

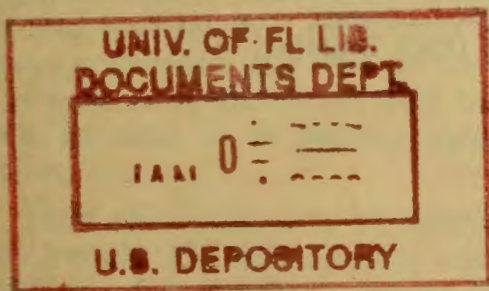
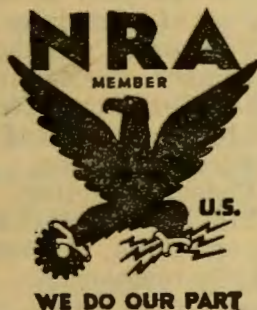
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

DENTAL LABORATORY
INDUSTRY

AS APPROVED ON JANUARY 22, 1934

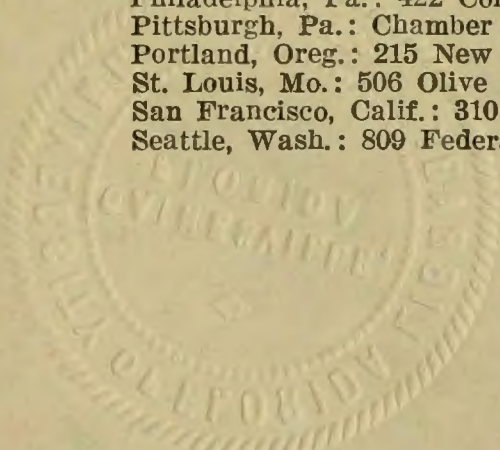


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Approved Code No. 217

CODE OF FAIR COMPETITION
FOR THE
DENTAL LABORATORY INDUSTRY

As Approved on January 22, 1934

ORDER
APPROVING CODE OF FAIR COMPETITION
FOR THE
DENTAL LABORATORY INDUSTRY

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

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

That the limitation of hours per week set forth in Section 2 of Article III for clerical and office employees shall be forty instead of forty-four, except that it shall be forty-four in any case where there is only one such employee in a dental laboratory.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval Recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D. C., January 22, 1934.

The PRESIDENT,
The White House.

SIR: A public hearing on the Code of Fair Competition for the Dental Laboratory Industry of the United States, submitted by the National Dental Laboratories Association, located at 1010 Vermont Avenue, Washington, D.C., was conducted in Washington on the 20th of October 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent in excess of eighty percent (80%) of the Industry.

The maximum hours established by this Code are forty (40) per week for all employees, with the exception of laboratories employing one clerical or office worker in which case such worker is allowed forty-four (44) hours per week. One-man laboratories are also allowed forty-four (44) hours per week. Workers in the Dental Laboratory Industry were employed in 1929 on an average of fifty-two (52) hours per week and in 1933 approximately forty-seven (47) hours per week. To return employment to the 1929 level it would be necessary to establish a 37.6-hour week. However, from a practical angle a 40-hour week seems to be a most advisable basis for the reemployment of workers in this Industry. Through the establishment of a 40-hour week approximately 1,400 workers should benefit by reemployment.

The minimum wages established in this Code are forty cents (40¢) per hour, or \$16.00 per week for all processing workers, and \$14.00 per week for office employees. The minimum wage for apprentices is \$14.00 per week for a period of one year, and forty cents (40¢) per hour or \$16.00 per week thereafter. Messengers not engaged in processing shall receive \$10.00 per week. Provision is made for time and one third for all hours worked by processing employees in excess of forty (40) per week.

Owing to the fact that so many conflicting figures were presented at the public hearing, bearing on the Dental Laboratory Industry, and because of the fact that no information regarding this Industry is available through governmental sources, it is impossible to give a very accurate or clear statistical picture of the Industry.

