaid, shall become effective immediately.

#### ARTICLE VIII—TRADE PRACTICES

SECTION 1. A Trade Practice Code for the Industry is attached hereto as Exhibit A. Any deviation from the standards of fair dealing set forth in Exhibit A shall be a violation of this Code.

#### ARTICLE IX—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby set up to administer this Code in cooperation with the Administrator.

SECTION 1. The Code Authority shall consist of one representative from each member of the industry who shall subscribe to the Code and pay his pro rata share of the expense, as provided in Section 6 hereof and in addition, there may be three members, without vote and without cost to the Industry, appointed by the Administrator to serve for such periods as he may designate.

SECTION 2. The Code Authority shall have the following powers and duties.

(a) To make rules and regulations for its own conduct in the administration of this Code;

(b) from time to time to require such reports from members of the industry with respect to capacity, production and orders for shipment, persons employed, wage rates, wages and hours of labor, prices, costs, and other items as may be necessary to advise it and the Administrator adequately in the administration and enforcement of this Code;

(c) to investigate complaints of violations of this Code and to seek adjustments thereof within the requirements hereof subject to such rules and regulations as the Administrator from time to time may prescribe.

(d) to prepare and promulgate for the industry from time to time, subject to the approval of the Administrator, a merchandising plan, or changes in or additions to any such plan which may be adopted under this Code, containing such provisions as may be necessary or proper to insure fair selling methods by the industry and to prevent unfair competitive practices, and to provide for the standardization of products by the members of the industry, subject, however, to the approval of the Administrator;

In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code, shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in section 3 (a) of said Act to such Federal and State agencies as the Administrator may designate; nor shall anything in this Code relieve any person of any existing obligation to furnish reports to government agencies.

In order to assure confidential treatment of individual figures, all reports, data, and information which the said Code Authority is empowered to collect or receive shall be collected or received by an agency appointed by the Code Authority, not a member or connected with a member of the industry. The Code Authority may likewise appoint such an agency to investigate complaints of violation of this Code. All reports, data, and information so collected or received, or so obtained on any such investigation, shall be kept confidential by such agency collecting, receiving, or obtaining the same, except that in the event any such reports, data, or information shall substantiate any alleged violation of this Code, then the Code Authority shall be informed and shall, if requested by the Administrator, present evidence of any such violation to the Administrator or to such agency as he may designate.

Collusion between any industry member and any such confidential agency for the purpose of examining any report or data or obtaining any information collected or received by such confidential agency shall constitute a violation of this Code.

SECTION 3. The Code Authority may delegate any of its powers or functions to committees of not less than three members of the industry or to such agency as it may designate but the Code Authority shall be responsible for the acts of any such committee or agency.

SECTION 4. At any duly called meeting of the Code Authority the affirmative vote of a majority of the manufacturing members (or their representatives) of the Code Authority present, and which majority represents at least two-thirds of the total production for the preceding calendar year of the then manufacturing members of the industry subscribing to the Code, shall be required to make effective any action of the Code Authority.

SECTION 5. 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 considerations 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.

SECTION 6. All expenses involved in administering the Code shall be determined by the Code Authority and prorated equitably among members of the industry subject to the jurisdiction of this Code and subscribing thereto. The proration of all such expenses shall be on the basis of domestic footage of industry products shipped during such specified period of time as the Code Authority shall determine.

SECTION 7. Nothing 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 of the Code Authority. Nor shall any member of the Code Authority exercising diligence in the conduct of his duties hereunder be liable to any one for any act or

omission to act under this Code except for his own wilful misfeasance or non-feasance.

SECTION 8. The Code Authority shall have the power to propose amendments to this Code.

## ARTICLE X

SECTION 1. 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, organization, and activities as the administration may deem necessary to effectuate the purposes of the Act.

SECTION 2. No provisions of this Code shall be interpreted or applied in such manner as to promote or permit monopolies or monopolistic practices; permit or encourage unfair competition; eliminate or oppress small enterprises or discriminate against them.

SECTION 3. Articles VI, VII, and VIII of this Code, and any Trade Practice Code or Merchandising Plan adopted by the industry, shall apply only to sales for consumption in the United States, its possessions and territories.

SECTION 4. As required by Section 10 (b) of Title I of the Act the following provision is contained in this Code: The President may from time to time cancel or modify any order, approval, license, rule or regulation issued under this said Act.

SECTION 5. Such of the provisions of this Code as are not required to be included herein by the Act may upon submission to the industry and 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 may 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 and any such supplementary provisions or additional codes, after submission to the industry and approval by the President shall become a part of this Code. The Code Authority is authorized to recommend to the Administrator, in the manner provided herein, any such proposals for modification, supplementary provisions or additional codes.

SECTION 6. Violation by any member of this industry of any of the provisions of this Code or of any approved amendment hereof is a violation of the Code.

SECTION 7. This Code and all of the provisions thereof shall cease to be in effect on June 16, 1935, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by Section 1 of the said Act has ended.

SECTION 8. This Code shall be in effect beginning the second Monday after its approval by the President.

## EXHIBIT A

### TRADE PRACTICE CODE

**SECTION 1. Definition.**—For all purposes of this Trade Practice Code the acts described herein shall constitute unfair methods of competition. 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. The term "customer", as used in this Trade Practice Code, shall include purchasers and prospective purchasers of products of this industry, the officers, employees or representatives of such purchasers or prospective purchasers and any other party in a position to influence materially the sale of industry products.

**SECTION 2. Price Discrimination.**—No member shall discriminate in price, either directly or indirectly, between different purchasers of commodities, except on account of difference in quantity, quality or grade of products sold and except the making of a reasonable differential in price charged to different classes of trade, and except the making of different prices in different markets according to usual distribution of such products prevailing in the industry; provided, however, that nothing herein contained shall prevent the members of the industry from selecting their own customers. No member shall make any discrimination in price by falsely classifying a customer; by pooling shipments on specified contracts destined to various purchasers for the purpose of reducing prices below the published price for the quantity destined to an individual purchaser; by extending to any customer more liberal terms than those regularly published by such member for, or extended to, all other customers of the same class; by allowing over-riding discounts payable at some future date; or by carrying notes for a customer past the due dates unless interest is payable thereon at the rate of at least six percent per annum, or at less than the legal rate, if the legal rate be less than six percent per annum.

**SECTION 3. Rebates.**—No member of the industry shall, directly or indirectly, make or permit to be made any payment or allowance of any secret or unearned rebate, refund, credit discount, commission, bonus, or other allowance or subsidy of any character whatsoever, whether in the form of money, service, excessive allowances for alleged defective merchandise, shortages, adjustments of complaints, or returned goods; or by extension of guarantees to customers against price advances or price declines; or by issuance of credit allowances or refunds on inventory stocks of customers because of price changes or otherwise; or by rendering fictitious invoices or making shipments of merchandise in quantities different than shown on the invoices; or by permitting deductions on payment of invoices of items not covered by the terms of sale; or by disposing to a customer at reduced prices material which has been shipped to a customer and not paid for; or in any other form or manner whatsoever.

Without limitation upon the foregoing provisions of this section, the following particular practices which likewise result in secret rebates and allowances, are prohibited:

(a) assuming any portion of the expenses of operation of a customer's business, including the placing of advertising in any customer's individual publication or catalog;

(b) assuming any credit responsibility for the accounts of a customer, by guarantee or otherwise;

(c) splitting or sharing a salesman's compensation with a customer;

(d) selling or disposing of securities to customers at less than the market value thereof;

(e) assuming or paying any expense incurred in painting signs on a customer's place of business advertising the products of a member of the industry except such actual expense therefor as may be specified in an invoice for the cost of such work signed by the sign painter employed to perform such work;

(f) retaining or compensating any trucking company, owned either wholly or in part by a customer, for transporting goods for such customer's account;

(g) purchasing any materials from customers at prices in excess of such customer's current market prices therefor; and then only to fill a bona fide order;

(h) making any loans to customers;

(i) encouraging or permitting lavish entertainment of a customer, or betting or any form of gambling with a customer;

(j) renting or leasing for any purpose any part of the premises of a purchaser of industry products;

(k) storing goods on premises in which a purchaser of industry has an interest except a public warehouse in which such purchaser's business is not located;

(l) acquiring any financial interest of any character in the business of any customer except through the purchase of securities regularly listed on a public exchange, or except to participate in the liquidation of an insolvent customer or except when such purchase of an interest or securities represents at least 51% of the voting or controlling securities of such business;

(m) giving a customer any donations of cash or articles of value or any free industry products except samples as hereinafter permitted in Section 4 hereof.

**SECTION 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.

**SECTION 5. *Inducing Sales by Other Products.***—No member of the industry shall sell or offer for sale as inducement for the purchase of any industry products any article or commodity, whether an industry product or not, at prices below such member's current prices therefor.

**SECTION 6. *Defamation of Competitors.***—No member of the industry shall defame or disparage a competitor, directly or indirectly, by words or acts which untruthfully challenge his business integrity, his ability to perform his contracts, his credit standing, his policies, or the grade, quality or quantity of his goods.

**SECTION 7. *Inaccurate Advertising and Misrepresentation.***—No member of the industry shall use advertising (whether printed, radio, display or of any other nature) or other representation which is inaccurate in any material particular or in any way misrepresent any commodity, (including its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

**SECTION 8. *False Branding.***—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.

**SECTION 9. *Standard Forms of Quotations and Contracts.***—Standard forms of Quotations may be adopted by the Code Authority subject to the approval by the Administrator after such notice and hearing as he may prescribe. After such approval, all quotations shall be made in accordance with the terms and conditions of such forms of quotations and all contracts shall be made in substantial accordance with the terms and conditions set forth in any standard form of contract so adopted and approved, and no member of the industry shall depart in any material particular from such standard terms and conditions in the making of any quotation or contract in any transaction.

**SECTION 10. *Consignments.***—No member of the industry shall ship commodities on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the trade require the practice.

**SECTION 11. *Lump Sum Contracts.***—No member shall accept any order for contracts of sale at a lump sum where the contract does not specify the exact quantity, quality and unit price of the industry products purchased.

**SECTION 12. *Diversion and Stopovers.***—No member shall divert shipment in transit for the purpose or with the effect of allowing concessions or reducing prices.

CODE OF FAIR COMPETITION

FOR THE

MACHINE-APPLIED STAPLE AND STAPLING  
MACHINE INDUSTRY

As Approved on March 10, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE MACHINE-APPLIED  
STAPLE AND STAPLING MACHINE 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-Applied Staple and Stapling Machine 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; and provided, further, that the continued participation of the Staple Association of America in the Code Authority after 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.,  
*March 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Machine-Applied Staple and Stapling Machine Industry, the hearing having been conducted thereon in Washington, D.C., on February 16, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### RÉSUMÉ OF CODE AS TO WAGES AND HOURS

This Code provides an 8 hour working day and 40 hour week, except that in peak periods employees may work not to exceed 48 hours for 6 weeks in any 26 weeks' period. These provisions are applicable to all employees except those in a managerial, executive or supervisory capacity, receiving not less than \$35.00 per week; outside salesmen; and watchmen who may be permitted to work not more than 56 hours per week.

The minimum rates of pay provided are 35¢ per hour for employees engaged in packing operations and 40¢ per hour for all other classes of processing employees. With the exception of watchmen, time and one-half will be paid all employees working under the maximum hour clauses for hours worked in excess of 40 hours per week and 8 hours per day.

Clerical employees on a weekly pay basis are to be paid not less than \$15.00.

Equitable adjustments are to be made in all wage rates above the minimum.

Child Labor is prohibited and no person under 18 years of age shall be employed in a hazardous occupation.

### GENERAL STATEMENT

The Machine-Applied Staple and Stapling Machine Industry as defined in the Code includes the manufacture and sale of machine-applied staples and stapling machines. The customers for the lighter type of machines and staples are stationers and stationery distributors, while the heavier type of machines and staples are sold to various manufacturing industries to be used in various fastening operations.

The investment in the Industry is approximately \$1,942,000 and the number of wage earners in normal times is about 800. In normal times, the total annual wages paid by 16 reporting manufacturers out of a total of 26 in the Industry, amounted to approximately \$726,700 to 535 employees.

In 1929, the operations of the Industry were approximately 85% of capacity in machines and 90% of capacity in staples. Figures are not available for the entire Industry as to the value of these articles.



An approximate estimation based on the data of reporting manufacturers, however, would give this figure at about \$1,350,000.

Operations in 1930 for machines were about 74% of capacity and for staples about 80% of capacity; in 1931 about 70% of capacity for machines and about 70% of capacity for staples; in 1932 about 42% of capacity for machines and about 50% of capacity for staples; in 1933 about 50% of capacity for machines and about 67% of capacity for staples.

It is to be noted that the capacity for machine manufacturing has been increased about 14% since 1929 and that the capacity for producing staples has been increased 30% during the same period.

Industry calls attention to the fact that the increase in production of staples in 1933 over 1932 was, in a measure, caused by the differences in exchange rates which tended to prohibit the importation of foreign staples.

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 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 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 2, 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; provided, however, that the continued participation of the Machine-Applied Staple and Stapling Machine Industry in the Code Authority after 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.*

MARCH 10, 1934.

# CODE OF FAIR COMPETITION FOR THE MACHINE-APPLIED STAPLE AND STAPLING MACHINE 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-Applied Staple and Stapling Machine 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 "Machine-Applied Staple and Stapling Machine Industry" includes the manufacturers and/or national distributors of Machine-Applied Staples and/or Stapling Machines, but does not include the types of Stapling Machines used in the Shoe Industry.

SECTION 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.

SECTION 3. The term "Association" as used herein is defined to mean the Staple Association of America.

SECTION 4. The term "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.

SECTION 5. The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

SECTION 6. The term "Employer" as used herein includes anyone by whom any such employee is compensated or employed.

SECTION 7. The term "Plant" means a factory producing machine-applied staples and/or stapling machines in the Industry as herein defined.

SECTION 8. The term "majority vote" shall mean a vote of at least fifty-one (51%) per cent of the members of the Industry, present either in person or by proxy, whose aggregate sales in the preceding year were not less than seventy-five (75%) per cent of the total sales of the Industry. Aggregate sales as herein used shall not include sales made by a parent member to his or its subsidiary national distributor.

SECTION 9. The term "National Distributor" means an individual, firm, corporation, partnership, agency or organization who handles the entire sales for a specific class of trade or trades exclusively and solely for any one manufacturer in the Industry or sells for any one manufacturer the manufacturer's entire output of a specific product, and who operates on a nationwide scale.

## 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 in excess of eight (8) hours in any twenty-four (24) hour period, nor more than six (6) days per week, except as herein otherwise provided.

SECTION 2. *Exceptions as to Hours.*—

(a) *Executives and Salesmen.*—The provisions of Section 1 above shall not apply to executives and supervisors who are paid \$35.00 weekly or more, and outside salesmen.

(b) *Emergency Overtime.*—The maximum hours fixed in the foregoing Section 1 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 can not 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.*—The maximum hours fixed in Section 1 above shall not apply for six (6) weeks in any twenty-six (26) weeks' period, 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) 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.

SECTION 3. *Sunday and Holiday Work.*—Not less than one and one-half (1½) times the regular rate shall be paid for all work performed on Sundays or legal holidays—watchmen excepted.

SECTION 4. The provisions of this Article shall not apply to watchmen who shall be permitted to work not in excess of fifty-six (56) hours per week.

SECTION 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.

SECTION 6. *Maximum Hours for Working Employers.*—Employers, owners or partners 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. (a) No employee engaged in packing operations shall be paid less than the rate of thirty-five (35) cents per hour and all other classes of employees shall be paid not less than forty (40) cents per hour except as hereinafter provided.

(b) Any clerical employee 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 by any employer shall constitute not more than five (5%) percent of the total number of his employees, but in any case, such employer shall be entitled to employ one such employee.

SECTION 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.

SECTION 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 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.

SECTION 4. *Handicapped Persons.*—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; provided, however, that the total number of such employees shall not exceed more than five (5%) percent of the total number of employees. Each employer shall file with the Code Authority a list of all such persons employed by him.

SECTION 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.

#### ARTICLE V—ADDITIONAL LABOR PROVISIONS

SECTION 1. As required by Section 7 (a) of Title I of the National Industrial Recovery Act, it is hereby provided:

“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; 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 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 16 years of age shall be employed in the Industry, nor any one 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 90 days after the effective date, a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 3. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

SECTION 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.

SECTION 5. Each employer shall post in conspicuous places full copies of this Code.

## ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

### ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established to administer this Code. Said Code Authority shall consist of five (5) members to be elected by the members of the Industry in meeting assembled, by a majority vote as defined in Article II, Section 8. In addition to the membership of said Code Authority as above provided, the Administrator may appoint not to exceed three (3) members.

SECTION 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 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.

SECTION 3. There shall be no inequitable restrictions imposed on membership in the Association, and the Association 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.<sup>1</sup>

SECTION 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 assisting with 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.

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

SECTION 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 the Code, except for his own wilful misfeasance or non-feasance.

#### ARTICLE VII—POWERS AND DUTIES OF CODE AUTHORITY

SECTION 1. The Code Authority shall have the following further duties and powers to the extent permitted by the Act:

SECTION 2. The Code Authority may adopt by-laws and rules and regulations for the conduct of its business and for the administration of this Code.

SECTION 3. The Code Authority shall appoint a manager, who subject to the disapproval of the Industry and/or the Administrator, shall (a) attempt to determine within the Industry as to whether any member has or has not adhered to the provisions of this Code; (b) act as the Industry's representative in all dealings with the Government; (c) conduct any investigation or survey within this Industry that might be of general benefit to this Industry; (d) collect all data, information, statistics and records necessary that the policy of the Act may be effectuated. The manager shall be in no way engaged in the Industry or connected with any member thereof.

SECTION 4. In order that the Administrator may be informed of the extent of observance of the provisions of this Code and of the extent to which the declared policy of the Act is being effectuated in the Industry as herein defined, the Code Authority shall make such reports as the Administrator may require, and each employer shall make such sworn or unsworn reports to the Manager, periodically, as the Code Authority may direct, on wages, hours of labor, conditions of employment, number of employees, production, shipments, sales, stocks, prices, and other matters pertinent to the purposes of this Code as the Code Authority may require. 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 designated by the Administrator.

SECTION 5. In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as the Administrator may designate; nor shall anything in this Code relieve any person of any existing obligation to furnish reports to Government agencies.

SECTION 6. The Code Authority may appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Code and under such others to the end that such fair trade

practices may be proposed to the Administrator as amendments to this Code and such other Codes.

SECTION 7. Any and all information furnished to the Manager or the Code Authority shall be confidential and shall not be divulged to any member except in summary, but shall be available to the Administrator upon request.

SECTION 8. The Code Authority may from time to time appoint such sub-committees or designate such agencies, and may delegate to any of them such of its powers and duties, as it shall deem necessary or proper in order to effectuate the provisions and purposes of this Code.

SECTION 9. The Code Authority shall study the effect of the provisions of this Code on the industry and consider proposals for amendments or modifications and make recommendations thereon from time to time to the Administrator which amendments or modifications shall be effective as part of the Code upon approval by the Administrator after such notice and hearing as he may specify.

SECTION 10. Upon complaint of any member or upon its own initiative, the Code Authority shall investigate alleged violations of this Code under such rules and regulations as the Administrator may prescribe.

SECTION 11. 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 (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 12. The Code Authority shall cooperate with the Administrator in regulating the use of any NRA insignia solely by those members of the Industry who have assented to, and are complying with, this Code.

#### ARTICLE VIII—TRADE PROVISIONS

SECTION 1. When the Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products. When it appears that conditions have changed, the Code Authority upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.



SECTION 2. The Code Authority shall require that for any product of the Industry and for any class of customer, it having been the general recognized practice to sell such product to such customer on the basis of printed matter, price lists and fixed terms of payment which are distributed to the trade, each manufacturer and distributor of such product shall within ten (10) days after notice from the Code Authority file with the Code Authority a net price list individually prepared by him showing his current prices and terms of payment and the Code Authority shall immediately and simultaneously send copies thereof to all known manufacturers and national distributors of such specified products. Revised price lists may be filed from time to time thereafter with the manager by any manufacturer and national distributor of such product to be shipped and to become effective upon the date specified therein, but such revised price lists shall be filed with the manager ten (10) days in advance of the effective date unless the Code Authority shall authorize a shorter period. Copies of revised price lists with notice of the effective date specified shall immediately and simultaneously be sent to all known manufacturers and national distributors of such product who therewith may file, if they so desire, comparable revisions of their price lists which shall become effective upon the date when the revised price list first filed shall go into effect. The respective price lists for each class of trade shall be available at all reasonable times to the bona fide members of each class of trade served by the Industry, provided, however, that consumers' prices shall be open to the public.<sup>2</sup>

SECTION 3. Each member shall send the Manager two (2) copies each of his price lists, discount schedules, and catalogs and as many additional copies as he may require for distribution to other members.

SECTION 4. (a) All containers used by the Members of the Industry for packing machine-applied staples shall be identified by the name of the manufacturer or the distributor who makes or sells the staples. The name of the manufacturer or distributor shall be imprinted or stamped on the container or on the label which shall be securely attached to the container. The name of the manufacturer or distributor shall appear on the container or label in clear, easily read type of a size not less than 12 point.

(b) Containers or labels may be imprinted for the customers of the manufacturer or distributors which may carry the name and/or trade mark of the customer and may, if the customer so desires, carry the name and/or the trade mark of the manufacturer making the staples or the distributor making the sale, but such labels may not carry the name of any other manufacturer or the name of any other manufacturer's product, or the name of any other distributor, or other distributor's product.

#### ARTICLE IX—UNFAIR TRADE PRACTICES

*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

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

to be employed any of such unfair practices shall be guilty of a violation of the Code.

SECTION 1. No goods sold shall be invoiced at other than the true selling prices.

SECTION 2. No member of this Industry shall disseminate false or misleading information relative to competitors' products, selling prices, credit standing, ability to perform service, or labor conditions among competitors' employees.

SECTION 3. No member shall imitate or simulate any trade mark, trade name, numerals with or without letters, package, brand, or label of a competitor in such degree as to deceive or have the tendency to deceive customers.

SECTION 4. No member of this Industry shall circulate, not in good faith, but for the purpose of harassing and intimidating customers, threats of suits for the infringement of patents or trade marks among customers of a competitor.

SECTION 5. No member of this Industry shall induce or attempt to induce the breach or abandonment of any contract between another member of the Industry and his customer.

SECTION 6. 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.

SECTION 7. No member of the Industry shall use advertising or selling methods or credit terms which have the capacity or tendency to mislead the customer or prospective customer.

SECTION 8. No member of the Industry shall use the name of any other member of the Industry or the name of any product made by any other member of the Industry on his containers or in his advertisements.

SECTION 9. No member shall violate directly or indirectly, the provisions of this Article by cooperating with, or using a distributor for the purpose of evasion.

#### ARTICLE X—EXPORT SALES

SECTION 1. The provisions of this Code concerning sales shall not apply to export sales of any product, or to sales of any product destined ultimately for export. The term "export" shall include shipments to foreign countries and to the territories and possessions of the United States.

#### ARTICLE XI—MONOPOLIES

SECTION 1. No provision in this Code shall be interpreted or applied in such a manner as to (a) permit monopolies or monopolistic practices, (b) permit or encourage unfair competition, (c) eliminate, discriminate against, or oppress small enterprises.

## ARTICLE XII—VIOLATIONS

Violation of any provisions of this Code or any false statement or report made to the Administrator, or the Code Authority after decision thereon by the Administrator, shall constitute an unfair method of competition and the offender shall be subject to the penalties provided by the Act.

## ARTICLE XIII—MODIFICATIONS

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act and specifically but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

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 modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on the approval of the President.

## ARTICLE XIV—SEGREGATION OF INDUSTRY

If any member of the Machine-Applied Staple and Stapling Machine Industry is also a member of any other Industry, the provisions of this Code shall apply to and affect only that part of his business to which this Code applies.

## ARTICLE XV—EFFECTIVE DATE

This Code shall be effective as the Code of Fair Competition for the Machine-Applied Staple and Stapling Machine Industry on the second Monday after its approval by the President.

Approved Code No. 327.  
Registry No. 1390-41.





Approved Code No. 323

CODE OF FAIR COMPETITION

FOR THE

TAPIOCA DRY PRODUCTS INDUSTRY

As Approved on March 10, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE TAPIOCA DRY  
PRODUCTS INDUSTRY

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

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

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

Approval recommended:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*March 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House*

SIR: This is a report on the Code of Fair Competition for the Tapioca Dry Products Industry, the hearing on which was conducted in accordance with the provisions of the National Recovery Administration. The hearing was held in the Gridiron Room of the Hotel Willard on January 23.

