

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

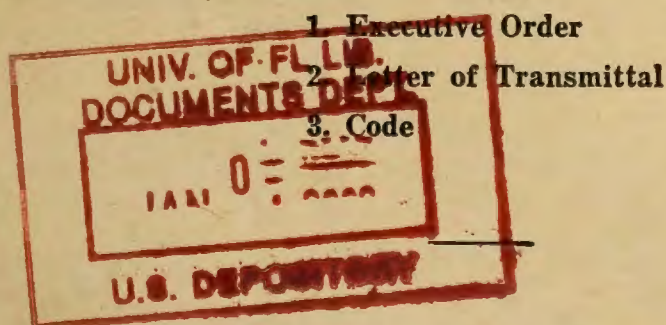
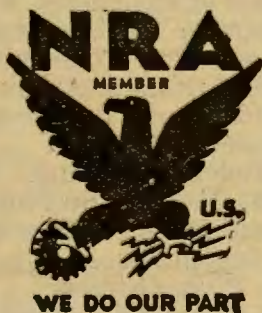
FOR THE

BUSINESS FURNITURE, STORAGE
EQUIPMENT, AND FILING SUPPLY
INDUSTRY

AS APPROVED ON NOVEMBER 4, 1933

BY

PRESIDENT ROOSEVELT



1. Executive Order

2. Letter of Transmittal

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UNITED STATES

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(II)



EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE BUSINESS FURNITURE, STORAGE EQUIPMENT, AND FILING 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 my approval of a Code of Fair Competition for the Business Furniture, Storage Equipment, and Filing Supply Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator and do order that the said code of fair competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
November 4, 1933.

Approval recommended:
HUGH S. JOHNSON,
Administrator.

(III)

NOVEMBER 2, 1933.

THE PRESIDENT,
The White House.

SIR: A proposed Federated Code of Fair Competition for the Business Furniture, Storage Equipment, and Filing Supply Industry was submitted to the Administrator on August 14, 1933, by 89% of the known members of the Industry. The hearing was conducted in Washington on September 21, 1933, and the Code was revised during the recess of this hearing and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

The Industry's sales closely reflect any fluctuation in general business conditions. Its volume, therefore, in the past four years shows a drop of 75% with an attendant drop of only 53% in number of employees. The majority of the Industry immediately signed the President's Reemployment Agreement, with substitutions granted by the P.R.A. Policy Board, resulting in a net increase in employment, as shown by the report of the Research and Planning Department of approximately 23½% over the average number of wage earners employed in the first half of the year 1933. The reemployment of labor, with attendant increases in yearly pay roll will be further accelerated by increase in the volume of business of the Industry, and has been materially increased since the date of the figures submitted to the Research and Planning Department.

RÉSUMÉ OF CODE

Article I states the purpose of the Code.

Article II accurately defines specific references made in the Code.

Article III establishes a National Emergency Committee consisting of one representative of each division of the Industry elected by the various divisions, with additional (not exceeding three) representatives to be appointed by the President.

Article IV provides machinery for obtaining statistics.

Articles V, VI, and VII set forth the mandatory labor provisions, minimum age requirements, maximum hours, and minimum wage rates. The maximum hours are limited to 40 per week for factory and office employees, except that in any six weeks of any six months' period such employees shall be permitted to work 48 hours. The minimum wage rate, varying from \$15.00 to \$14.00 for office and salaried employees (except outside salesmen), is based on population differentials. For factory employees the minimum rate is 40¢ per hour for male and female employees, except in one division, where the minimum rate for female employees is 35¢ per hour.

An overtime rate is provided for employees under certain specified conditions.

Learners without previous experience may not constitute more than 5% of the total number of employees and their wages shall not be less than 80% of the specified minimums. The same provisions apply to disabled or infirm employees. Higher paid employees are protected by an equitable readjustment clause.

Article VIII provides for planning and development by the Industry.

Article IX and Exhibit C (Divisional Supplemental Codes) set forth the Fair Trade Practices for the Industry.

Article X sets forth the procedure to be followed in the event of a violation of the Code.

Articles XI, XII, and XIII contain the mandatory provision respecting amendments, and provide for the submission of proposed amendments by members of the Industry as well as submission of further supplemental divisional Codes.

Article XIV recommends limitation of price increases.

Article XV states the effective date.

FINDINGS

The Administrator finds: A. This Code complies in all respects with the pertinent phrases of Title I of the Act, including without limitation, subsection A of Section 7, and subsection B of Section 10 thereof; B. The Committee which proposes the Code is truly representative of the Business Furniture, Storage Equipment, and Filing Supply Industry, and the By-laws of the Associations representing the divisions thereof provide no inequitable restrictions to membership; C. The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION FOR THE BUSINESS FURNITURE, STORAGE EQUIPMENT, AND FILING SUPPLY INDUSTRY

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Business Furniture, Storage Equipment, and Filing Supply Industry, and upon approval by the President shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

Wherever used in this code and/or its divisional supplemental codes, the following definitions shall apply:

The terms "President", "Act", and "Administrator" shall mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator of said Act.

The term "Industry" means and includes the business of producing and selling in the United States any or all industry products.

The terms "Member" and/or "Member of the Industry" means and includes any person, firm, association, or corporation engaged in the business of the Industry as defined herein.

The term "Employee" means and includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

The term "Apprentice" means a person, usually a minor, who agrees to serve an employer for a certain stated period of time at predetermined wages for the period in order to learn the trade.

The term "Learner" means an employee without previous mechanical experience engaged to become competent on one or more machine operations but who shall not be so classified after ninety days' experience.

The term "Industry Products" means and includes all products as hereinafter enumerated and defined under "Divisions", and such other products as may be enumerated and defined in divisional supplemental codes which are or may be attached to and made a part of this code as provided in Art. XII hereof.

The term "Divisions" means and includes the several parts of the Industry which are (or may be) established, and are (or may be) defined in the divisional supplemental codes.

The Divisions hereby established are as follows:

Steel Office Furniture Division :

Vertical filing cabinets.
Horizontal sections and half-sections, and bookcases.
Hi-line and book-shelf units.
Card index cases.
Transfer units.
Desks.
Tables.
Storage cabinets and wardrobes.

Steel Shelving Division :

Industrial and general-purpose steel shelving, miscellaneous fittings, attachments, and accessories.

Steel Locker Division :

Box Lockers.
Single-tier Lockers.
Double-tier Lockers.
Two-person and Compartment Lockers.
Miscellaneous Fittings as used in schools, clubs, gymnasiums, commercial and industrial establishments.

Visible Filing Equipment Division :

Cabinets, panels, pockets, cards, and other inserts, signalling and other devices for visible filing.