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

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminat-

ing unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

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

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

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

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

This Industry has cooperated in a most satisfactory manner with the Administrator in the preparation of this Code. From the evidence adduced during this hearing and from recommendations and reports of the various Advisory Boards, it is believed that this Code in its present form as approved represents an effective, practical, equitable solution for this Industry; and for these reasons this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JANUARY 22, 1934

CODE OF FAIR COMPETITION
FOR THE
DENTAL LABORATORY INDUSTRY

ARTICLE I—PURPOSES

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

ARTICLE II—DEFINITIONS

1. The term "Dental Laboratory Industry" as used herein shall mean the construction, repair, or adjustment, outside the oral cavity, in a dental laboratory, of dental prosthetic appliances, consisting of restorative dentures and corrective appliances made from impressions and/or casts, and such related branches or subdivisions as may from time to time be included under the provisions of this Code by the President of the United States, after such notice and hearing as he may prescribe.

2. The term "Dental Laboratory" as used herein shall mean a workroom or rooms wherein dental prosthetic appliances are constructed, repaired, or adjusted on order, instruction or prescription, for a dentist or another dental laboratory; excluding, however, the workroom or rooms operated as a part of the office or offices of a practicing dentist or dentists, and their bona fide employees engaged and employed therein in the construction, repair, or adjustment of dental prosthetic appliances solely for the personal patients of such dentist or dentists and not for the patients of any other dentist or dentists.

3. The term "home work" as used herein shall mean the performance of the work of this industry in the home or elsewhere outside of the work room or rooms of a dentist or dentists, a dental laboratory, or a one-man dental laboratory as herein defined.

4. The term "member of the industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

5. The term "employee" as used herein shall include any and all persons engaged in the industry as herein defined however compensated, including any person when engaged in processing and excepting executives and employers when not engaged in processing.

6. The terms "price or prices" as used herein shall mean the charges for the products and/or services of the industry.

7. The term "one-man laboratory" as used herein shall mean a dental laboratory in which only one person is engaged in processing, whether or not any messengers, office, or other nonprocessing employees are employed.

8. The term "apprentice" as used herein shall mean any person having less than one year's experience in the industry as defined above, who is employed as a learner or beginner.

9. The term "processing" as used herein shall mean performing any step in the construction, adjustment, or repair of any product of this industry.

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

ARTICLE III—HOURS

MAXIMUM HOURS

SECTION 1. No employee, engaged in whole or in part in processing, shall be permitted to work in excess of forty (40) hours in any one week except as herein otherwise provided. A normal workday shall not exceed eight (8) hours.

SEC. 2. No person employed in clerical, office, or other nonprocessing work shall be permitted to work in excess of forty-four (44) hours in any one week. A normal workday shall not exceed nine (9) hours.¹

EXCEPTIONS TO HOURS

SEC. 3. A one-man laboratory shall not engage in processing to exceed forty-four (44) hours per week.

SEC. 4. The provisions of this Article shall not apply to outside salesmen, or to persons employed in a managerial or executive capacity who do not engage in processing and who earn thirty-five dollars (\$35.00) or more per week.

SEC. 5. Processing employees, including the operator of a one-man laboratory, shall be allowed to work twenty-five (25) hours in excess of the maximum hours established in Sections 1 and 3 of this Article during each half of the calendar year, provided, however, that no such employee shall work more than forty-eight (48) hours in any one week and provided further that a record of all hours of overtime shall be posted in the laboratory and reported as required by the Code Authority.

EMPLOYMENT BY SEVERAL EMPLOYERS

SEC. 6. No employee shall be permitted to work, for a total number of hours in excess of the number of hours herein prescribed, whether he be employed by one or more employers.

¹Modified by paragraph 2 of order approving this Code.

OPERATING HOURS OF A LABORATORY

SEC. 7. No dental laboratory shall be operated or remain open in excess of fifty-two (52) hours in any one week; nor shall any such laboratory be operated or open for the purpose of performing any business function on Sunday or before 7:00 A.M. on any week day, or later than 7:00 P.M. on Monday to Friday, inclusive, or later than 1:30 P.M. on Saturday.

(a) Uniform holiday closing, and uniform opening and closing hours between the hours herein prescribed, may be established in any metropolitan area, city, or town by a majority vote of all laboratories located within such areas and when approved by the Code Authority shall be binding upon all laboratories in such area.