### PROVISIONS OF THE CODE AS TO WAGES AND HOURS

This Code specifies, with the exceptions indicated, that no employee shall be permitted to work in excess of eight hours in any twenty-four hour period, nor in excess of forty hours in any one week.

There are exempted from the above provisions:

(a) Traveling salesmen or persons employed in a supervisory, managerial, or executive capacity who earn not less than \$35.00 per week.

(b) Employees engaged in emergency maintenance or emergency repair work involving breakdowns or protection of life or property. In such instances at least one and one-third times the normal rate shall be paid for hours worked in excess of forty-four hours per week.

(c) Watchmen, who shall not be permitted to work in excess of fifty-six hours per week and who shall be allowed one day off in every seven days.

(d) Firemen and engineers, who shall not be permitted to work in excess of forty-four hours in any one week unless compensated by payment of one and one-third times the normal rate for hours worked in excess thereof.

(e) Chauffeurs, who shall not be permitted to work in excess of forty-eight hours in any one week.

The provision of forty hours as a maximum, in any one week and eight hours in any one day, shall not apply for eight weeks in each twenty-six week period. There is provided, however, that overtime work in these special periods shall not exceed five hours per week and that in such case, at least one and one-third times the normal rate shall be paid for hours worked in excess of eight hours in any twenty-four hour period, or in excess of forty hours in any seven day period.

The Code specifies that no male employee shall be paid less than at the rate of 40 cents per hour, nor female employee engaged in light and non-hazardous work, such as wrapping, packaging, and labelling, less than at the rate of 35 cents per hour, per week, with the following exceptions:

In clerical or office work, no person shall be paid less than \$14.00 per week except that office boys and messengers may not be paid less than \$12.00 per week but this class of employees shall not exceed 10% of the total employees in the Industry, and that each plant may have at least one such employee.

The Code provides that where female employees perform substantially the same work as male employees they shall receive the same rate of pay as male employees.

There is provided by this Code, a Labor Board to consist of two members selected by the Code Authority, two members selected by the Labor Advisory Board of the National Recovery Administration and a Chairman to be selected by the Administrator. This Board shall consider and pass upon any alleged violation, dispute, or non-observance of the labor provisions of the Code. All decisions shall, if unanimous, be final. In the event that no agreement is reached, the matter shall be referred to the appropriate Governmental Agency.

#### ECONOMIC EFFECTS OF THE CODE

The Code was presented by the Tapioca Products Association which was organized in 1933 to permit the Industry to function under the terms of the National Industrial Recovery Act. In membership the Association represents, it is claimed, over 92% of the volume of business in the Industry. There are eighteen concerns engaged in the manufacture of tapioca dry products. With one exception, they appear to be located along the Atlantic Seaboard. Sixteen of these firms are members of the Association.

The Tapioca Dry Products Industry includes the manufacturing, converting, and distributing at wholesale of all dry products composed wholly or chiefly of tapioca. It is claimed that because of special and desirable characteristics, tapioca products are used in many industries. A United States Tariff Commission bulletin gives their distribution in 1928 as follows:

Foods:	Percent
1. Pearl, flakes, siftings, seeds-----	6.6
2. Flour-----	13.8
Textile sizings-----	9.7
Wood glues-----	33.1
Adhesives, gums and dextrin-----	27.3
Miscellaneous-----	9.5

The aggregate capital investment for 1933 was estimated for 1933 to be \$4,297,309.32. The aggregate annual production capacity for 1933 was estimated to be 64,999 Long Tons. It has been stated that aggregate sales were estimated at 54,825 tons in 1929, 53,630 tons in 1932, and 38,994 tons in the first half of 1933.

In 1929 about 500 persons were employed in the Tapioca Dry Products Industry. Employment increased until July 1, 1933 when the number of employees was 544, or nearly 9 per cent more than in 1929. Of these, about 290 were factory workers and the remainder were engaged in office and sales work. It is estimated that not more than 10 per cent of the factory wage earners were females.

As a result of the 40-hour week, it is estimated that the number of factory employees will be about 6 per cent higher than in July, 1933.

The factory payroll will probably be increased 4 or 5 per cent due to the proposed minimum wages and additional employment.

Unemployment has apparently not been a problem in the tapioca industry, although the length of the average working week has declined. If production is maintained at the level of July, 1933, the adoption of the 40-hour week will result in the employment of about 6 per cent more factory workers. This is in addition to the 9 per cent increase in employment already noted between 1929 and July, 1933.

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.*

MARCH 10, 1934.



# CODE OF FAIR COMPETITION FOR THE TAPIOCA DRY PRODUCTS 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 Tapioca Dry Products Industry, and upon approval by the President, its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "tapioca dry products industry" as used herein includes the manufacturing, converting, and distributing at wholesale, all dry products composed wholly or chiefly of tapioca, except packaged tapioca sold for food through retail grocery and food stores.

The term "member of the industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

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

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

## ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period, beginning at midnight, except as herein otherwise provided.

SECTION 2. *Exceptions as to Hours.*—(a) The provisions of this Article shall not apply to traveling salesmen, or to persons employed in a supervisory, managerial or executive capacity, who earn not less than \$35.00 per week.

(b) The maximum hours fixed in the foregoing sections shall not apply to any employee engaged in emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case, at least one and one-third ( $1\frac{1}{3}$ ) times the normal rate shall be paid for hours worked in excess of forty-four (44) hours per week.

(c) Watchmen shall not be permitted to work in excess of fifty-six (56) hours per week and they shall be allowed one (1) day off in every 7 days.

(d) Firemen and engineers shall not be permitted to work in excess of forty-four (44) hours in any one week unless they shall be compensated by payment of one and one-third the normal rate for all work in excess of forty-four (44) hours.

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

SECTION 3. The maximum hours fixed in Section I shall not apply for eight (8) weeks in each twenty-six (26) weeks period, during which time overtime shall not exceed five (5) hours per week, provided, however, that in such case at least one and one-third times the normal rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period, or forty (40) hours in any seven (7) day period.

SECTION 4. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which when totaled with that already performed with another employer, or employers, exceeds the maximum permitted herein.

#### ARTICLE IV—WAGES

SECTION 1. *Minimum Wage.*—No employee shall be paid less than at the rate of forty (40¢) cents per hour, but female employees engaged in light and non-hazardous work, such as wrapping, packaging and labelling, may be paid not less than at the rate of thirty-five (35¢) cents per hour per week of forty (40) hours; except as follows:

SECTION 2. *Clerical and Office Work.*—No person employed in clerical or office work shall be paid less than \$14.00 per week except that office boys and messengers may be paid not less than \$12.00 per week but that this class of employees shall not exceed 10% of the total number of employees in the Industry, but that each plant may have at least one such employee.

SECTION 3. *Minimum Wage Rates by Locality or Occupation.*—After the approval of this Code, the Code Authority may present for approval to the Administrator, after notice and hearing, recommendations as to upward adjustments in minimum wages in general or for specified localities or occupations, in order to effectuate the purposes of the Act.

SECTION 4. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 5. *Handicapped Persons.*—A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor, a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

SECTION 6. *Piecework Compensation—Minimum Wages.*—This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SECTION 7. *Wages Above the Minimum.*—It shall be the policy of each employer in each establishment to make fair and equitable adjustments of all pay schedules based upon changes in minimum pay necessitated by the foregoing paragraphs in this Article.

SECTION 8. Employees shall be paid all money due for services rendered in the form of negotiable currency or checks without deduction therefrom, except with their assent or as required by Federal or State laws.

#### 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. The Code Authority shall submit to the Administrator within thirty (30) days after the effective date hereof 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.

SECTION 2. *Provisions from the Act.*—In compliance with Section 7 (a) of the Act it is provided:

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

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

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

SECTION 3. *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge to defeat the purposes or provisions of the Act or of this Code.

SECTION 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.

SECTION 5. *State Laws.*—No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 6. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE  
AUTHORITY

## ORGANIZATION AND CONSTITUTION

SECTION 1. There shall forthwith be constituted a Code Authority consisting of seven (7) persons to be selected in the following manner:

The seven (7) members who together with the representatives of the President shall comprise the Code Authority shall be the seven (7) directors comprising the Board of Directors of the Tapioca Products Association, who shall be elected at the annual meeting of the members of the Association for the term of one (1) year and until their successors shall be elected and qualify. The members of the Association shall, by resolution, decide upon the description and number of the several subdivisions of the industry comprised by the membership of the Association, and each such group shall be represented by at least one (1) member on the Board of Directors, who shall be elected from such group.

SECTION 2. In addition to membership as above provided, there may be not more than three members, without vote, to be appointed by the Administrator.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

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 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 and composition of the 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 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.

SECTION 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 members, officer, agent, or employe of the Code Authority. Nor shall any member of the Code Authority,

exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

#### POWERS AND DUTIES

SECTION 7. The Code Authority shall have the following further powers and duties:

(a) To insure the execution of the provisions of this Code and provide for the compliance of the industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, all members of the Industry shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and/or State agencies as he may designate; nor shall anything in this Code relieve any person of any existing obligation to furnish reports to any Government agencies.

(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.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry or affect members of 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 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 and approved by the Administrator, 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.

SECTION 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.

#### LABOR BOARD

SECTION 9. A labor board to consist of two members selected by the Code Authority, two members selected by the Labor Advisory Board of the National Recovery Administration and a Chairman to be selected by the Administrator shall be formed to consider and pass upon any alleged violation, dispute, or nonobservance of the labor provisions of the Code. All decisions shall, if unanimous, be final. In the event that no agreement is reached, the matter will be referred to the appropriate Governmental agency.

#### ARTICLE VII—TRADE PRACTICES

It shall be unfair competition for any member of the Industry to engage in any of the following unfair trade practices:

1. *False Billing.*—To knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

2. *Inaccurate Labelling.*—To 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.

3. *Inaccurate Reference to Competitors, etc.*—To publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services.

4. *Selling Below Cost.*—After the establishment of a system of cost accounting for the Industry as provided in Article VI, Sub-Section (i), no member shall sell the products of the Industry at such prices or upon such terms and conditions of sale as will result in the purchaser purchasing such product at less than the cost thereof to the seller determined in accordance with the aforesaid system of cost accounting, except to meet competition, not instigated directly or indirectly by the party desiring to meet such competition but to meet the price of a competitor whose price does not violate the Code.

5. *Threats of Law Suits.*—To publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

6. *Bribing Employees.*—To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. 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.

7. *Interference with Another's Contracts.*—To attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

8. *Coercion.*—To require that the purchase or lease of any goods be prerequisite to the purchase or lease of any other goods.

9. *Blacklisting.*—To join or participate with other members of the industry who with such member constitute a substantial number of members of the industry or who together control a substantial percent of the business of any specific product or products of the industry, in any transaction known in law as a blacklist, including any practice or device (such as a white list), which accomplishes the purpose of a blacklist.

10. *Guaranteeing Prices.*—To guarantee prices against decline.

11. *Contracts.*—To allow termination or modification of contracts without complete compensation for any loss resulting therefrom.

12. *Machinery as inducement of Sale.*—To give, rent, or sell any new or additional machinery or equipment to any buyer except that a seller of dry vegetable glue to the wood working industry may replace machinery or equipment heretofore installed by said seller with machinery or equipment of identical capacity.

13. *Free Samples.*—To give a free sample to any buyer in excess of approximately two hundred (200) pounds.

14. *Sales on Consignment.*—To sell or ship goods on consignment.

15. *Invoices.*—To date invoices later than the date of shipment.

16. *Terms.*—To sell on any terms more favorable than 30 days net or 2% fifteenth proximo.

#### ARTICLE VIII—EXPORT TRADE

SECTION 1. (a) 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.

(b) Subject to the approval of the Code Authority, the exceptions established by this article shall apply also to sales or shipments of materials actually used in manufacture for export trade.

#### ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the rights 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.

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 modifications to be based upon application to the Administrator, and such notice and hearing as he shall specify, and to become effective on approval of the President.

## ARTICLE X—MONOPOLIES, ETC.

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

## ARTICLE XI—EFFECTIVE DATE

The provisions of this Code shall become effective ten (10) days after its approval by the President.

Approved Code No. 328.

Registry No. 601-02.





**CODE OF FAIR COMPETITION**

FOR THE

**UPHOLSTERY SPRING AND ACCESSORIES  
MANUFACTURING INDUSTRY**

As Approved on March 10, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE UPHOLSTERY SPRING  
AND ACCESSORIES 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 Upholstery Spring and Accessories 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 X, Sections 1, 2 and 3, 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.,  
*March 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Upholstery Spring and Accessories Manufacturing Industry in the United States as revised after the hearing conducted in Washington on December 18, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### LABOR PROVISIONS

Under this Code no employee shall work in excess of 40 hours in one week except during peak periods when a 48 hour week is permitted. However, such excess hours during peak periods may not exceed 32 hours in any 6 months period and may not be utilized in more than 6 of the 26 weeks in that period. There are certain exceptions to these provisions. First, any employee may be permitted to work 8 additional hours per week above those specified provided such additional hours shall be paid for at the rate of time and one-half and provided that no employee shall be permitted to work more than 48 hours in one week. Secondly, executive and supervisory employees who receive \$35.00 or more per week and outside sales employees are exempt from the above provisions. Thirdly, outside delivery men are permitted to work 48 hours and janitors, and watchmen are permitted to work 56 hours in one week. Finally, employees who act as factory clerks and who receive \$25.00 or more per week are permitted a tolerance of 10% upon the hours above specified. But the number of such factory clerks is limited to 5% of all employees.

The minimum wage is 35 cents per hour in the North and 32 cents per hour in the South for employees engaged in the processing of products. Learners may receive 80% of these minimums. However, learners may at no time exceed 5% of all employees and no employee may serve as a learner more than once in this industry. Clerical employees are to be paid not less than \$15.00 per week except that office boys and girls may receive 80% of the minimum. The total number of such employees is not to exceed 5%. Equitable adjustments of wages above the minimum is provided for in the Code.

### ECONOMIC EFFECT OF THE CODE

Members of the Industry manufacture semi-finished producers goods, sold to other manufacturers for use in making mattresses, upholstered furniture of various types, and spring cushions in general. According to the Report of the Division of Planning and Research estimated factory employment is approximately 54% under that of 1929. The average hours worked per week in 1929 were 54 but employment has been extremely irregular in 1932 and 1933

resulting in lower average hours of work. However, the limitation upon hours contained in the Code should, on the basis of available statistics, increase employment within the Industry by at least 25%.

In addition to the re-employment which should, in this Industry, follow approval of the Code, the actual increase in purchasing power of the workers should be substantial. According to the Research and Planning Division, the average weekly wage in 1932 was \$8.05. On the basis of wage provisions in the Code the average minimum wage for both the North and South for a 40 hour week will be approximately \$13.80. The 1929 average weekly wage for the longer week was \$14.57. Members of the Industry have been desirous of improving labor conditions within the Industry and are now convinced that, through the labor and the fair practice provisions of the Code, they will accomplish their aim.

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.

I have, therefore, approved this Code.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 10, 1934.

# CODE OF FAIR COMPETITION FOR THE UPHOLSTERY SPRING AND ACCESSORIES 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 UPHOLSTERY SPRING AND ACCESSORIES MANUFACTURING 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. The term "Upholstery Spring and Accessories Manufacturing Industry", hereinafter referred to as the "Industry", means the manufacture for sale of:

(a) Upholstery springs of all kinds, including, but not limited to, true upholstery springs, pillow springs, single cone springs, double cone springs, car-seat springs, ball bottom springs, top extension springs, high-low springs, and all other springs of similar construction and use;

(b) Assembled spring constructions of all kinds, including specifically, but not limited to, studio couch spring and frame constructions, bed-davenport spring and frame constructions, all-wire spring mattress inner units, all-wire spring cushion units, fabric-wire cushion and mattress inners;

(c) Studio couch and bed-davenport metal fixtures and parts;

(d) Upholstery accessories, including back straps, sure-stay straps, seat bars and sag seat construction; The manufacture of spring wire in coils and mechanical springs is not included in the above definition.

SECTION 2. The term "Products" as used herein means such products as are defined and set forth in Article II, Section 1 hereof.

SECTION 3. The term "Member of Industry" or "Member" means without limitation any individual, partnership, corporation, or any other form of enterprise engaged in the manufacture for sale of the Products of the Industry.

SECTION 4. The term "Association" means the Upholstery Spring and Accessories Manufacturers' Association, Inc., an Illinois corporation not for profit, having its principal offices at 77 West Washington Street, Chicago, Illinois.

SECTION 5. The term "Board" or "Board of Managers" means the Board of Managers of the Association.

SECTION 6. The term "Employee" includes any one engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a Member of the Industry.

SECTION 7. The term "Employer" includes any one by whom any such employee is compensated or employed.

SECTION 8. The term "President", "Act", and "Administrator" mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for National Industrial Recovery.

### ARTICLE III—WAGES

SECTION 1. The minimum wage that shall be paid to any employee engaged in the manufacturing of products of the Industry, and any labor incident thereto, shall be as follows:

(a) No employee shall receive a lesser time or piece rate than is required to provide the same earnings for 40 hours of labor per week as was received for that class of work for a 48 hour week immediately prior to May 1, 1933, provided, however, that no employee shall receive less than a minimum of thirty-two cents per hour in the Southern Wage District, and thirty-five cents per hour in the Northern Wage District.

(b) The Southern Wage District is defined as comprising North Carolina, South Carolina, Florida, Georgia, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Maryland, and Virginia, and the Northern Wage District is defined to include all other States in the United States proper, including the District of Columbia and Alaska.

SECTION 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.

SECTION 3. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 4. Learners without previous experience may be employed at a minimum wage of 80% of the above requirements for a period of not more than ninety days; provided, however, that the number of such learners employed by a member of the industry shall not exceed 5% of the total number of all his employees at any one time; and provided further, that no employee may be permitted to serve in the industry more than once as a "learner" within the above provisions.

SECTION 5. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

SECTION 6. On and after the effective date, the minimum wages which shall be paid by any employer to all other employees shall be not less than at the rate of \$15.00 per week. Office boys and girls of sixteen to and including eighteen years of age, may be paid at a rate of not less than 80% of the above minimum wages; but the total number of such employees shall not exceed 5% of the total

number of office employees, provided that the employment of at least two such employees by any employer shall be permissible.

SECTION 7. The hourly rates and salaries for all duties and occupations now paid at more than the minimum herein prescribed, but not including salaries of more than \$35.00 per week, shall be equitably adjusted by all Members of the industry who have not already done so, and in no case shall these rates be decreased. Reports concerning the Action taken, whether prior to or after the approval of this Code, shall be reported to the Code Authority not later than sixty (60) days after the effective date hereof, and by it reported to the Administrator.

#### ARTICLE IV—HOURS

SECTION 1. No employee shall be permitted to work in excess of 40 hours or six (6) days in any one week except as herein provided.

SECTION 2. Clerical employees shall not be permitted to work more than an average of 40 hours per week in any five week period.

SECTION 3. During any peak period in which a concentrated demand upon any division of any Member of the Industry shall place an unusual and temporary burden upon its facilities, factory employees of such division shall be allowed to work not more than 48 hours per week, all hours over 40 hours per week to be known as "excess" hours hereunder.

SECTION 4. The number of excess hours worked by factory employees in any six (6) months period may not exceed a total of 32 hours to be taken in any six (6) weeks during such six (6) months period and overtime need not be paid for such excess hours.

SECTION 5. Any factory employee may be permitted to work 8 additional hours in any one week beyond those specified in the two preceding paragraphs, provided such additional hours shall be paid for at the rate of time and one-half and provided that no factory employee shall be permitted to work more than 48 hours in any one week.

SECTION 6. No employee shall knowingly be permitted to work in the aggregate in excess of the above prescribed number of hours, irrespective of whether such employee be on the payroll of more than one employer.

SECTION 7. Nothing in the foregoing employment provisions shall apply to executive and supervisory employees who receive \$35.00 or more per week, nor to watchmen, janitors or outside sales or outside delivery men. Outside delivery men shall not be permitted to work more than 48 hours in any one week and watchmen and janitors shall not be permitted to work more than 56 hours in any one week.

SECTION 8. A tolerance of ten percent upon the hours specified above is permitted for employees who act as factory clerks receiving not less than \$25.00 per week. The number of such factory clerks shall be limited to five percent of the total number of employees of any one employer, with a minimum of one in plants having twenty or less employees.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under 16 years of age shall be employed in the industry nor anyone under 18 years of age at operations, or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator a list of such occupations within 30 days after the effective date hereof. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 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.

(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. Within each State this Code shall not supersede any laws of such State imposing 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.

SECTION 4. Employers shall not reclassify employees or duties of occupations performed by employees or engage in any subterfuge to defeat the purpose of the Act or of this Code.

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

## ARTICLE VI—RECONSIDERATION OF WAGES

SECTION 1. It is recognized that this industry is in competition with other industries operating under other Codes and that there must be an inter-relationship of wage minimums among these industries in order to preserve an equitable basis of competition. Therefore, any revision in minimum wage rates which may take place in the Codes of competitive industries shall be considered adequate cause for reconsideration of the wage rates of this Code. Any revision which may be made shall be subject to the approval of the Administrator.

## ARTICLE VII—ORGANIZATION

## ADMINISTRATION AND PARTICIPATION

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 Board of Managers of the Association, together with one representative of members of the industry who are not members of the Association, who assent to this Code and pay their pro-rata share of the cost of preparation and administration thereof; and in addition thereto the Administrator may, in his discretion, appoint not more than three additional members. The appointees of the Administrator shall have no vote, and each appointee shall serve without expense to the Industry. The representative of the non-members of the Association shall be elected by the non-members in any fair manner designated by the Board of Managers and approved by the Administrator.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the industry, and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper, and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may require an appropriate modification in the method of selection of the Code Authority. Within 30 days after the effective date of this Code, and not later than April 1, 1934, the Board of Managers shall cause a special meeting of the Members of the Association to be held for the purpose of electing a Board of Managers of the Association whose terms shall extend until the next annual meeting of the members of the Association.

SECTION 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 members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of the preparation and administration thereof, to be determined by the Code Authority, subject to review by the Administrator on the basis of volume of business and/or such other factors as may be deemed to be equitable. The Treasurer of the Association shall bill each assenting member with his proportionate share of the expense of the preparation and administration of this Code. Within fifteen days of such billing the member shall pay the amount of such billing to the Treasurer of the Association for the benefit of the Code Authority.

SECTION 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 any person 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 act or omission to act under this Code, except for his own willful misfeasance or non-feasance.



SECTION 6. 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, 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 under such rules and regulations as may be established by the Administrator.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To receive and investigate complaints and to attempt to adjust the same in accordance with law under such rules and regulations as may be prescribed by the Administrator.

(d) To represent the Industry in conferring with the President or his agents, with respect to the Administration of this Code and in respect to the Act and any regulations issued thereunder.

(e) 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. All such reports shall be received on behalf of the Code Authority by the Executive Secretary of the Association, and at the request of any member his reports shall be kept confidential except as above provided.

(f) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities 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) 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 or incorporation, 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 purpose of the Act.

(h) To make recommendations to the Administrator for the coordination of the Administration of this Code with such other Codes, if any, as may be related to the Industry.

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

(j) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those Members of the Industry who have assented to, and are complying with this Code.

(k) To recommend to the Administrator further fair trade practice provisions to govern Members of the Industry in their relations with each other or with other industries, and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

SECTION 7. 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 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—STANDARDS AND MARKETING

SECTION 1. The Code Authority shall from time to time specify and define, subject to the approval of the Administrator, the Products which are to be considered the standard products of the Industry.

SECTION 2. The Code Authority shall, as soon as practicable, prepare minimum standards of quality for the standard products so specified, and after approval by the Administrator and the publication of such standards by the Code Authority, no Member shall manufacture or sell a Product below such standards. The Code Authority shall have the right to change such standards from time to time subject to the approval of the Administrator.

SECTION 3. Any Product which is a standard product of more than one Member, shall be subject to a definite codification by the Code Authority, which codification shall appear on all tags, packages and invoices relating thereto and other appropriate places. This may be accompanied by the member's own trade name and description in addition thereto.

SECTION 4. On any such standard product, material specifications shall be determined by the Code Authority, and any variation from such specifications must be noted on tags, packages, and invoices, relating thereto.

