

Y3. N21/8:7 ap -

Approved Code No. 443

Registry No. 1201-04

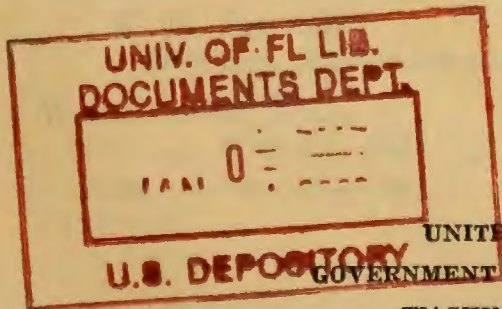
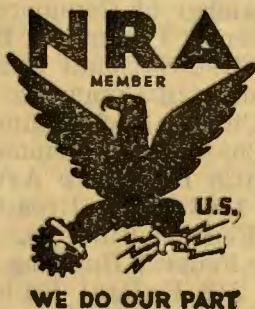
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

NICKEL AND NICKEL ALLOYS  
INDUSTRY

AS APPROVED ON MAY 24, 1934



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1934

This publication is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C., and by district offices of the Bureau of Foreign and Domestic Commerce.

**DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE**

Atlanta, Ga.: 504 Post Office Building.  
Birmingham, Ala.: 257 Federal Building.  
Boston, Mass.: 1801 Customhouse.  
Buffalo, N.Y.: Chamber of Commerce Building.  
Charleston, S.C.: Chamber of Commerce Building.  
Chicago, Ill.: Suite 1706, 201 North Wells Street.  
Cleveland, Ohio: Chamber of Commerce.  
Dallas, Tex.: Chamber of Commerce Building.  
Detroit, Mich.: 801 First National Bank Building.  
Houston, Tex.: Chamber of Commerce Building.  
Indianapolis, Ind.: Chamber of Commerce Building.  
Jacksonville, Fla.: Chamber of Commerce Building.  
Kansas City, Mo.: 1028 Baltimore Avenue.  
Los Angeles, Calif.: 1163 South Broadway.  
Louisville, Ky.: 408 Federal Building.  
Memphis, Tenn.: 229 Federal Building.  
Minneapolis, Minn.: 213 Federal Building.  
New Orleans, La.: Room 225-A, Customhouse.  
New York, N.Y.: 734 Customhouse.  
Norfolk, Va.: 406 East Plume Street.  
Philadelphia, Pa.: 422 Commercial Trust Building.  
Pittsburgh, Pa.: Chamber of Commerce Building.  
Portland, Oreg.: 215 New Post Office Building.  
St. Louis, Mo.: 506 Olive Street.  
San Francisco, Calif.: 310 Customhouse.  
Seattle, Wash.: 809 Federal Office Building.



Approved Code No. 443

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**NICKEL AND NICKEL ALLOYS INDUSTRY**

**As Approved on May 24, 1934**

---

**ORDER**

**CODE OF FAIR COMPETITION FOR THE NICKEL AND NICKEL ALLOYS  
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 Nickel and Nickel Alloys 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.,**  
*May 24, 1934.*

62287°—544-141—34

(381)



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The original code for the Nickel and Nickel Alloys Industry was submitted on August 21, 1933, by the Nickel Alloys Association, Incorporated, organized in 1933 representing in excess of 90% of the known members of the Industry and 90% of the volume of production. Several revisions of the code were made prior to the public hearing which was held on April 18, 1934. This code was revised during the recess of this hearing and was submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

The Nickel and Nickel Alloys Industry includes (a) the primary production of Nickel or Nickel Alloys having a nickel content of over 30% and/or the production of semifinished products and/or the subsequent processing of such semifinished products into wrought industry products, and (b), the original sale in the United States either directly or indirectly through subsidiary and/or affiliated companies or agents of industry products by any individual, partnership, association, corporation or other form of enterprise engaged in (a) above. Industry products include various forms of nickel or nickel alloys having a nickel content of over 30%, namely, reduced nickel, electrolytic nickel, shot, blocks, pellets, grain, powder, ingots, blooms, billets, slabs, bars, rods, shapes, forgings, plates, sheets, tubing and hot rolled strip; ribbon, wire and cold rolled strip only to the extent that the production thereof for specific application is not covered by other approved Codes of Fair Competition. Wrought industry products are the products produced by the processes of rolling, forging, drawing, and/or similar processes as in contradistinction to "finished castings", the production of which is governed by other Codes of Fair Competition.

