

NATIONAL RECOVERY ADMINISTRATION

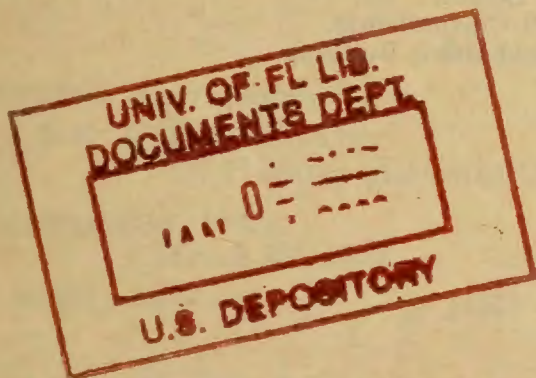
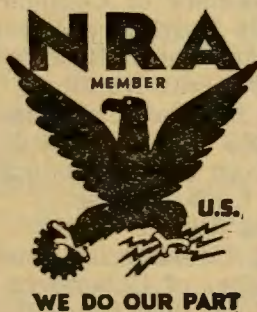
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CODE OF FAIR COMPETITION


FOR THE

# BURLESQUE THEATRICAL INDUSTRY

AS APPROVED ON MARCH 20, 1934



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
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Approved Code No. 348

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**BURLESQUE THEATRICAL INDUSTRY**

**As Approved on March 20, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE BURLESQUE  
THEATRICAL 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 Burlesque Theatrical 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:

SOL A. ROSENBLATT,  
*Division Administrator.*

WASHINGTON, D.C.,  
*March 20, 1934.*



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Burlesque Theatrical Industry as revised after a public hearing, conducted in Washington, D.C., on November 9, 1933, in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO WAGES AND HOURS

Clerical and office employees are to receive a minimum wage of fifteen dollars per week; house managers, company managers, house treasurers and press representatives not less than twenty-five dollars; heads of wardrobe departments not less than thirty-five dollars; sewers not less than fifty cents per hour; ticket sellers, porters and barkers not less than thirty-five cents per hour and all other employees, not otherwise provided for, not less than thirty cents per hour.

Principals who are defined as performers other than chorus members shall be paid not less than thirty-five dollars per week. Chorus members shall be paid not less than twenty dollars per week in resident companies and not less than twenty-two dollars and fifty cents per week in road companies, provided that where a higher rate was paid on October 1, 1933, such higher rate shall be the minimum.

All employees, except executives, press representatives, actors and chorus members are assigned a maximum working week of forty hours. A limited week for press representatives was found to be impracticable, and data was insufficient to permit setting maximum hours for actors and chorus. The Code Authority is directed to investigate the working conditions of such performers and report on the same within ninety days after the effective date of this Code.

Payments at the rate of time and one half for time worked in excess of forty hours per week is provided for employees in emergencies involving protection of life or property.

All performers are guaranteed extra compensation of one-fourteenth of the weekly salary for each extra performance given in a two-a-day house, and not less than at the rate of a show and one half for extra performances in other than two-a-day houses.

There are special provisions for skilled employees guaranteeing them the benefits which they have obtained through collective bargaining.

### ECONOMIC EFFECTS OF THE CODE

The demand for burlesque theatrical performances varies greatly, as the public taste shifts among various types of entertainment. For this reason it is impossible to forecast the increase of employment to be brought about by the Code as this will depend on the number of shows playing. The wage provisions provide for substantial increases to employees.



Trade practice provisions are expected to remedy the unfair competition that has existed in the past within the Industry.

Employers are forbidden to attempt to induce the breach of an existing contract between a competitor and his employees; to participate in any transaction known in law as a "black list" or a "white list", or to lower publicly announced admission prices by rebates or other devices which are unfair to competing employers or deceive the public.

#### FINDINGS

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

I find that:

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

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

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

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

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

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

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

Respectfully,

HUGH S. JOHNSON, *Administrator.*

MARCH 20, 1934



## CODE OF FAIR COMPETITION FOR THE BURLESQUE THEATRICAL INDUSTRY

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

### ARTICLE I—DEFINITIONS

1. The term "Burlesque" as used herein, is defined to be a type of musical entertainment known in theatrical parlance as burlesque; advertised as such or by other title which conveys to the public such entertainment, and is intended to include performances wherein burlesque is principally rendered in conjunction with incidental motion or sound picture performances, and all performances or attractions usually identified with or typical of burlesque.