ARTICLE III—ADMINISTRATION

The Industry shall, with the approval of the President, establish and empower a suitable agency herein referred to as the National Emergency Committee, to assist the Administrator in administering the provisions of the Act as set forth in this code. This Committee shall consist of one representative of each Division of the Industry, to be elected by the members of such Division, each member having one vote. The Government may be represented on said Committee by — (from one to three) members, without vote, to be appointed by the President. Such governmental representatives will be appointed for terms of from six months to one year. In case more than one such representative is appointed, the terms of appointment will be so arranged that they do not expire at the same time.

Each trade or industrial association directly or indirectly participating in the selection or activities of the National Emergency Committee shall: (1) Impose no inequitable restrictions on membership, and (2) submit to the Administrator two copies of its articles of association, bylaws, 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.

In order that the National Emergency Committee or Divisional Code Committees shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that any such Committee is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of any such Committee.

Subject to the approval of the Administrator, the Committee may approve the establishment of additional Divisions; shall delegate to all Divisions all necessary power and authority for the administra-

tion of this code within the Divisions; but shall reserve and retain the power and duty to enforce the provisions of this code.

Subject to the approval of the Administrator, this Committee shall issue and enforce such rules, regulations, and interpretations, offer such amendments hereto, and designate such agents and delegate such authority to them as may be necessary to effectuate the purposes and to enforce the provisions of this code.

Any action taken by the National Emergency Committee, or by any divisional code committee, or by any divisional planning and classification board may be reviewed by the Administrator, at his option, and modified or disapproved.

ARTICLE IV—CODE REPORTS AND FEES

Members shall make periodically to the National Emergency Committee, through their respective Divisions, such reports on wages, hours of labor, conditions of employment, number of employees, production, shipments, sales, stocks, prices, and other data pertinent to the purposes of this code as may be required by the Administrator or the National Emergency Committee in assisting the Administrator in administering the provisions of the Act.

In addition to the information required to be submitted to the National Emergency Committee, there shall be furnished to Government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3A of the Act.

Except as otherwise provided in the Act, all statistical data filed with the National Emergency Committee in accordance with the provisions of this Article shall be confidential and the data of one member shall not be revealed to any other member, except that for the purpose of administering or enforcing the provisions of this code, the said Committee and the Administrator, by their duly authorized representatives, shall have access to any and all statistical data that may be furnished in accordance with the provisions of this code.

Members shall be entitled to participate in and share the benefits of the activities of the National Emergency Committee and to participate in the selection of the members thereof by assenting to and complying with the requirements of this code and sustaining their reasonable share of the expenses of its administration, and by permitting, for the purposes of the code, inspection of pertinent records by an impartial agency, to be approved by the National Emergency Committee and the Administrator. The reasonable share of the expenses of administration shall be determined by the National Emergency Committee on such basis as may be deemed equitable.

ARTICLE V—LABOR PROVISIONS

(a) Employes 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.

(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.

ARTICLE VI—HOURS OF LABOR AND MINIMUM WAGES

The maximum hours of labor of employees of members, and the minimum wages which shall be paid by members shall be as shown in the attached Exhibit A, which is specifically made a part of this code.

ARTICLE VII—CHILD LABOR

No person under 16 years of age shall be employed in the Industry nor anyone under 18 years of age at operations or occupations hazardous in nature or detrimental to health. The National Emergency Committee shall submit to the Administrator for approval a list of such hazardous occupations, within 60 days after the effective date of this code.

An employer shall be deemed to have complied with this provision, if he shall have on file a certificate duly issued by the authority empowered to issue employment certificates under the state law showing that the minor is of the required age.

ARTICLE VIII—PLANNING AND DEVELOPMENT

In order that economies in manufacture and distribution, standardization, and simplification of industry products, and more efficient methods of conducting the business of the Industry may be developed, the National Emergency Committee shall cause to be established in each Division a Planning and Classification Board, which shall from time to time make studies and recommendations to their respective Divisions on any phase of the business of the Industry, including stabilization and regularization of employment, included in said Division. If approved by said Division and referred to the National Emergency Committee, the Committee shall make, modify, or rescind rules and regulations, as may be necessary and proper to effectuate the purposes of such recommendations.

Nothing herein contained shall be applied to restrict development or advancement of the Industry, or to prevent any member from manufacturing any industry product, or perfecting developments, or making changes or additions.

ARTICLE IX—UNFAIR PRACTICES

For all purposes of this code the practices described in Exhibit B hereto annexed, and all other practices which shall be declared to be unfair practices by any amendment to this code, duly approved by the President, are hereby declared to be unfair methods of competition in commerce, and knowingly using or employing any of them by any member of the Industry directly or indirectly through any

officer, employee, agent, or representative shall be deemed to be a violation of this code.

ARTICLE X—VIOLATION

Any violation by any member of any provision of this code, or of any provision of any divisional supplemental code to which he is subject, shall constitute a violation of the code by such member. The offender shall be subject to the penalties imposed by the Act.

A procedure for investigation of violations shall be adopted by each Division, subject to the approval of the National Emergency Committee.

ARTICLE XI—CANCELLATION OR MODIFICATION

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 National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of this code or any conditions imposed by him upon his approval thereof.

This code is intended to be a basic code, and study of the trade practices of the Industry will be continued by the National Emergency Committee with the duty of submitting from time to time recommendations to the Administrator respecting amendments, revisions, and/or supplementary provisions to this code, which, upon his approval after such hearing as he may prescribe, shall become a part of this basic code, and shall have full force and effect as provisions hereof.

Such recommendations shall first be approved by the members of the Division affected thereby, and, if so approved, must be submitted to the Administrator.

ARTICLE XII—SUPPLEMENTARY CODES

Supplemental code provisions affecting or pertaining to Divisions of the Industry are contained in Exhibit C attached hereto, which is specifically made a part of this code. Additional supplements affecting or pertaining to Divisions may be filed with the Committee and if not inconsistent with the provisions of this code may be recommended by it to the Administrator. When approved by the Administrator such supplements shall have the same force and effect as any other provisions of the code.

ARTICLE XIII—MONOPOLIES

(a) This code is not designed to promote monopolies and shall not be availed of for that purpose.

(b) The provisions of this code shall not be so interpreted or administered as to eliminate or oppress small enterprises or to discriminate against them.

ARTICLE XIV—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE XV—EFFECTIVE DATE

This code and amendments thereto shall be in effect beginning ten days after their approval by the President.

EXHIBIT A

SECTION 1. On and after the effective date, the minimum wages of all employes (except as hereinafter provided) of any member shall be at the following hourly rates:

To male factory employes, 40 cents.

To female factory employes, 40 cents for Steel Office Furniture, Steel Shelving, and Steel Locker Divisions; 35¢ for Visible Filing Equipment Division.

The above minimum wages are not to be considered as a discrimination by reason of sex. Where women do substantially the same work or perform substantially the same duties as men, they shall receive the same wages as the men who do such work or perform such duties; and when they displace men they shall receive the same wages as the men they displace.