SECTION 5. The Code Authority shall prescribe rules and regulations providing for the sale of surplus inventories, discontinued lines and Products which are not up to specifications of sale or do not comply with the minimum standards as herein set forth, where such goods are not sold on contract. Such rules and regulations shall be effective upon approval by the Administrator. No Member of the Industry shall sell any goods in any of the classes hereinabove described for the purpose of violating the provisions of this Code or of defeating the purposes of the Act or except in full compliance with such rules and regulations.

## ARTICLE IX—TERMS

SECTION 1. Maximum terms for the Industry shall be two percent cash discount on all invoices dated between the first and fifteenth of the month if paid on the twenty-fifth of the same month and on invoices dated between the sixteenth and thirty-first, if paid on the tenth of the following month. All invoices shall be dated as of the date of shipment.

SECTION 2. Cash discounts shall not be allowed if not earned. Cash discounts may only be earned by payment in cash or equivalent, but not in trade acceptances, notes or other evidences of indebtedness. Due to possible mistakes in mailing of payments or otherwise, three (3) days grace may be extended to customers for the earning of cash discounts, in which event date of payment must be considered date of postmark.

SECTION 3. A carload buyer entitled to a carload discount shall be construed as one who places at one time an order for a minimum of twenty thousand pounds of the products of this industry. Such carload quantity, defined as above, may be divided into several shipments, but the entire carload quantity shall be entirely shipped within fifteen days of the date of the first shipment. If partial shipments of a single carload order are made, they shall be identified and marked on each invoice: "Partial shipment on carload order". The carload discount shall be allowable only after the completion of shipment of the entire order within the time herein limited, and as a credit against the invoice for the last shipment. No buyer who is not a carload buyer, as herein defined, shall be entitled to any discount other than cash discounts.

SECTION 4. Notes are to bear legal interest payable at place of maker in all cases.

SECTION 5. If the original terms of sale shall so provide, trade acceptances which are due within sixty (60) days of date of invoice without interest may be accepted as payment, provided no cash discount is allowed; all trade acceptances shall be dated the date of shipment. All notes given in renewal of trade acceptances, shall bear interest at the legal rate payable at the place of business of the maker.

SECTION 6. Every Member shall charge and make a reasonable effort to collect interest at a rate of not less than 6% per annum or the legal rate on all purchases not paid for by the customer within sixty (60) days following date of invoice, but ten (10) days grace thereafter may be allowed before interest shall be charged.

SECTION 7. All customers whose accounts are unpaid within sixty (60) days after the date of invoice, shall be reported on the 10th day of each month to the Code Authority for compilation into protective credit reports to be furnished to all Members who have assented to this Code, and have contributed to the expense of administration thereof, as herein provided. In the event that an account is in dispute, the report shall so indicate. An account evidenced by any trade acceptance, note or payment other than by cash or check, shall be considered unpaid, but shall not be considered delinquent prior to maturity of such instruments.

## ARTICLE X—PUBLICATION OF PRICES

SECTION 1. Each Member shall, within five days after the effective date of this Code, file with the Code Authority a published list showing sales prices and carload discounts for all of its products, as defined by this Code, and from and after the expiration of such five days, such member shall at all times maintain on file, with the Code Authority, such a list and shall not make any change in such list except as may be hereinafter provided. All published prices shall be f.o.b. plant of seller. Each such published list shall become effective ten days after the date of filing with the Code Authority, provided, however, that the first list filed by any manufacturer as to any such products, as above provided, shall take effect on the date of filing thereof. All price lists shall be forwarded from the main office of each member, by registered mail, and the date of mailing shall be considered the date of filing. Whenever any price list shall be filed with the Code Authority, the same shall be made available to all persons interested therein upon request.

SECTION 2. No published list filed by any member as herein provided, shall be changed except by the filing by such member of a new published list, which shall become effective ten days after the date on which such new list shall have been so filed.

SECTION 3. Whenever a member shall file a new list with the Code Authority, such member shall not sell such products on the basis of such new list until it shall have been on file for ten days with the Code Authority, except as herein otherwise provided.<sup>1</sup>

SECTION 4. Whenever any member shall file with the Code Authority a new published list for any Product, it shall be the duty of the Code Authority to immediately mail to each other member of the Industry, who has assented to the Code and has paid its proportionate share of the expense of the preparation and administration of this Code, a copy of such portions of such new list which apply to any Product manufactured by such other Member, and thereupon any other Member may, if it shall so desire, file a revision of its list of the same or similar competing Product to meet the initial change, which, at the option of such Member may become effective upon the date when the new list first filed with the Code Authority shall go into effect, and like notice shall be given by the Code Authority of any further new lists so filed by any other Member.

SECTION 5. 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 and approved by the Administrator, 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. The pricing and/or selling by any Member of the Industry of any Product below cost as determined in accordance with the principles of such methods is an unfair method of competition and a violation of this Code, except as provided in Section 7 of this Article X.

SECTION 6. The Code Authority may require any member of the Industry to submit data as to the cost of production of any of the prod-

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

ucts for which prices have been filed, as such costs shall have been determined pursuant to Section 5 of this Article, and may, for purposes of verification of the accuracy thereof, examine so much of the pertinent books and records of such Member as may be required to verify such statements. Notification shall be given to all other members of the Industry in the event such data is required. If the Code Authority determines that a filed price violates the provisions of Section 5 of this Article, such price shall thereupon become noneffective and the Code Authority shall immediately notify such Member of its conclusions and such Member shall immediately file a new price list which complies with said provisions of Section 5 of this Article. All decisions of the Code Authority under this Section, together with the reasons therefor, shall be filed with the Administrator and shall be subject to suspension or cancellation.

SECTION 7. Selling below cost to meet any existing lawful competition on Products of equivalent design, character, quality or specifications, shall not be deemed a violation of this Code, and shall at all times be permitted. It shall be lawful to meet any published net price for any Product filed by any Member with respect to which the Code Authority shall not theretofore have begun an investigation, as provided in Section 6 of this Article. Whenever any new list shall be filed by any Member as to any Product pursuant to Section 6 of this Article, it shall be the duty of the Code Authority to notify each Member assenting to and complying with the Code, of the filing of such new list, and it shall be the further duty of the Code Authority to notify each Member so assenting to and complying with this Code, as soon as practicable and not later than ten days after the filing of such new list, whether or not it has been accepted as complying with Section 6 by the Code Authority, or is subject to investigation; and whenever any Member shall file or desire to file a new list for any Product to meet a previously filed list, it shall be the specific duty of the Code Authority to at once notify the Member whether or not an investigation has been begun as to the propriety of such first filed list. And if at any time after the filing of competing lists, an investigation shall be begun by the Code Authority as to the propriety of the list first filed, like notice shall be given to all Members who have met the competition afforded by such list with respect to which such investigation shall have been begun. Whenever any list shall be withdrawn by any Member after complaint by the Code Authority, or the operation of such list shall in any manner be restrained, then all published lists theretofore filed to meet such improper list, shall, upon notice from the Code Authority, likewise be withdrawn. In order that each Member shall be allowed to meet all lawful competition, it shall not be necessary that the list filed by each Member shall show that the same shall prevail in all areas, zones and territories, but each list filed by any Member, or any revision thereof or amendment thereto, may make specific provision to meet any lawful competition offered to the Member in any named area, zone, or territory. But nothing herein contained shall be construed to prevent any Member from selling any Product at a price not below such Member's cost, determined as set forth in Section 5 hereof.

SECTION 8. Items bearing extras shall be sold at prices which include for such extras, additions to published prices at not less

than the Member's individual cost for such extras. "Extras" means better quality, materials, or features additional to those specified for the Product for which the price list was filed.

SECTION 9. Whenever it shall be necessary for the Code Authority to act under any provision of this Code, the votes of the members of the Code Authority upon any issue may be received by the Code Authority by telephone, telegraph, orally or in writing, or in any other manner set forth in the By-Laws to be adopted by the Code Authority. Administration Members of the Code Authority shall be advised forthwith of any such action.

## ARTICLE XI—UNFAIR TRADE PRACTICES

SECTION 1. No Member shall sell or exchange directly or indirectly by any means whatsoever any Product of the Industry at a price lower or a discount greater or on more favorable terms of payment than that of his published list in effect the date the order for such sale or exchange was accepted, nor shall he invite or consider offers, tenders, or orders at a price below his list effective at the time of such offer, tender or order, provided, however, that any Member shall at all times be allowed to make an allowance for equalization of freight as against the most favorably situated competitor.

SECTION 2. Where two or more Products of the Industry are sold in combination, each Product must be separately priced and sold. No allowance shall be made upon the price of any one Product by reason of the purchase of any other Product in combination with the first.

SECTION 3. No Member shall sell a Product of the Industry in combination with merchandise which is not a Product of the Industry, except where such merchandise shall be separately sold and separately priced.

SECTION 4. No Member shall condition the sale of one class of Product to a customer upon the agreement of such purchaser to purchase other Products or other merchandise made or sold by the same Member.

SECTION 5. After the effective date of the Code, no Member shall take any order for the delivery of merchandise at any period beyond ninety days from the making of a contract for the sale thereof, and every contract for the delivery of merchandise beyond thirty days from the date of making such contract shall be in writing signed by the purchaser, and shall be for a specific quantity of merchandise.

SECTION 6. All sales shall be invoiced at the time of shipment, and records pertaining to such sales shall clearly and accurately state all the essential elements of the sale.

SECTION 7. The following practices constitute Unfair Methods of Competition for the Members of the Industry, and a violation of this Code:

A. Branding or marking or packing 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. (1) Falsifying, by omission or otherwise, books of account, orders, acknowledgment of orders, invoices, statements of account with regard to quantity, quality, weights, proper descriptions or prices.

(2) Falsifying cost records or omission therefrom of essential factors of cost as required by Article X, Section 5.

C. Inducing or attempting to induce, breach of existing contract between competitors and their customers by any false or deceptive means whatsoever, or obstructing the performance of any such contracts by any such means, with the purpose and effect of hampering, injuring, or embarrassing competitors.

D. Obtaining 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.

E. Guaranteeing any purchaser against a decline of price. Guaranteeing any purchaser or prospective purchaser against an advance in price; provided, however, that nothing in this Section contained shall exclude the making of a bona fide contract for future delivery where such contract is mutually binding upon the seller and purchaser, and is for a specific quantity of merchandise, as hereinbefore provided.

F. Making wilfully false statements as to a competitor's character or products or ability to perform, or financial status.

G. (1) Paying or allowing, in the form of money, products, or otherwise, unearned rebates, refunds, credits or discounts.

(2) Extending services or privileges to any purchasers not extended to all purchasers under like terms and conditions.

H. Accepting the return of merchandise for credit, exchange, or otherwise except where claim has been made to the dealer within sixty days after shipment by the dealer, and/or except where permitted by clauses under "Guarantee" to the extent there permitted.

I. Granting extra discount or additional interest for anticipation of proper payment date.

J. Granting a discount based on cumulative quantities ordered over a given period.

K. Post-dating or pre-dating quotations, orders, invoices, statements or other sales documents.

L. Consigning of merchandise, or any method of selling or exchanging the same which has the effect of selling on consignment or memorandum.

SECTION 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. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except insofar as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 9. Any deviation from or violation of the provisions of this Code by any Member of the Industry, either directly or indirectly through a distributor, shall be considered an unfair

method of competition and a violation of this Code by such Member. By distributor as used in this Section, it is intended to include dealers, salesmen, sales agents and any other person authorized to sell or to negotiate sales of Products of the Industry on behalf of any Member.

SECTION 10. Nothing in this Code shall limit the effect of any adjudication by a Court of competent jurisdiction or a holding by the Federal Trade Commission on complaint, finding or order that any practice or method is unfair.

#### ARTICLE XII—MONOPOLIES

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

#### ARTICLE XIII—AMENDMENTS AND MODIFICATIONS

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Sub-section (b) of Section 10 of the National Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act, and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any condition imposed by him upon his approval thereof.

SECTION 2. This Code, except as to the 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.

SECTION 3. If the Code Authority shall desire to propose an amendment to the Code, it shall first approve any such amendment, and shall submit the proposed amendment to the Members of the Industry, who shall thereupon vote upon said proposed amendment at a special meeting to be called for that purpose, at which meeting voting may be by proxy. In voting upon any amendment so submitted by the Code Authority there shall be two separate and distinct ballots thereon as follows:

(a) Each Member voting shall be entitled to cast one vote upon the said amendment, which vote shall be known as the "Member Vote".

(b) In addition to the "Member Vote" each Member voting shall be entitled to cast one separate and distinct vote or votes for each dollar of gross sales of such Member for the preceding semi-annual period of January to June inclusive, or July to December inclusive. This vote shall be known as the "Volume Vote".

In order to receive approval any such proposed amendment shall receive the affirmative vote of (a) at least two-thirds of the "Member Votes" cast, and in addition thereto (b) at least two-thirds of the "Volume Votes" cast, both separately considered. If such proposed amendment shall be approved in the manner above set forth, the Code Authority shall submit such proposed amendment to the Administrator.



SECTION 4. Whenever the Code Authority shall be of opinion that the application of any provision of this Code in any particular case or instance works an undue hardship, the Code Authority may apply to the Administrator for an exemption or exception as to such particular case or instance, and upon the allowance of such exemption or exception the Code Authority may take, allow or permit such action as is not inconsistent with the exemption or exception allowed by the Administrator; but this paragraph shall not apply to any provision of this Code required by the Act.

#### ARTICLE XIV—PRICE INCREASES

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

#### ARTICLE XV—EFFECTIVE DATE

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

Approved Code No. 329.  
Registry No. 1154-01.









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**AMENDMENTS**

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Approved Code No. 179—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**ELECTROTYPING AND STEREOTYPING  
INDUSTRY**

As Approved on February 17, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

FOR THE ELECTROTYPING AND STEREOTYPING INDUSTRY

A Code of Fair Competition for the Electrotyping and Stereotyping Industry was approved by me on December 23, 1933, subject to the following condition, inter alia:

“1. That the maximum hours of work specified in Article III of the Code and/or any other provisions of the Code relating to hours of work, shall not be construed as a minimum work day or work week;

“*Provided*, That if at any time in any locality, employees engaged in any trade or craft, through their chosen representatives, express by written request to their employer or employers, a desire to share available work with bona fide resident competent mechanics in their particular trade or craft, the number of hours may be adjusted by mutual agreement;

“**PROVIDED**, further, that if local agreement proves impossible within fifteen (15) days after such request, the question may be appealed by either party to a local board set up by mutual agreement of the parties, or to the Labor Board established in Article VIII of the Code.”

An application having been duly made by the Code Authority of the Electrotyping and Stereotyping Industry, pursuant to the Code, for the following amendment of my Executive Order of December 23, 1933, the Administrator having recommended the granting of said application, the amendment to be in accordance with the following proposal:

That the first condition of my approval of the Code be deleted and that the following be substituted therefor:

“1. That the maximum hours of work specified in Article III of the Code and/or any other provisions of the Code relating to hours

of work, shall not be construed as a minimum work day or work week;

*Provided*, That if at any time in any establishment a majority of the mechanical employees actually engaged in any trade, express by written request to their employer a desire to share available work with bona fide resident unemployed competent mechanics in their particular trade, the number of hours of work may be adjusted by mutual agreement.

“(a) If mutual agreement proves impossible within fifteen (15) days the question may be appealed by either party to a local Fact Finding Board made up of two representatives of the employer and two representatives of the employees.

“(b) The local Board as thus formed, shall endeavor to agree upon the facts with regard to the number of resident unemployed competent mechanics in the locality for the purpose of reducing the number of such unemployed mechanics so far as is possible without undue hardship to either the employer or his employees.

“(c) If a majority agreement cannot be arrived at, the four members shall choose a fifth and impartial member of the Board, who shall act as Chairman.

“(d) The Board shall proceed diligently to complete its findings of fact and make its recommendations.

“(e) Should either the employer or his employees disagree with the findings and recommendations of the local Fact Finding Board, appeal may be made to the Labor Board provided for in the Code, to which shall be added by the Administrator one disinterested member to act as Chairman and one member, a representative of labor, on nomination of the Labor Advisory Board of the National Recovery Administration, which, after notice and opportunity for the parties to be heard, shall make a finding which shall be binding upon all parties of interest.”

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby adopt and approve the recommendation of the Administrator and do order that my Executive Order approving the Code of Fair Competition for the Electrotyping and Stereotyping Industry be and it is hereby amended accordingly.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*February 17, 1934.*

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*



The following statement shall be published with my Order amending my Executive Order approving a Code of Fair Competition for the Electrotyping and Stereotyping Industry.

I understand that there is some disagreement in the industry on the provisions of Section 1 of my Executive Order. The terms of the aforesaid condition were strenuously contended for by certain members of the industry. They have been inserted. On the other hand these terms were opposed by the Labor Advisory Board and by certain of the groups of employees of the Electrotyping and Stereotyping Industry.

In view of the disagreement concerning the application of the condition it appears to me desirable to state here that my aforesaid condition is not to be construed or interpreted in such manner as to conflict with Section 7 (a) of the National Industrial Recovery Act. Nor shall such condition interfere with the right of the employees of any locality to express their desire to share regular work with bona fide resident unemployed competent mechanics in their particular trade or craft and to appeal to all agencies of the government to assist them in the exercise of this right.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

*February 17, 1934.*

Approved Code No. 179—Amendment No. 1.

Registry No. 503-02.



Approved Code No. 32—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**KNITTING, BRAIDING AND WIRE COVERING  
MACHINE INDUSTRY**

**As Approved on February 17, 1934**

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**ORDER**

APPROVING AMENDMENT OF AND ADDITION TO CODE OF FAIR COMPETITION FOR THE KNITTING, BRAIDING AND WIRE COVERING MACHINE 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 and Additions to a Code of Fair Competition for the Knitting, Braiding and Wire Covering Machine Industry, and hearings having been duly held thereon and the annexed report on said Amendments and Additions, 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 Additions 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 and Additions 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, such approval and such Amendments and Additions to take effect ten (10) days from the date hereof.

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

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 17, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Amendments and Additions to the Code of Fair Competition for the Knitting, Braiding and Wire Covering Machine Industry and Trade as revised after a Public Hearing conducted in Washington on December 29, 1933, in accordance with Article X of said Code as approved on October 3, 1933.

The Amendments and Additions pertain to the inclusion of the manufacturers of knitting machine needles and the importers and distributors of the products covered by the Code within the original Code.

### PROVISIONS AS TO HOURS AND WAGES

By agreement between the representatives of the Industry and of Labor certain changes have been made in the provisions as to hours as stipulated in the original Code. Employees are now limited to eight hours per day and forty hours per week with provision for forty-eight hours per week in any eight weeks in any six month period to cope with peak demands. Time and a half is paid to hourly rated employees for all hours worked over eight hours per day and forty hours per week. Watchmen are now limited to forty-eight hours per week.

No change has been made in the minimum rate of forty cents per hour in the original Code but an amendment provides that female employees in the Needle Manufacturing Division only shall be paid at the rate of not less than thirty-five cents per hour. Such female employees, however, shall receive the same rates as male employees when employed on similar work.

Provision is made for the employment on light work at a wage below the minimum of persons whose earning capacity is limited because of age or physical or mental handicap. Each employer will file with the Code Authority a list of all such persons employed by him.

### FINDINGS

The Deputy Administrator in his final report to me on said Amendments and Additions 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 and Additions 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 Knitting, Braiding and Wire Covering Machine Industry and Trade Association was and is an industrial and trade association truly representative of the aforesaid Industry and Trade and that said association imposed and imposes no inequitable restrictions on admission to membership therein and has applied for or consents to these Amendments and Additions.

(d) The Amendments and Additions and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendments and Additions 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 and Additions.

For these reasons, these Amendments and Additions have been approved by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 17, 1934.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE KNITTING, BRAIDING AND WIRE COVERING MACHINE INDUSTRY

## PURPOSE

Pursuant to Article X of the Code of Fair Competition for the Knitting, Braiding and Wire Covering Machine Industry, duly approved by the President on October 3, 1933, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following amendments and additions are established as a part of said Code of Fair Competition and shall be binding upon every member of the Knitting, Braiding and Wire Covering Machine Industry and Trade:

### AMENDMENT NO. 1

#### TITLE

*Title* amended to read as follows:

"Code of Fair Competition for the Knitting, Braiding and Wire Covering Machine Industry and Trade.

"As submitted by the Association of the Knitting, Braiding and Wire Covering Machine Industry and Trade."

### AMENDMENT NO. 2

#### ARTICLE I—PURPOSE

*Article I* amended to read as follows:

"To effectuate the policy of Title I of the National Recovery Act, during the period of the emergency, by reducing and relieving unemployment, improving the standards of labor, eliminating competitive practices destructive of the interests of the public, employees and employers and otherwise rehabilitating the Knitting, Braiding and Wire Covering Machine Industry and Trade, the following provisions are established as a Code of Fair Competition for this Industry and Trade:"

### AMENDMENT NO. 3

#### ARTICLE II—DEFINITIONS

*First Paragraph* amended to read as follows:

"The term 'Knitting Machine Industry', as used herein, is defined to mean and include the business of manufacturing knitting machines, needles, parts, equipment, supplies and accessories used in these machines."

*Second Paragraph* amended to read as follows:

"The term 'Braiding and Wire Covering Machine Industry', as used herein, is defined to mean and include the business of manufacturing braiding and wire covering machines, parts, equipment, supplies and accessories used in these machines."

*New Fourth Paragraph* inserted to read as follows:

“The term ‘Trade’ means and includes the business of selling knitting, braiding and wire covering machines, needles, parts, equipment, supplies, accessories or service.”

*Present Fourth Paragraph* amended to read as follows:

“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.”

#### AMENDMENT NO. 4

#### ARTICLE III—PARTICIPATION

*Article III* amended to read as follows:

“Any employer may participate in the endeavors of the Association of the Knitting, Braiding and Wire Covering Machine Industry and Trade relative to the administration of, revisions of or additions to this Code by accepting his proper pro rata share of the cost and responsibility of administering the Code, either by becoming a member of the said Association or by paying to the Code Authority, referred to in Article IV, his proper pro rata share of the cost of administering the Code. There shall be no inequitable restrictions upon admission to membership in the Association.”

#### AMENDMENT NO. 5

#### ARTICLE IV—ADMINISTRATION

*Article IV* amended to read as follows:

“To effectuate the policies of the Act, a Committee is hereby designated to cooperate with the Administrator as a Planning and Fair Practice Agency for the Industry and Trade. This Committee shall be known as the ‘Code Authority’ and shall consist of seven (7) members duly elected at a regular meeting of the Association, as prescribed in Article 8 of the Association’s By-Laws. The Administrator may also appoint one (1) to three (3) members of this Agency to serve without vote. Such Agency shall collect necessary and pertinent information relative to the operation of this Code and shall from time to time present to the Administrator recommendations based on conditions in the Industry and Trade 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. All action taken by this Agency shall be subject to the approval of the Administrator.”

#### AMENDMENT NO. 6

#### ARTICLE V—LABOR REGULATIONS

*Section (a)* amended to read as follows:

“(a) Employers in this Industry and Trade shall comply with the following requirements of Section 7 (a) of Title I of the National Industrial Recovery Act.”

*Section (b)* amended to read as follows:

“(b) On and after the effective date the minimum wage that shall be paid by employers in the Industry and Trade to accounting, clerical, and office employees shall be at the rate of not less than

fifteen (15) dollars per week, and to all other employees (except learners during their initial ninety (90) days, apprentices, and office boys and girls, not to total more than five (5) percent of the average yearly number of employees) shall be at the rate of not less than forty (40) cents per hour regardless of whether the employee's compensation is otherwise based on a time rate or upon a piecework performance; provided, however, that female employees, in the needle manufacturing division of the Knitting Machine Industry only, shall be paid at the rate of not less than thirty-five (35) cents per hour; and that such female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees; provided further, 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, and, provided further, that in no case shall the compensation of any employees expressly excepted in this Section (b) be less than eighty (80) percent of the minimum rates of pay herein established."

*Section (c)* amended to read as follows:

"(c) On and after the effective date employers in the Industry and Trade shall operate on the following schedule of hours:

"(1) 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.

"(2) The provisions of Section (1) above shall not apply to traveling salesmen, traveling service men, and executives, supervisors, and their immediate assistants receiving thirty-five (35) dollars weekly or more.

"(3) The maximum hours fixed in 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. In any such special case at least one and one-half times the normal rate shall be paid for hours worked in excess of the maximum hours per day and per week provided in Section (1) above.

"(4) The maximum hours fixed in Section (1) above shall not apply for eight (8) weeks in any twenty-six (26) week 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.

"(5) All hours worked in excess of the hours provided in Section (1) above shall be reported to the Code Authority in such detail as the Code Authority may require.