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 or its own behalf.

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

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

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

### ARTICLE II—CLERICAL AND OFFICE EMPLOYEES

1. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any one week or nine (9) hours in any twenty-four (24) hour period, and such employees shall be paid not less than Fifteen (\$15) Dollars per week.

#### EXCEPTIONS AS TO HOURS

2. The hour provisions of this Code shall not apply to persons employed in a managerial or executive capacity who earn not less than Thirty-five (\$35) Dollars per week or to employees in emergencies involving protection of life or property, but at least one and one half (1½) times the normal rate shall be paid for hours worked in emergencies in excess of the maximum hours.

#### EMPLOYMENT BY SEVERAL EMPLOYERS

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



## ARTICLE III—PERFORMERS

1. Principals (performers other than chorus members) shall be paid not less than Thirty-five (\$35) Dollars per week.

2. The chorus members shall be paid not less than Twenty (\$20) Dollars per week in stock or resident companies, and not less than Twenty-two Dollars and Fifty (\$22.50) Cents per week in road companies; provided, however, that wherever on October 1, 1933, any theatre paid a rate to chorus members in excess of the minimum wages herein provided, said higher wages shall be deemed to be and are hereby declared to be the minimum scale of wages with respect to such theatres.

3. The producer shall not engage any performer under any agreement which would reduce the net salary below the minimum wage through the payment of any fee or commission to any agency (whether such fee is paid by the producer or independent contractor or by the performer), or by any other form of deduction.

4. Wherever any company is required to give more than the regular number of performances contracted for, all performers shall be paid for said extra performances at a pro rata proportion of the weekly salary. Such pro rata proportion shall be not less than one fourteenth ( $\frac{1}{14}$ ) of the weekly salary in a "two-a-day house" and not less than at the rate of a show and a half in other than a two-a-day house.

5. The employer shall furnish to chorus members, without charge, all hats, costumes, wigs, shoes, tights, and stockings and other necessary stage wardrobe.

6. The cost of transportation of the actors and chorus, when required to travel, including transportation from point of organization and back, including sleeping car accommodations, shall be paid by the employer.

7. If individual notice of contract termination is given by the employer the actor or chorus member shall be paid in cash the amount of the cost of transportation including sleeping car accommodations of the actor or chorus member and baggage back to the point of organization whether the company returns immediately or not.

8. Actors and chorus members shall be guaranteed two (2) weeks' employment and two (2) weeks' advance notice on the road and one (1) week's advance notice in stock of dismissal of an individual or one (1) week's advance notice of the closing of the company either in stock or road show; provided, however, that within the first two (2) days' rehearsal an actor or chorus member may be dismissed without notice or guarantee.

9. Chorus members shall be released from work with pay not less than one day out of every fourteen (14), and the day the chorus member is released from work such chorus member shall not be required to rehearse or report to the theatre or perform any service. This provision for a free day shall not apply to a traveling company.

10. By reason of the peculiar nature of this Industry, it is impracticable without further data, to be furnished by the Code Authority, to set the maximum hours for actors and chorus. Therefore, the Code Authority shall investigate the hours of labor, wages, and working conditions of actors and chorus, and within the period of ninety (90) days from the effective date of this Code shall report thereon to the Administrator.



11. The actors and chorus members shall not be rehearsed for more than two (2) weeks without full pay.

12. 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.

#### ARTICLE IV—TREASURERS, COMPANY MANAGERS, PRESS AGENTS, AND OTHER EMPLOYEES

1. House managers, company managers and house treasurers shall be paid not less than Twenty-five (\$25) Dollars per week for a maximum week of forty (40) hours. Assistant treasurers shall be paid not less than Eighteen (\$18) Dollars per week for a forty (40) hours week.