(b) Each Dental laboratory shall post in an accessible place in its laboratory a schedule of its operating hours and a schedule of the working hours of its employees, and file copies and/or reports of same as the Code Authority shall designate.

ARTICLE IV—WAGES

MINIMUM WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of forty cents (40¢) per hour or sixteen dollars (\$16.00) per week except as otherwise herein provided.

(a) Apprentices shall be paid not less than fourteen dollars (\$14.00) per week for a period of one (1) year, and thereafter at not less than the rate of forty cents (40¢) per hour.

(b) Messengers not engaged in processing shall be paid not less than ten dollars (\$10.00) per week.

(c) Office and clerical help shall be paid not less than the rate of fourteen dollars (\$14.00) per week.

(d) Part-time employees shall be compensated for the work performed by them at not less than the minimum rates herein established.

PIECEWORK COMPENSATION—MINIMUM WAGES

SEC. 2. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework performance or other basis.

WAGES ABOVE MINIMUM

SEC. 3. It is the policy of the members of this industry to refrain from reducing the compensation for employment, which compensation was, prior to June 16, 1933, in excess of the minimum wages herein set forth, notwithstanding that the hours of work in such employment may be reduced; and all members of this industry shall endeavor to increase the pay of all employees, in excess of the minimum wage as herein set forth, by an equitable adjustment of all pay schedules.

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

SEC. 5. Time and one third shall be paid processing employees for all hours in excess of forty (40) hours per week.

SEC. 6. The provisions of this Article shall not apply to outside salesmen, or to persons employed in a managerial or executive capacity who do not engage in processing.

ARTICLE V—GENERAL LABOR PROVISIONS

CHILD LABOR

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

PROVISIONS FROM THE ACT

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

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

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

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

RECLASSIFICATION OF EMPLOYEES

SEC. 3. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

STANDARDS FOR SAFETY AND HEALTH

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

STATE LAWS

SEC. 5. No provision in this Code shall supersede any State or Federal law which imposes more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, than are imposed by this Code.

POSTING

SEC. 6. All employers shall post and keep posted complete copies of the wage and hour and general labor provisions of this Code in conspicuous places accessible to employees.

APPRENTICES

SEC. 7. No laboratory shall employ apprentices in a ratio greater than one to every four processing employees or major fraction thereof, provided, however, that any laboratory employing four or less processing employees may employ one apprentice. Apprentices shall not be counted as processing employees in the determination of this ratio.

SANITARY REQUIREMENTS

SEC. 8. No room or apartment in a tenement or dwelling house used for living, eating or sleeping purposes, shall be used for the purpose of conducting a dental laboratory, unless such laboratory complies with sanitary requirements as established by the Code Authority, and approved by the Administrator. Any action of the Code Authority with respect to this provision shall be subject to the review and disapproval of the Administrator.

(a) Every part of the dental laboratory shall be kept clean and shall be kept free from accumulation of dirt, filth, rubbish in and about the same. The entire premises shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition.

STUDENT—LEARNER WORK

SEC. 9. Work done by students and learners shall not be sold unless such students or learners are paid for this work in compliance with the provisions of the Code, provided, however, that this provision shall not apply to work done by students of any bona fide dental school or college or to work done by students and learners under existing contracts executed in compliance with the law of the State in which such contract was made.

HOME WORK

SEC. 10. All home work in this industry is hereby prohibited.

ARTICLE VI—ADMINISTRATION

Organization, Powers, and Duties of the Code Authority.

ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established to cooperate with the Administrator in the administration of this code and shall consist of fifteen (15) members to be chosen by the industry through a fair method of selection and approved by the Administrator. The Administrator in his discretion may appoint not more than three additional members without vote and without compensation from the industry, to serve for such period of time and to represent the Administrator or such group or groups as he may designate.

(a) The Code Authority shall be selected as follows: One member to be selected from the members of the industry in each of the twelve (12) Regions covering the entire United States, and three (3) members at large, to be selected from the entire industry.