Nothing in this Section shall apply to or affect any employe apprenticed to any employer by an indenture made in pursuance of the laws of any state of the United States, or by a written contract under any apprentice system established and maintained by any employer, provided such agreements are, and each additional agreement as made is, filed with the National Emergency Committee, and provided that this exception shall apply to such employes only during the period that they are receiving less than the minimum rate.

Learners (other than apprentices) may be paid not less than 80 percent of the minimum wage paid for the same class of work they may be learning, up to the point where the net amount received by a learner would be in excess of 40 cents per hour, and provided that the total number of learners who shall receive less than the minimum wage shall at no time exceed more than five percent of the total number employed by such employer.

Nothing in this Section shall apply to any employe who by reason of a disability and/or infirmity is competent only for light employment; provided, that the wages paid to such employes shall not be less than 80 percent of the minimum rates of pay specified in this code; provided further, that the total number of such employes shall not constitute more than five percent of the total number of factory employes subject to the provisions of this code in any one plant; and provided, that a list of such employes shall be filed with the National Emergency Committee.

The wage differentials for all operations being paid more than the minimum shall be equitably readjusted by all employers who have not made such adjustments since June 15, 1933, and in no case shall they be decreased. Each member of the industry shall report all such readjustments to the National Emergency Committee within 30 days of the effective date of the code.

SEC. 2. It is agreed that Section 1 establishes a guaranteed minimum rate of pay for employes compensated on a piecework or any other basis.

SEC. 3. Factory employes (excluding service employes engaged in outside work away from the manufacturing plant, department foremen, repair crews, firemen, engineers, and watchmen) may work not more than 40 hours in any one week, nor more than eight hours in any one day; except that to meet peak demands such employes may work not more than 48 hours in any one week and not more than 10 hours in any one day for not more than six weeks in any six months' period. An employe working on Sundays and legal holidays or beyond nine consecutive hours per day, plus an interval of not more than one hour, shall be paid not less than one and one half times his normal rate.

The maximum hours fixed in this section shall not apply to any employe on emergency maintenance or emergency repair work involving break-downs or protection of life or property, but in any such special case at least one and one half times his normal rate shall be paid for hours worked in excess of the maximum hours herein provided.

Firemen and engineers are to have 10 percent tolerance above the maximum hours herein specified.

Watchmen may work 84 hours in two weeks on alternate shifts of 36 and 48 hours per week.

Sec. 4. Office and salaried employes (except outside salesmen and those employed in a managerial or executive capacity and earning more than \$35.00 a week) covered hereby may work not more than 40 hours in any one week, except that to meet peak demands such employes may work not more than 48 hours in any one week for not more than six weeks in any six months' period.

The minimum wages of office and salaried employes covered hereby shall not be less than the following weekly rates:

In cities having 500,000 population or over, or in the immediate trade area of such city, at the rate of \$15.00 per week.

In cities having less than 500,000 and more than 250,000 population, or in the immediate trade area of such city, at the rate of \$14.50 per week.

In cities having less than 250,000 population, or in the immediate trade area of such city, at the rate of \$14.00 per week.

Sec. 5. Within each state this code shall not supersede any law of such state imposing more stringent requirements as to maximum hours of labor or minimum wages than are imposed under the provisions of this code.

EXHIBIT B

LIST OF UNFAIR PRACTICES

A. REBATES

(a) The secret payment or allowance to purchasers of industry products, of rebates, commissions, bonuses, refunds, credits, unearned discount, or subsidies of any kind, whether in the form of money, services, or otherwise, or the giving of premiums, or extending to certain purchasers special service or privileges not extended to all purchasers under like terms and conditions.

(b) The enticing or attempting to entice away the agents or dealers of any competing member of the Industry by offering goods on consignment, accepting long-term notes in payment for goods, postdating invoices, or offering special discounts on carload lots.

B. BRIBERY

Directly or indirectly to give or permit to be given or offer to give money or anything of value to agents, employes, or representatives of customers or prospective customers, or to agents, employes, or representatives of competitors' customers or prospective customers, as an inducement to influence their employers or principals to purchase or contract to purchase industry products from the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors, or to allow to salesmen or other employes or agents expense money for any other purpose than legitimate expenses of travel and subsistence, or to permit any funds to be disbursed in any unlawful way to influence business.

C. BREACH OF CONTRACT

Any wilful attempt to induce a breach of any existing bona fide contract or order for a definite amount of industry product or to prevent the performance of any contractual duty or service under any bona fide contract or order for the sale of industry products.

D. ENTICEMENT OF EMPLOYES

The enticement of an employe of a competitor from his employment with the purpose or effect of injuring or embarrassing such competitor in his business. Nothing herein shall prevent any employe from offering his services to a competitor, nor prevent any member from employing an employe of another member where the initiative in such change of employment comes from the employe.

E. MISREPRESENTATION

(a) The making, causing or permitting to be made or published, of any false, untrue, or deceptive statement by way of advertisement or otherwise; or

(b) The marking or branding of products for the purpose or with the effect of misleading or deceiving purchasers; or

(c) The sale or offering for sale of any product with the intent to deceive, or the effect of deceiving, the purchaser;

by false or misleading statements, or by concealment of the facts concerning grade, quality, character, nature, origin, manufacture, or performance of any item of industry products.

F. DEFAMATION OF COMPETITOR

The defamation of a competitor by words or acts which disparage his business integrity, his ability to perform his contracts, his credit standing, or the grade, quality, or reliability of his goods.

G. GUARANTEE AGAINST DECLINE

The sale or offering for sale of any industry products under any form of guarantee to the purchaser or proposed purchaser against either an advance or decline in the price of such industry products.

H. FALSE RECORD

(a) Withholding from or inserting in an invoice or contract statements which make the invoice or contract a false record, wholly or in part, of the transaction represented on the face thereof.

(b) Postdating any contract or invoice, or predating any contract or invoice except to conform to a bona fide agreement for the purchase or sale of industry products on the predate.

I. CONCEALED BIDDING

The inclusion of prices, discounts, or terms on any items of industry product with prices, discounts, or terms of any other product or products, or any means used to quote or contract to sell any industry products in any manner which prevents any interested person from obtaining accurate information as to the actual prices charged for such industry products separately..

EXHIBIT C

DIVISIONAL SUPPLEMENTAL CODE FOR THE STEEL OFFICE FURNITURE INDUSTRY

ARTICLE I—PURPOSE

The purpose of this divisional supplemental code is to supplement the basic code of the Business Furniture, Storage Equipment, and Filing Supply Industry, to make it specifically applicable to the Steel Office Furniture Industry, a division thereof.

ARTICLE II—INDUSTRY

This Industry shall be defined as including anyone engaged in the manufacture and sale of any item of steel office furniture (hereinafter referred to as "industry products") as defined in Art. II of the basic code under "Steel Office Furniture Division", either as a stock item or offered as a substitute for or in competition with such item.