The United States uses over one-half of the world production of nickel and except for the small quantity recovered as secondary metal and that produced by electrolytic copper refineries, imports its needs chiefly from Canada. Imports which can be satisfactorily compared only on a value basis reached a total value of \$19,000,000 in 1929, and \$10,500,000 in 1933.

Nickel finds application in special alloy steels used in automobiles, machines, and in many other products, and has proved indispensable to modern industry in many of its alloys other than the ferrous group. Possibly the most important is the direct-smelted alloy containing approximately two-thirds nickel and one-third copper, known to the trade as "Monel" metal. These nonferrous alloys are distinguished by their resistance to stain, their workability and their strength. Nickel silver, an alloy containing nickel, copper and zinc



continues to be used extensively as a base for silver-plated ware, flat keys, plumbing fixtures and many other uses. Electroplating, an old use for nickel, has been superseded to some extent by chromium plating. It has, however, been found necessary to apply a heavy plate of nickel before applying the chromium plate to obtain the best results. In fact more nickel is consumed per unit area for chromium plating than was formerly used for nickel plating. Nickel-clad steel plate is made by rollplating pure nickel on steel. The resulting sheets have a surface highly resistant to chemical attack but otherwise have the qualities of steel. The use of nickel in combination with chromium as alloy constituents are the bases of a "stainless steel". Various combinations of chromium and nickel are also the alloy constituents for various heat resisting alloys. The use of nickel in coins, catalyzers, Edison storage batteries, electrical resistance alloys and chemical salts are among the many industrial demands for nickel.

The three companies who are the proponents of this code represent the entire industry included under the code and normally employ about 1,500 persons of whom 1,200 are employed at present. The code makes provision for a basic 40 hour week which represents a reduction from the erstwhile 48 hour week. There are the usual exceptions from the basic 40 hour week, with some provisions for peak periods and continuous operations. These exceptions however are covered by provisions of time and one-half for overtime. The maximum of 40 hours per week as outlined in this code and the new minimum rates per hour for the industry, as well as the provision for adjustment of wages above the minimum, should result in a further spread of not only the available work among the workers, but also increase consumers' purchasing power.

ARTICLE I. States the purpose of the code.

ARTICLE II. Accurately defines specific terms applicable to the Nickel and Nickel Alloys Industry as used in this Code.

ARTICLE III. The maximum hours are limited to 40 hours per week except that during six weeks in any six months period of a calendar year in order to meet seasonal or peak demand, employees may be permitted to work not more than 48 hours per week with the proviso that time and one half shall be paid for any employee so employed for hours worked in excess of 40 hours per week. Office, salaried and other employees not covered by the above who receive less than \$35 per week shall not be permitted to work in excess of 40 hours in any one week except that they may be permitted to work 48 hours in any one week in any 4 weeks' period. Watchmen may be permitted to work either 84 hours in any 14 day period or 56 hours in any seven day period, provided that such employees shall have at least one day's rest in every seven. Employees engaged in an executive, managerial or supervisory capacity who receive not less than \$35 per week and those engaged in emergency repairs or maintenance where the safety of life, or health, or the protection of property demands longer hours, are not subject to hourly limitations. No employee shall be permitted to work more than six days in any seven day period except as otherwise provided.

