

**NATIONAL RECOVERY ADMINISTRATION**

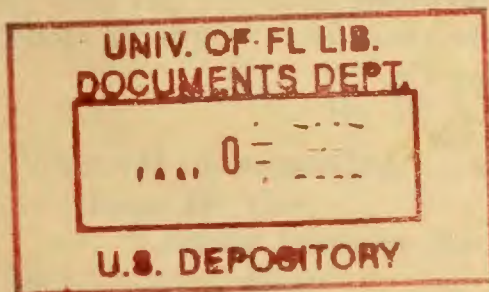
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**AMENDMENT TO  
CODE OF FAIR COMPETITION**


**FOR THE**

**FUNERAL SUPPLY INDUSTRY**

**AS APPROVED ON APRIL 13, 1935**



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Approved Code No. 99—Amendment No. 3

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## FUNERAL SUPPLY INDUSTRY

As Approved on April 13, 1935

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### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE FUNERAL SUPPLY INDUSTRY

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

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said Amendments and the code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said Amendment be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOHN W. UPP,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*April 13, 1935.*



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on Amendments to the Code of Fair Competition for the Funeral Supply Industry, to incorporate provisions requiring complete trade reports from members of the Industry; to include certain States in the territorial divisions; to authorize members of the Industry to enter an agreement for voluntary payment of damages for labor and trade practice violations; and to properly mark the products with the quality and essential specifications of the materials. These Amendments were proposed in accordance with Article X of the Code as approved on November 4, 1933 and a Public Hearing was given on December 7, 1934.

### FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said Amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Amendment of Section 1A of Article VI further defines and makes more specific the Commodity Divisions established by the Code, and establishes three new Divisions.

*Finding.*—This Amendment recognizes the need for further classification of the Commodity groups, in that through experience it has been found that a more equitable representation was needed to promote the organization of the Industry. The interests of the light-gauge manufacturers, converters of textiles, and manufacturers of set-up or knocked-down shells and metal rough boxes, are through this Amendment, given a greater representation, and the Code Authority is better able to contact the members of the Industry and enforce the provisions of the Code.

The Amendment of Section 1B of Article VI considers the Geographical Divisions of the Industry.

*Finding.*—The Code, as approved, omitted certain States, and set up some Divisions that were found to be impractical. The State of Utah can be better administered by being contained in the North Pacific Division.

The Amendment of Article VII, Section 2, by adding a new Subsection (c), provides for the keeping of accurate accounts and inspection of records.

*Finding.*—The Code, as approved, authorizes the Code Authority to make specific recommendations with reference to keeping of uniform accounts, methods and conditions of trading. To properly effectuate the purposes of Title I of the National Industrial Recovery Act, this Amendment will enable the Code Authority to properly



determine whether or not a member of the Industry is violating the provisions of the Code. It will aid in eliminating unfair trade practices, especially as to sales provisions and terms of sale. It will protect the small legitimate manufacturer working on a small margin, from trade abuses which are threatening and tend to favor the large manufacturer. The proper administration of the Code is further strengthened by this Amendment.

The Amendment to Article VIII, by adding the new Section 5, provides for the proper labeling of the products of the Industry.

*Finding.*—The great variety of grades and qualities of the products of this Industry allow the unscrupulous to mislabel or misrepresent the products. A majority of casket shells are covered by cloth, which makes it impossible for the buyer to determine the material used in manufacture of the casket. By proper labeling, both the customer and the Code Authority are protected. The responsibility of the goods can be placed and the Code Authority can authenticate all prices, and is materially assisted in definitely furthering the provisions of the Code.

The Amendment to be identified as Article XIV provides for the payment of liquidated damages.

*Finding.*—Members of any Commodity or Geographical Division who so desire, may enter into an agreement among themselves for payment of liquidated damages.

This voluntary agreement differs from present established practices, but this Amendment will tend to promote the general welfare of the Industry and will improve the standards of labor through increased employment and protection of wage and hour provisions.