ARTICLE III—CODE AUTHORITY

(a) A Code Committee, consisting of one nonvoting representative of the Administrator, if the Administrator so elects, and seven members of the Industry shall constitute the code authority of said Industry. Each class of member as defined below shall be represented by at least one member on the Code Committee.

(b) Each member of the Industry shall within thirty days after the effective date of this code certify to the Secretary of the National Emergency Committee under oath the total net wholesale value of domestic shipments of all industry products for each month of the calendar year next preceding the above date, and for each succeeding calendar month up to the date of such certification, and shall thereafter certify such values monthly within forty-five days after expiration of each succeeding calendar month.

(c) In the election of the Code Committee and in all cases where voting power is exercised by the members of the Industry, the members shall be divided into five classes, based on volume of production as above determined, and such voting power shall be determined as follows:

One fifth of the highest value of shipments, as defined in par. (b), reported by any member for the next preceding calendar year shall be the base value. The number of votes to which each member is entitled shall be the quotient obtained by using this base value as a divisor and the value of shipments reported by said member for the same year as a dividend. For the purpose of this computation fractions shall be considered as whole numbers.

ARTICLE IV—PLANNING AND CLASSIFICATION

In order to effectuate the purpose of Article VIII of the basic code, a list of all items of industry products now being offered as stock items by any member shall be submitted, and specifications and samples shall be made available within thirty days after approval of this code to the Planning and Classification Board of the Industry for assignment thereof to its proper classification as referred to in Schedule A. No stock item not included in the list originally submitted by him shall be sold or offered for sale by any member until after classification by the Planning and Classification Board, as above provided, and approval of said classification by the Code Committee, nor until after all requirements for publication contained in Article VI hereof have been completely fulfilled. All action under this section shall be taken within 30 days after submission by the member.

ARTICLE V—DISCRIMINATION

(a) No member shall make any sale or contract of sale, directly or indirectly, by any means whatever, of any industry products at a price or on terms and conditions more favorable to one purchaser than to another, whether such purchasers shall be private individuals, corporations, or firms, or Federal, State, Municipal, or other public bodies; provided that this shall not prevent price differences necessarily resulting from differences in the model, grade, quantity, or point of delivery of the products sold.

(b) No member shall make any purchase of or allowance for used industry products in connection with a sale of new industry products or as an independent cash transaction, directly or indirectly, by any means whatever, at a price or on terms and conditions more favorable to one seller than to another.

ARTICLE VI—PRICE PUBLICATION

(a) Each member shall, within ten days after the effective date of this code, publish and continue to publish, as changes are made:

1. List prices covering every item of industry products which such member offers for sale as stock merchandise, of current standard lines, and list prices and quantities of destandardized or obsolete lines;

2. Discounts and terms allowed, as provided in Schedule A hereto attached and made a part hereof, to the classes of customers defined therein;

in such manner that interested members of the trade and buying public may at all times obtain accurate information as to the prices charged by such member for his industry products. Failure to publish or to continue to publish, as changes are made, any or all of the aforesaid information, or the publishing of false or fictitious discounts, prices, or terms for any item of industry products is an unfair method of competition.

(b) No member of the Industry shall designate any current line as destandardized or obsolete unless in fact such line has been discontinued.

(c) Each member shall immediately publish and continue to publish, as changes are made, the prices paid or allowances made for used industry products of the various makes and models, in such manner that interested members of the trade and buying public may at all times obtain accurate information as to the real prices charged by such member for its industry products. Failure to publish, or to continue to publish, as changes are made, any or all of the aforesaid information, or the publishing of any false or fictitious price or allowance for any make or model of such used industry products, is an unfair method of competition.

(d) The discounts, terms, expiration dates, and customers' names of all buying agreements, oral or written, on any other than a one-order-one-delivery basis, in force at the effective date of this code, and all such new or renewed agreements, shall be reported to the Code Committee at the time they become effective.

The discounts and terms of all such new agreements, and all renewals or extensions of such existing agreements, shall be as provided in Schedule A.

(e) The above requirements for publication shall not be deemed fulfilled until ten days after a sufficient number of certified copies of the matter to be published shall have been received at the office of the Code Committee, except that the lists filed within ten days after the effective date of this code shall take effect on the date of filing thereof.

(f) No member shall sell any industry product contrary to his published prices, discounts, or terms of sale; and since a substantial majority of the industry's products are sold direct by the manufacturer to the consumer, and since the purpose and effect of this Article would be otherwise defeated, it shall be an unfair method of competition for any member to distribute to the user industry products indirectly through an agent, dealer, broker, or otherwise, contrary to his published prices, discounts, or terms of sale.

ARTICLE VII—SELLING BELOW COST

(a) The pricing and/or selling of any item of industry products below member's cost to the ultimate consumer as determined by the cost-accounting methods set up by the Code Committee and subject to approval by the Administrator, in the quantities, under the conditions, and at the points of delivery involved, is an unfair method of competition.

(b) The Code Committee shall have power on its own initiative, or on the complaint of any member, to cause an investigation of any price, discount, or terms of sale for any item of industry product shown in any list of industry products filed with it by any member, and for the purpose of the investigation thereof to require such member to furnish such information concerning cost as defined in Section (a) of this article as the Committee shall deem necessary or proper for such purpose.

If after such investigation, said Committee shall determine that such price, discount, or terms of sale is unfair as being contrary to Section (a) of this Article, and if such member within ten days after notice to it of such determination by the Code Committee shall not file a new list showing the price, discount, or terms of sale in accordance with said Section (a) (which shall become effective immediately on the filing of such list), the Code Committee shall report the results of its investigation to the proper authority or authorities for action.

ARTICLE VIII—EXTRAS AND DEDUCTIONS

The Code Committee, on the basis of the direct cost thereof (direct cost as used in this article being defined as the cost of labor, material, selling, and distribution, plus 10%) may establish the minimum additions to and maximum deductions from the base prices of the various lines of industry products, which maximum deductions and minimum additions members shall use in determining the list prices of variations from the base products.

ARTICLE IX—SPECIALS

No item of industry products which is not covered by the published list prices of the manufacturer thereof shall be sold or offered for sale at net prices, discounts, or terms more favorable to the purchaser than the most favorable published discounts, terms, or net prices applying to such item.

ARTICLE X—MODIFICATION OR CANCELLATION OF CODE

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 X of the National Industrial Recovery Act from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of this code, or any condition imposed by him upon his approval thereof.

