

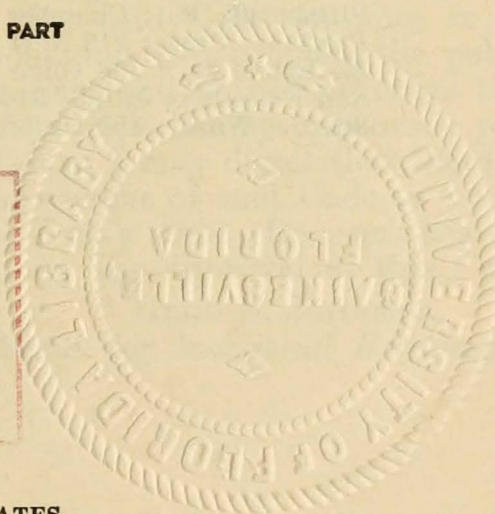
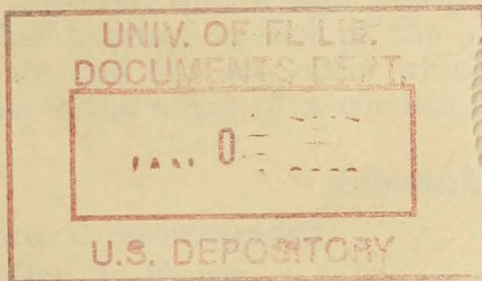
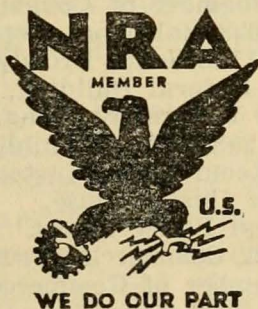
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

TANNING EXTRACT
INDUSTRY

AS APPROVED ON MARCH 29, 1934

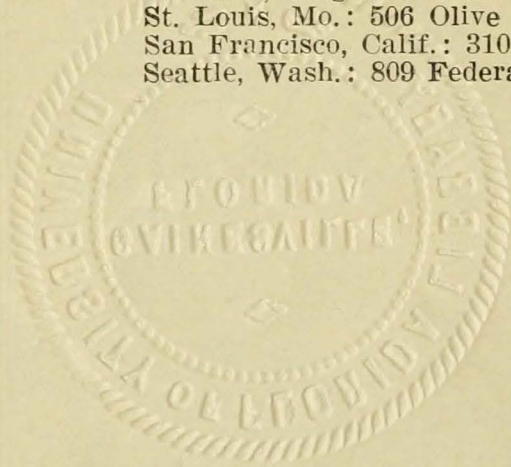


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Approved Code No. 374

CODE OF FAIR COMPETITION

FOR THE

TANNING EXTRACT INDUSTRY

As Approved on March 29, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE TANNING EXTRACT 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 Tanning Extract 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 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 this Code.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
March 29, 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 Tanning Extract Industry, conducted in Washington on February 20, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

HOURS AND WAGES

This Code provides an average of not more than 40 hours per week in any period of two consecutive weeks. The usual exceptions are made in regard to non-productive employees. Office employees are limited to an average of 40 hours per week over a 13 week period.

The minimum wage rate in the North for hourly paid employees is 35¢ 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 \$16.00 per week.

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 900 persons. In November, 1933 employment had increased about 15% over June, 1929, and about 30% over June, 1933, reflecting the effect of the President's Reemployment Agreement. The hour schedule of the Code will at least maintain the increase attained in November, 1933.

Figures submitted by 18 plants in the Industry show an increase in payrolls of 48.4% between June and November, 1933. This again reflects the effect of the President's Reemployment Agreement. If production is maintained at the June-November, 1933 level, this increase in payrolls will be continued as a result of the Code.

FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will 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 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.

MARCH 29, 1934.

CODE OF FAIR COMPETITION FOR THE TANNING EXTRACT 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, liquefying and/or dissolving, for sale of tanning extract from domestic wood and bark or from imported wood, bark, leaves and nuts.

“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 consisting of five persons to be selected in the following manner:

(a) Two shall be elected by a majority vote from among those members of the Industry engaged in the manufacture of tanning extract from chestnut wood.