(b) In order to assist the Code Authority in the Administration of this code, the National Dental Laboratories Association is hereby designated as the administrative agency of the Code Authority and as the agency to collect such statistics and information, subject to the disapproval of the Administrator, as may be pertinent and required for the purposes of this code.

(c) Regional Sub-Code Authorities are hereby established to further assist the Code Authority, and shall consist of five (5) members nominated by and from members of the industry by a fair method of selection in each region and appointed by the Administrator. For the purposes of this Code, the Regional divisions of the industry shall be as follows:

Region 1. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

Region 2. New York.

Region 3. Pennsylvania, New Jersey.

Region 4. West Virginia, Virginia, Delaware, Maryland, District of Columbia.

Region 5. Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.

Region 6. Kentucky, Indiana, Ohio, and the Southern peninsula of Michigan.

Region 7. Wisconsin, Illinois, and the Northern peninsula of Michigan.

Region 8. Missouri, Arkansas, Louisiana.

Region 9. Iowa, Minnesota, Nebraska, North Dakota, South Dakota.

Region 10. Kansas, Oklahoma, Texas, New Mexico, Colorado.

Region 11. California, Nevada, Utah, Arizona.

Region 12. Washington, Oregon, Idaho, Montana, Wyoming.

SEC. 2. Vacancies in the personnel of the Code Authority selected by the industry shall be filled pending a selection as provided for the appointment of the original members, through appointment by the Administrator upon nomination of the Code Authority.

(a) In the event of the failure of any region to select its Regional Sub-Code Authority or any member or members thereof within the time specified by the Code Authority, or in the event of any vacancy occurring therein, the Code Authority may make appoint-

ments to fill such vacancies pending the selection of qualified successors as provided herein.

SEC. 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall impose no inequitable restrictions on membership, and shall submit to the Administrator and to the Code Authority true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, he may take such action as he may deem necessary under the circumstances.

SEC. 5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and Regional Sub-Code Authorities and participate in the selection of the members thereof and in any revisions or amendments to this code by assenting to and complying with the requirements of this code and sustaining their reasonable share of the expenses of administration or by becoming members of the National Dental Laboratories Association and paying to the Code Authority such proportionate part of the cost of administration as the Code Authority, subject to the Administrator's approval, shall prescribe as fair and equitable.

(a) Any member of the industry shall be eligible for membership in the National Dental Laboratories Association and in any regional, state, or local association directly or indirectly participating in the selection or activities of the Code Authority and/or Regional Sub-Code Authority, upon compliance with the provisions of the by-laws relating to membership, provided that any person applying for such membership shall, in addition to the payment of such dues as are applicable in his case in accordance with the established rate or schedule of dues, accept a reasonable and equitable share of the cost of administration.

SEC. 6. Nothing contained in this code shall constitute the members of the Code Authority or Regional Sub-Code Authorities partners for any purpose. Nor shall any member of the Code Authority or Regional Sub-Code Authorities be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority or Regional Sub-Code Authorities, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or any omission to act under this Code, except for his own willful misfeasance or nonfeasance.

POWERS AND DUTIES

SEC. 7. The Code Authority shall have the following powers and duties to the extent permitted by the Act, subject to the review and disapproval of the Administrator.

(a) To administer the provisions of this Code and provide for the compliance of the industry with the provisions of the Act, and to propose and submit to the Administrator, for his approval, amendments and/or modification of this code.

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

(c) To obtain from members of the industry such information, statistics, and reports as are required for the administration of the Code and to provide for submission by members of such information, statistics and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information, statistics, and reports shall be submitted to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member of the industry or to any other person or agency except as may be directed by the Administrator, or except as it may be deemed necessary to divulge such information to enforce the observance of the provisions of this code. Any person conducting a dental laboratory shall furnish promptly to the Code Authority the information required by it, in such form as may be specified.

(d) Within a reasonable time after the effective date of this code to provide for the establishment and promulgation of:

(1) A uniform system of billing which shall be complied with and adhered to by all members of this industry.

(2) A uniform method of cost accounting and/or cost formulae, which, when approved by the Administrator shall be used in the determination of cost by all members of this industry.