SCHEDULE A

STEEL OFFICE FURNITURE DIVISION—DIVISIONAL SUPPLEMENTAL CODE

INDUSTRY BASE PRODUCTS

The industry base products are hereby listed, graded, and classified, as follows:

Four-drawer vertical letter file, olive green, standard grade.
Five-drawer vertical letter file, olive green, standard grade.
Three-drawer vertical letter file, olive green, standard grade.
Four-drawer vertical letter file, olive green, commercial grade.
Four-drawer vertical letter file, olive green, utility grade, suspension.
Four-drawer vertical letter file, olive green, utility grade, nonsuspension.
Two-drawer horizontal sectional full width letter file, standard grade.
One-drawer horizontal sectional half width letter file, standard grade.
One-drawer 3''x5'' card cabinet standard grade.
One-drawer 3''x5'' card cabinet commercial grade.
60''x34'' flat top desk, olive green, standard grade.
60''x34'' table, olive green, standard grade.
60''x34'' flat-top desk, olive green, junior executive grade.
60''x34'' table, olive green, junior executive grade.
72''x36''x18'' storage cabinet, double door, olive green, Grade A.
72''x36''x18'' storage cabinet, double door, olive green, Grade B.
One-drawer, sectional letter size transfer case, olive green.
Hi-line section—24-drawer document file, olive green.
Hi-line section—84''x36''x9'' six-shelf bookshelf unit without finished ends, olive green.

Revision of this list may be made from time to time by the Code Committee, or by the Administrator in his discretion.

DEFINITION OF CUSTOMERS

Exclusive Agents or Dealers.—An Exclusive Agent or Dealer is a retailer (individual, firm, or corporation) with whom a member of the Industry has a written agreement giving the agent or dealer sole selling rights of entire line in defined territory and giving the member of the Industry exclusive sales representation.

Nonexclusive Agents or Dealers.—A nonexclusive Agent or Dealer is a retailer (individual, firm, or corporation) who maintains a place of business and carries stock.

Brokers.—A Broker is a retailer (individual, firm, or corporation) other than above defined, who purchases industry products for resale.

Retail buyers.—A retail buyer is a purchaser of definite quantities of industry products when purchased in one order for one delivery, or on an oral or written buying agreement.

Discounts and Terms of Sale.—The discounts as provided in Article VI allowed to each of the above-defined classes of customers shall be applied to all list prices published under the provisions of said Article and shall truly represent variance in cost of distribution to the ultimate consumer as determined by the code committee in accordance with the provisions of Article VII.

Terms of sale for all industry products shall be as follows:

Wholesale Sales.—All classes of purchasers—2 percent 10th prox., net 30th prox.

Retail Sales.—No discount for early payment.

EXHIBIT C

DIVISIONAL SUPPLEMENTAL CODE FOR THE VISIBLE FILING EQUIPMENT INDUSTRY

ARTICLE I—PURPOSE

The purpose of this divisional supplemental code is to supplement the basic code of the Business Furniture, Storage Equipment, and Filing Supply Industry, to make it specifically applicable to the Visible Filing Equipment Industry, a division thereof.

ARTICLE II—INDUSTRY

This Industry shall be defined as including any one engaged in the manufacture and sale of any item of visible filing equipment (hereinafter referred to as industry products) as defined in Art. II of the basic code under "Visible Filing Equipment Division", either as a stock item or offered as a substitute for or in competition with such item.

ARTICLE III—CODE AUTHORITY

(a) A Code Committee consisting of one non-voting representative of the Administrator if the Administrator so elects, and three members of the Industry shall constitute the code authority of said Industry.

(b) Each member of the Industry shall within thirty days after the effective date of this code certify to the Secretary of the National Emergency Committee under oath the total net wholesale value of domestic shipments of all industry products for each month of the calendar year next preceding the above date, and for each succeeding calendar month up to the date of such certification, and shall thereafter certify such values monthly within forty-five days after expiration of each succeeding calendar month.

(c) In the election of the Code Committee and in all cases where voting power is exercised by the members of the Industry, the members shall be divided into four classes, based on volume of production as above defined, and such voting power shall be determined as follows:

One-fourth of the highest value of shipments, as defined in par. (b), reported by any member for the next preceding calendar year shall be the base value. The number of votes to which each member is entitled shall be the quotient obtained by using this base value as a divisor and the value of shipments reported by said member for the same year as a dividend. For the purpose of this computation fractions shall be considered as whole numbers.

ARTICLE IV—PLANNING AND CLASSIFICATION

In order to effectuate the purpose of Article VIII of the basic code, a list of all items of industry products now being offered as stock items by any member of the Industry shall be made available, within thirty days after approval of this code, to the Planning and Classification Board of the Industry for assignment thereof to its proper classification as referred to in Schedule A. No stock item not included in the list originally submitted by him shall be sold or offered for sale by any member until after classification by the Planning and Classification Board, as above provided, and approval of said classification by the Code Committee, nor until after all requirements for publication contained in Article VI hereof have been completely fulfilled. All action under this section shall be taken within thirty days after submission by the member.

ARTICLE V—DISCRIMINATION

(a) No member shall make any sale or contract of sale, directly or indirectly, by any means whatever, of any industry products at a price or on terms and conditions more favorable to one purchaser than to another, whether such pur-

chasers shall be private individuals, corporations, or firms, or Federal, State, Municipal, or other public bodies; provided that this shall not prevent price differences necessarily resulting from differences in the model, grade, quantity, or point of delivery of the products sold.

(b) No member of the Industry shall make any purchase of or allowance for used industry products in connection with a sale of new industry products or as an independent cash transaction, directly or indirectly, by any means whatever, at a price or on terms and conditions more favorable to one seller than to another.

ARTICLE VI—PRICE PUBLICATION

(a) Each member of the Industry shall, within ten days after the effective date of this code, publish and continue to publish, as changes are made:

1. List prices covering every item of industry products which such member offers for sale as stock merchandise, of current standard lines, and list prices and quantities of rebuilt, destandardized, or obsolete lines;

2. Discounts and terms allowed, as provided in Schedule A hereto attached and made a part hereof, to the classes of customers defined therein; in such manner that interested members of the trade and buying public may at all times obtain accurate information as to the prices charged by such member of the Industry for its industry products. Failure to publish or to continue to publish, as changes are made, any or all of the aforesaid information, or the publishing of false or fictitious discounts, prices, or terms, for any item of industry products, is an unfair method of competition.

(b) No member of the Industry shall designate any current line as destandardized or obsolete unless in fact such line has been discontinued.

(c) Each member of the Industry shall immediately publish and continue to publish as changes are made, the maximum prices paid or allowances made for used industry products of the various makes and models, when such allowances apply against the purchase of new industry products, in such manner that interested members of the trade and buying public may at all times obtain accurate information as to the real prices charged by such member of the Industry for its industry products. Failure to publish, or to continue to publish, as changes are made, any or all of the aforesaid information, or the publishing of any false or fictitious price or allowance for any make or model of such used industry products, is an unfair method of competition.

(d) The discounts, terms, expiration dates and customers' names of all buying agreements, oral or written, on any other than a one-order-one-delivery basis, in force at the effective date of this code, and all such new or renewed agreements, shall be reported to the Code Committee at the time they become effective.

The discounts and terms of all such new agreements, and all renewals or extensions of such existing agreements, shall be as provided in Schedule A.