ARTICLE IV. The minimum wages for employees shall not be less than 40¢ per hour. No person employed in clerical or office work



shall be paid less than at the rate of \$15.00 per week except that office boys and girls and messengers may be paid 80% of the established minimum for office employees. The minimum rate of pay for work performed for any pay period shall apply irrespective of whether an employee is actually compensated on a time rate, piece work or other basis. Provision is made for the employment of handicapped persons. Provision is also made for the adjustment of wages above the minimum if such adjustment has not been made prior to March 15, 1934.

ARTICLE V. Provides that no employer shall employ any person under 16 years of age and that no person under 18 years of age shall be employed except in clerical, office, sales, sales service, technical and engineering departments. This article also sets forth mandatory provisions respecting the rights of employees to organize and bargain collectively. It also provides for matters having to do with reclassification of employees, standards for safety and health, the observance of state laws and the posting of complete copies of this code so that they are accessible to employees.

ARTICLE VI. Establishes a Code Authority consisting of seven members, six of whom are to be selected from and by the Board of Directors of the Nickel Alloys Association and one member to be selected by the Members of Industry who are not members of the association by a fair method of election to be proposed by the association to and with the approval of the Administrator. In addition to the seven members above mentioned there may be one or three representatives without vote and without compensation from the Industry to be appointed by the Administrator for such terms as he may specify. In addition to the organization of the Code Authority the powers and duties thereof are also outlined in this Article.

ARTICLE VII. Sets forth Trade Practices for the Industry.

ARTICLE VIII. No provision of this code relating to terms of selling, shipping, or marketing shall apply to export trade or sales or shipments for export trade, or transactions in the foreign commerce of the United States.

ARTICLE IX. This code and all the provisions thereof are expressly made subject to the right of the President in accordance with Subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under the Act. 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 may specify, provided, however, that all proposals for such modification shall first be referred to the Code Authority for its recommendation thereon.

ARTICLE X. 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.

ARTICLE XI. Makes provision that this Code shall become effective ten days after its approval by the Administrator.

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, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

MAY 24, 1934.



# CODE OF FAIR COMPETITION FOR THE NICKEL AND NICKEL ALLOYS INDUSTRY

## ARTICLE I—PURPOSES

To effectuate the policies of Title 1 of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Nickel and Nickel Alloys Industry, and its provisions shall be the standards of fair competition for such Industry and be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

Wherever used in this Code or any supplement appertaining thereto, the terms enumerated in this Article shall have the meanings herein defined unless the context shall otherwise clearly indicate:

SECTION 1. The term "President" means the President of the United States of America.

SECTION 2. The term "Act" means Title I of the National Industrial Recovery Act.

SECTION 3. The term "Administrator" means the Administrator for Industrial Recovery.

SECTION 4. The term "Nickel and Nickel Alloys Industry" or "Industry" as used herein includes (a) the primary production of nickel or nickel alloys having a nickel content of over 30% and/or the production of "semifinished products" and/or the subsequent processing of such "semifinished products" into "wrought industry products", where such production or processing is performed in a "nickel plant", and (b), the original sale in the United States, either directly or indirectly through subsidiary and/or affiliated companies and/or agents, of "industry products" by any individual, partnership, association, corporation or other form of enterprise engaged in (a) above.

(a) The term "industry products" includes the following forms of nickel or nickel alloys having a nickel content of over 30%:

Reduced nickel, electrolytic nickel, shot, blocks, pellets, grain, powder, ingots, blooms, billets, slabs, bars, rods, shapes, forgings, plates, sheets, tubing, and hot rolled strip. Ribbon, wire, and cold rolled strip are only included within this definition to the extent that the production thereof for specific applications is not covered by other approved Codes of Fair Competition.

(b) The term "wrought industry products" means the products produced by processes of rolling, forging, drawing, and other similar processes as in contradistinction to "finished castings", the production of which is governed by other Codes of Fair Competition.

(c) The term "semifinished products" includes the following industry products—to wit: Ingots, blooms, billets and slabs.