#### GENERAL FINDINGS

(a) The Amendments will not change the fundamental economic conditions of the Industry, will not obstruct any sound economic practice in the Industry and will further the economic progress of any manufacturer or jobber or members of the Funeral Supply Industry.

(b) The Code, as amended, complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendments on behalf of the Industry as a whole.

(d) The Code and the Code as amended are not designed to and will not permit monopolies or monopolistic practices, and will not eliminate or oppress small enterprises or discriminate against them.

*Finding.*—The Industry has approximately 1,000 members, and indirectly affects approximately 25,000 members of the Funeral Service Industry. Through the establishment of Commodity Divisions and Geographical Divisions, the small enterprise is represented and by establishing methods of cost finding and the filing of prices and fair trade practice regulations, the tendency towards any monopoly arising is not anticipated. The members of the Industry vary in size from the large manufacturers of caskets with national distribution, to the individual local manufacturers of one product. The Code offers to all members a voice in the administration of the In-



dustry. A Notice of Public Hearing was published, and the Amendments presented for discussion and review.

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

*Finding.*—Members of other industries effected by one of the proposed Amendments, by letter and telegram, filed protest, and after review, this Amendment was deleted.

For these reasons, therefore, these Amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

APRIL 13, 1935.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FUNERAL SUPPLY INDUSTRY

## AMEND ARTICLE VI

### SECTION 1 (A)

Subsection (1) to read:

(1) Metal Casket Division, consisting of manufacturers of metal caskets, and/or of knocked down or assembled shells or major parts thereof especially designed or machined for shells for metal caskets.

Subsection (2) to read:

(2) Casket Hardware Division, consisting of manufacturers of casket hardware, trimmings and ornaments, and/or of stampings or castings for casket or vault hardware.

Subsection (3) to read:

(3) Metal Burial Vault Division, consisting of manufacturers of burial vaults and/or of major stampings and major parts, especially designed or machined therefor, exclusive of hardware.

Following the present Subsections (4) and (5) insert additional Subsections (6), (7) and (8), to read:

(6) Converters of textiles for funeral supplies and/or jobbers who specialize in the sale of textiles for funeral supplies.

(7) Manufacturers of set up or knocked down shells, and/or major parts especially designed or machined for shells, for wood caskets.

(8) Manufacturers of metal rough boxes, metal shipping containers, and/or other metal containers for caskets not classified as metal burial vaults, and manufacturers of major stampings and major parts especially designed or machined therefor, exclusive of hardware.

### SECTION 1 (B)

Insert in Paragraph (4) prior to the words "Eastern Pennsylvania" the word "Delaware."

Change the wording of Paragraph (11) to read "(11) Mountain Division, consisting of Arizona, Colorado, Montana, New Mexico and Wyoming."

Change the wording of Paragraph (12) to read "(12) North Pacific Division, consisting of Idaho, Oregon, Utah and Washington."

Delete the period at the end of Paragraph (13) and add "and Nevada."

## AMEND ARTICLE VII

Under Section 2, insert a new Subsection (c) to read:

(c) *Keeping of accounts and inspection of records.*—1. If the Code Authority, or the Secretary of the Code Authority, or the agent of the National Industrial Recovery Board shall determine that sub-



stantial doubt exists as to the accuracy of any report, so much of the pertinent books, records and papers of such member as may be required for the verification of such report may be examined by an impartial agency agreed upon between the Secretary of the Code Authority and such member or, in the absence of agreement, appointed by the National Industrial Recovery Board. In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor, whether on the Code Authority or otherwise, or be given any other publication except such as may be required for the proper administration or enforcement of the provisions of this Code.