(e) The above requirements for publication shall not be deemed fulfilled until ten days after a sufficient number of certified copies of the matter to be published shall have been received at the office of the Code Committee, except that the lists filed within ten days after the effective date of this code shall take effect on the date of filing thereof.

(f) No member shall sell any industry product contrary to his published prices, discounts, or terms of sale; and since a substantial majority of the industry's products are sold direct by the manufacturer to the consumer, and since the purpose and effect of this Article would be otherwise defeated, it shall be an unfair method of competition for any member to distribute to the user industry products indirectly through an agent, dealer, broker, or otherwise, contrary to his published prices, discounts, or terms of sale.

SELLING BELOW COST

ARTICLE VII—SELLING BELOW COST

(a) The pricing and/or selling of any item of industry products below member's cost to the ultimate consumer as determined by the cost accounting methods set up by the Code Committee and subject to approval by the Administrator, in the quantities, under the conditions, and at the points of delivery involved, is an unfair method of competition.

(b) The Code Committee shall have power on its own initiative, or on the complaint of any member, to cause an investigation of any price, discount, or terms of sale for any item of industry product shown in any list of industry products filed with it by any member, and for the purpose of the investigation thereof to require such member to furnish such information concerning cost as defined in Section (a) of this article as the Committee shall deem necessary or proper for such purpose.

If after such investigation, said Committee shall determine that such price, discount, or terms of sale is unfair as being contrary to Section (a) of this Article, and if such member within ten days after notice to it of such determination by the Code Committee shall not file a new list showing the price, discount, or terms of sale in accordance with said Section (a) (which shall become effective immediately on the filing of such list), the Code Committee shall report the results of its investigation to the proper authority or authorities for action.

ARTICLE VIII—SPECIALS

No item of industry products which is not covered by the published list prices of the manufacturer thereof shall be sold or offered for sale at net prices, discounts, or terms more favorable to the purchaser than the most favorable published discounts, terms, or net prices applying to such item.

ARTICLE IX—MODIFICATION OR CANCELLATION OF CODE

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 X of the National Industrial Recovery Act from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of this code, or any condition imposed by him upon his approval thereof.

SCHEDULE A

VISIBLE FILING EQUIPMENT DIVISION,

DIVISIONAL SUPPLEMENTAL CODE

INDUSTRY PRODUCTS

The industry products are hereby classified as follows:

I. TRANSPARENT TIP POCKET EQUIPMENT

Consisting of Card and Insert Holders having titles visible through transparent tips and housed in drawers in cabinets, in drawers and panels in trays, in double and single faced, fixed position and swinging frames, and in folding panels and books, with holding and supporting devices for these housings.

II. VISIBLE CARD EQUIPMENT (NON-TRANSPARENT TIP POCKET TYPE)

Consisting of card hangers and/or supports providing visible index spaces on inserts and cards affixed to them and housed in drawers in cabinets, in panels or drawers in trays, in double and single faced, fixed position and swinging frames, and in folding panels and books, with holding and supporting devices for these housings.

III. VISIBLE STRIP EQUIPMENT

Consisting of multiple-index strips with or without transparent tubes housed visibly in drawers in cabinets, in panels or drawers in trays, in double and single faced, fixed position and swinging frames, and in folding panels and books with holding and supporting devices for these housings.

IV. SIGNALING DEVICES FOR IN EQUIPMENT AS DESCRIBED IN I, II, III

Revision of this list may be made from time to time by the Code Committee, or by the Administrator in his discretion.

DEFINITION OF CUSTOMERS

Exclusive Agents or Dealers.—An Exclusive Agent or Dealer is a retailer (individual, firm, or corporation) with whom a member of the Industry has a written agreement giving the agent or dealer sole selling rights of entire line in defined territory and giving the member of the Industry exclusive sales representation.

Nonexclusive Agents or Dealers.—A nonexclusive agent or dealer is a retailer (individual, firm or corporation) who maintains a place of business and carries stock.

Brokers.—A broker is a retailer (individual, firm, or corporation) other than above defined who purchases industry products for resale.

Jobbers.—A jobber is an individual, firm, or corporation who maintains an adequate wholesale stock of merchandise and who does not sell at retail.

Retail Buyers.—A retail buyer is a purchaser of definite quantities of industry products when purchased in one order for one delivery or on an oral or written contract or buying agreement.

DISCOUNTS AND TERMS OF SALE

The discounts as provided in Article VI allowed to each of the above-defined classes of customers shall be applied to all list prices published under the provisions of said Article, and shall truly represent variance in cost of distribution to the ultimate consumer as determined by the Code Committee in accordance with the provisions of Article VII.

Terms of sale for all industry products shall be as follows:

Wholesale Sales.—All classes of purchasers—2 percent 10th prox, Net 30th prox.

Retail Sales.—No discount for early payment.

EXHIBIT C

DIVISIONAL SUPPLEMENTAL CODE FOR THE STEEL LOCKER INDUSTRY

ARTICLE I—PURPOSE

The purpose of this divisional supplemental code is to supplement the basic code of the Business Furniture, Storage Equipment, and Filing Supply Industry, to make it specifically applicable to the Steel Locker Industry, a division thereof.

ARTICLE II—INDUSTRY

This Industry shall be defined as including any one engaged in the manufacture and sale of any item of steel lockers (hereinafter referred to as industry products) as defined in Article II of the basic code under "Steel Locker Division", either as a standard list item or offered as a substitute for or in competition with such item.

ARTICLE III—CODE AUTHORITY

(a) A Code Committee, consisting of one nonvoting representative of the Administrator if the Administrator so elects, and five members of the Industry shall constitute the code authority of said Industry.

(b) Each member of the Industry shall within thirty days after the effective date of this code certify to the Secretary of the National Emergency Committee under oath the total net value of domestic shipments f.o.b. factory of all industry products for each month of the calendar year next preceding the above date, and for each succeeding calendar month up to the date of such certification, and shall thereafter certify such values monthly within twenty days after expiration of each succeeding calendar month.

(c) In the election of the Code Committee and in all cases where voting power is exercised by the members of the Industry, the members shall be divided into five classes, based on volume of production as above determined, and such voting power shall be determined as follows:

One fifth of the highest value of shipments, as defined in paragraph (b), reported by any member for the next preceding calendar year shall be the base value. The number of votes to which each member is entitled shall be the quotient obtained by using this base value as a divisor and the value of shipments reported by said member for the same year as a dividend. For the purpose of this computation fractions shall be considered as whole numbers.

ARTICLE IV—PLANNING AND CLASSIFICATION

(a) In the event that any member of the Industry desires to manufacture and offer for sale any item not included in the original lists submitted by him as provided in Article VI, Section c, he shall make available specifications and samples of such item to the Planning and Classification Board of the Industry for the proper listing of such item as a standard list item subject to the approval of the Code Committee. No standard list item not included in the list originally submitted by him shall be sold or offered for sale by any member until after classification by the Planning and Classification Board, as above provided, and approval of said classification by the Code Committee, nor until after all requirements for publication contained in Article VI hereof have been completely fulfilled. All action under this section shall be taken within 30 days after submission by the member.