"(6) Not less than one and one-half times the normal rate shall be paid for all work performed on Sundays and legal holidays, watchmen excepted.

"(7) Watchmen shall be permitted to work not in excess of forty-eight (48) hours per week.

"(8) 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 number of hours permitted herein.



“(9) Employers who personally perform manual work or are engaged in mechanical operations shall not exceed the prescribed maximum number of hours.”

*New Section (e)* added to read as follows:

“(e) A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority or Agency designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.”

*New Section (f)* added to read as follows:

“(f) 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.”

#### AMENDMENT NO. 7

#### ARTICLE VI—CHILD LABOR

*Article VI* amended to read as follows:

“On and after the effective date of this Code, employers in this Industry and Trade shall not employ any minor under sixteen (16) years of age; provided, however, that where a State law specifies a higher minimum age, no person below the age so specified by such law shall be employed within the State, and, provided further, that no minor under eighteen (18) years of age shall be employed on hazardous metal-working machinery.”

#### AMENDMENT NO. 8

#### ARTICLE VII—UNFAIR METHODS OF COMPETITION

*Section (e)* amended to read as follows:

“(e) To accept old machines, needles or parts as part payment for new machines, needles or parts.”

*Section (f)* amended to read as follows:

“(f) To sell machines, needles or parts other than f.o.b. factory.”

Approved Code No. 32—Amendment No. 1.

Registry No. 1333-1-02.



**AMENDMENT TO CODE OF FAIR COMPETITION**

**FOR THE**

**COTTON TEXTILE INDUSTRY**

**As Approved on February 21, 1934**

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**ORDER**

**CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY**

**AMENDMENT OF TRADE PRACTICES GOVERNING THE MERCHANDISING OF  
CARDED COTTON YARN, APPROVED DECEMBER 18, 1933**

The Cotton Textile Industry Committee, in accordance with Section 6 of the Code of Fair Competition for the Cotton Textile Industry, has submitted for my approval the following recommendations amending the Trade Practices Governing the Merchandising of Carded Cotton Yarn, approved December 18, 1933:

“The Trade Practices Governing the Merchandising of Carded Cotton Yarn, approved December 18, 1933, and effective January 1, 1934, shall be amended, effective as of the date of this approval, as follows:

“(1) At the end of Article 1, thereof, there shall be added subdivisions ‘(f)’, ‘(g)’, and ‘(h)’ reading as follows:

“(f) “Export Sales” are sales of carded yarn destined for shipment as carded yarn to any foreign country (including the Philippine Islands, the Virgin Islands, American Samoa and the Island of Guam).

“(g) “Exporter” is a spinning mill, selling agent, purchaser or any other person engaged in the business of selling carded yarns to purchasers located in foreign countries.

“(h) “Registered Exporter” is an exporter of carded yarn who shall be registered as such with The Cotton Textile Institute, Inc., 320 Broadway, New York City. The Institute shall from time to time cause to be filed with the Cotton Textile Industry Committee lists of such registered exporters.’

“(2) There shall be added as the third sentence in Article 2, thereof, the following:

“‘Spinning mills and selling agents shall separately report to the Institute all export sales giving, as to each export sale, the name of the exporter.’”

“(3) The last sentence of Article 7, reading: ‘The foregoing stipulations in this clause apply only to domestic sales.’ shall be deleted.

“(4) There shall be added a new Article 11, reading as follows:

“11. The foregoing provisions, with the exception of Articles 1 and 2 hereof, shall not apply to export sales to, by, or for the account of a registered exporter. Each spinning mill or selling agent reporting an export sale to the Cotton-Textile Institute, as above provided, shall obtain from the exporter and keep on file documentary proof, (similar to that required to be filed with the Collector of Internal Revenue in support of a claim for drawback on exportation), that the carded yarn which was the subject of such export sale shall have been, in fact, exported to a foreign country. In the event of the failure of any registered exporter to submit, within a reasonable time, such documentary proof to the spinning mill or selling agent, reporting such export sale, the name of such exporter, after due notice and opportunity to be heard by the Carded Yarn Sub-Committee shall have been given to such exporter, may, on recommendation of said Subcommittee, be withdrawn from the list of registered exporters, by the Industry Committee. Such withdrawal of registration shall be subject to review by the Administrator.’”

Pursuant to the authority vested in me under the National Industrial Recovery Act by said Section 6 of said Code, I hereby approve said recommendations and order that they become effective as part of the Code, provided however that this order shall become effective ten (10) days after the date hereof unless cause to the contrary shall have been shown prior to such time.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

FEBRUARY 21, 1934.

Approved Code No. 1—Amendment No. 4.  
Registry No. 299-25.

Approved Code No. 1—Amendment No. 5

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**COTTON TEXTILE INDUSTRY**

As Approved on February 21, 1934

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**CODE OF FAIR COMPETITION FOR THE COTTON  
TEXTILE INDUSTRY**

**AMENDMENT PURSUANT TO SECTION 3 OF THE CODE**

The Cotton Textile Industry Committee, the Code Authority under the Code of Fair Competition for the Cotton Textile Industry has recommended in accordance with Section 3 of said Code, as amended, that the following be declared an unfair trade practice:

Pursuant to the provisions of the second paragraph of Section 3 of the Code of Fair Competition for the Cotton Textile Industry as amended November 8, 1933, it is hereby determined that the operating of finishing machinery owned by mill finishers on sheetings 42" wide and over, woven on their own looms for more than two shifts of 40 hours each per week, is an unfair competitive practice.

Pursuant to authority vested in me under the National Industrial Recovery Act by Executive Order, I hereby approve said amendment and order that it shall have the same force and effect as other provisions of the Code; this order to become effective ten (10) days after the date hereof, unless cause to the contrary shall have been shown to the Administrator before that date.

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

Approval recommended:

**NELSON SLATER.**

**FEBRUARY 21, 1934.**

Approved Code No. 1—Amendment No. 5.  
Registry No. 299-25.

(637)



Approved Code No. 287—Amendment No. 1

Approved Code No. 288—Amendment No. 1

## AMENDMENTS TO CODES OF FAIR COMPETITION

FOR THE

### GRAPHIC ARTS INDUSTRY

AND THE

### DAILY NEWSPAPER PUBLISHING BUSINESS

As Approved on February 24, 1934

BY

**PRESIDENT ROOSEVELT**

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#### EXECUTIVE ORDER

A Code of Fair Competition for the Graphic Arts Industries and a Code of Fair Competition for the Daily Newspaper Publishing Business having been approved respectively in Executive Orders dated February 17, 1934, and certain provisions in the two Codes being substantially identical in phraseology and alike in effect and meaning, to-wit, Section 17 (b) of Article I of the Code of Fair Competition for the Graphic Arts Industries and Article VII of the Code of Fair Competition for the Daily Newspaper Publishing Business, and Section 19 (b) of Article II of the Code of Fair Competition for the Graphic Arts Industries and Section 1 (a), (b) and (c) of Article V of the Code of Fair Competition for the Daily Newspaper Publishing Business, and whereas the conditions of approval of said sections and/or articles in the two Codes are different,

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, to bring about uniformity and for other purposes, do hereby modify and amend my said orders of approval of said Code of Fair Competition for the Graphic Arts Industries and said Code of Fair Competition for the Daily Newspaper Publishing Business, respectively, as follows:

1. The Government members of the Code Authority of the Graphic Arts Industries shall give particular attention to the provisions authorizing minors to sell newspapers and periodicals and to deliver newspapers, periodicals and advertising newspapers. They shall report to the President not later than sixty days hence.

2. My comment with respect to Article VII of the Code of Fair Competition for the Daily Newspaper Publishing Business applies also to Section 17 (b) of Article I of the Code of Fair Competition for the Graphic Arts Industries, but said Article VII of the Code of Fair Competition for the Daily Newspaper Publishing Business and said Section 17 (b) of Article I of the Code of Fair Competition for the Graphic Arts Industries are nevertheless respectively approved as submitted and without modification, condition or qualification.

FRANKLIN D. ROOSEVELT.

Approval Recommended:

HUGH S. JOHNSON,  
*Administrator.*

The WHITE HOUSE,  
*February 24, 1934.*

Approved Code No. 287—Amendment No. 1.  
Approved Code No. 288—Amendment No. 1.



Approved Code No. 121—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

HOTEL INDUSTRY

As Approved on February 26, 1934

BY

PRESIDENT ROOSEVELT

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EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE HOTEL INDUSTRY—MODIFICATION  
OF EXECUTIVE ORDER OF NOVEMBER 17, 1933

A Code of Fair Competition for the Hotel Industry having been approved by me on November 17, 1933, subject to the condition, among others, that within ninety days from the effective date thereof the Administrator should hold such further hearings upon such notice as he in his discretion should fix, for the purpose of determining the adequacy of the minimum wages established in that Code, after which his report and recommendation should be submitted to me for my further order; and

It appearing to me that the operation of said Code will be reviewed by the Administrator not later than June 1, 1934, to ascertain whether the provisions thereof have effectuated and will effectuate the policy and purpose of Title 1 of the National Industrial Recovery Act; and

It appearing to me that at this time the said Code has not been in operation for a sufficient period of time to enable me to determine the adequacy of the minimum wages established therein;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title 1 of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do modify my order of November 17, 1933, approving the Code of Fair Competition for the Hotel Industry by striking therefrom the conditions numbered two (2) and three (3).

FRANKLIN D. ROOSEVELT.

Modification recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*February 26, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: This is a report upon a modification of the Executive Order approving the Code of Fair Competition for the Hotel Industry.

Tremendous difficulties have been encountered in organizing the Hotel Industry in order to effectively operate under the provisions of the Hotel Code. In many hotels the change in hours of employment was effected only after great efforts on the part of the employers.

The Code Authority has been functioning properly for a comparatively short period, and will in the near future have some constructive modifications and additions ready for presentation to the Administrator. To require a public hearing on the wage provisions of the Code at this time would react disastrously upon the efforts of the Code Authority to maintain the support of the Industry, and interfere with its work in the presentation of these proposed amendments which are designed to eliminate many features of the Code that have caused the most serious difficulties.

The Industry is just beginning to operate smoothly under the provisions of the Code and I do not believe the real effects of the Code can be gauged at this time.

Therefore, I believe that it would promote considerable confusion and achieve no favorable results if further hearings are held at this time.

Respectively,

HUGH S. JOHNSON,  
*Administrator*

FEBRUARY 21, 1934.

Approved Code No. 121—Amendment No. 1.  
Registry No. 1728-2-09.

Approved Code No. 71—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**PAIN, VARNISH AND LACQUER MANUFACTURING INDUSTRY**

As Approved on March 2, 1934

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ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE  
PAINT, VARNISH AND LACQUER 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 amendments to a Code of Fair Competition for the Paint, Varnish and Lacquer Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having 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.,  
*March 2, 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 Amendments to the Code of Fair Competition for the Paint, Varnish, and Lacquer Manufacturing Industry, submitted by the Paint Industry Recovery Board.

The hearing was conducted in Washington, D.C., on the 13th of February, 1934, at the Willard Hotel.

The first Amendment is an addition to Article II—"Definitions" and defines "Artists' Colors."

The labor provisions have been amended by limiting watchmen, janitors, and other caretakers to maximum hours of 48 in any one week and 84 in any 2-week period, work in excess of the maximums to be paid for at the rate of time and one-third.

Article XIV. "Manufacturing Restrictions" is amended to except "Artists' Colors."

Article XVI. "Standard Terms of Cash Discount" is amended to cover "Artists' Colors" setting discounts of 2% for cash in 10 days—net 30 days.

Article XVIII. "Datings", Section (a) "Spring Stock Orders" is amended to exclude "Artists' Colors." Section (b) "New Accounts" is amended to cover dating on new accounts for "Artists' Colors." Section (e) "Artists' Colors": "Fall Stock Orders" is an addition to Article XVIII.

Article XXII. "Selling Below Cost", Section (4) is amended to give the Paint Industry Recovery Board, the duty of classifying and furnishing to all manufacturers figures representing cost processing in the industry. These figures shall be the lowest reasonable cost of all manufacturers, subject to the approval of the Administrator.

Schedule A, Section 16 is amended to include 25 pound containers.

Article XXV. "Putty Division" is added. This Article defines the "Putty Division", makes provision for the establishment of a Putty Advisory Committee of five members to act in an advisory capacity to the Paint Industry Recovery Board, and sets up a schedule of Fair Trade Practices for the Putty Division.

### 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 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 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 Paint, Oil, and Varnish Association, Incorporated, 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.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 2, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PAINT, VARNISH AND LACQUER MANUFACTURING INDUSTRY

AMENDMENT 1. Article II is amended by the addition of the following between the first and second paragraphs:

“The term ‘Artists’ Colors’ means artists’ oil colors, or artists’ paints, water colors including poster and showcard colors, tempera colors, and artists’ pastels, prepared canvases and panels, artists’ mediums and varnishes, artists’ drawing and lettering inks, artists’ block printing inks of oil or water base, charcoal, modelling tools and all types of artists’ woodenware, such as easels, palettes, color boxes, and such kindred materials and articles ordinarily used in schools and by art students, artists, commercial artists, etchers, modellers, sculptors and craftsmen.”

AMENDMENT 2. Article V, Section (c) is amended to read as follows:

“The maximum hours fixed in the foregoing Paragraphs (a) and (b) shall not apply to watchmen, janitors, or other caretakers; provided that such employees shall not work more than 48 hours in any one week, nor more than 84 hours in any 2-week period, except by payment of one and one-third rate for overtime; nor to employees in a managerial, executive, or other capacity who receive \$35.00 per week or more; provided that with respect to the exceptions in this Paragraph and in Paragraphs (a) and (b) of this Article there shall be no evasion of this Code by reclassification of the function of workers. A worker shall not be included in any one of the above exceptions unless the identical functions which he performs were identically classified on June 16, 1933.”

AMENDMENT 3. Article XIV is amended to read as follows:

“With the exception of Artists’ Colors, as defined in Article II, it shall be a violation of this Code for any manufacturer to fail to abide by the manufacturing restrictions as set out in Schedule A which is attached hereto and made a part of this Code, provided that this Article shall not apply to export trade and provided further that Paragraphs 2, 4, 5 and 6 of Schedule A shall not apply to products commonly known as 5, 10, and 25-cent merchandise which is sold at retail to the consumer at not more than 25 cents per package.”

AMENDMENT 4. Article XVI is amended to read as follows:

“On and after the effective date the terms granted by manufacturers, excluding export trade, shall not exceed: Trade sales accounts, 2% for cash in 10 days, net 60 days; excepting Artists’ Colors, on which the terms shall be—2% for cash in 10 days—net 30 days; industrial sales accounts, 1% for cash in 10 days, net 30

days; except that the discount to trade sales accounts may be extended to the 10th day of the month following purchase and the discount to industrial sales accounts may be extended to the 20th day of the month following purchase to customers who regularly discount in the month following purchase, and provided that no discount shall be allowed after the discount date.”

AMENDMENT 5. Article XVII, Section (a) is amended to read as follows:

“(a) Spring Stock Orders—Datings on orders to established dealer and/or jobber accounts, excluding export trade, and Artists’ Colors, shall be limited to datings on Spring Stock Orders shipped at the manufacturer’s convenience after October 15, with an April 1 dating and regular terms; one order to an account.”

AMENDMENT 6. Article XVII, Section (b) is amended to read as follows:

“(b) New Accounts—The maximum dating on trade sales stock orders (initial stock order only) to new dealer and/or jobber accounts, excluding export trade, and Artists’ Colors, shall be limited to four months from the date of shipment and with standard terms, provided that orders shipped between October 15 and December 1 in any year may be with an April 1 dating and with regular terms. Datings on initial trade sales stock orders of artists’ colors from new dealer and/or jobber accounts shall be limited to two months from the date of shipment and with standard terms.”

AMENDMENT 7.—The following Section (e) is added to Article XVII:

“(e) *Artists’ Colors: Fall Stock Orders:* Datings on orders to established dealer and/or jobber accounts shall be limited to datings on fall stock orders and shipped at the manufacturer’s convenience after April 1, with a September 1 dating and regular terms and one order to an account. In the case of show-card colors and inks, which are subject to freezing, dating shall be limited on spring stock orders shipped at the manufacturer’s convenience after November 1st (or, in the event shipment is made by a water route, which is affected by the closing of navigation, this date may be advanced not to exceed ten days prior to the official closing of navigation over such route), with an April 1st dating and regular terms and one order to an account.”

AMENDMENT 8. Section (4) of Article XXII is amended to read as follows:

“The Paint Industry Recovery Board shall classify the products of the Industry and establish and furnish to all manufacturers figures representing all direct factory costs (such as power and labor) depreciation determined in accordance with the provisions of the Federal Income Tax Laws, plus a proper proportion of all indirect factory expenses (excepting interest on investment) in accordance with the share each class of products should bear. Such figures shall be the lowest reasonable cost of manufacturers, large and small, throughout the Industry and (subject to change by the Board) shall be used as the minimum processing cost by all members of the Industry, subject to the approval of the Administrator.”

AMENDMENT 9. Section 16 of Schedule A is amended to read as follows:

“Cement and/or Lime Bound Water Mixed Paints in the following sizes only: 5 and 10 lb. containers, 25, 50 and 100 lb. containers, barrels of 300 lbs. net, or more.”

AMENDMENT 10. Article XXV is added, which reads as follows:

#### “ARTICLE XXV—PUTTY DIVISION

“All provisions of this Code not in conflict with the provisions of Schedule B attached hereto and made a part hereof shall apply to the Putty Division as defined herein.

“SECTION 1. Definitions: The term ‘Putty Division’ of the Paint, Varnish and Lacquer Manufacturing Industry as used herein shall be construed to include all manufacturers of putty and/or plastic substitutes therefor used for the purpose of glazing and for such other purposes where putty is ordinarily used.

“SECTION 2. Putty Advisory Committee: There shall be a committee of five members from the Putty Division of the Association: 2 from the Eastern states; 1 from the states in or west of the Rocky Mountains; and 2 from the remaining states; who shall be nominated and elected by the members at large of the Putty Division and submitted to the Paint Industry Recovery Board for approval.

“It shall be the duty of this committee to advise with the Paint Industry Recovery Board, as may be necessary from time to time, provided that the functions of this committee shall be entirely of an advisory nature and not binding upon the Paint Industry Recovery Board or its representatives.

“SECTION 3. Fair Trade Practices: It shall be a violation of this Code for any member of the Putty Division to fail to abide by the Fair Trade Practices set forth in Schedule B attached hereto.”

AMENDMENT 11. Schedule B, Fair Trade Practices, is added, which reads as follows:

#### “SCHEDULE B—FAIR TRADE PRACTICES

“1. Manufacturing Restrictions: Putty, except for export trade, shall not be manufactured for the purpose of marketing as Trade Sales goods in packages other than the following: 1 lb. cans—5 lb. cans—12½ lb. pails—16 lb. pails—25 lb. pails; provided that nothing in this Code shall prevent the sale of these products in packages weighing more than 25 lb. net.

“2. Allowances: (a) No allowances shall be made for the return of any empty package, which empty package weighs less than 60 lb. net.

“(b) No allowance shall be made for cartage.

“3. Free Goods and Premiums: In addition to the provisions of Article XX, Putty Knives shall not be given free of charge in connection with the marketing of putty.



"4. Standardization of Grades: With the exception of products made to order or on specifications, putty shall not be manufactured in a greater number of grades than herein permitted.

"(a) Woodsash Putty may be manufactured not to exceed:

"(1) 5 grades composed of calcium carbonate;

"(2) 5 grades composed of calcium carbonate and not less than 5% white lead.

"(b) Factory type metal sash putty shall be manufactured in not more than 3 different grades.

"(c) Casement metal sash putty shall be manufactured in not more than 2 grades.

"(d) Primeless putty shall not be manufactured in more than 2 grades.

"5. Commercial grade of Putty, regardless of brand name, shall be the lowest quality Putty offered.

"6. Mislabelling, Misbranding and False Advertising: In addition to the provisions of Article XII, the following are hereby prohibited:

"(a) Except as a part of a complete formula label the term 'Linseed Oil' or the term 'linseed' shall not be used in connection with the description of any putty, the vehicle portion of which is less than 100 percent pure Linseed Oil.

"(b) The term 'Chalk', 'Chalk Whiting' or 'True Chalk Whiting' shall not be used in connection with the description of any putty, unless the pigment portion thereof is 100 percent true Chalk Whiting. (But nothing in this clause is to restrict the use of the single word 'Whiting' so long as the material used is Calcium Carbonate.)

"(c) The term 'Pure', singly, or with any other word or words, or any derivative thereof, shall not be used in connection with the description of Putty unless the liquid portion thereof is 100 percent pure Linseed Oil."



Approved Code No. 244—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## CONSTRUCTION INDUSTRY

As Approved on March 5, 1934

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### ORDER

#### APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CONSTRUCTION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to Section 9 of Article II of Chapter I of the Code of Fair Competition for the Construction Industry, to include in said Section 9, as a sponsor of the Code the name of the "National Electrical Contractors Association", 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:

GEO. L. BERRY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*March 5, 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 Construction Industry.

Section 9 of Article II of Chapter I of the Construction Code purports to enumerate the complete list of national associations which had complied with the provisions of that section prior to the submission of the Code to the President for his approval, and qualified as sponsors of the Code. Actually the list is defective since the National Electrical Contractors Association had qualified, prior to the submission of the Code to the President for his approval, as a sponsor thereof. The purpose of this amendment is to correct this error in order that the National Electrical Contractors Association can designate a representative to the Construction Code Authority immediately, in order that the Construction Code Authority may be organized and its members approved by you in the next few days.

This action is taken with the assent of all of the sponsoring associations of the Construction Code and their formal assent will be obtained as soon as possible. There is therefore no objection which will be registered against the proposed amendment and it is in my opinion in order for you to give your approval thereto.

### FINDINGS

The Division 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) That the aforesaid amendment is necessary to correct an error in the Code as submitted to the President for his approval.

(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.*

MARCH 5, 1934.

Approved Code No. 244—Amendment No. 1.  
Registry No. 1616-2-31.



Approved Code No. 118—Amendment No. 2

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## COTTON GARMENT INDUSTRY

As Approved on March 10, 1934

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### ORDER

#### AMENDMENTS TO CODE OF FAIR COMPETITION FOR THE COTTON GARMENT 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 Cotton Garment 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, and that said amendments shall become effective as part of the Code twenty (20) days after the date hereof.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*March 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: The Public Hearing on an amendment to the Code of Fair Competition for the Cotton Garment Industry as proposed by the Code Authority for this Industry was conducted on Monday, February 19, 1934 in Room 2062, Department of Commerce Building, Washington, D.C. Every person who requested an appearance was fairly heard in public in accordance with the regulations of the National Recovery Administration. There were present duly authorized representatives of the Code Authority and other representative members of the Industry.

The Code of Fair Competition for the Cotton Garment Industry, approved November 17, 1933, contained no label clause. The Code Authority for this Industry submitted an amendment providing such a clause.

At the Hearing, the Code Authority recommended a change in the proposed amendment concerning the effective date thereof. Instead of March 1, they recommended that it be changed to a date to be determined by the Code Authority inasmuch as the date of approval was uncertain.

Several prison labor representatives were present, but are on record as having no objection whatever to the amendment. There were no other objections at the Hearing.

In final form this amendment has been approved by the Labor Advisory Board, Industrial Advisory Board, Consumers' Advisory Board, and the Legal Division of the Recovery Administration. The Code Authority has indicated its approval of this amendment on behalf of the Industry.

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

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 agricul-



tural 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, this amendment has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

March 10, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY

There shall be added to the Code of Fair Competition for the Cotton Garment Industry the following Article:

### ARTICLE XVIII—LABELS

A. In accordance with the provisions of this Article all garments made in the Industry as defined in paragraph (A) of Article II of the Code shall bear an N.R.A. label to symbolize to purchasers of said garments the conditions under which they were manufactured. The Code Authority shall have the exclusive right in the Cotton Garment Industry or subdivisions thereof to issue and furnish said labels to the members thereof.

The Code Authority, subject to the approval of the Administrator and in accordance with his regulations on the use of labels, 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. The Code Authority, subject to the approval of the Administrator, shall also set up such rules and regulations as may be deemed advisable to govern the issuance, distribution and use of distinct labels for any subdivisional industries subject to the provisions of this Code as listed in paragraph (a) of Article II of the Code or as said paragraph may be amended from time to time, said special labels to be issued only by the Code Authority.