(d) The term "nickel plant" means:

- (1) A hot rolling mill, or,
- (2) A melting shop operated in conjunction with a hot rolling mill, or,
- (3) All other equipment used in processes and operated in conjunction with a rolling mill for the production or processing of industry products, "semifinished products" and/or "wrought industry products" as hereinabove defined.

SECTION 5. The term "Member of 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 6. The term "Employee" means and includes any individual 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 Industry.

SECTION 7. The term "Employer" means and includes anyone by whom any such employee is employed or compensated.

SECTION 8. The term "Association" means the Nickel Alloys Association, Inc., a membership corporation organized under the laws of the State of New York.

### ARTICLE III—HOURS OF LABOR

#### MAXIMUM 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.

#### HOURS FOR CLERICAL AND OFFICE EMPLOYEES

SECTION 2. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any one (1) week, except that during any one (1) week in any four (4) weeks' period such employee may be permitted to work a maximum of forty-eight (48) hours. A normal work day shall not exceed eight (8) hours.

#### EXCEPTIONS TO HOURS

SECTION 3. The limitation as to hours of labor as specified in Sections 1, 2 and 4 of this Article III shall not apply to the following:

(a) Employees engaged in emergency maintenance or emergency repair work involving breakdown or protection of life or property; provided that in such special cases not less than one and one-half ( $1\frac{1}{2}$ ) times the normal wage rate for any employee so employed shall be paid for all hours worked in excess of forty (40) hours in any one (1) week or eight (8) hours in any one (1) day.

(b) Outside sales and outside sales service employees.

(c) Persons in a managerial, executive, supervisory or technical capacity and their immediate assistants, provided that this exception shall apply to no such employee who is paid less than at a rate of \$35.00 per week.



(d) Watchmen, who may be permitted to work not in excess of eighty-four (84) hours in any fourteen (14) day period or fifty-six (56) hours in any seven (7) day period; provided, that no such employee shall be permitted to work more than six (6) days in any seven (7) day period.

(e) Employees engaged in the preparation, care and maintenance of machinery and production facilities, heaters, engineers, firemen, stock and shipping employees, and truckmen engaged in outside delivery and pick-up service, who may be permitted to work not in excess of 10% additional hours over the maximum hours allowed in any one (1) week, provided, however, that such employee so employed shall be paid not less than one and one-half ( $1\frac{1}{2}$ ) times his normal wage rate for all hours worked in excess of forty (40) hours in any one (1) week, or eight (8) hours in any one (1) day.

(f) Skilled employees in continuous processes where the restriction of hours of labor of such employees would unavoidably reduce or interrupt production because of demands inherent or peculiar within the processes themselves; provided that in such cases such employees shall not work more than forty-eight (48) hours in any one (1) week, and provided further, that such employees so employed shall be paid not less than one and one-half ( $1\frac{1}{2}$ ) times his normal wage rate for all hours worked in excess of forty (40) hours in any one (1) week, or eight (8) hours in any one (1) day.

(g) During any period in which a concentrated demand upon any division of the Industry shall place an unusual or temporary burden for production work upon its facilities or to meet seasonal or peak requirements, or production emergencies, any employee of any such division may be permitted to work not more than forty-eight (48) hours per week in not more than six (6) weeks in any six (6) months of a calendar year; provided, that in such cases such employees so employed shall be paid not less than one and one-half ( $1\frac{1}{2}$ ) times his normal wage rate for all hours worked in excess of forty (40) hours in any one (1) week or eight (8) hours in any one (1) day.

#### STANDARD WEEK

SECTION 4. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

#### EMPLOYMENT BY SEVERAL EMPLOYERS

SECTION 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 or other Industries exceeds the maximum permitted herein.

### ARTICLE IV—WAGES

#### MINIMUM WAGES

SECTION 1. No employee, except as herein otherwise specified, shall be paid in any pay period less than at the rate of forty cents (40¢) per hour. The minimum rates herein provided shall be construed as



the hiring rates applying to totally unskilled or common labor. Other classes of labor shall be compensated at rates above such minimum. Minimum rates in effect on March 15, 1934, which were above the minimum specified shall in no case be reduced.