2. The cost of each such examination shall be treated as an expense of administering the Code.

3. Each member of the Industry shall keep written and accurate time and payroll records showing the actual number of working hours of each and every employee receiving less than a regular weekly wage of \$35, and the actual net amount of money paid to such employee(s), including as employees all members of the family or relatives of the owner(s) and all stockholders or partners who are employed in this Industry and employed by, or actively engaged in work on behalf of, such member. No member shall fail or refuse to keep such records or falsify such records.

4. No member shall make any sale or delivery of funeral supplies without making and keeping a written invoice of each and every transaction and each invoice shall be an accurate and true record of the products furnished, prices, discounts or terms of the sale, and shall include therein sufficient description as will, upon audit or inspection, enable anyone to readily and accurately determine the transaction involved and the merchandise furnished, and such description shall be in such form as will enable anyone having reasonable knowledge of the products and terminology of this Industry to readily determine whether the prices, discounts and terms of sale are in accordance with the prices, discounts and terms filed by such member with the Code Authority as being applicable, at the date of sale, to the products actually furnished in the particular transaction.

5. No member shall withhold from any invoice statements which properly should be included therein so that, in the absence of such statements, the invoice does not truly reflect the transaction involved.

#### AMEND ARTICLE VIII

Following the present Section 4, add a new Section 5 to read:

(5) *Labeling.*—(a) *Metal Caskets.*—Every metal casket shall be plainly labeled, on the outside, with a label stating the name of the maker or seller and the kind and gauge of the metal used in the construction of the shell. When the shells are made from ferrous sheets, the gauge shall be expressed in terms of U. S. Standard gauge, or in terms of decimals of an inch. When the caskets are made of copper or bronze sheets, the gauge shall be expressed in terms of Brown & Sharpe Standard gauge for copper and bronze sheets.

(b) *All other Caskets and Hardwood Boxes.*—All other caskets and hardwood boxes shall be labeled with labels stating the name of the manufacturer or of the firm or individuals selling them to



the trade, and also an accurate enunciation of the material used in the construction thereof.

(c) *Vaults and other Metal Containers for Caskets.*—All metal burial vaults or other metal containers for caskets shall be plainly labeled, on the outside, with the name of the manufacturer or seller, and the gauge, in terms of U. S. Standard gauge, and kind, in trade name, of the metal used. The use of trade names to indicate the kind of metal used is approved but the member using a trade name shall file with the office of the Code Authority a statement showing in general terms, such as copper bearing steel, the composition of such material.

(d) Any manufacturer of metal caskets and/or metal vaults and/or other metal containers for caskets may only omit his own label(s) when he sells such product(s) for distribution by refabricators or wholesale distributors under their own labels provided he first registers with the Secretary of the Code Authority a distinctive identification symbol, such as a letter or mark or number, or combination thereof, which will be used to identify the one manufacturer's product only, and applies such symbol at a definitely specified point on the outside or on the outside of the bottom of each such metal casket and/or metal vault and/or other metal container for caskets, and it shall be an act of unfair competition for the manufacturer to fail to affix such symbol or for the refabricator or wholesale distributor to remove any symbol or label. The symbol is to enable the Code Authority agents to identify the maker of a product and the registered symbols may not be published to the members of the industry except with the consent of the manufacturer registering such symbol.

(e) All labels or symbols shall be large enough to be easily readable.

(f) The labels shall be irremovable in the sense that removing them will deface the finish or show a defaced spot in the finish. In finished cases this can be done by lacquering or varnishing over the label. In textile covered cases, it can be done by cutting out of the covering material a piece the size of the label and fitting the label in the void thus created.

*Insert the following as Article XIV after Article XIII. Change the present title of Article XIV to "Article XV."*

*Liquidated damages.*—Any member of the Industry may enter into an agreement with any other member or members of the Industry providing for the payment of liquidated damages by any party thereto upon violation by him of any provision of the Code, provided, however, that such agreement shall become effective and binding on the parties thereto only after the execution thereof shall have received the consent of the National Recovery Administration.

Approved Code No. 90—Amendment No. 3.  
Registry No. 307-1-01.



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