B. The Label required hereunder shall be sewed to the garment and remain attached thereto when sold, shipped or distributed by any member of the Industry. 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 shall be granted only when the application for use thereof shall be accompanied by a certificate of compliance with this Code signed by the applicant thereof in such manner and form as shall be determined by the rules and regulations of the Code Authority approved by the Administrator, and which permit to use the label shall continue in force only so long as the recipient of said permit shall comply with the Code and the rules and regulations of the Code Authority relating to labels.

C. All goods made prior to the effective date of the rules and regulations of the Code Authority relating to the issuance and use of labels shall have securely attached to the box, cover, package, container or other wrapping of said garments, a sticker or label in such form as may be determined by the Code Authority in its rules and regulations.

D. The charge made by the Code Authority for such labels and/or stickers shall at all times be subject to the supervision and regulations of the Administrator and shall be not more than an amount necessary to cover the cost of said labels and or stickers, including printing and distributions, and the reasonable cost of the administration and supervision of the use thereof as hereinbefore set forth.

E. The rules and regulations set up by the Code Authority pursuant to this Article shall become binding upon all members of the Industry when approved by the Administrator and violation thereof shall be deemed a violation of the Code of Fair Competition of this Industry.

F. This Article shall become effective upon the date specified by the Administrator, it being understood that ten (10) days' notice shall be given to the Industry of the effective date of this Article.

Approved Code No. 118—Amendment No. 2.  
Registry No. 217-1-06.



**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**LUGGAGE AND FANCY LEATHER GOODS**  
**INDUSTRY**

As Approved on March 10, 1934

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**ORDER**

**APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE**  
**LUGGAGE AND FANCY LEATHER GOODS 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 Luggage and Fancy Leather Goods 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.,  
*March 10, 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 Luggage and Fancy Leather Goods Industry, and on the hearing conducted thereon in Washington, D.C., January 31, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Luggage and Fancy Leather Goods Industry, through the Executive Code Committee, its code authority, has availed itself of provisions in Article VIII of the Code of Fair Competition for the Luggage and Fancy Leather Goods Industry approved by you on the third day of October, 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. A clarification of Article I, definitely outlining products of manufacturers coming under the provisions of the code.
2. Provision for the affixing of stamp or label bearing the NRA insignia, together with a registration number assigned to the manufacturer, on all merchandise manufactured by members of the brief case, hand luggage, sample case, sample trunk and trunk division of the industry; also the provisions that such insignia may be suspended or withdrawn from any member by the Executive Code Committee upon approval of the Administrator of such action when a substantial violation of any provision of the code is established. Provision is also made for the Executive Code Committee to establish appropriate machinery for the issuance of such registration number.
3. Provides more equitable discounts and datings in keeping with the established practices of the industry.
4. Provides for granting of legitimate trade discounts and the filing with the secretary of the code authority printed price lists and detailed schedules of the trade discounts by such manufacturers granting them.
5. Provides permission for manufacturers to extend more equitable trade terms to customers in the cotton states in order to comply with the harvest time in such states.

6. Provides for an anticipation discount at the rate of six percent (6%) per annum.

7. Limits the time when customers may return articles for credit or exchange.

8. Provides for the appointing of three (3) members of the Imitation and Leather Novelties Manufacturing group to the Executive Code Committee.

9. Provides for one (1) member of the Dog Furnishings and Leather Specialties Manufacturing group to be appointed to the Executive Code Committee.

10. Makes uniform the phraseology as to the code authority in the code.

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 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 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 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.*

MARCH 10, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LUGGAGE AND FANCY LEATHER GOODS INDUSTRY

In accordance with the procedure specified in Article VIII, Section 8, of the Code of Fair Competition for the Luggage and Fancy Leather Goods Industry, the Executive Code Committee, being the Planning and Fair Practice Agency for the Industry, submits herewith the following amendments or modifications to the Code.

1. It is proposed that the first paragraph of Article I be amended to read as follows:

"Industry as used herein includes all persons engaged in the manufacture of

"(a) Brief cases, hand luggage, sample cases and sample trunks, and trunks;

"(b) Fancy and small leather goods and leather novelties, whether made of leather or imitation leather, including traveling toilet kits, bill folds, purses not permanently attached to hand bags, coin purses, kiddy bags and purses made of imitation leather retailing for 25 cents or less, card cases, vanity cases, cigar and cigarette cases, tobacco pouches, toy holsters, leather picture frames, souvenir novelties and such novelties to adorn the home or person, and leather and imitation leather handles, camera cases, straps for trunks, luggage, skates, cameras, and tires, name tags, pistol holsters, vacuum bottle cases, baby carriage straps and safety belts, gun cases, leather and imitation leather dog furnishings."

2. Add a new section known as Section 7 to Article V, reading as follows:

"All members of the brief case, hand luggage, sample case and sample trunk, and trunk division of the Industry shall stamp or label all merchandise manufactured and sold with an NRA insignia bearing a registration number assigned to such member by the Executive Code Committee, which number shall be that member's individual identification number, but the privilege of using such insignia may be suspended or withdrawn from any member by the Executive Code Committee, upon approval of the Administrator of such action, when a violation of any provision of the Code is established.

"The Executive Code Committee shall establish appropriate machinery for the issuance of such registration number in accordance with the foregoing provision."

3. It is proposed that Article VI, Section 12, paragraph (b) be amended to read as follows:

(b) "In the fancy and small leather goods division of the industry, terms to the chain and variety stores, wholesalers and mail order houses shall not exceed 2% ten days, with the privilege of giving E.O.M. (end of month) dating. To all other purchasers terms shall not exceed 3% ten days, with the privilege of giving E.O.M.



(end of month) dating, and from said purchasers manufacturers in the fancy and small leather goods division shall be permitted to accept one order to a customer, shipped after August 1st, dated December 1st, with maximum terms 3% ten days, E.O.M. (end of month), and also one order to a wholesaler, shipped after August 1st, dated December 1st, with maximum terms 2% ten days, E.O.M. (end of month)."

4. Add a new subsection (c) to Section 12, Article VI, as follows:

"In the fancy and small leather goods division of the Industry, the granting of a legitimate trade discount when such a discount is not in lieu of cash discount shall be permitted. A trade discount shall be considered legitimate only when it is a uniform trade discount given to legitimate wholesalers, or based on consumer price of product. Any manufacturer granting such trade discounts must file with the Secretary of the Code Authority his printed price list and detailed schedule of trade discounts, specifying to whom and under what conditions these trade discounts are available."

5. Add a new subsection (d) to Section 12, Article VI, as follows:

"Terms may be extended on one shipment per year to a customer, in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma and Texas, made during April, May, June or July, so that the account is due net October 1st."

6. It is proposed that the first paragraph of Section 12, Article VI, be amended to read as follows:

"The giving of any discount contrary to the following trade practices is unfair competition, except an anticipation discount at the rate of 6% per annum and except in contracts for the export trade."

7. Add a new section 14 in Article VI, reading as follows:

"It is unfair competition for a manufacturer to accept articles for credit or exchange, the manufacture of which is subject to the provisions of this Code, except when such returns are made within seven days after the receipt of shipment by the customer; provided that this section shall not apply to credit on account of defects of manufacture and/or materials, or delay in shipment."

8. Add a new subsection (f) to Section 1, Article VIII, reading as follows:

"Three members of the Board of Directors of the National Association of Imitation and Leather Novelties Manufacturers, Inc., to be appointed by the President of the National Association of Imitation and Leather Novelties Manufacturers, Inc."

9. Add a new subsection (g) to Section 1, Article VIII, reading as follows:

"One member of the Board of Directors of the Dog Furnishings and Leather Specialties Manufacturers Association to be appointed by the President of the Dog Furnishings and Leather Specialties Manufacturers Association."

10. It is proposed in Article VIII, Section 1, preceding the words "is set up" be amended to insert the words "is hereby constituted the code authority of this industry and".

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**SUPPLEMENTS**

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Approved Code No. 244—Supplement No. 1

**CODE OF FAIR COMPETITION**

FOR THE

**GENERAL CONTRACTORS INDUSTRY**

As approved on February 17, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE GENERAL  
CONTRACTORS INDUSTRY**

**A DIVISION OF THE CONSTRUCTION INDUSTRY**

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and pursuant to and in full compliance with the provisions of Section 5 of Article VIII of Chapter I of the Code of Fair Competition for the Construction Industry, approved January 31, 1934, for approval of Chapter II of said Code, which Chapter II is applicable to the General Contractors Division of the Construction Industry, and hearings having been held thereon, and the Administrator having rendered his report containing an analysis of said Chapter II and of said Code of Fair Competition as modified by the addition thereto of said Chapter II, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Chapter II and the said Code of Fair Competition, as modified by the addition thereto of said Chapter II, comply in all respects with the pertinent provisions of Title I of said Act, and that the requirements of Clauses (1) and (2) of Subsection (a) of Section 3 of 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 Chapter II be and it is hereby approved, and that the previous approval of said Code of Fair Competition for the Construction Industry is hereby modified to include an approval of said Code in its entirety as modified by the addition thereto of said Chapter II.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE,  
*February 17, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: This is a report on Chapter II of the Code of Fair Competition for the Construction Industry, which Chapter is a revision, after public hearings conducted in Washington on September 6, 1933, and on November 20, 1933, of a Code of Fair Competition for General Contractors.

This Chapter, applicable specifically to the General Contractors Division of the Construction Industry, supplements the basic Code of Fair Competition for the Construction Industry, described as Chapter I of such Code, which was approved by you on January 31, 1934. The hearings were conducted in accordance with the provisions of the National Industrial Recovery Act.

### THE INDUSTRY

The General Contractors are of major importance in the Construction Industry. They organize and correlate the activities of various operations and sub-contractors as divisions of the Construction Industry who furnish the products of skilled trades. General Contractors are usually divided into several sub-groupings such as building, highway, heavy construction and engineering contractors. Provision is made in the code for inclusion of specific provisions for such subdivisions of this division of the Construction Industry and for their self government.

### PROVISIONS FOR HOURS AND WAGES

The provisions for hours and wages are set out in Chapter I of the Construction Code, which was approved by you on January 31, 1934, and the same provisions are applicable, under this Chapter, to the General Contractors division.

### ECONOMIC EFFECT OF THE CODE

Due to the magnitude of the General Contractors' Industry, and the mass of statistics relating to it, it is difficult to make an epitomization as to the economic effect of the Code. Construction volume approached \$11,500,000,000 in 1928 and direct employment in 1929 ranged from 3,200,000 to 3,400,000. It is safe to say, that with the prohibition of unfair trade practices, and the establishment of uniform rates of pay and hours of work, that more wholesome conditions will prevail in this industry and that employers, employees and the public will all be benefited. In the South the established minimum rate will vastly increase purchasing power and greatly benefit the worker.

## FINDINGS

The Deputy Administrator in his final report to me on said Chapter II Code of Fair Competition for the Construction Industry, as modified by the addition thereto of said Chapter II, having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Chapter II and said Code of Fair Competition for the Construction Industry, as modified by the addition thereto of said Chapter II, 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 Chapter II and the Code of Fair Competition for the Construction Industry, as modified by the addition thereto of said Chapter II, as approved, complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, Sub-section (a) of Section 7, and sub-section (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) Said Chapter II and the Code of Fair Competition for the Construction Industry, as modified by the addition thereto of said Chapter II, is not designed to and will not permit monopolies or monopolistic practices.

(d) Said Chapter II and the Code of Fair Competition for the Construction Industry, as modified by the addition thereto of said Chapter II, 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 Chapter II and of said Code, as modified by the addition thereto of this Chapter II thereof.

For these reasons, therefore, I recommend approval of said Chapter II and said Code, as modified by the addition thereto of said Chapter II thereof.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 16, 1934.

## CHAPTER II

# GENERAL CONTRACTORS' DIVISION OF THE CONSTRUCTION INDUSTRY

### ARTICLE I—DEFINITIONS

SECTION 1. *A General Contractor.*—The term “general contractor” is hereby defined to mean without limitation any individual, partnership, association, trust, trustee, trustee in bankruptcy, receiver, corporation or agency which undertakes, whether by formal contract or otherwise, to direct, superintend, coordinate and execute either directly or through others, the work of constructing, substantially in its entirety, any fixed structural or physical improvement, or a modification thereof, or an addition or repair thereto, excluding any such operation aggregating in its entirety less than the sum of \$1,000.00.

It is recognized that the function of the architect or professional engineer is to design or plan construction projects and acting in his professional capacity to supervise the execution thereof on behalf of the owner. Such architects or professional engineers in the performance of their normal and customary functions shall not be deemed to be included in the foregoing definition of a general contractor.

SECTION 2. The term “Subdivision of the General Contractors Division of the Industry,” or “Subdivision” shall mean a defined section of this division, established for administration purposes. Without limitation upon any additional subdivisions, the subdivisions which shall be established and defined in Sub-Chapters II A, II B and II C hereto are:

- Chapter II A—Building Contractors Subdivision,
- II B—Heavy Construction and Railroad Contractors Subdivision,
- II C—Highway Contractors Subdivision.

The subdivisions under this chapter may in their respective sub-chapters amplify and expand the provisions of this Code, and the same, when approved by the Administrator, shall apply to the respective subdivisions so proposing the same, with the same force and effect as any other provisions of this Code.

SECTION 3. The term “Association” as used herein shall mean The Associated General Contractors of America.

SECTION 4. The term “sub-contractor” as used herein shall mean anyone other than an employee who enters into a contract for the performance of an act with the general contractor who has already contracted or otherwise arranged for its performance.

### ARTICLE II—ADMINISTRATION

To further effectuate the policies of the Act and to administer this Code within the General Contractors Division and its subdivisions there shall be established a Divisional Code Authority for General Contractors as provided herein.

## A. DIVISIONAL CODE AUTHORITY

SECTION 1.—The Divisional Code Authority for General Contractors intended to be referred to as “The Divisional Code Authority”, shall be composed of seventeen (17) members, twelve (12) of whom shall be appointed annually by the Executive Committee of the Association from its Board of Governors and/or its Advisory Board, and each member so appointed shall serve until the new annual Executive Committee of the Association shall reappoint him or appoint his successor. The twelve (12) members so appointed shall appoint to the Divisional Code Authority five (5) additional persons, to be approved by the Administrator, engaged in the business of general contracting who are not at the time of selection representative of or responsible to members of the Association and each of the five (5) members so appointed shall serve until he is so reappointed or his successor selected, or until he or his successor shall be selected by the non-members of the Association pursuant to a method of selection satisfactory to and approved by the Administrator.

SECTION 2. The Divisional Code Authority shall have, in addition to the powers and duties conferred upon it by Chapter 1 thereof, the following powers and duties applicable to the General Contractors Division.

(a) Its members or its authorized representatives may upon request attend meetings of any administrative agency established for any sub-division.

(b) It is authorized under the supervision of and in cooperation with the Construction Code Authority in the exercise of the power conferred upon it in Section 2 (d) of Article IV A of Chapter I to require the registration in such manner as it may deem appropriate of all construction work undertaken by general contractors as herein defined exceeding two thousand dollars (\$2,000.00) in value, and, in order to defray the expenses of such registration, of the collection of the reports and the data herein required and of the administration of this code, to charge and collect as a registration fee not to exceed one tenth of one percent of the value of the work. From the funds so collected, The Divisional Code Authority shall defray its expenses, and the general contractors' proportionate share of the expenses of the Construction Code Authority, in administering this Code, and make an equitable apportionment between the Divisional Code Authority and the subdivisinal committees or agencies as shall cooperate in procuring the registration of such work or services.

## B. SUB-DIVISIONAL ADMINISTRATIVE COMMITTEES OR AGENCIES

SECTION 1. There shall be established for each sub-division of the General Contractors Division an Administrative Committee or Agency which shall, within the limitations provided herein, administer within such sub-division the provisions of this Code applicable specifically to such subdivision. The procedure for establishing each such administrative committee or agency shall be defined in the sub-chapter pertaining to that sub-division of the General Contractors Division.

SECTION 2. Each such subdivisional administrative committee or agency shall have in addition to such duties and powers as the Divisional Code Authority may delegate, the following powers and duties:

(a) It may establish rules and regulations for the conduct of its affairs and may appoint such committees, agencies and representatives and delegate to them such of its powers and duties as it may deem necessary for the proper discharge of its functions hereunder.

(b) It shall cooperate with the Divisional Code Authority in making investigations as to the functioning and observance of this Code within its subdivision at its own instance or on complaint of any person affected, and shall collect from members of the subdivision and compile and furnish to the Divisional Code Authority, any reports and other information required under the Act.

(c) It shall study the trade practice provisions applicable to its own sub-division, and the operation thereof, and may make such recommendations to the Divisional Code Authority as it deems desirable for modification or addition thereto. Such recommendations, upon approval of the Administrator after such notice and hearing as he may prescribe, shall become a part of this Code and have full force and effect as provisions hereof.

(d) It shall receive and so far as possible adjust all complaints as to trade practices between members of its sub-division in the operation of the provisions of this Code applicable to that sub-division.

(e) It may prescribe bidding rules, requiring the inclusion in each bid of all direct and indirect costs properly defined, and methods for administering such rules, and such rules and methods, when approved by the Administrator, shall apply to the members of its sub-division.

### ARTICLE III—APPEALS

SECTION 1. Controversies or complaints within any sub-division shall be fully determined and adjusted locally so far as practicable, otherwise by the administrative committee or agency established for such subdivision.

SECTION 2. Any party directly affected shall have the right of appeal to the Divisional Code Authority and of a prompt hearing and decision, under such rules of procedure and proper charges to cover costs of investigation and hearing as it may prescribe, in respect of any decision, rule, regulation, order or finding made by any subdivisional administrative committee or agency.

SECTION 3. The Divisional Code Authority shall have original jurisdiction of all controversies affecting more than one subdivision of General Contractors.

### ARTICLE IV—PRACTICES AS TO SUBMITTING BIDS

SECTION 1. In order that whenever contracts are to be let by competitive bidding the terms of the competition shall be such as to insure fair competition, a general contractor, in submitting bids for the construction or improvement of either private or public works, shall be governed by the following provisions:

(a) All bids shall be in writing, signed by an authorized representative of the bidder. Alternate proposals may be submitted with the original bid, providing the same privilege is extended to all bidders.



(b) A general contractor shall not take advantage in his bid of any special privilege, favor or understanding had with him by persons in control of the award. This, however, shall not prevent any such competitor, even though not the lowest bidder, from taking such contract, providing the award is made at his original competitive price, nor shall it prevent any contractor from accepting the award of such contract at any price where no competitive bids are taken.

(c) A general contractor shall not revise his bid after bids have been opened in order to improve his position with the owner. Bona fide mistakes discovered after the opening of bids shall be grounds for withdrawal only.

Where supplemental bids are requested because of substantial changes in the plans and/or specifications, such bids shall reflect only the true value of the changes.

A general contractor shall not bid upon a private construction project upon which bids have been opened, or at any time within 90 days next thereafter, except there be substantial changes in the plans and specifications.

(d) Standards of accounting, cost keeping and estimating may be prescribed by sub-divisions for the purpose of determining a fair price for services or products and systems for the interchange of such information subsequent to the award of specific work may be established. Such standards shall be subject to the approval of the Divisional Code Authority and of the Administrator.

#### ARTICLE V—GENERAL TRADE PRACTICES

SECTION 1. A general contractor bidding upon or undertaking to execute construction contracts shall be properly qualified by capital, organization and experience. He shall own or have available sufficient and proper equipment to execute the work bid upon or furnish evidence of his ability to acquire same.

SECTION 2. *Credit Information.*—A general contractor shall make available upon request to those responsible for the award of construction contracts, pertinent information as to his current financial position, using the Standard questionnaire forms developed and approved by and available through the Joint Conference on Construction Practices, Washington, D.C., or other forms approved or prescribed by the Administrator, and may request equivalent information from the owner.

SECTION 3. *Records and Accounts.*—A general contractor shall maintain and employ an adequate system of records and accounts, which system shall clearly show the allocation as to each specific project of all funds received or disbursed on account thereof.

SECTION 4. *Contractual Agreements.*—The following bases of contractual agreements are recognized as fair trade practices; guaranteed price, cost of the work plus a fee, unit price, lump sum, and other contractual methods not inimical to the public interest, providing that the regulations contained in this Code of Fair Competition are met.

SECTION 5. *Prohibited Agreements.*—A general contractor shall not enter into any agreement or understanding prior to the award of a contract where such award is made as a result of competitive bidding by which agreement or understanding he agrees to accept a lesser amount for his services than the amount stated in his bid.

SECTION 6. *Disputes.*—A general contractor shall be ready and willing to settle disputed matters promptly. Where arbitration as a method of settling disputed matters is agreed upon, the rules of procedure as established by the American Arbitration Association shall govern, except as otherwise required by law or contract. Payment, exceeding that sufficient to cover the amount in dispute, shall not be withheld from the parties affected.

SECTION 7. *Payments by General Contractor.*—Funds received by a general contractor for construction work performed or to be performed by him shall be accepted and applied first for the purpose of paying amounts due from him to others in respect of any portion of such work including amounts due to employees, material men, sub-contractors and others. These provisions shall not be construed to require a general contractor to keep in separate bank accounts or deposits the funds received under separate contracts, provided that he shall maintain books of accounts which shall clearly show the allocation to each and every contract of the funds deposited in his general or special bank account or accounts, and he shall devote the final payments to him from the owner, within ten days after the receipt thereof, to the payment of the balances due from him to such employees, material men, sub-contractors and others, provided satisfactory evidence is furnished showing that all outstanding claims against said parties, for which the general contractor would otherwise be liable, have been fully satisfied or provided for. Earlier payments and/or greater amounts may be mutually agreed upon.

Nothing in this section shall supersede any Federal, State or local laws imposing more stringent requirements with respect to matters referred to herein.

SECTION 8. *Rebates.*—A general contractor shall not give or accept rebates, refunds, allowances, unearned discounts or special services to or from sub-contractors, material vendors or others which are not extended under like terms and conditions to or by other sub-contractors, material vendors and others of equal credit rating.

SECTION 9. *Financing.*—A general contractor shall not permit or require sub-contractors or material vendors to finance his accounts unless such arrangement is expressly provided for in the original contract between the parties.

SECTION 10. *Waiver of Legal Rights.*—A general contractor shall promptly inform sub-contractors with whom he is contracting of any waiver of lien rights executed by the general contractor.

SECTION 11. In competitive bidding a general contractor shall not offer or agree to assume the responsibility for deficiencies in or omissions from the plans and/or specifications, which he has not prepared or caused to be prepared by others, and upon which the contract is based, for the purpose or with the effect of securing an unfair competitive advantage.

SECTION 12. *Labor Welfare.*—A general contractor shall provide for the welfare and safety of his workmen, complying with all applicable laws governing such matters. Except where such laws otherwise require, he shall comply with the provisions of the safety manual heretofore adopted by the Associated General Contractors of America.

SECTION 13. *No Prison Labor.*—A general contractor shall not employ prison labor in the execution of the work.

SECTION 14. *Payment of Wages.*—A general contractor shall as promptly as possible make payment of all wages due, in lawful currency of the United States, or by a negotiable check at par therefor payable on demand. A general contractor or his agents shall accept no rebates directly or indirectly on such wages, nor give anything of value or extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

#### ARTICLE VI—REFERENCE TO PROVISIONS OF CHAPTER I

The mandatory provisions required by the Act, and all other of the provisions contained in Chapter I of this Code (approved January 31, 1934) except as otherwise provided in this Chapter II, apply with like force and effect within this division of the Construction Industry, as if incorporated herein.

#### ARTICLE VII—MODIFICATION

Subject to the provisions of Section 2 (c) of Article IV, B, of Chapter I of this Code, the provisions of this chapter, 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 his approval.

#### ARTICLE VIII—EFFECTIVE DATE

This chapter shall become effective on the thirtieth (30th) day after its approval by the President.

Approved Code No. 244—Supplement No. 1.  
Registry No. 1616-2-31.



Approved Code No. 84—Supplement No. 6

**SUPPLEMENTARY CODE OF FAIR COMPETITION**  
**FOR THE**  
**SHOE SHANK MANUFACTURING INDUSTRY**  
**As Approved on February 21, 1934**

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**ORDER**

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE  
SHOE SHANK MANUFACTURING INDUSTRY**

**A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND  
METAL FINISHING AND METAL COATING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and in accordance with the provisions of Section I of Article VI of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, approved November 2, 1933, for approval of a Supplementary Code of Fair Competition for the Shoe Shank Manufacturing Industry; and hearings having been duly held thereon; and the annexed report on said Supplementary Code, containing findings with respect thereto, having been made and directed to the President:

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

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

Approval Recommended:

**W. A. HARRIMAN,**  
*Division Administrator.*

**WASHINGTON, D.C.,**  
*February 21, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Supplementary Code of Fair Competition for the Shoe Shank Manufacturing Industry, a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, the hearing having been conducted thereon in Washington, D.C., December 20, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Shoe Shank Manufacturing Industry, being truly representative of this division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, has elected to avail itself of the option of submitting a Supplementary Code of fair practice, as provided for in Section I of Article VI of the Basic Code, for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by you on the second day of November, 1933.