#### CLERICAL AND OFFICE EMPLOYEES

SECTION 2. No accounting, clerical, sales, or service employees working on a weekly basis in any office shall be paid less than at the rate of Fifteen (15) Dollars per week; provided, however, that office boys and girls and messengers may be paid not less than at a rate of 80% of the minimum hereinabove specified; and provided further, that the number of such boys and girls and messengers so paid shall constitute not more than 5% of the total number of office employees of any office of any one employer, but in any case each employer shall be entitled to employ at least one such employee.

#### PIECEWORK COMPENSATION—MINIMUM WAGES

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

#### FEMALE EMPLOYEES

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

#### WAGES ABOVE THE MINIMUM

SECTION 5. Equitable adjustments with respect to rates above the minimum shall be made within thirty (30) days after the effective date of this Code by each employer who has not heretofore made such adjustments under the National Industrial Recovery Act in every case where such adjustments are required to give effect to the purposes and intent of the National Recovery program. In no event, however, shall hourly rates be reduced in making such equitable adjustments. Within thirty (30) days after the effective date of this Code each Member of Industry shall make a report of such adjustment whether made prior to or subsequent to date of approval of this Code to the Code Authority.

#### HANDICAPPED PERSONS

SECTION 6. 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 this Code, if the employer obtains from the State Authority, desig-



nated 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.

#### PAYMENT OF WAGES

SECTION 7. Each employer shall make payment of all wages in lawful currency or by negotiable check therefor, payable on demand. These wages shall be exempt from any payments other than those voluntarily ordered paid by the wage earner, or required by law. Wages shall be paid at no greater interval than one-half month, and salaries at no greater interval than one month. No employer shall withhold wages, except as otherwise provided by law.

### ARTICLE V—GENERAL LABOR PROVISIONS

#### CHILD LABOR

SECTION 1. No person under 18 years of age shall be employed except in clerical, office, sales, sales service, technical, and engineering departments, and no person under 16 years of age shall be employed in any capacity. 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 OF THE ACT

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, and,

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

#### RECLASSIFICATION OF EMPLOYEES

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.



## STANDARDS FOR SAFETY AND HEALTH

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 for this Industry shall be submitted to the Administrator by the Code Authority within six (6) months after approval of this Code.

## STATE LAWS

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, then are imposed by this Code.

## POSTING

SECTION 6. All employers shall post and keep posted complete copies of this Code and all amendments thereto in conspicuous places accessible to employees, and shall comply with all rules and regulations relative to posting which may from time to time be prescribed by the Administrator.

## COMPANY TOWNS AND STORES

SECTION 7. Employees other than maintenance or supervisory men, or those necessary to protect property, shall not be required as a condition of employment, to live in houses rented from or specified by the employer. No employee shall be required, as a condition of employment, to trade at a store owned or specified by an employer.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE  
AUTHORITY

## ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority to administer this Code is hereby constituted and shall consist of seven (7) voting members who shall hold office for a term of one (1) year or until their successors are elected and qualified. Six (6) of such members shall be selected from and by the Board of Directors of the Association and the one (1) remaining member shall be selected by the members of Industry, who are not members of the Association, by a fair method of election to be proposed by the Association to and approved by the Administrator. Within thirty (30) days after the effective date of this Code, in the event that the seventh member is not so selected by the non-members of the Association, the Administrator may then appoint such member to the Code Authority. Each group may fill any vacancy at the expiration of terms of office or when vacancies otherwise occur.

SECTION 2. In addition to the above membership there may be not more than three (3) additional members without vote and without



compensation from the Industry to be appointed by the Administrator to serve for such terms as he may specify.

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, Rules and 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, he may require an appropriate modification in the method of selection 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 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 act or omission to act on his own part under this Code, except for his own individual wilful misfeasance or nonfeasance.