2. Press representatives shall be paid not less than Twenty-five (\$25) Dollars per week, hours of labor not being fixed due to nature of employment.

3. Heads of wardrobe departments shall be paid not less than Thirty-five (\$35) Dollars per week for a maximum week of forty (40) hours. Sewers shall be paid not less than Fifty (50¢) Cents per hour and shall not be employed for more than forty (40) hours per week.

4. Ticket sellers, porters and barkers shall be paid not less than Thirty-five (35¢) Cents per hour for a maximum week of forty (40) hours.

5. All other employees of the employers (not otherwise provided for) such as ushers, ticket takers, scrub women, theatre attendants, etc., shall be paid not less than Thirty (30¢) Cents per hour for a maximum week of forty (40) hours.

#### ARTICLE V—MUSICIANS, THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS

1. (a) Employees associated with organizations of or performing the duties of bill-posters, carpenters, electrical workers, engineers, firemen, motion-picture machine operators, oilers, painters, theatrical stage employees, or other skilled mechanics and artisans, who are directly and regularly employed by the employer, shall receive not less than the minimum scale and work no longer than the maximum number of hours per week (but not more than forty (40) hours), which were in force as of the effective date of the Code, as the prevailing scale of wages and maximum number of hours of labor by organizations of any of such employees affiliated with the American Federation of Labor with respect to their respective type of work in a particular class of theatre or theatres in a particular location in a particular community, and such scales and hours of labor with respect to any of such employees in such community shall be deemed to be and hereby are declared to be, the minimum scale of wages and maximum number of hours with respect to all of such employees in such communities in such class of theatre or theatres.

(b) Where the wage scale of any of said employees is, upon the effective date of this Code, based upon employment in excess of forty (40) hours per week, then in that event such employees shall receive compensation at the same hourly rate of pay as upon the effective date of this Code for the forty (40) hour week and for an



equitable readjustment shall receive, because of the reduction in hours over forty (40) which may have been in force prior to the effective date of this Code, additional pay computed at the rate of fifty (50%) percent of the hourly scale for all hours in excess of forty-eight (48) hours per week which may have been previously worked.

(c) In the event, however, that (1) no prevailing scale of wages and maximum number of hours for such employees exist in such community with respect to such employees, or (2) any dispute should arise as to what is a minimum scale of wages or the maximum number of hours of labor with respect to any of such employees for a particular class of theatre or theatres in any particular community then and in either of those events such disputes shall be determined as follows:

(1) If the question at issue arises with an organization of such employees affiliated with the American Federation of Labor, then a representative appointed by the National President of such affiliated organization, together with a representative appointed by the employers, shall examine into the facts and determine the existing minimum scale of wages and maximum number of hours of labor for such class of theatre or theatres in such particular locality, and in the event they cannot agree upon the same, they shall mutually designate an impartial third person who shall be empowered to sit with such representatives, review the facts and finally determine such dispute, with the proviso, however, that in the event such representatives cannot mutually agree upon such third person, then the Administrator shall designate such third person; or

(2) If the question at issue arises with unorganized employees or with an organization of such employees not affiliated with the American Federation of Labor, and if in said community there exist members of such affiliated organization directly and regularly employed by any employers, then a representative of such unorganized employees, or, as the case may be, a representative appointed by the President of such unaffiliated organization, or both, together with a representative appointed by the National President of such affiliated organization above referred to, together with a representative appointed by the employers, shall examine into the facts and unanimously determine the existing scale of wages and maximum number of hours of labor for such class of theatre or theatres in such particular community, and in the event they cannot unanimously agree upon the same, they shall mutually designate an impartial person who shall be empowered to sit with such representatives, review the facts, and finally determine such dispute, with the proviso, however, that in the event such representatives cannot mutually agree upon such impartial person, then the Administrator shall designate such impartial person; or

(3) If the question at issue arises with unorganized employees or with an organization of such employees not affiliated with the American Federation of Labor and not subject to the foregoing provisions of sub-paragraphs (1) and (2) of Paragraph (c) hereof, then a representative of such unorganized employees, or, as the case may be, a representative of the President of such unaffiliated organization, or both together, with a representative appointed by the employers, shall examine into the facts and determine the existing minimum scale of wages and maximum hours of labor, for such class of theatre or theatres in such particular locality, and in the event they cannot agree upon the same, they shall mutually designate an impartial person who shall



be empowered to sit with such representatives, review the facts and finally determine such dispute, with the proviso, however, that in the event such representatives cannot mutually agree upon such impartial person, then the Administrator shall designate such impartial person.