### RÉSUMÉ OF THE CODE

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its Basic Code, as approved November 2, 1933, are the labor provisions of this Supplementary Code.

Article IV establishes a Supplementary Code Authority consisting of seven (7) members who shall be selected 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 unfair trade practices of this Supplementary Code which has been especially designed to offset unfair competition in this division of the Industry.

Article VI provides against monopolies and monopolistic practices.

Article VII contains the mandatory provisions contained in Section 10 (b) of the Act, and also provides for the submission of proposed amendments to the Supplementary Code.

Article VIII recognizes that price increases be limited to actual additional increases in the sellers' costs.

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 21, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SHOE SHANK MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND  
METAL FINISHING AND METAL COATING INDUSTRY

## ARTICLE I—PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplementary Code of Fair Competition for the Shoe Shank Manufacturing Industry, pursuant to Article VI of the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry approved by the President of the United States on the second day of November 1933, and the provisions of this Supplementary Code shall be the Standard of Fair Competition for and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

The term "Shoe Shank Manufacturing Industry" hereinafter referred to as the "Industry" is defined to mean the manufacture for sale to the boot and shoe trade of steel shanks and/or combination steel and fibre shanks and/or fibre shanks and/or fibre and wood shanks.

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

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

The term "Basic Code", as used herein, is defined to mean the Basic Code of Fair Competition for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, as approved by the President on the second day of November, 1933.

The term "Supplementary Code Authority" as used herein means the agency which is to administer this Supplementary Code as hereinafter provided.

The term "Association", as used herein, is defined to mean the Shoe Shank Manufacturers Association or its successor.

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

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 "Federation" as used herein is defined to mean the Fabricated Metal Products Federation or its successor.

### ARTICLE III—EMPLOYMENT PROVISIONS

This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and the labor provisions of its basic code as approved by the President are the labor provisions of this Supplementary Code, as though herein repeated and set forth at length.

### ARTICLE IV—ORGANIZATION AND ADMINISTRATION

SECTION 1. During the period, not to exceed sixty (60) days following the effective date during which the Supplementary Code Authority is being elected, the Code Committee of the Association shall constitute a Temporary Supplementary Code Authority.

There shall be constituted within the sixty (60) day period a Supplementary Code Authority consisting of seven members, to be elected by the members of the Industry, as hereinafter provided at a meeting called by the Temporary Supplementary Code Authority, upon ten (10) days' notice sent 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 in January, and thereafter members of the Supplementary Code Authority shall be elected as hereinafter provided 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) Five members who shall at the time of election be members of the Association by a majority vote of all members of the Industry present in person or by proxy, each member to have one vote.

(b) Two members who are not at the time of election members 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.

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.

In addition thereto the Administrator may appoint a member of the Supplementary Code Authority who without vote shall serve without expense to the Industry, unless the Supplementary Code Authority agrees to pay such expense. The representative who may be appointed by the Administrator shall be given reasonable notice of and may sit at all meetings of the Code Authority.

SECTION 2. The Supplementary Code Authority is hereby constituted the agency to administer the provisions of this Supplementary Code and, through a confidential agent, to collect and distribute all statistical reports of the Industry. With a view to keeping the President informed as to the observance or nonobservance of this Supplementary Code, said agency shall collect through its confidential agent such statistics as are called for by the President and/or the Administrator and send them in such form as the President and/or the

Administrator may require to the Fabricated Metal Products Federation, or successor organization as the agency administering said Basic Code.

SECTION 3. The Supplementary Code Authority, through its confidential agent, shall also, from time to time, furnish to the Basic Code Authority, designated in said Basic Code, such information as may be required to be furnished under the terms of said Basic Code.

SECTION 4. 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 own wilful misfeasance or non-feasance.

SECTION 5. The Supplementary Code Authority shall have all the powers and duties which shall be necessary or proper to enable it to fully administer this Supplementary Code and to effectuate its purpose.

Without limitation to the foregoing or any other powers or duties provided for in this Supplementary Code the Supplementary Code Authority shall have the following specific duties:

(a) To adopt by-laws and rules and regulations for, and keep records of its procedure and for the administration of the Supplementary Code.

(b) 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 Supplementary Code Authority of its duties or responsibilities under this Supplementary Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(c) To make recommendations to the Administrator for the coordination of the administration of this Supplementary Code with such other codes, if any, as may be related to the industry.

(d) The Supplementary Code Authority shall have power to investigate on its own initiative or on complaint, the operation of the Supplementary Code and any alleged violation of the Supplementary Code by any member of the Industry, subject to rules and regulations of the Administrator in regard to compliance.

(e) Each member of the Industry shall pay to the Association as the agent of the Supplementary Code Authority his or its proportionate share of the amount necessary to pay the cost of assembling, analyzing, and publication of such reports and data and of the maintenance and operation of the Supplementary Code Authority in connection with its activities relative to the administration of this Supplementary Code; said proportionate share to be based upon the net sales and/or other equitable factors as the Supplementary Code Authority may prescribe, subject to the approval of the Administrator.

SECTION 6. 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.

SECTION 7. Each trade or industrial association directly or indirectly participating in the selection or activities of the Supplementary Code Authority shall (1) impose no inequitable restrictions on admission to 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 8. 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 Supplementary Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may make an appropriate modification or modifications in the method of selection of the Supplementary Code Authority.

#### ARTICLE V—UNFAIR TRADE PRACTICES

SECTION 1. In addition to the unfair trade practices covered in Article V of the Basic Code, except the first and second paragraphs of Section A of that Article, any violation of any of the following provisions directly or indirectly, through any officer, employee, agent or representative, shall constitute an unfair trade practice under this Supplementary Code:

(a) When the Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

(b) Dropped lines, seconds or surplus stocks may be disposed of by any member of the Industry at any price and on any terms and

conditions but only if such member of the Industry prior to such disposal has filed with the Supplementary Code Authority his statement in writing, setting forth the fact of, reasons for, and terms of such proposed disposal.

(c) Nothing in Article V of this Supplementary Code shall apply to sales between members of the Industry, provided, however, no sales shall be made below cost.

(d) Sales quotations shall be based on units of one thousand (1,000) pieces.

(e) A cash discount not exceeding two (2) percent may be allowed on all purchases where the invoice is paid not later than the fifteenth of the following month and no other terms or discounts shall be allowed unless agreed upon by a majority vote of the members of the Industry.

(f) No member of the Industry shall accept the return of any shoe shanks from any shoe manufacturer except for mistake of the shipper or faulty construction in the merchandise not in accordance with the purchaser's specifications.

(g) All merchandise shall be sold either f.o.b. factory or f.o.b. destination with freight allowed.

(h) All invoices shall plainly specify the quantity and the description of the material used.

(i) No split commission or any kind of bonus shall be given to any manufacturer or his agent in order to procure orders.

(j) No member of the Industry for the purpose of influencing a sale shall 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 offer or extend to any customer any special service or privilege not extended to all customers of the same class.

#### ARTICLE VI—MONOPOLIES

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

#### ARTICLE VII—MODIFICATIONS

SECTION 1. This Supplementary Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under the said Act.

SECTION 2. By presenting this Supplementary Code, the members of the Industry do not thereby consent to any modification thereof, and they reserve the right to object to any modifications without being given an opportunity to be heard.

SECTION 3. The Supplementary Code, except as to provisions required by the Act, may be modified or amended on the basis of experience or changes in circumstances, such modifications or amendments to be based upon application by the Supplementary Code

Authority or other representative group within the Industry to the Administrator and such notice and hearing as he shall specify; and to become effective and be a part of this Supplementary Code on approval by the President and/or the Administrator.

#### ARTICLE VIII—PRICE INCREASE

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

#### ARTICLE IX—EFFECTIVE DATE AND DURATION

This Supplementary Code shall become effective at 12:01 A.M. o'clock on the tenth day after it is approved by the President and shall continue in effect until June 16, 1935, or the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by joint resolution, declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended.

Approved Code No. 84—Supplement No. 6.  
Registry No. 929-1-01.



Approved Code No. 201—Supplement No. 1

**SUPPLEMENTARY CODE OF FAIR COMPETITION**

FOR THE

**UPHOLSTERY AND DECORATIVE FABRICS TRADE**

As Approved on March 6, 1934

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**ORDER**

APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE  
UPHOLSTERY AND DECORATIVE FABRICS TRADE

A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE

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

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933; and do hereby incorporate by reference said annexed report and do find that said Supplemental 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 Supplemental 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.,

*March 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT.

*The White House.*

SIR: This is a report of the Hearing on the Fair Trade Practice Supplement of the Upholstery and Decorative Fabrics Trade to the Code of Fair Competition for the Wholesaling and Distributing Trade conducted in the Banquet Hall of the Carlton Hotel on December 8, 1933. The Supplemental Code which is attached was presented by duly qualified and authorized representatives of the Trade, complying with the statutory requirements, said to represent 75 percent in number and 90 percent in volume of the Trade which could be included in this Code.

### THE TRADE

There are no census figures available covering this Trade. According to statistics furnished by members of the Trade, there are approximately 125 concerns engaged in it. Their total annual sales in 1929 amounted to approximately seventy million dollars, and in 1932 to forty million dollars. The Trade employs about 1600 persons.

### PROVISIONS OF THE CODE

Since this Code is supplemental to the General Code of Fair Competition for the Wholesaling or Distributing Trade, it contains no labor provisions.

The provisions containing supplemental definitions are inclusive and accurate.

The supplement to the administrative provisions, establishes a Divisional Code Authority for this Trade, which is fairly and adequately representative of the different elements in the Trade. According to the most accurate available statistics, the Upholstery and Decorative Fabrics Association of America contains among its membership or is authorized to represent in the administration of the Code, 75 percent of the total number of concerns in the Trade. Its members sell approximately 80 percent of the total volume. The selection of four representatives of the Code Authority by the Association and one representative by non-members of the Association, therefore, seems to be fair.

The Trade Practice rules contained in the Supplemental Code are not in any respect objectionable and are designed to promote fair dealing in the Trade.

### FINDINGS

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



I find that:

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

(b) Said 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 a trade group truly representative of the aforesaid Trade, and that said group imposes no inequitable restrictions on admission to membership therein.

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

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

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

For these reasons, the Supplemental Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 6, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE UPHOLSTERY AND DECORATIVE FABRICS TRADE

A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE

## ARTICLE I—PURPOSES

To further effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code of Fair Competition for the Upholstery and Decorative Fabrics Trade to the Code of Fair Competition for the Wholesaling or Distributing Trade, as provided by Article VI, Section 1 (c) thereof, and shall be considered as a part of and in connection with the said Code for the Wholesaling or Distributing Trade and both Codes shall be binding upon every member of such Wholesale Upholstery and Decorative Fabrics Trade.

## ARTICLE II—DEFINITIONS

SUPPLEMENTING ARTICLE II OF THE GENERAL CODE

1. The term "Upholstery and Decorative Fabrics Distributing Trade" as used herein includes the selling at wholesale of upholstery and decorative fabrics to interior decorators, upholsterers, and furniture manufacturers, and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

2. The term "distributor" is defined to mean any person engaged in the Trade.

3. The term "Association" as used herein refers to the Upholstery and Decorative Fabrics Association of America, a trade association of distributors.

4. The term "Divisional Code Authority" as used herein means the Divisional Code Authority for the Upholstery and Decorative Fabrics Trade, a division of the Wholesaling and Distributing Trade.

## ARTICLE III—ADMINISTRATION

SUPPLEMENTING ARTICLE VI, SECTION 2, PARAGRAPH (E) OF THE GENERAL CODE

1. The Divisional Code Authority shall be composed of five members.

(a) Four representatives of members of the Association appointed by the Board of Directors of the Association.

(b) One representative of non-member distributors assenting to this Code and consenting to pay their share of the cost of its administration, to be chosen as and when and in a manner prescribed by the Administrator.

## ARTICLE IV—TRADE PRACTICES

## SUPPLEMENTING ARTICLE VII OF THE GENERAL CODE

As expressly permitted in Article VIII, Section 2, of the Code of Fair Competition for the Wholesaling or Distributing Trade, violations of the following regulations constitute additional unfair methods of competition for members of the Upholstery and Decorative Fabrics Distributing Trade and are prohibited:

1. *Discrimination.*—Each distributor shall maintain, publish, and file with the Divisional Code Authority a printed list quoting his established wholesale prices for all fabrics. Each distributor shall adhere to said established price list as filed and amended from time to time and shall afford equal terms and prices to all buyers similarly situated in order thereby to avoid unfair discrimination.

2. *Cash terms* shall not exceed 2% 10 days, due net 30 days, provided that extra datings not exceeding 60 days may be allowed to drapery and upholstery departments of retail stores and furniture manufacturers, and further provided that E.O.M. terms may be granted.

3. *10% discount* may be allowed for full pieces and over, but in no case unless the full piece consist of 50 yards or more. It is further provided that 10% may be allowed on materials at not less than \$1.00 per yard wholesale of half pieces of 25 yards and over, provided such purchases are for stock purposes.

4. *Contract sales* to retail stores or manufacturers, provided such purchases are for stock; and contract sales for wholesalers, hotels, clubs, steamships, theatres, railroads, and other public work, need not be controlled by the provisions of paragraphs 1 and 3 hereof.

5. No secret rebates, and no discounts, bonuses, or special advantages of any kind, other than herein expressly authorized, shall be permitted, including "courtesy discounts" such as, but not limited by, those made to trade customers, and their employees for purchases to be used in decorating their homes and their business establishments.

6. *Lost samples* must be paid for by the borrower except that a 25% allowance may be made where, in the judgment of the seller, special circumstances warrant it.

7. *Sample orders.*—All sample lengths of fabrics other than swatches and samples bound in book form not exceeding 54 square inches, except chintzes and cretonnes, which may be 216 square inches in size, shall be billed at the regular price per yard without any allowance or trade discount. Nothing in this section shall apply to stocks of books on hand or under contract on December 9, 1933; provided that a list of such stocks or contracts are filed with the Divisional Code Authority within 10 days after the effective date of this Code.

8. *Returns.*—When merchandise is returned without fault of the distributor, a 10% service and depreciation charge shall be made, but no piece of less than 3 yards shall be accepted under such circumstances.

9. *Designs.*—No design owned by or in the use of which there is a property right which belongs to an importer or jobber shall be pirated or copied without proper authorization. No reproduction

in good faith of a museum piece or other significant pieces and no innocent purchase of merchandise from a manufacturer shall be deemed a violation of this section.

10. *Seasonal lines* of memorandum samples shall be discontinued, and to that end no samples shall be permitted out on memorandum more than thirty days.

11. *Consignments*.—No yard goods merchandise shall be given out on consignment or memorandum, except under circumstances to be defined by the Divisional Code Authority where peculiar conditions of the trade require it.

#### ARTICLE V—EFFECTIVE DATE

This supplemental code shall become effective on the tenth day after date of approval.

Approved Code No. 201—Supplement No. 1.  
Registry No. 280-03.

**SUPPLEMENTARY CODE OF FAIR COMPETITION**

FOR THE

**FRESH OYSTER INDUSTRY**

As Approved on March 10, 1934

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**ORDER**

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE FRESH OYSTER  
INDUSTRY**

A DIVISION OF THE FISHERY 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 Divisional Code of Fair Competition for the Fresh Oyster Division of the Fishery 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:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*March 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This report relates to the Divisional Code of Fair Competition of the Fresh Oyster Division of the Fishery Industry as proposed by the Oyster Growers and Dealers Association of North America, Inc.

A public hearing was held in Washington, D.C. on January 22, 1934, at which all persons were given full opportunity to be heard. The code complies with the provisions concerning divisional codes as set forth in the National Code of Fair Competition for the Fishery Industry. It was presented by duly qualified and authorized representatives of the fresh oyster division of the fishery industry, representing over eighty percent of the volume of business, number of establishments, and number of employers.

### I. DESCRIPTION OF THE INDUSTRY

The fresh oyster industry includes the catching and preparation of oysters for immediate consumption and for transplanting or seeding purposes. Approximately half of the total production comes from so-called cultivated grounds, generally referred to as oyster farms; the remainder of the production comes from so-called natural beds. The oyster farms are privately owned or leased from State governments; the public grounds are the property of the several States.

Oyster fishing is done by tonging or dredging and the catch is sold either in the shell or shucked. There are wide variations in the market price of oysters according to species, size, condition, and source.

About 55,000 persons are engaged in the industry of which less than 50,000 are employees. The investment approximates \$20,000,000 and the catch for 1931, in terms of oyster meat, was 101,035,825 pounds with a value to the fishermen of \$10,300,168. The catching of oysters and the preparation of the catch for market are important industries in the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Washington, Oregon and California.

### II. LABOR PROVISIONS

The code adopts the labor provisions of the national fishery code with exceptions which in the main are more restrictive. The industry proposes that employment of clerical, accounting, and other office employees be restricted to eight hours per day during the months April to September, both inclusive, and nine hours per day

during the months October to March, both inclusive. Other employees are restricted to a ten-hour day. In towns of 2,500 population or less the maximum weekly hours of employment are placed at ninety hours in any two weeks; in towns of over 2,500 population a limitation of forty-eight hours in any week is provided.

The industry proposes a rate of twenty-five cents per gallon for shucking Eastern oysters, twenty cents per gallon for shucking Pacific oysters, and fourteen cents per quart for shucking Olympia oysters with a minimum hourly rate for all such labor of twenty-five cents per hour in the North and twenty cents per hour in the South.

As the oyster industry is widespread and each locality has peculiar problems with respect to the establishment of minimum hourly rates for piece workers the proposed code provides for a thorough study of this problem by the industry and a report thereon to me before August 1, 1934.

### III. UNFAIR METHODS OF COMPETITION

The unfair methods of competition provisions of the proposed code include provisions with respect to standard sizes of oysters, open prices, sale below published prices, sale below cost, shipment of oysters for sale on consignment, credit terms, brokerage fees, compliance with specifications, and units of measure. The fishermen are protected against extensive delay in payment for their catches by a provision which requires members of the industry to pay fishermen in cash or furnish them with written acknowledgments of purchase specifying payment not later than ten days after delivery of the catch.

### IV. ADMINISTRATION

The provisions for the administration of this divisional code include, in addition to the requirements referred to above with respect to labor studies, a requirement that the industry investigate and furnish me with a plan for grading oysters according to quality.

### V. FINDINGS

I find that:

(a) Said divisional code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and 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, fishery, 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 divisional 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 divisional code is not designed to and will not permit monopolies or monopolistic practices.

(e) The divisional 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 divisional code.

For these reasons, therefore, I have approved this divisional code.

Respectfully yours,

HUGH S. JOHNSON,  
*Administrator.*

MARCH 10, 1934.



# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE FRESH OYSTER INDUSTRY

## A DIVISION OF THE FISHERY INDUSTRY

### ARTICLE I—PURPOSE

SECTION 1. The National Code of Fair Competition for the Fishery Industry with the exceptions and additions hereinafter specifically enumerated shall constitute the code of fair competition for the fresh oyster division of the fishery industry in accordance with Article VIII, Title C, Section 1, of the said national code, and shall be the standard of fair competition for the fresh oyster division of the fishery industry, and shall be binding upon every member thereof.

### ARTICLE II—DEFINITIONS

SECTION 1. Wherever a term is used in this divisional code which is defined in said national code, the definition thereof contained in said national code shall apply to the fresh oyster industry. As used herein:

(a) The term "fresh oyster industry" means:

(1) The cultivating or catching of oysters;

(2) The packing or repacking and wholesaling of fresh oysters, in, from, or near localities of cultivation or capture; or

(3) The wholesaling of fresh oysters from or near localities of cultivation or capture.

(b) The term "Executive Committee" means the supervisory body provided for in Article VIII, Title C, Section 1, paragraph (e), of said national code, and created pursuant to Article VIII, Title B, hereof.

(c) The term "Oyster Association" means the Oyster Growers and Dealers Association of North America, a corporation organized under the laws of the State of Delaware.

(d) The term "origin" means the waters from which the market oysters were taken.

(e) The term "standard oyster barrel" means a barrel having inside measurements as follows: diameter at the head and bottom,  $16\frac{7}{8}$  inches, distance between heads, 26 inches, and circumference at the bilge 59 inches; and having a content of 6,520 cubic inches (equivalent to 3.03 U.S. standard bushels) or any other barrel having equivalent cubical contents.

(f) The term "market oysters" means oysters offered for sale or sold for human consumption.

(g) The term "broker" means any independent sales agent who performs the services of negotiating the sale of fresh oysters for and on account of the seller as principal, and who is not employed or

established by or affiliated with the purchaser or any purchasing agency, directly or indirectly, and whose compensation is a commission or brokerage paid by the seller.

### ARTICLE III—HOURS OF LABOR

SECTION 1. The labor hour provisions in Article III of said national code shall apply to the fresh oyster industry, with the following exceptions:

(a) Article III, Section 1, of said national code shall not apply to the fresh oyster industry, and in lieu thereof the following shall apply:

No clerical, accounting, or other office employee shall be permitted to work in excess of forty hours in any week or eight hours in any day during the months April to September, both inclusive; or in excess of forty-four hours in any week or nine hours in any day during the months October to March, both inclusive. No clerical employee shall be permitted to work in excess of six days out of any seven days.

(b) So much of Article III, Section 2, of said national code as reads "No other employee shall be permitted to work in excess of ninety hours in any two consecutive weeks, with the following exceptions:" shall not apply to the fresh oyster industry and in lieu thereof the following shall apply:

No other employee shall be permitted to work in excess of 10 hours in any day or:

(1) in towns of 2,500 population or less or in the immediate trade area thereof, in excess of 90 hours in any two consecutive weeks;

(2) in towns of over 2,500 population or in the immediate trade area thereof, in excess of 48 hours in any week;

(3) and no employee shall be permitted to work in excess of 12 days out of any 14 day period;

with the following exceptions:

### ARTICLE IV—WAGES

SECTION 1. The labor wage provisions contained in Article IV of said national code shall apply to the fresh oyster industry, with the following exceptions:

(a) Employees engaged as openers or shuckers of Eastern oysters (*Ostrea virginica*) shall receive not less than twenty-five cents per U. S. standard gallon of opened oyster meats; employees engaged as openers or shuckers of Olympia or Native oysters (*Ostrea lurida*) shall receive not less than fourteen cents per U. S. standard liquid quart; employees engaged as openers or shuckers of Pacific oysters (*Ostrea gigas*) shall receive not less than twenty cents per U. S. standard gallon of opened oyster meats: but in no event shall any of such employees receive less than twenty-five cents per hour in the North, or twenty cents per hour in the South. For the purposes of this Section the definition of North and South of Article IV, Section 2, paragraph (f), of said national code shall apply.

## ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. The general labor provisions of Article V of said national code shall apply to the fresh oyster industry and in addition thereto the following:

(a) 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 Executive Committee shall submit to the Administrator before July 1, 1934, a list of such operations or occupations.

(b) After the effective date of this divisional code, wages shall not be reduced by any charges or fines, nor shall wages be withheld in whole or in part by any employer except upon Court order or written consent of the employee, but amounts paid as advanced wages may be deducted from wages due on pay day.

(c) Wages shall be exempt from any payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earners, or required by law.

(d) Wages shall be paid at least every two weeks.

## ARTICLE VI

## TITLE A. UNFAIR METHODS OF COMPETITION

SECTION 1. In addition to the unfair methods of competition provisions of Article VI of said national code the following shall apply in like manner to the fresh oyster industry:

(a) *Price Basis.*—To quote prices or make settlements in payment of fresh oysters on any basis except f.o.b. shipping point, or cost and freight destination. All such prices and settlements shall include the cost of packages and original ice.

(b) *Credit Terms.*—To make quotations or contracts for the sale of fresh oysters, except those used for seeding or transplanting purposes, without specifying therein payment in full within 10 days from date of receipt of product by the purchaser.

(c) *Compliance with Specifications.*—To invoice fresh oysters without giving in the invoice all information necessary for a complete understanding of the transaction, including size, origin, price, quantity, terms of payment, and place of shipment.

