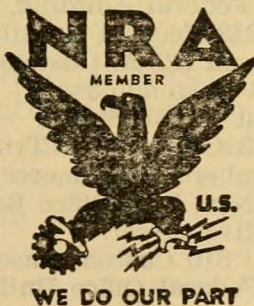


NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
FIRE EXTINGUISHING
APPLIANCE MANUFACTURING
INDUSTRY

AS APPROVED ON OCTOBER 10, 1934



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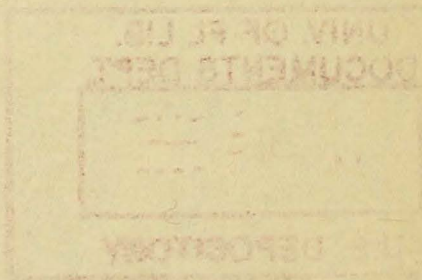
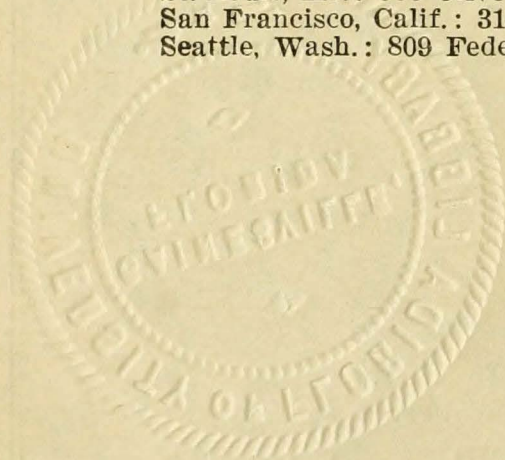
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Approved Code No. 98—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FIRE EXTINGUISHING APPLIANCE MANUFACTURING INDUSTRY

As Approved on October 10, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE FIRE EXTINGUISHING APPLIANCE MANUFACTURING 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 the approval of an amendment to a Code of Fair Competition for the Fire Extinguishing Appliance Manufacturing Industry; Opportunity to be Heard having been noticed to all interested persons, and no objections having been filed; and the annexed report on said amendment, 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 amendment 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 it is 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 G. A. LYNCH, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D. C.,
October 10, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on Amendments to the Code of Fair Competition for the Fire Extinguishing Appliance Manufacturing Industry. In accordance with the requirements of the National Recovery Administration, due opportunity to be heard was afforded to all interested persons. No objections were filed.

The Amendments are designed, primarily, to correct certain obvious typographical errors, as well as to supply certain requirements which the Code lacked.

FINDINGS

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

We find that:

(a) The amendment to said code and the code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the 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 of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

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

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are 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 amendment.

For these reasons, therefore, we have approved this Amendment.

Respectfully,

NATIONAL INDUSTRIAL RECOVERY BOARD,
By G. A. LYNCH, *Administrative Officer*.

OCTOBER 10, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FIRE EXTINGUISHING APPLIANCE MANUFACTURING INDUSTRY

Amend Article II by deleting Sections 1, 6, and 7, and renumbering the remaining Sections so that they will be 1 to 9 inclusive.

Amend Article II, old Section 10 (New Section 7) to read as follows:

SEC. 7. "The term 'Employee', as used herein, includes any and all persons engaged in the industry, however compensated, except a member of the industry."

Add a new Section 10 to read as follows:

SEC. 10. "The terms 'President', 'Act' and 'The National Industrial Recovery Board', as used herein, mean respectively the President of the United States, Title I of the National Industrial Recovery Act and the National Industrial Recovery Board."

Amend Article III, Section 3, to read as follows:

SEC. 3. "No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this Industry (or otherwise), exceeds the maximum permitted herein."

Amend Article IX—Wages, to read Article IV—Wages.

Amend Article V, Section 5, by deleting the present wording and substituting the following:

SEC. 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, than are imposed by this Code.

Amend Article V, Section 6, by deleting the present wording and substituting the following:

SEC. 6. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

Amend Article V, Section 7, by deleting the present wording and substituting the following:

SEC. 7. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the National Industrial Recovery Board.

Amend Article V by adding a new Section thereto, to read as follows:

SEC. 8. No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of this Code.

Amend Article V by adding a new Section thereto, to read as follows:

SEC. 9. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment.