ARTICLE V—DISCRIMINATION

(a) No member shall make any sale or contract of sale, directly or indirectly, by any means whatever, of any industry products at a price or on terms and

conditions more favorable to one purchaser than to another, whether such purchasers shall be private individuals, corporations, or firms, or Federal, State, Municipal, or other public bodies; *provided* that this shall not prevent price differences necessarily resulting from differences in the model, grade, quantity, or point of delivery of the products sold.

(b) No member of the Industry shall make any purchase of or allowance for used industry products in connection with a sale of new industry products or as an independent cash transaction, directly or indirectly, by any means whatever, at a price or on terms and conditions more favorable to one seller than to another.

ARTICLE VI—PRICE PUBLICATION

(a) Each member of the Industry shall within ten days after the effective date of this code, publish and continue to publish, as changes are made:

1. List prices covering every item of industry products which such member offers for sale as standard list items, and list prices and quantities of destandardized or obsolete items;

2. Deductions or extras as determined in accordance with Article VIII hereof.

3. Quantity discounts from list prices and terms of sale allowed to the purchaser, as provided in Schedule A hereto attached and made a part hereof; in such manner that interested members of the trade and the buying public may at all times obtain accurate information as to the prices charged by such member of the Industry for its industry products. Failure to publish or to continue to publish, as changes are made, any or all of the aforesaid information, or the publishing of false or fictitious prices, discounts, or terms, for any item of industry products, is an unfair method of competition.

(b) No member of the Industry shall designate any current line as destandardized or obsolete unless in fact such line has been discontinued.

(c) The above requirements for publication shall not be deemed fulfilled until ten days after a sufficient number of certified copies of the matter to be published shall have been received at the office of the Code Committee, except that the lists filed within ten days after the effective date of this code shall take effect on the date of filing thereof.

(d) No member shall sell any industry product contrary to his published prices, discounts, or terms of sale; and since a substantial majority of the industry's products are sold direct by the manufacturer to the consumer, and since the purpose and effect of this Article would be otherwise defeated, it shall be an unfair method of competition for any member to distribute to the user industry products indirectly through an agent, dealer, broker, or otherwise, contrary to his published prices, discounts, or terms of sale.

ARTICLE VII—SELLING BELOW COST

(a) The pricing and/or selling of any item of industry products below member's cost to the ultimate consumer as determined by the cost accounting methods set up by the Code Committee and subject to approval by the Administrator, in the quantities, under the conditions, and at the points of delivery involved, is an unfair method of competition.

(b) The Code Committee shall have power on its own initiative, or on the complaint of any member of the Industry, to cause an investigation of any price, discount, or terms of sale for any item of industry product shown in any list of industry products filed with it by any member of the Industry, and for the purpose of the investigation thereof to require such member to furnish such information concerning cost as defined in Section (a) of this article as the Committee shall deem necessary or proper for such purpose.

If after such investigation, said Committee shall determine that such price, discount, or terms of sale is unfair as being contrary to Section (a) of this Article, and if such member within ten days after notice to it of such determination by the Code Committee shall not file a new list showing the price, discount, or terms of sale in accordance with said Section (a) (which shall become effective immediately on the filing of such list), the Code Committee shall report the results of its investigation to the proper authority or authorities for action.

ARTICLE VIII—EXTRAS AND DEDUCTIONS

The Code Committee, on the basis of the direct cost thereof (direct cost as used in this article being defined as the cost of labor, material, selling, and distribution, plus 10%) may establish the minimum additions to and maximum deductions from the base prices of the various lines of industry products, which maximum deductions and minimum additions members shall use in determining the list prices of variations from the base products.

ARTICLE IX—SPECIALS

No item of industry products which is not covered by the published list prices of the manufacturer thereof shall be sold or offered for sale at net prices, discounts, or terms more favorable to the purchaser than the most favorable published discounts, terms, or net prices applying to such item.

ARTICLE X—MODIFICATION OR CANCELLATION OF CODE

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 X of the National Industrial Recovery Act from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of this code, or any condition imposed by him upon his approval thereof.

SCHEDULE A

STEEL LOCKER DIVISION, DIVISIONAL SUPPLEMENTAL CODE

INDUSTRY PRODUCTS

The products of this Industry shall embrace steel box lockers, single-tier lockers, double-tier lockers, two-person lockers, compartment lockers, and such miscellaneous accessories, fittings, and parts used therewith, as primarily designed and sold for use in schools, clubs, gymnasiums, commercial and industrial establishments. Revision of this list may be made from time to time by the Code Committee or by the Administrator in his discretion. Such general specifications as may be required to classify and standardize these products shall be worked out by the Planning and Classification Board, subject to the approval of the Code Committee.

DISCOUNTS AND TERMS OF SALE

Discounts as provided in Article VI shall be applied to all list prices published under the provisions of said Article, and shall truly represent variance in cost of distribution to the ultimate consumer as determined by the Code Committee in accordance with the provisions of Article VII.

On all sales to consumer or user, terms shall be 30 days net without discount for early payment. If job is to be erected, terms are net upon completion of erection.

EXHIBIT C

DIVISIONAL SUPPLEMENTAL CODE FOR THE STEEL SHELVING INDUSTRY

ARTICLE I—PURPOSE

The purpose of this divisional supplemental code is to supplement the basic code of the Business Furniture, Storage Equipment and Filing Supply Industry, to make it specifically applicable to the Steel Shelving Industry, a division thereof.

ARTICLE II—INDUSTRY

This Industry shall be defined as including any one engaged in the manufacture and sale of any item of steel shelving (hereinafter referred to as industry products) as defined in Art. II of the basic code under "Steel Shelving Division", either as a standard list item, or offered as a substitute or in competition with such item.

ARTICLE III—CODE AUTHORITY

(a) A Code Committee, consisting of one nonvoting representative of the Administrator if the Administrator so elects, and five members of the Industry shall constitute the code authority of said Industry.

(b) Each member of the Industry shall within thirty days after the effective date of this code certify to the Secretary of the National Emergency Committee under oath the total net value of domestic shipments of all industry products for each month of the calendar year next preceding the above date, and for each succeeding calendar month up to the date of such certification, and shall thereafter certify such values monthly within twenty days after expiration of each succeeding calendar month.

(c) In the election of the Code Committee and in all cases where voting power is exercised by the members of the Industry, the members shall be divided into five classes, based on volume of production as above determined, and such voting power shall be determined as follows:

One fifth of the highest value of shipments, as defined in par. (b), reported by any member for the next preceding calendar year shall be the base value. The number of votes to which each member is entitled shall be the quotient obtained by using this base value as a divisor and the value of shipments reported by said member for the same year as a dividend. For the purpose of this computation fractions shall be considered as whole numbers.