#### POWERS AND DUTIES

SECTION 6. Subject to such rules and regulations as may be issued by the Administrator and to the extent permitted by the Act, the Code Authority shall have the following further powers and duties:

(a) To make investigations as to the functioning and observance of any provisions of this Code at its own instance or upon complaint of any person affected and to report thereon to the Administrator.

(b) To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act.

(c) To adopt By-Laws and Rules and Regulations for its procedure and for the administration of this Code. The Code Authority shall promptly furnish to the Administrator true copies of the By-Laws, Rules and Regulations adopted pursuant to this paragraph.

(d) To obtain from Members of Industry such information and reports as are required for the administration of this Code. In addition to information required to be submitted to the Code Authority, members of the Industry, 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 he may designate; provided that nothing in this Code shall relieve any Member of the Industry of any existing obligations to furnish reports to any government agency. No individual report shall be disclosed to any other Member of Industry



or any other party except to such other governmental agencies as may be directed by the Administrator.

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

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

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those Members of 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 Industry in their relations with each other or with other Industries, and concerning control of production through voluntary agreement and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

SECTION 7. It being found necessary to support the administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which shall be held in trust for the purposes of the Code and raised as hereinafter provided:

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary:

1. An itemized budget of its estimated expenses for the foregoing purposes, and

2. An equitable basis upon which the funds necessary to support such budget shall be contributed by all Members of Industry receiving the benefits accruing from the maintenance of such standards, and the administration thereof; and

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and collect equitable contributions as above set forth from all such Members of Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 8. Only Members of Industry complying with the Code and contributing to the expenses of its administration, as provided in Section 7 hereof, shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to make use of any N.R.A. insignia.

SECTION 9. If the Administrator shall determine at any time that any action of the Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by 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—MARKETING AND TRADE PRACTICE RULES

### TRADE PRACTICE RULES

Violation of any of the following sections of this Article VII by any member of Industry, either directly or indirectly through an officer, agent or employee, shall be deemed an unfair method of competition.

#### INACCURATE ADVERTISING

SECTION 1. No Member of 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, material, or content), or credit terms, values, policies, services, or the nature or form of the business conducted.

#### INACCURATE LABELLING

SECTION 2. No Member of 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, material, content, or preparation of such goods.

#### INACCURATE REFERENCES TO COMPETITORS

SECTION 3. No Member of Industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies, or services.

#### FALSE BILLING

SECTION 4. No Member of Industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

#### THREATS OF LAW SUITS

SECTION 5. No Member of 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.

#### BRIBING EMPLOYEES

SECTION 6. No Member of 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 repre-



sentative 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 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 hereinabove defined.

#### INTERFERENCE WITH ANOTHER'S CONTRACTS

SECTION 7. No Member of Industry shall attempt to induce the breach of any existing contract between a competitor and his customer or source of supply; nor shall any Member of Industry interfere with or obstruct the performance of such contractual duties.

#### COERCION

SECTION 8. No Member of Industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

#### ARTICLE VIII—EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

#### 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, 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 may specify, provided, however, that all proposals for such modification shall first be referred to the Code Authority for its recommendation thereon.

#### ARTICLE X—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.

#### ARTICLE XI—EFFECTIVE DATE

This Code shall become effective ten (10) days after its approval by the Administrator, and shall continue in effect until the close of



business on June 16, 1935, or to the earliest date prior thereto on which the President or the Congress shall declare that the emergency recognized by Section 1 of the National Industrial Recovery Act has ended.

Approved Code No. 443.

Registry No. 1201-04.

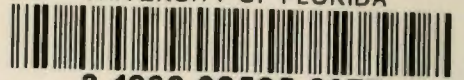








UNIVERSITY OF FLORIDA



3 1262 08585 2977

Resolved, June 10, 1935, by the earliest date prior to the  
which the President of the Senate shall declare that the emergency  
imposed by Section 4 of the National Industrial Recovery Act  
has ended.

Approved June 10, 1935  
Secretary, N. I. R. A.