(d) *Purchases from Fishermen.*—To make purchases of fresh oysters from fishermen without paying for such oysters on delivery, or without furnishing to said fishermen a written acknowledgment of purchase containing all information necessary to a complete understanding of the transaction, including price, quantity, and terms of payment. In no event shall the agreement of sale provide for payment later than 10 days after delivery of said oysters and all payments shall be made in money or in money equivalent.

(e) *Consignment.*—To ship products of the fresh oyster industry for sale on consignment.

(f) *Brokerage Fees.*—To allow any part of any broker's fee to inure directly or indirectly to the benefit of any purchaser.

(g) *Size Standards*.—To make quotations or sales (other than quotations and sales by fishermen) on any basis other than the following:

- (1) Fresh oyster meats. Atlantic oysters (*Ostrea virginica*):  
 Size A. "Counts" or extra large, counting less than 160 oysters per U.S. standard gallon.  
 Size B. "Extra selects" or large, counting 160 to 210 oysters per U.S. standard gallon.  
 Size C. "Selects" or medium, counting 211 to 270 oysters per U.S. standard gallon.

Size D. "Standards" or small, counting more than 270 oysters per U.S. standard gallon.

- (2) Fresh oyster meats, Pacific States:

- (a) Pacific oysters (*Ostrea gigas*):

Size A. Extra large, counting less than 90 oysters per U.S. standard gallon.

Size B. Large, counting 90 to 140 oysters per U.S. standard gallon.

Size C. Medium, counting 141 to 180 oysters per U.S. standard gallon.

Size D. Small, counting more than 180 oysters per U.S. standard gallon.

- (b) Olympia or Native oysters (*Ostrea lurida*): No size standards.

- (3) Market oysters packed and sold in the shell for consumption:

- (a) Atlantic and Gulf States:

Size A. Large, counting less than 185 oysters per U.S. standard bushel.

Size B. Medium, counting 185 to 270 oysters per U.S. standard bushel.

Size C. Half shell, counting 271 to 350 oysters per U.S. standard bushel.

Size D. Small, counting more than 350 oysters per U.S. standard bushel.

- (b) Pacific States, Pacific oyster (*Ostrea gigas*):

No size standards. Level U.S. standard bushel shall be the standard of measure. When sold in sack same shall be standard 24 inches by 36 inches. Shell stock shall be sold as run of the beds (mine run) and not by sizes.

- (c) Pacific States, Olympia or Native oysters (*Ostrea lurida*):

Same as provided in (b) for Pacific oysters except that the standard sack shall be 22 by 36 inches.

(h) *Units of Measure*.—To settle accounts or quote prices on any basis other than U. S. standard gallons for fresh oyster meats; or other than U. S. standard bushels, standard oyster barrels, or count, for market shell stock. All packages shall plainly show contents in terms of the above units. Each settlement of account and each price quotation shall show the origin of such meats or shell stock.

(i) *Currency*.—To settle or accept settlements of accounts in other than United States currency or its money equivalent.

(j) *Reference to Competitors*.—To falsely impute to competitors dishonorable business conduct, inability to perform contracts, or questionable credit standing.

(k) *Sale below Cost.*—To sell fresh oysters at less than cost as determined pursuant to the principles of the cost finding and/or estimating methods provided for in Article VIII, Title C, Section 1, paragraph (b), hereof; *Provided however*, that a member of the fresh oyster industry may sell at a lower price when necessary to meet competition, but at not less than the lowest price, not in violation of this divisional code, offered by any competitor; *Provided further*, that a member of the fresh oyster industry who thus reduces his price to meet a competitor's price shall not be deemed to have violated the provisions of this Section if such member immediately notifies the Executive Committee of such action and all facts pertinent thereto; *Provided further*, that no sale of distress stock in accordance with the provisions of paragraph (m) of this Section shall be construed to be a violation of this paragraph.

(l) *Filing of Price Lists.*—To fail to file with the Executive Committee at the opening of each season his prices on all grades of fresh oysters, and to fail thereafter immediately to notify the Executive Committee of any change in said prices.

(m) *Sale Below Filed Prices.*—To sell fresh oysters below his filed prices; *Provided however*, that any member of the fresh oyster industry may dispose of distress stock which must of necessity be converted into cash to meet immediate financial needs, or sold to avoid spoilage, at less than his filed prices if he offers such goods to other members of the fresh oyster industry before placing the same on the open market, and if he immediately reports each sale of such goods to the Executive Committee, together with complete information relative to the transaction, including the quantity sold, price, and the reasons for the sale. Nothing in this paragraph shall be construed to prohibit the exchange of oysters between members of the fresh oyster industry.

#### TITLE B. COORDINATION WITH OTHER CODES

SECTION 1. The fresh oyster industry, recognizing the value of uniform basic trade practice provisions for all food and grocery manufacturing codes, pledges cooperation in securing the amendment of any trade practice provisions in this divisional code which may be in conflict with the trade practice provisions approved by the President or suggested by the Administrator for the entire food and grocery manufacturing industry.

#### ARTICLE VII—INFORMATION, BOOKS AND RECORDS

SECTION 1. The provisions of Article VII of said national code shall apply to the fresh oyster industry.

#### ARTICLE VIII—ADMINISTRATION

##### TITLE A. SUPERVISORY BODIES

SECTION 1. The provisions of Article VIII of said national code shall apply to the fresh oyster industry with the following modifications:

## TITLE B. EXECUTIVE COMMITTEE. SELECTION

SECTION 1. The Oyster Association shall, within thirty days after the effective date of this divisional code, submit to the Administrator for approval a plan for the election from the industry of an Executive Committee consisting of nine (9) members, one of whom shall be the president of the Oyster Association. In such election all votes cast by proxy or by mail shall have the same effect as votes cast in person.

SECTION 2. Until an election shall be held under the plan so submitted, the Executive Committee shall consist of the eight members duly elected for the purpose by the four sections of the fresh oyster industry in geographical conventions assembled in 1933.

SECTION 3. In addition to membership as above provided, there may be one to three members on said Executive Committee to be appointed annually by the Administrator, to serve for a term of twelve months from the date of appointment without vote and without expense to the fresh oyster industry.

SECTION 4. The Executive Committee shall have the same privileges and be subject to the same limitations as the National Code Authority has and is subject to in Article VIII, Title A, Sections 2, 3, 4, 5, and 6 of said national code.

## TITLE C. EXECUTIVE COMMITTEE, POWERS AND DUTIES

SECTION 1. The Executive Committee shall administer this divisional code pursuant to the provisions of Article VIII of said national code, and is authorized further:

(a) To make such surveys or investigations as may be necessary to ascertain conditions in the fresh oyster industry and to formulate a plan for the effective distribution of the products of the fresh oyster industry designed to promote stable marketing conditions and standards of sanitation and quality, including an investigation of the cost per bushel of catching oysters from natural bottoms and the earnings of tongers and dredgers actually engaged in catching oysters by their own manual labor.

(b) To formulate an accounting system and methods of cost finding and/or estimating capable of use by all members of the fresh oyster industry. After such system and methods have been formulated, and the same have been approved by the Administrator, full details concerning them shall be made available to said members.

(c) To require each member of the fresh oyster industry to file his prices from time to time with the Executive Committee, together with such information relating to terms of sale and discounts necessary to a complete understanding of said prices. Said prices and information shall be made available to members of the fresh oyster industry and trade buyers without interpretation or comment.

(d) Before July 1, 1934, the Executive Committee shall study hours of labor, rates of pay, and other conditions of employment in the fresh oyster industry with the view of revising wages and hours and establishing minimum wage payments on a time basis for the season beginning September 1, 1934. The Executive Committee shall report the results of this study to the Administrator not later than August 1, 1934.

## TITLE D. EXECUTIVE COMMITTEE, DELEGATION OF POWERS AND DUTIES

SECTION 1. For the purpose of securing complete and accurate information and for the further effectuation of the purposes of this divisional code and the policies of the Act through the effective local administration of the provisions of this divisional code, the Executive Committee is authorized to delegate its powers under the divisional code as follows:

(a) An Executive Secretary may be selected to conduct market surveys, assemble statistical data, and to perform such other duties as may be required by the Executive Committee.

(b) Sectional Committees and/or District Committees may be established. Such committees shall be selected by the members of the fresh oyster industry within their respective areas in the manner prescribed by the Executive Committee for the following geographical sections, or for districts within said sections:

1. North Atlantic Section including Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware.

2. Middle Atlantic Section including Maryland, Virginia, and North Carolina.

3. South Atlantic and Gulf States Section including South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

4. Pacific Coast Section including California, Oregon, and Washington.

(c) Sectional Committees shall have the same privileges and be subject to the same limitations as the Executive Committee has and is subject to in Article VIII, Title B, Sections 3 and 4, hereof.

## TITLE E. EXPENSES

SECTION 1. If the assessments provided for under Article VIII, Title E, Section 1, of said national code shall fail to provide sufficient funds for the proper administration of this divisional code, all members of the fresh oyster industry shall bear their proportionate share of any additional expense, if the Administrator approves an assessment for such additional expense. The Executive Committee, with the approval of the Administrator, may waive a portion or all of any assessment on tongers and dredgers actually engaged in catching oysters by their own manual labor.

## ARTICLE IX—MODIFICATION AND MONOPOLIES

SECTION 1. The provisions of Articles IX and X of said national code shall apply to the fresh oyster industry whether or not in said Articles of said national code specific reference is made to this divisional code.

## ARTICLE X—EFFECTIVE DATE

SECTION 1. This divisional code shall become effective on the second Monday following its approval by the President.

Approved Code No. 308—Supplement No. 1.

Registry No. 117-75.





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**EXECUTIVE ORDERS**

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## EXECUTIVE ORDER

## EFFECT ON COOPERATIVES OF CODES OF FAIR COMPETITION

## EXECUTIVE ORDER

SUPPLEMENT TO AND AMPLIFICATION OF EXECUTIVE ORDER NO.  
6355 OF OCTOBER 23, 1933

WHEREAS questions have arisen concerning the scope and meaning of Executive Order No. 6355, of October 23, 1933, defining the effect of certain provisions in codes of fair competition upon cooperative organizations:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me under Title I of the National Industrial Recovery Act approved June 16, 1933 (48 Stat. 195), it is ordered that said Executive Order No. 6355 be, and it is hereby, supplemented and amplified as follows:

1. No provision in any code of fair competition, agreement or license which has heretofore been or may hereafter be approved, prescribed, or issued pursuant to Title I of the National Industrial Recovery Act, shall be construed or applied so as to make it a violation of any code of fair competition to sell to or through any bona fide and legitimate cooperative organization, including any farmers' cooperative, duly organized under the laws of any State, Territory, or the District of Columbia, or of the United States, or to sell through any intervening agency to such cooperative organization.

2. No such code of fair competition shall be construed or interpreted so as to prevent any such cooperative organization from being entitled to receive, and/or distribute to its members as patronage dividends or otherwise the proceeds or benefits directly or indirectly derived from any discount, commission, rebate, or dividend (a) ordinarily paid or allowed to other purchasers for purchases in wholesale or middleman quantities or (b) paid or allowed pursuant to the requirements or provisions of any code of fair competition to other purchasers for purchases in wholesale or middleman quantities.

3. The Administrator for Industrial Recovery is hereby authorized to determine, after such hearings and proceedings as he may deem necessary, whether, in any doubtful case, an organization is or is not a bona fide and legitimate cooperative organization entitled to the benefits and protection of this order.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*February 17, 1934.*

[No. 6606-A]

## EXECUTIVE ORDER

### PRESCRIBING RULES AND REGULATIONS FOR THE INTERPRETATION AND APPLICATION OF CERTAIN LABOR PROVISIONS OF CODES OF FAIR COMPETITION AS THEY MAY AFFECT HANDICAPPED WORKERS

In Codes of Fair Competition which have heretofore been approved or submitted for approval and in such Codes which may hereafter be submitted and approved, question has arisen or may arise as to whether the minimum wage and maximum hour provisions preclude those handicapped by physical or mental defect, age or other infirmity from their former opportunities for obtaining employment.

Pursuant to the Authority vested in me by Title I of the National Industrial Recovery Act, upon due consideration of the facts and upon the report and recommendation of the Administrator:

I, Franklin D. Roosevelt, President of the United States, in order to carry out the purposes of Title I of the National Industrial Recovery Act, do hereby order that no provision of any Code of Fair Competition, agreement, or license, which has heretofore been or may hereafter be approved, prescribed or issued pursuant to said Title of said Act shall be so construed or applied as to violate the following rules and regulations which are hereby promulgated and prescribed, to-wit:

1. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by a Code, if the employer obtains from the state authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

2. Any approval order of a Code of Fair Competition, agreement or license heretofore approved, prescribed or issued pursuant to Title I of the National Industrial Recovery Act, if any necessity exists therefor in order to make these regulations effective, is hereby modified so as to permit and be conditional upon the full applications and operation of these regulations.

These regulations shall become effective immediately and shall thereupon be binding upon all industries and members thereof unless, and only to such extent as, prior to that date good cause to the

contrary shall be shown to the Administrator for Industrial Recovery by any affected party or parties with reference to any trade, industry, or subdivision thereof.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S JOHNSON,

*Administrator.*

THE WHITE HOUSE,

*February 17, 1934.*

[No. 6606-F]

## EXECUTIVE ORDER

ENFORCEMENT OF SECTION 7 (A) OF THE NATIONAL INDUSTRIAL  
RECOVERY ACT.

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AMENDMENT OF EXECUTIVE ORDER NO. 6580 OF FEBRUARY 1, 1934

Executive Order No. 6580 of February 1, 1934, is hereby amended by striking out paragraph numbered 2 thereof and inserting in its stead the following paragraph:

2. Whenever the National Labor Board shall find that an employer has interfered with the Board's conduct of an election or has declined to recognize or bargain collectively with a representative or representatives of the employees adjudged by the Board to have been selected in accordance with section 7 (a) or has otherwise violated or is refusing to comply with said section 7 (a), the Board, in its discretion, may report such findings and make appropriate recommendations to the Attorney General or to the Compliance Division of the National Recovery Administration. The Compliance Division shall not review the findings of the Board but it shall have power to take appropriate action based thereon.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

*February 23, 1934.*

[No. 6612-A]

## EXECUTIVE ORDER

## CREATION OF THE NATIONAL RECOVERY REVIEW BOARD

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 establish an organization which shall be known as the National Recovery Review Board.

The following persons are hereby appointed to serve as members of the said Board:

Clarence Darrow  
 W. W. Neal  
 Fred P. Mann, Sr.  
 John F. Sinclair  
 Samuel C. Henry  
 W. O. Thompson

The duties and functions of the National Recovery Review Board shall be as follows:

(1) To ascertain and report to the President whether any code or codes of fair competition approved under the authority of title I of the National Industrial Recovery Act are designed to promote monopolies or to eliminate or oppress small enterprises or operate to discriminate against them, or will permit monopolies or monopolistic practices, and if it finds in the affirmative to specify in its reports wherein such results follow from the adoption and operation of any such code or codes.

(2) To recommend to the President such changes in any approved code or codes as, in the opinion of the Board, will rectify or eliminate such results.

The members of said Board shall receive as compensation for their services \$25 per day for the time they are engaged, respectively, in the performance of their duties, together with such expenses as may be allowed by law to officers and employees of the regular establishments of the Government; and the said Board may, without regard to the provisions of the civil service laws or the Classification Act of 1923, as amended, or the provisions of Executive Order No. 6440, as amended, appoint and fix the compensation and prescribe the duties of such clerical, technical, and legal personnel as may be necessary to carry out the purposes of this order.

The facilities and records of the National Recovery Administration shall be available to the Board whenever required in connection with the performance of its duties.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
 March 7, 1934.

## EXECUTIVE ORDER

## NATIONAL RECOVERY REVIEW BOARD

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 pursuant to Executive order dated March 7, 1934, creating the National Recovery Review Board, the Federal Emergency Administration of Public Works is hereby directed to allot to the said National Recovery Review Board from the moneys heretofore earmarked for the National Recovery Administration, the sum of fifty thousand dollars (\$50,000) to carry out its functions.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*March 9, 1934.*

[No. 6637]



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**ADMINISTRATIVE ORDERS**

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## ADMINISTRATIVE ORDER NO. 37-6

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### ORDER, CODE OF FAIR COMPETITION FOR THE BUILDERS SUPPLIES TRADE, ORDER NO. 2, OVERHEAD COSTS FOR BUILDERS SUPPLIES TRADE, BASED ON COST OF MERCHANDISE

Pursuant to the authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30th, 1933, and otherwise; and

Upon application by the Code Authority for the Builders Supplies Trade for my approval of the figures and percentages hereinafter set forth, based on cost of merchandise and computed by the statistical mode method, pursuant to the provisions of Sections (b) and (d) of Article IX of the above Code, as those percentages of cost of merchandise and figures which constitute overhead costs; and hearing having been held thereon on the 8th day of February, 1934, and the Deputy Administrator having rendered his report and recommendations thereon, which report and recommendations are hereby adopted and approved, I, Hugh S. Johnson, Administrator for Industrial Recovery, do hereby approve the percentages and figures hereinafter set forth as those percentages of cost of merchandise and figures which shall constitute overhead costs, based on cost of merchandise, for the Builders Supplies Trade and hereby further approve the rules and regulations hereinafter set forth for the application thereof.

#### I. Carload Business.

A. Overhead costs on builders' supplies sold in carload or barge load quantities, f.o.b. siding or dock, but excluding Portland cement or any other cement, shall be  $12\frac{1}{2}$  percent of the cost of such merchandise.

B. Overhead costs on Portland Cement sold in carload or barge load quantities, f.o.b. siding or dock, shall be  $7\frac{1}{2}$  percent of the cost of said merchandise, but in no case shall the amount, determined by an application of this percentage, exceed 15¢ per barrel.

C. Overhead costs on all cement other than Portland cement sold in carload or barge load quantities f.o.b. siding or dock, shall be 10 percent of the cost of such merchandise.

D. Paragraphs B and C hereof shall not apply to sales direct to the United States Government, to State Governments, or to railroads for maintenance of way.

#### II. Sales in Quantities Varying Between Five (5) Tons and Carload Quantities, Including Delivery.

A. Overhead costs on delivered sales in quantities varying between five (5) tons and carloads, irrespective of the number of deliveries of such sales, shall be  $33\frac{1}{3}$  percent of the cost of such merchandise.

### III. Sales in Quantities of Less than Five (5) Tons, including Delivery.

A. Overhead costs on delivered sales in quantities of less than five (5) tons, irrespective of the number of deliveries of such sales, shall be 50 percent of the cost of such merchandise.

In any competitive area, a truly representative group of parties subject to this Order may propose reductions of the figures and percentages hereinabove specified for sales of builders' supplies involving no delivery costs, by mutually agreeing to abide by this Order, together with such reductions. Such reductions shall become effective in such competitive areas upon approval thereof by the Code Authority, provided that such agreements and reductions are immediately filed with and are subject to disapproval by the Administrator.

In any competitive area, a truly representative group of parties subject to this Order may propose the allowance of a discount from the figures and percentages hereinabove specified for cash payments within a specified period by mutually agreeing to abide by this Order and such cash allowances. Such cash allowances shall become effective in such competitive areas upon approval by the Code Authority, provided that such agreements and allowances are immediately filed with and are subject to disapproval by the Administrator.

In any competitive area, a truly representative group of parties subject to this Order may propose reductions of any or all of the percentages and figures hereinabove specified as to any or all builders' supplies sold in such competitive area by mutually agreeing to abide by this Order and by such reductions. Such reductions shall become effective in such competitive areas upon approval by the Code Authority. The Code Authority may approve such reductions in any competitive areas if it finds that the application of the figures and percentages hereinabove specified will cause a sharp increase in prices of builders' supplies in such competitive areas, or will hinder the return of normal conditions in the construction industry, or will cause an undue hardship to consumers, thereby retarding the accomplishment of the purposes of Title I of the National Industrial Recovery Act. Upon approval of such reductions by the Code Authority, they shall be immediately filed with the Administrator and shall be subject to his disapproval.

Nothing contained in this Order shall be construed to prevent the performance of a valid written contract existing on the date of this Order for a definite quantity of any product or for all or a substantial part of the requirements of the purchaser thereof (a) at a fixed price, or (b) at a price which can be definitely determined in accordance with the provisions of such contract. If any one subject to this Order shall, on the date hereof, be a party to any contract for the sale of any product which, by its terms, is to continue up to April 8th, 1934, a copy of such contract shall, within thirty (30) days after the date of this Order, be filed with the Code Authority for the Builders Supplies Trade or with such agency as it may designate.

This Order is approved for a limited time in order that I may have an opportunity to determine whether the figures and percentages hereinabove set forth are adequate and reasonable and will accomplish the purposes of the above Code and of Title I of the National Industrial Recovery Act. This Order shall expire on the 8th day of April, 1934, and is subject to the condition that prior to that date the Code Authority of the Builders Supplies Trade shall submit to me reports showing fluctuations in minimum retail prices in the various areas or within such areas as I may designate from time to time hereafter on standard items handled by parties subject to this Order, and further, that the Code Authority of said Code shall furnish a list of factors to be used in determining overhead costs, together with such other information as I may require, in order that I may be fully informed as to all items entering into cost and be able to adequately determine the application thereof.

This Order supersedes my prior Order in the above entitled matter dated January 8th, 1934, and that Order, to the extent that it is inconsistent with the foregoing provisions of this Order, is hereby modified as hereinabove set forth.

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

Approval recommended:

W. A. HARRIMAN,  
*Division Administrator.*

FEBRUARY 17, 1934.

## ADMINISTRATIVE ORDER NO. 234-2

ORDER, MODIFYING STAY OF SECTION 6, ARTICLE VII, OF CODE OF FAIR COMPETITION FOR THE MACARONI INDUSTRY AS APPROVED JANUARY 29, 1934

WHEREAS, in the Order approving Code of Fair Competition for the Macaroni Industry, it is therein provided that the provisions of Section 6, Article VII, of said Code, relating to open price provisions are stayed and shall not become effective for sixty (60) days after the date of approval thereof;

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 modify such stay of provisions of Section 6, Article VII, of said Code, to the extent that said stay shall only apply to such provisions of Section 6, Article VII, as prescribe and require a waiting period between the filing with the Code Authority and the effective date of revised price list or revised terms and conditions of sale.

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

Approved recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D.C.,  
*February 17, 1934.*

## ADMINISTRATIVE ORDER NO. 29-6

ORDER, CODE OF FAIR COMPETITION FOR THE ARTIFICIAL FLOWER  
AND FEATHER INDUSTRY—RULING PERMITTING OVERTIME

Article III, Section 3, of the Code of Fair Competition for the Artificial Flower and Feather Industry provides as follows:

“No overtime shall be permitted, except upon the recommendation of the Code Authority and the approval of the Administrator, and under such conditions and upon such terms as the Administrator may prescribe.”

Upon the recommendation of the Code Authority for the above named Industry made pursuant to said Article III, Section 3, of the Code of Fair Competition for said Industry, approval is hereby given to the members of this Industry to work overtime on the following basis:

1. No employee shall work or be permitted to work more than seven and one-half ( $7\frac{1}{2}$ ) hours in excess of the number of hours prescribed in the Code of Fair Competition for this Industry, in any given week; provided that all such overtime worked shall be paid for at a rate of not less than time and one-half the normal wage rate, whether such normal wage rate be computed on a time, piecework or other basis.

2. All overtime worked shall be confined to a period of not more than ten (10) weeks in any calendar year.

3. No over-time work shall be allowed on Saturday or Sunday.

HUGH S. JOHNSON,

*Administrator.*

Approval recommended:

A. D. WHITESIDE,

*Division Administrator.*

LEO WOLMAN, per R. M. WILMOTTE,

*Labor Advisory Board.*

A. H. BARENBOINE,

*Legal Division.*

FEBRUARY 21, 1934.

## ADMINISTRATIVE ORDER NO. 124-8

EXPLANATION OF ARTICLE VI, PART 2, SECTION 8, FOR THE MOTION  
PICTURE INDUSTRY

For the information of members of the Motion Picture Industry with respect to the form of assent distributed by the Code Authority of the Motion Picture Industry under the terms of Article VI, Part 2, Section 8 of the Code:

1. It is not the intent or purpose of Article VI, Part 2, Section 8 of the Code that any member of the Industry assenting to the Code on the forms used by the Code Authority shall thereby waive or be estopped from setting up any right which such member of the Industry may possess under general or statutory law against any arbitrary, oppressive, injurious and unreasonable action by any administrative official or agency under the Motion Picture Industry Code.

2. It is not the intent or purpose of such Article, Part or Section of the Code that any member so assenting shall be precluded or estopped from seeking amendments to or modifications of said Code.