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

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

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

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

ARTICLE VII—UNFAIR TRADE PRACTICES

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

1. *Guarantees*.—No member of this industry shall guarantee any product of this industry, except in accordance with the rules and

regulations concerning guarantees, established by the Code Authority and approved by the Administrator.

2. *False Marking or Branding*.—No member of this industry shall mark or brand any product of the industry in any manner having a tendency to mislead or deceive customers, or prospective customers, whether as to the grade, quality, quantity, substance, construction, nature, origin, size, finish, or preparation of such product.

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

4. *Espionage of Competitors*.—No member of this industry shall attempt to secure confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method.

5. *Interference with Contractual Relations*.—No member of this industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

6. *Substitution of Materials*.—No member of this industry shall use, submit, or bill any material, superior or inferior in quality to that specified by the purchaser of any dental laboratory product, thereby effecting a price discrimination.

7. *Rebates*.—No member of the industry shall offer or make any payment or allowance of a rebate, refund, commission, credit, discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry offer or extend to any customer any special service or privilege not extended to all customers of the same class.

8. *Defamation*.—No member of this industry shall attempt to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or by the false disparagement of the grade or quality of their goods.

9. *Conspiracy*.—No member of this industry shall aid or abet any person in the dental laboratory industry in any unfair competitive practice.

10. *Misrepresentation*.—No member of the industry shall bill or invoice or offer to sell any dental laboratory product, under any description which does not fully describe such dental laboratory product in terms customarily used in the dental laboratory industry, or in violation of the uniform system of billing when adopted for the industry.

11. *Threats of Law Suits*.—No member of the industry shall publish or circulate unjustified or unwarranted threats of legal pro-

ceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

12. *Samples*.—No member of this industry shall bill or sell samples of dental laboratory products for less than the cost of production; nor employ free goods or free samples or free deals in connection with a sales transaction. Nothing in this provision shall be so construed as to prohibit the bona fide loan of samples.

13. *Underselling Claims*.—No member of the industry shall use or participate in the publishing or broadcasting of any statement or representation which lays claim to a policy or continuing practice of generally underselling competitors.

14. *False Invoicing*.—No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

15. *Acceptance of Work*.—No member of this industry shall accept any dental restoration for adjustment, repair, or processing, except from a dentist or from another dental laboratory.

ARTICLE VIII—REGULATIONS AS TO COSTS, PRICE LISTS, TERMS, ETC.

1. *Costs*.—No member of the industry shall sell, or offer to sell, the services or products of his laboratory below cost, based on normal operations, computed in accordance with a uniform method of cost accounting and/or cost formulae adopted by the Code Authority and approved by the Administrator.

2. *Price Lists*.—Each member of the industry shall within fifteen (15) days after the effective date of this code file with the Code Authority and otherwise as it shall direct, and with his Regional Sub-Code Authority, his net current price lists to become effective on the date filed.

(a) No member of the industry shall thereafter sell, or offer to sell, at prices other than the prices contained in his price list so filed.

(b) Revised price lists may, ten (10) days prior to the effective date thereof, be filed, from time to time, in the same manner as provided for the filing of original price lists.

(c) Upon complaint or on its own initiative, the Code Authority may require the listing laboratory to file its cost data forthwith and if the price of any item in any such price list is determined by the Code Authority to be improper, in that it does not comply with the provisions of the Code, new prices, based upon the uniform method of cost accounting and/or cost formulae which do comply with the provisions of this code may be required by the Code Authority to be filed within ten (10) days after notice thereof to the listing laboratory.

3. *Terms and Discounts*.—(a) All quotations and bills or invoices for products and services of dental laboratories shall be made only upon the basis of net settlements due on or before the first of the following month and payable on or before the fifteenth day thereof.

(b) No member of the industry shall offer or allow any cash or trade discount; provided that no provision of this code shall be interpreted to prevent the extension between laboratories of courtesy discounts applying to the products of the industry; and provided



further, that the purchasing laboratory shall not sell such products at less than the producing laboratory's prices thereof as filed with the Code Authority.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

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

ARTICLE X—MONOPOLIES

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

ARTICLE XI

1. Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII

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

Approved Code No. 217
Registry No. 1617-09