(d) Pending the determination of any such dispute, the rate of wages then paid by the employers in such theatre or theatres in such community, and the maximum number of hours then in force shall not be changed so as to decrease wages or increase hours. However, if the hours exceed those established by this Code they shall be decreased to the maximum allowed.

(e) In order to effectuate the foregoing provisions of Section 1, hereof, and pending the determination of any dispute as above specified, the employees herein embraced and provided for agree that they shall not strike, and the employers agree that they shall not lock out such employees.

2. In no event shall the duties of any of the employees hereinabove specified in Section 1 (a) directly and regularly employed by the employers as of the effective date of this Code, be increased so as to decrease the number of such employees employed in any theatre or theatres in any community, except by mutual consent.

3. By reason of the professional character of their employment, the minimum wage and maximum hours of employment of employees performing the duties of musicians shall as heretofore be established by prevailing labor agreements, understandings, or practices.

4. With respect to disputes arising between employees and employers the parties pledge themselves to attempt to arbitrate all such disputes.

5. Overtime shall be compensated for at the rate of one and one half ( $1\frac{1}{2}$ ) times the normal rate.

6. The Administrator after such notice and hearing as he shall prescribe may revise or modify any determination of any dispute pursuant to Article V, Section 1 hereof.

## ARTICLE VI—GENERAL LABOR PROVISIONS

1. Employers shall not employ any employees under the age of eighteen (18) years.

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 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.

4. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

5. 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 VII—ADMINISTRATION

1. There shall forthwith be constituted a Code Authority consisting of nine (9) persons to be elected by the members of the Industry by a fair method to be approved by the Administrator.

2. In addition to membership as above provided, there may be three (3) members, without vote, to be appointed by the Administrator.

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

4. As and when any question directly or indirectly affecting any class of employees engaged in the Burlesque Theatrical Industry is to be considered by the Code Authority, one representative of such class, appointed by the Administrator, shall sit with and become for such purposes a member of the Code Authority with a right to vote.

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

6. 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 shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

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



8. 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 of review, set forth in Section 5 hereof:

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

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

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the Industry.

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

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the Industry who have assented to, and are complying with, this Code.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(i) Where the operations of the provisions of this Code impose an unusual or undue hardship upon any producer or employer such producer or employer may make application for relief to the Administrator or to his duly authorized agent, and the Administrator or his agent may, after such public notice and hearing as he may deem necessary, grant such exception to or modification of the provisions of this Code as he may deem necessary to effectuate the policy of the National Industrial Recovery Act.



## ARTICLE VIII—TRADE PRACTICES

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

2. No member of the Industry shall join or participate with other members of the Industry who with such member constitute a substantial number of the members of the Industry or who together control a substantial per cent of the business, 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.

3. No member of the Industry shall (a) lower the admission prices publicly announced or advertised by his theatre by giving rebates, in the form of lotteries, prizes, reduced script books, coupons, throw-away tickets or by two-for-one admissions, or by other methods or devices of similar nature which directly or indirectly lower or tend to lower such announced admission prices and which are unfair to competing employers, or which deceive the public. This provision shall not be deemed to prohibit members of the Industry from reducing or increasing their admission scales as they see fit, provided that such admission scales be publicly announced or advertised.

4. Displaying the name "Burlesque" on any theatre, hall, tent or other place of exhibition, shall be prima facie evidence that the employer of the attraction is subject to this Code.

## ARTICLE IX—MODIFICATION

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

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

## ARTICLE X—MONOPOLIES, ETC.

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

## ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 348.

Registry No. 1748-14.



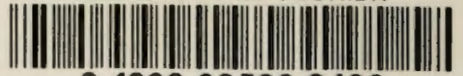








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