3. Members of the industry not assenting to the Code on the forms above mentioned cannot be denied any of the rights and remedies afforded by the Code save only that they will not enjoy the right to file complaints before the administrative agencies provided for in the Code. Upon acceptance of any of the benefits and advantages of the Code, such members of the industry may be assessed a reasonable amount, subject to the approval of the Administrator, to help defray the expenses of administering the Code but not otherwise.

4. While assent on the form above mentioned is necessary to enable a member of the Industry to lodge protests with Clearance and Zoning Boards and to make use of the facilities of the local Grievance Boards, nevertheless such assent is not essential to enable any member of the Industry to interpose his defense before any such Board if he so desires in any matter affecting his interest, and thereafter to prosecute any and all appeals therefrom to the same extent and in the same manner as a member assenting on the form above mentioned.

5. The statements contained herein apply with respect to the execution, either heretofore or hereafter, by any member of the form of assent above mentioned, and all such assents will be deemed to have been executed in the light of these statements.

HUGH S. JOHNSON,  
*Administrator.*

Approved:

DONALD R. RICHBERG,  
*General Counsel.*

FEBRUARY 21, 1934.



## ADMINISTRATIVE ORDER NO. 1-50

EMERGENCY REQUIREMENT AS TO FURTHER LIMITATION OF HOURS  
OF PRINTING MACHINE OPERATION IN THE FINISHING BRANCH  
OF THE COTTON TEXTILE INDUSTRY

Pursuant to the recommendation of the Cotton Textile Code Authority under Section VI of the Cotton Textile Code approved by the Administrator December 1, 1933, providing for temporary changes in the limitation of hours of operation of productive machinery to meet particular conditions arising in particular groups of the Industry, it is required that—

During the month of March, 1934, no printing machine in the Finishing Branch of the Industry shall operate in any week for more than 75% of the eighty (80) hours per week otherwise permitted by the Cotton Textile Code; *provided, however*, that, for the period of five weeks, beginning February 26, 1934, and ending March 31, 1934, three (3) printing machines in each plant shall be permitted to operate the full eighty hours per week as permitted by said Code; and *further provided* that such period may be shortened by the Code Authority with the concurrence of the Government representatives thereon, or that such restrictions of hours of operation may likewise be reduced at any time during the period as changing conditions may warrant.

THE COTTON TEXTILE INDUSTRY COMMITTEE,  
*Code Authority under the Code of Fair Competition  
for the Cotton Textile Industry.*  
By GEORGE W. SLOAN, *Chairman.*

The foregoing requirement is concurred in February 23, 1934.

HUGH S. JOHNSON,  
LEO WOLMAN by G. PECK,  
NELSON SLATER,

*Government Representatives on the Cotton Textile  
Industry Committee Code Authority under the  
Code of Fair Competition for the Cotton Textile  
Industry.*

## ADMINISTRATIVE ORDER NO. 67-5

## FERTILIZER INDUSTRY, ADMINISTRATOR'S APPROVAL OF APPLICATION OF FERTILIZER RECOVERY COMMITTEE FOR ESTABLISHMENT OF CERTAIN TRADE ZONES IN CONNECTION WITH CODE OF FAIR COMPETITION FOR FERTILIZER INDUSTRY

WHEREAS, the Code of Fair Competition for the Fertilizer Industry provides in Article III, Section 3 as follows:

"In carrying out its functions, said Committee, subject to the approval of the Administrator, is authorized to divide the United States into appropriate trade zones based on such geographical, trade, and/or other conditions as shall best serve the purposes of this Code, and to change such zones from time to time as may be found necessary."

and

WHEREAS, the Code Authority of said Industry (the Fertilizer Recovery Committee), in accordance with the authority granted by the above section, has divided the United States into appropriate trade zones as shown in Schedule A of the Code as approved, and subsequently has made the following changes and subdivisions of the trade zones therein listed:

Zone 11b has been renumbered "11".

Zones 11a and 11c have been combined and numbered "12".

Zone 12, Puerto Rico, has been abolished as a separate zone. The Territory has been added to Zone 2 as "Sub-Zone PR."

Accomac and Northampton Counties, Virginia, have been transferred from Zone 4 to Zone 3.

The Panhandle Section of West Virginia, comprising Hancock, Brooke, Ohio, and Marshall Counties, has been transferred from Zone 3 to Zone 2.

The division line between the Northern part of West Virginia, which is in Zone 3, and the Southern part of West Virginia, which is in Zone 4, has been set as follows: The southern boundary of Mason, Jackson, Braxton, Webster, Pendleton, Roane, Calhoun, and Randolph Counties, and a line through Nicholas County between that part served by the B. & O. Railroad and the C. & O. Railroad.

Zones 1, 2, 3, 4, and 12 have been sub-divided as follows:

Zone 1 has been sub-divided into four sub-zones as follows:

*Sub-Zone A:* Aroostook County, Maine, and that section of Penobscot County, Maine, lying north and west of Millinocket.

*Sub-Zone B:* Maine, excepting Aroostook County and that section of Penobscot County lying north and west of Millinocket; all of Vermont, and all of New Hampshire excepting Hillsboro and Rockingham Counties.

*Sub-Zone C:* Hillsboro and Rockingham Counties, New Hampshire; Worcester County, Massachusetts, and all of the State of Massachusetts east of Worcester County; and all of Rhode Island.

*Sub-Zone D:* Franklin, Hampshire, Hampden, and Berkshire Counties, Massachusetts, and all of Connecticut.

Zone 2 has been sub-divided into five sub-zones as follows:

*Sub-Zone A:* All of New York State (except Long Island); western Pennsylvania, which shall include Potter, Cameron, Clearfield, Indiana, Westmoreland, and Fayette Counties, and all counties lying west thereof; and the so-called Panhandle Section of West Virginia including Hancock, Brooke, Ohio, and Marshall Counties.

*Sub-Zone B:* Long Island.

*Sub-Zone C:* Central Pennsylvania being the area to the east of western Pennsylvania and lying north and west of Monroe, Carbon, Schuylkill, Dauphin, Cumberland, Franklin, and Fulton Counties.

*Sub-Zone D:* Eastern Pennsylvania and all of New Jersey.

*Sub-Zone PR:* Puerto Rico.

Zone 3 has been sub-divided into eight sub-zones as follows:

*Sub-Zone A:* Accomac County, Virginia; Northampton County, Virginia; Worcester County, Maryland; Somerset County, Maryland; Wicomico County, Maryland; Dorchester County, Maryland; Caroline County, Maryland; Talbot County, Maryland; Queen Anne County, Maryland; Kent County, Maryland; Sussex County, Delaware; Kent County, Delaware; New Castle County, Delaware.

*Sub-Zone B:* Cecil County, Maryland; Harford County, Maryland; Baltimore County, Maryland; Howard County, Maryland; Carroll County, Maryland; Frederick County, Maryland; Washington County, Maryland; Montgomery County, Maryland; Anne Arundel County, Maryland; Prince George County, Maryland; Calvert County, Maryland; Charles County, Maryland; St. Mary's County, Maryland; District of Columbia north of the Potomac River.

*Sub-Zone C:* Allegany County, Maryland; Garrett County, Maryland; Morgan County, West Virginia; Hampshire County, West Virginia; Hardy County, West Virginia; Pendleton County, West Virginia; Mineral County, West Virginia; Grant County, West Virginia; Tucker County, West Virginia; Preston County, West Virginia; Taylor County, West Virginia; Barbour County, West Virginia; Upshur County, West Virginia; Randolph County, West Virginia.

*Sub-Zone D:* Monongalia County, West Virginia; Harrison County, West Virginia; Marion County, West Virginia; Lewis County, West Virginia; Braxton County, West Virginia; Webster County, West Virginia; Northern part of Nicholas County served by the B. & O. Railroad; Gilmer County, West Virginia; Doddridge County, West Virginia; Wetzel County, West Virginia; Tyler County, West Virginia; Pleasants County, West Virginia; Ritchie County, West Virginia.

*Sub-Zone E:* Wood County, West Virginia; Wirt County, West Virginia; Calhoun County, West Virginia; Roane County, West Virginia; Jackson County, West Virginia; Mason County, West Virginia.

*Sub-Zone F:* Berkeley County, West Virginia; Jefferson County, West Virginia; Frederick County, West Virginia; Clark County, West Virginia; Northern portion of Warren County, including Front Royal; Loudon County, Virginia; Fauquier County, Virginia; Rappahannock County, Virginia; Culpeper County, Virginia; Fairfax County, Virginia; Arlington County, Virginia; Prince Williams County, Virginia; Stafford and City of Fredericksburg, Virginia.

*Sub-Zone G:* King George County, Virginia; Westmoreland County, Virginia; Lancaster County, Virginia; Richmond County, Virginia; Caroline east of the R. F. & P. Railroad; Essex County, Virginia; King William County, Virginia; King and Queen County, Virginia; Middlesex County, Virginia; Gloucester County, Virginia; Matthews County, Virginia; James City County, Virginia; Elizabeth City County, Virginia; York County, Virginia; Warwick County, Virginia.

*Sub-Zone H:* New Kent County, Virginia; Charles City County, Virginia; Hanover County, Virginia; Henrico County, Virginia (except Richmond); Goochland County, Virginia; Louisa County, Virginia; Spottsylvania County, Virginia (except Fredericksburg); Orange County, Virginia; Fluvanna County, Virginia; Albemarle County, Virginia; Greene County, Virginia; Madison County, Virginia; Page County, Virginia; lower portion of Warren County, Virginia; Shenandoah County, Virginia; Rockingham County, Virginia; Augusta County, Virginia; Nelson County, Virginia; Amherst County, Virginia; Rockbridge County, Virginia; Bath County, Virginia; Highland County, Virginia; Caroline County, including points on the R. F. & P. Railroad and west thereof.

Zone 4 has been sub-divided into four sub-zones as follows:

*Sub-Zone A:* All counties in West Virginia south of the following lines: The southern boundaries of Mason, Jackson, Braxton, Webster, Pendleton, Roane, Calhoun, Randolph Counties, and that part of Nicholas County served by the C. & O. Railroad.

*Sub-Zone B:* Virginia south of the James River, except Norfolk, Nansemond, and Princess Anne Counties.

*Sub-Zone C:* North Carolina, except Currituck, Camden, Pasquotank, Perquimans, and Chowan Counties.

*Sub-Zone D:* Princess Anne, Norfolk, Nansemond Counties in Virginia; and Currituck, Camden, Pasquotank, Perquimans, Chowan Counties in North Carolina.

NOW, THEREFORE, pursuant to the provisions of the Code and to the authority vested in me by the Executive Orders of July 15, 1933, and the Executive Order of December 30, 1933, and otherwise, the application of the Fertilizer Recovery Committee for establishment of certain trade zones in connection with the Code of Fair Competition for the Fertilizer Industry is hereby approved.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

GEORGE L. BERRY,

*Division Administrator.*

FEBRUARY 26, 1934.

## ADMINISTRATIVE ORDER NO. X-7

## 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 shall, in the manner hereinafter provided, make application for and display official copies of the provisions relating to hours of labor, rates of pay and other conditions of employment of each Code to which he is subject or may hereinafter be subject (such official copies of such provisions being hereinafter referred to as official copies). A separate application shall be made with respect to each Code.

2. Each application for official copies with respect to any Code shall:

(a) be made to the Code Authority established under that Code; and

(b) set forth the full name of the applicant's enterprise, the nature of the applicant's business and the number and location of the shops, establishments or separate units in which the applicant is engaged in operations subject to the Code; and

(c) be made within forty-five (45) days from the date of these regulations or the effective date of the Code or the date upon which the applicant becomes subject to the Code, whichever is latest.

3. A person who has made application for official copies relating to a Code and thereafter engages in operations subject to the Code in any additional shop, establishment or separate unit, shall within ten (10) days of so doing, make a supplemental application to the Code Authority setting forth the full name of the applicant's enterprise, and the number and location of the additional units.

4. On application to the Code Authority, or as soon thereafter as possible, the Code Authority will furnish each applicant with official copies relating to the Code in question.

5. In each shop, establishment or separate unit in which the applicant is engaged in operations subject to the Code he shall at all times keep the official copies posted conspicuously and in sufficient number to make them freely and conveniently accessible to all employees employed in such operations.

6. Wherever, as to any person subject to a Code, the provisions of the Code set forth in the official copies are affected by a modification,

exemption, exception, or stay, official copies of the modification, exemption, exception, or stay, or of the provisions as thereby affected, will be furnished by the Code Authority on its own initiative or at the request of such person, and thereafter shall be kept posted in place of or in conjunction with (as the Code Authority may specify) the official copies theretofore posted.

7. No person shall display or post any incorrect copies of the provisions of any Code or any modification, exemption, exception, or stay relating thereto.

8. The Administrator may remove all Blue Eagles from any person who fails to comply with these regulations.

9. As used herein, the term "Code" means a Code of Fair Competition approved under the National Industrial Recovery Act (other than the Code of Fair Competition for the Petroleum Industry).

10. 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.

11. These regulations supersede the rules and regulations prescribed by me under date of February 12, 1934 governing the posting of labor provisions of Codes of Fair Competition.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

WASHINGTON, D.C.,

*February 28, 1934.*

## ADMINISTRATIVE ORDER NO. 142-10

CODE OF FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE,  
 STAY OF EFFECTIVE DATE OF ARTICLE VIII, SECTION 4, FROM  
 MARCH 1, TO MAY 1, 1934

Pursuant to authority vested in me by the Executive Orders issued by the President on July 15, 1933 and December 30, 1933, and otherwise, and upon application of interested parties for a modification of the Code of Fair Competition for the Retail Jewelry Trade approved by the President on November 27, 1933, and effective December 11, 1933, and finding that justice requires a postponement of the effective date of Article VIII, Section 4 of said Code in order to allow manufacturers of coupons and other forms of scrip the opportunity to adjust their business, and in order to avoid a reduction of employment among such manufacturers, and in order to provide the necessary time for a study of the effect of said provision of the Code upon the watch inspection contracts entered into with retail jewelers, by a majority of the Railroad Companies of the United States.

It is hereby ordered that the effective date of Article VIII, Section 4, be extended to May 1, 1934, or until such time prior to that date as may be necessary for the Scrip Committee by me appointed to make recommendations as to the application of this provision, at which time determination will be made as to the application of this provision of the Code.

This Order shall become effective at once.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,

*Division Administrator.*

FEBRUARY 28, 1934.

## ADMINISTRATIVE ORDER NO. 143-4

## CODE OF FAIR COMPETITION FOR THE WOOL FELT MANUFACTURING INDUSTRY, OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Wool Felt Manufacturing Industry, in accordance with Section 1 of Article V of the Code of Fair Competition for the Wool Felt Manufacturing Industry has submitted to the Administrator a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry within the meaning of Section 1 of Article V, which are as follows:

Carding  
Lapping  
Fulling  
Washing  
Extracting  
Cutting

Pursuant to Section 1 of Article V, I hereby approve the recommendation of the Code Authority that the occupations listed above are hazardous in nature and/or detrimental to health within the meaning of Section 1 of Article V and order that it shall have the same force and effect as other provisions of the Code, this Order to become effective ten (10) days after the date hereof, unless cause to the contrary shall have been shown to the Administrator before that date.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

MARCH 2, 1934.



## ADMINISTRATIVE ORDER NO. 124-9

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ORDER, CODE OF FAIR COMPETITION FOR THE MOTION PICTURE INDUSTRY, APPROVAL OF APPLICATION OF ADMINISTRATION MEMBER OF THE CODE AUTHORITY FOR EXTENSION OF TIME WITHIN WHICH TO FILE REPORT REQUIRED BY SECTIONS 4 AND 6 OF EXECUTIVE ORDER OF NOVEMBER 27, 1933

WHEREAS, on December 6, 1933, Sol A. Rosenblatt, Division Administrator, was designated as representative of the Administration upon the Code Authority of the Motion Picture Industry, and in connection with his duties thereon was thereby directed to make investigation and report to the Administrator, pursuant to the provisions of Sections 4 and 6 of the Executive Order signed by the President on November 27, 1933, such report to be made to the Administrator not later than 90 days from the effective date of the Code; and

WHEREAS, said Administration member has made application for an extension of time for filing such report;

NOW, THEREFORE, pursuant to the authority vested in me under Title I of the National Industrial Recovery Act and the Executive Orders of the President of the United States, I approve the application of said Administration member and hereby order that the said order of December 6, 1933, be amended so as to permit the filing of the report required by Sections 4 and 6 of the said Executive Order of November 27, 1933, on or before April 7, 1934.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

WASHINGTON, D.C.,

*March 3, 1934.*

## ADMINISTRATIVE ORDER NO. X-8

ORDER, GRANTING PERMANENT STAY OF ADMINISTRATIVE ORDER NO. X-4 OF JANUARY 23, 1934, WHICH GRANTED LIMITED EXEMPTION FROM CODES OF FAIR COMPETITION IN CONNECTION WITH SALES TO HOSPITALS INSOFAR AS CERTAIN INDUSTRIES ARE AFFECTED THEREBY

Having considered the various objections heretofore filed against the provisions of my Order No. X-4 of January 23, 1934, exempting those members of industries subject to codes of fair competition, approved under Title I of the National Industrial Recovery Act, who sell or may sell supplies or materials to hospitals of the United States, which are supported by public subscription or endowment and are not operated for profit, from certain provisions of such codes, which Order was stayed by me on February 2, 1934, for a period of thirty (30) days from such date in order that consideration might be given to such objections, and it appearing to me, after such consideration, that justice requires that such stay of such Order be made permanent insofar as it affects certain of such industries;

Pursuant to the authority reserved to me in such Order, it is ordered that such stay be and it is hereby made permanent insofar as it affects the following industries, a substantial part of the supplies or materials of which are sold to such hospitals:

X-Ray and Electro-Medical Apparatus Industry as covered by the Code of Fair Competition for the Electrical Manufacturing Industry, Scientific Apparatus Industry, and all other industries not specifically above named which hereafter establish to my satisfaction that a substantial part of their supplies or materials are sold to such hospitals and that justice requires the relief herein granted.

HUGH S. JOHNSON,

*Administrator for Industrial Recovery.*

Approval recommended:

A. D. WHITESIDE,

*Division Administrator.*

WASHINGTON, D.C.,

*March 3, 1934.*

## ADMINISTRATOR'S ORDER NO. X-9

ORDER, GRANTING SHELTERED WORKSHOPS CONDITIONAL EXEMPTION  
FROM CODES OF FAIR COMPETITION

It appearing to me that charitable institutions or activities thereof conducted not for profit, but for the purpose of providing remunerative employment for physically, mentally, or socially handicapped workers, which institutions and activities are herein referred to as "sheltered workshops", are entitled to a conditional exemption from codes of fair competition approved under Title I of the National Industrial Recovery Act covering activities in which they are engaged, and that such an exemption as herein granted is in furtherance of the public interest and will tend to effectuate the policies of said Title of said Act;

Pursuant to authority vested in me under said Title of said Act by Executive Orders of the President of the United States, including Executive Order No. 6543-A, dated December 30, 1933, it is hereby ordered that sheltered workshops subject to such codes be and they are hereby exempted therefrom; on the condition, however, that any sheltered workshop in order to become entitled to such exemption shall sign a pledge that it will not: (1) employ minors under sixteen (16) years of age, except such as are there for instructional purposes as approved by a Regional Committee (hereinafter provided for), (2) engage in destructive price cutting or any other unfair method of competition, (3) wilfully hamper or retard the purposes of said Title of said Act; and that so far as possible it will cooperate with the National Recovery Administration and will carry out the intent and spirit of said Title of said Act.

Any sheltered workshop who signs and complies with such a pledge shall, while so complying, be entitled to use any appropriate insignia of the National Recovery Administration. For the purpose of effecting compliance with such pledges the National Recovery Administration will appoint a National Sheltered Workshop Committee of six (6) members, to be selected from the boards or administrative staffs of sheltered workshops and such other sources as may be deemed advisable. Except at the time of appointment of the initial committee when three members will be appointed for a term of three months and three members for a term of six months, the term of service of each member shall be for a period of six months. Said National Committee shall supervise the establishment of Regional Sheltered Workshop Committees, the members of which shall be selected by the sheltered workshops in the region and approved by said National Committee. Each such Regional Committee shall hear all complaints of alleged non-compliance and shall

endeavor to make satisfactory adjustments. Cases in which the Regional Committee is not able to make satisfactory adjustments shall be referred for appropriate action to said National Committee. Said National Committee shall report to the Administrator for Industrial Recovery for the disposition of all cases and, if satisfied that any sheltered workshop has violated its pledge and if unable to obtain satisfactory adjustment, shall certify the full record in such case to the National Recovery Administration for revocation of the right to use the National Recovery Administration insignia and such other action as may seem advisable.

This Order shall not become effective for a period of thirty (30) days in order that consideration may be given to the objections thereto, if any, of interested parties. 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.*

WASHINGTON, D.C.,  
*March 3, 1934.*

## ADMINISTRATIVE ORDER NO. 94-6

ORDER, CODE OF FAIR COMPETITION FOR THE MEN'S GARTER, SUSPENDER, AND BELT MANUFACTURING INDUSTRY, OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Men's Garter, Suspender and Belt Manufacturing Industry, in accordance with Section 1 of Article IV of the Code of Fair Competition for the Men's Garter, Suspender and Belt Manufacturing Industry, has submitted to the Administrator, a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1 of Article IV, which are as follows:

1. Work performed on splitting, perforating, stamping, dyeing-out, embossing, clicking, skiving, stripping, burnishing, or buffing machines;

2. Work performed on stapling or riveting machines;

3. Work performed on punch presses or stamping machines if the clearance between the ram and the die or the stripper exceeds one-fourth inch; with the exception that employment on any of the above named machines may be permitted in the case of minors between 16 and 18 years of age who are bona fide apprentices within the requirements of the Code.

4. Work performed in oiling, cleaning, or wiping machinery in motion.

5. Work performed in applying belts to a pulley in motion or assisting therein.

6. Work performed in proximity to any unguarded belt or gearing.

Pursuant to Section 1 of Article IV, I hereby approve the recommendation of the Code Authority that work performed in the operations listed above are hazardous in nature and are detrimental to health within the meaning of Section 1 of Article IV, and order that it shall have the same force and effect as other provisions of the Code, this Order to become effective ten (10) days after the date hereof, unless cause to the contrary shall have been shown to the Administrator before that date.

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

Approval recommended:

A. D. WHITESIDE,  
*Divisional Administrator.*

MARCH 3, 1934.

## ADMINISTRATIVE ORDER NO. 41-4

ORDER, CODE OF FAIR COMPETITION FOR THE WOMEN'S BELT  
INDUSTRY, RULING PERMITTING OVERTIME

Article III, Section 4, of the Code of Fair Competition for the Women's Belt Industry, provides as follows:

"No overtime shall be permitted except upon the recommendation of the Code Authority and the approval of the Administrator, and under such conditions and upon such terms as the Administrator may prescribe."

Upon recommendation of the Code Authority for the above named industry made pursuant to said Article III, Section 4, of the Code of Fair Competition for said Industry, approval is given to the members of the Industry to work overtime on the following basis:

1. No employee shall be permitted to work more than eight (8) hours in excess of the number of hours prescribed in the Code of Fair Competition for this Industry, in any given week; all such overtime worked shall be paid for at the rate of not less than time and one-half the normal wage rate, whether such normal wage rate be computed on a time, piecework or other basis.

2. All overtime shall be confined to a period of not more than eight (8) weeks in a calendar year.

3. No more than two and one-half (2½) hours of overtime shall be allowed on Saturdays.

4. The overtime provided for in this Order shall be confined to the members of the Women's Belt Industry catering to the garment trades.

HUGH S. JOHNSON,  
*Administrator.*

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

MARCH 6, 1934.

## ADMINISTRATIVE ORDER NO. 231-4

ORDER, CODE OF FAIR COMPETITION FOR THE SURGICAL  
DRESSINGS INDUSTRY

Approval of application by the Code Authority for extension of time under Article IV, Section 4 for presenting plan for adjustment of wages above the minimum.

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, I, Hugh S. Johnson, Administrator for Industrial Recovery, do hereby extend the date within which the Code Authority, in accordance with Article IV, Section 4 of the Code of Fair Competition for the Surgical Dressings Industry, shall present to the Administrator for his approval a definite plan for the adjustment of wages above the minimum therein prescribed from thirty (30) days to ninety (90) days from the effective date of the Code.

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

Approval recommended:

A. D. WHITESIDE,  
*Division Administrator.*

WASHINGTON, D.C.,  
*March 8, 1934.*





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