Amend Article VI, Section 2 (d) to read as follows:

(d) The Code Authority shall study conditions in the industry and shall make any recommendations from time to time to the National Industrial Recovery Board which it deems desirable to further the policies of the Act, including those specifically mentioned below, which upon approval of the National Industrial Recovery Board and after such hearing as may be prescribed shall become a part of this Code and shall have full force and effect as provisions hereof.

Amend Article VI by adding a new Section thereto, to read as follows:

SEC. 5. Groups of members of the Industry manufacturing a particular product or products having common interests and problems, may be grouped into product subdivisions by the Code Authority for administrative purposes. For each such product subdivision there shall be an Advisory Committee to assist the Code Authority in the administration of the affairs of such product subdivision, such Committee to be composed of two members of the product subdivision appointed or approved by the Code Authority, and one member of the Code Authority who shall act as Chairman.

Amend Article VII, Section 1, to read as follows:

SECTION 1. *Misrepresentation*.—Misrepresentation on a price list, quotation sheet, advertising matter, etc.: as to the average weight or any other feature of a product; or the use thereon of a misleading comparison with a competitive type of product. A misleading statement as to the business integrity, merchandise, policy, or financial standing of any competitor. Misrepresentation on a plate or a label or otherwise, either on the merchandise or on its carton, as to an exclusive patented, or other feature.

Amend Article VII, Section 2, to read as follows:

SEC. 2. *Faulty Invoicing*.—Fictitious invoicing of merchandise; or omission from an invoice of any of the special features of the product shipped against the invoice or of any of the terms pertaining to the sale. Allowing terms of payment more favorable than 2% cash discount 10th proximo or more favorable than net 30th proximo, or granting future invoice dating on any shipment of Code products (except to "distributors").

Amend Article VII, Section 8, to read as follows:

SEC. 8. *Excessive Warranties*.—Guaranteeing a product, whether voluntarily or on request, on conditions more favorable to the purchaser than the following: Freedom from defects in material and workmanship under the use and service for which the product is recommended by the manufacturer; obligation to replace or repair, f.o.b. manufacturer's factory, any part or parts returned to his factory, transportation charges prepaid, the manufacturer to be the judge of whether or not the alleged defect is present; no obligation for consequential damages or other items of expense which normally cannot be anticipated and equitably comprehended in original costs or selling prices.



Amend Article VII, Section 9, to read as follows:

SEC. 9 (a) *Discrimination Between Purchasers*.—Discrimination in prices or terms of sale between purchasers of the same class, whether by misclassification or otherwise.

(b) *Registration of Factory Branches and Distributors*.—Failure to promptly file with the Impartial Agency of the Code Authority a record of the establishment of a Factory Branch or of the appointment of a Distributor.

Amend Article VII, Section 10 (c), to read as follows:

(c) Giving a purchaser the benefit of lower prices on orders received prior to or on the effective date of a price increase duly filed pursuant to Article VIII of this Code, unless shipment is made within twenty (20) days (Sundays and holidays excluded) following the effective date of such price increase. A postmark on a letter or the filing time on a telegram shall be deemed the date of receipt thereof. Provided, however, that nothing in this paragraph (c) shall apply to a written order from the Federal Government or a State Government or a county or municipality; or to a written order for a specified quantity of Code products for a specified building or other construction project, if a record of such order is filed with the Secretary of the Association at the time of its acceptance.

Amend Article IX, Section 2, to read as follows:

SEC. 2. If the operation of any provision of this Code should interfere with the exercise of existing lawful patent rights or of rights under an existing lawful patent licensing agreement, any one affected thereby may apply to the Code Authority, which shall have power to grant an exemption, subject to the approval of the National Industrial Recovery Board.

Amend Article IX, Section 4, by deleting the present wording and substituting the following:

SEC. 4. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

Amend Article X, Section 3, to read as follows:

SEC. 3. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the National Industrial Recovery Board, be amended or eliminated as changes in circumstances or experiences may indicate. It is contemplated that from time to time supplementary provisions to this Code will be submitted for the approval of the National Industrial Recovery Board, including in particular, but without limitation thereto, supplementary provisions to prevent unfair competition in prices and other unfair or destructive competitive practices and to effectuate the other purposes and policies of Title I of the Act consistent with the provisions thereof.