ARTICLE IV—PLANNING AND CLASSIFICATION

(a) In the event that any member of the Industry desires to manufacture and offer for sale any item not included in the original lists submitted by him as provided in Article VI, Section (d), he shall make available specifications and samples of such item to the Planning and Classification Board of the Industry for the proper listing of such item as a standard list item subject to the approval of the Code Committee. No standard list item not included in the list originally submitted by him shall be sold or offered for sale by any member until after classification by the Planning and Classification Board, as above provided, and approval of said classification by the Code Committee, nor until after all requirements for publication contained in Article VI hereof have been completely fulfilled. All action under this section shall be taken within 30 days after submission by the member.

ARTICLE V—DISCRIMINATION

(a) No member shall make any sale or contract of sale, directly or indirectly, by any means whatever, of any industry products at a price or on terms and

conditions more favorable to one purchaser than to another, whether such purchasers shall be private individuals, corporations, or firms, or Federal, State, Municipal or other public bodies; provided that this shall not prevent price differences necessarily resulting from differences in the model, grade, quantity, or point of delivery of the products sold.

(b) No member of the Industry shall make any purchase of or allowance for used industry products in connection with a sale of new industry products or as an independent cash transaction, directly or indirectly, by any means whatever, at a price or on terms and conditions more favorable to one seller than to another.

ARTICLE VI—PRICE PUBLICATION

(a) Each member of the Industry shall, within ten days after the effective date of this code, publish and continue to publish, as changes are made—

1. List prices covering every item of industry products, which such member offers for sale as standard list items, and list prices and quantities of de-standardized or obsolete items;

2. Deduction or extras as determined in accordance with Article VIII hereof;

3. Quantity discounts from list prices and terms of sale allowed to the purchaser, as provided in Schedule A hereto attached and made a part hereof; in such manner that interested members of the trade and the buying public may at all times obtain accurate information as to the prices charged by such member of the Industry for its industry products. Failure to publish or to continue to publish, as changes are made, any or all of the aforesaid information, or the publishing of false or fictitious prices, discounts or terms, for any item of industry products, is an unfair method of competition.

(b) No member of the Industry shall designate any current line as de-standardized or obsolete unless in fact such line has been discontinued.

(c) Each member of the Industry shall immediately publish and continue to publish as changes are made the prices paid or allowances made for used industry products of the various makes and models, in such manner that interested members of the trade and buying public may at all times obtain accurate information as to the real prices charged by such member of the Industry for its industry products. Failure to publish, or to continue to publish, as changes are made, any or all of the aforesaid information, or the publishing of any false or fictitious price or allowance for any make or model of such used industry products, is an unfair method of competition.

(d) The above requirements for publication shall not be deemed fulfilled until ten days after a sufficient number of certified copies of the matter to be published shall have been received at the office of the Code Committee, except that the lists filed within ten days after the effective date of this code shall take effect on the date of filing thereof.

(e) No member shall sell any industry product contrary to his published prices, discounts, or terms of sale; and since a substantial majority of the industry's products are sold direct by the manufacturer to the consumer, and since the purpose and effect of this Article would be otherwise defeated, it shall be an unfair method of competition for any member to distribute to the user industry products indirectly through an agent, dealer, broker, or otherwise, contrary to his published prices, discounts, or terms of sale.

ARTICLE VII—SELLING BELOW COST

(a) The pricing and/or selling of any item of industry products below member's cost to the ultimate consumer as determined by the cost accounting methods set up by the Code Committee, and subject to approval by the Administrator, in the quantities, under the conditions, and at the points of delivery involved, is an unfair method of competition.

(b) The Code Committee shall have power on its own initiative, or on the complaint of any member of the Industry, to cause an investigation of any price, discount, or terms of sale for any item of industry product shown in any list of industry products filed with it by any member of the Industry, and for the purpose of the investigation thereof to require such member to furnish such information concerning cost as defined in Section (a) of this article as the Committee shall deem necessary or proper for such purpose.

If after such investigation said Committee shall determine that such price, discount, or terms of sale is unfair as being contrary to Section (a) of this

Article, and if such member within ten days after notice to it of such determination by the Code Committee shall not file a new list showing the price, discount, or terms of sale in accordance with said Section (a) (which shall become effective immediately on the filing of such list), the Code Committee shall report the results of its investigation to the proper authority or authorities for action.

ARTICLE VIII—EXTRAS AND DEDUCTIONS

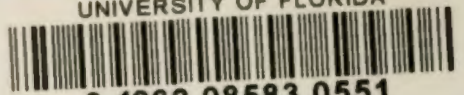
The Code Committee, on the basis of the direct cost thereof (direct cost as used in this article being defined as the cost of labor, material, selling, and distribution, plus 10%) may establish the minimum additions to and maximum deductions from the base prices of the various lines of industry products, which maximum deductions and minimum additions members shall use in determining the list prices of variations from the base products.

ARTICLE IX—SPECIALS

No item of industry products which is not covered by the published list prices of the manufacturer thereof shall be sold or offered for sale at net prices, discounts, or terms more favorable to the purchaser than the most favorable published discounts, terms, or net prices applying to such item.

ARTICLE X—MODIFICATION OR CANCELLATION OF CODE

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 X of the National Industrial Recovery Act from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act; and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code, or any condition imposed by him upon his approval thereof.



SCHEDULE A

STEEL SHELVING DIVISION, DIVISIONAL SUPPLEMENTAL CODE

INDUSTRY PRODUCTS

There shall be adopted three classifications governing Industrial and General Purpose Shelving and Accessories, one for *medium* loads, one for *medium-heavy* loads, and the third for *extra-heavy* loads, to be governed by specifications to be formulated by the Planning and Classification Board and approved by the Code Committee. Revisions may be made from time to time by the Code Committee or by the Administrator at his discretion.

DEFINITION OF CUSTOMERS

Preferred Agent.—A preferred agent is a retailer (individual, firm, or corporation) who buys for resale and invoices direct to the consumer, thus assuming the responsibility for credit and carrying the account. A preferred agent may or may not have an exclusive contract and may or may not carry a stock.

Commission Agent.—A commission agent is a retailer (individual, firm, or corporation) who sells to the consumer on a commission basis, the manufacturer to invoice the consumer.

Consumer.—A consumer is any individual, firm, or corporation who buys for his own use. The discount to which the consumer is entitled shall be determined by the list-price value of merchandise ordered at one time for one delivery.

DISCOUNTS AND TERMS OF SALE

Discounts as provided in Article VI, allowed to each of the above-defined classes of customers, shall be applied to all list prices published under the provisions of said Article, and shall truly represent variance in cost of distribution to the ultimate consumer as determined by the Code Committee in accordance with the provisions of Article VII.

On all sales to consumer the terms shall be 30 days net from date of invoice with no discount for early payment, or, if the equipment is to be erected, the terms are net upon completion of erection.