(b) Two shall be elected from among those members of the Industry engaged in the manufacture of tanning extract from quebracho wood.

(c) One shall be elected from among those members of the Industry engaged in the manufacture of tanning extract from materials other than those mentioned in Sub-divisions (a) and (b) of this Section.

SECTION 2. In addition to the membership as provided in Section 1 of this Article the Administrator may designate one or more persons to serve on the Code Authority for such term as he may fix. The person or persons so designated shall have no vote and shall serve without compensation from the Industry.

SECTION 3. Each trade association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership and (2) submit to the Administrator true copies of its articles of association, 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 of the Code Authority.

SECTION 5. The Code Authority is charged generally with the duty of administering this Code. If the Administrator shall determine that any action of the Code Authority, or any agency thereof, 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.

SECTION 6. The Code Authority shall 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 or agencies shall at all times be subject to and comply with the provisions hereof.

SECTION 7. The expenses of administering this Code shall be borne pro rata, in accordance with a formula to be adopted by the Code Authority, subject to the approval of the Administrator, by all members of the Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

SECTION 8. The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees under such other Codes as may be related to this 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 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 any one for any act of any other member, officer, agent or employee of the Code Authority; nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to any one for any action or omission to act under this Code, except for his own willful misfeasance or 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: Forty-eight (48) hours in any one week.

(b) Chauffeurs, truckmen, switching crews and crane operators: One hundred eighty (180) hours in any period of four (4) consecutive weeks but not to exceed forty-eight (48) hours in any one week, provided, however, that all time worked in excess of nine (9) hours in any one day or forty-five (45) hours in any one week shall be paid for at not less than time and one-third.

(c) All other laborers, mechanical workers or artisans employed in any plant, mill or factory, or on work connected with the operation of any such plant, mill or factory: An average of not more than forty (40) hours per week in any period of two (2) consecutive weeks, but not more than eight (8) hours in any one day.

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

(e) All other employees: An average of forty (40) hours per week during any period of thirteen (13) consecutive weeks, but not to exceed forty-eight (48) hours in any one week.

SECTION 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.

SECTION 3. 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.

ARTICLE IV—WAGES

SECTION 1. The minimum rate of wage of any employee, including watchmen, in any plant, mill or factory or on work connected with the operation of any such plant, mill or factory, other than office or clerical employees, 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: 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: 30 cents per hour.

SECTION 2. The minimum rate of wage for any office or clerical employee shall be sixteen (\$16.00) dollars per week. Part-time employees covered by the provisions of this Section shall be paid at the rate of not less than forty (40¢) cents per hour.

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. 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 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.

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 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

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 keep posted copies of Articles III, IV and V of this Code, and any amendments thereto, 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 manufacture or partial manufacture of any product of the Industry in homes shall be prohibited.

ARTICLE VI—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 as the Administrator may from time to time require. In addition each member shall furnish the Code Authority such information relating to number of employees, wage rates, employees' earnings and hours of labor, as it shall require.

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 VII—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 VIII—RECOMMENDATIONS

SECTION 1. Upon approval by two-thirds of the members affected thereby, 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 policies of the Act. Such recommendations when approved by the Administrator, after such notice and hearing as he shall prescribe, shall have the same force and effect as other provisions of this Code.

ARTICLE IX—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) No member of the Industry shall misrepresent, either by advertisement, circular, label or otherwise, the quantity, quality, grade, value or content of any product sold, or policy, service or form of business conducted.

(b) No member of the Industry shall make any false, misleading or inaccurate statements, disparaging competitors or their goods, price, value, credit terms, policies or services.

(c) No member of the Industry shall attempt to induce the breach of any existing contract between a competitor and his customer, or his source of supplies; nor shall any such member interfere with or obstruct the proper performance of such contractual obligations.

(d) 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.

(e) 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 X—GENERAL PROVISIONS

SECTION 1. If any member is also a member of another industry, the provisions of the 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.¹

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. 374.
Registry No. 1658-1-01.

¹ See paragraph 2 of order approving this Code.

UNIVERSITY OF FLORIDA



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