

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

PHOTOGRAPHIC

MANUFACTURING INDUSTRY

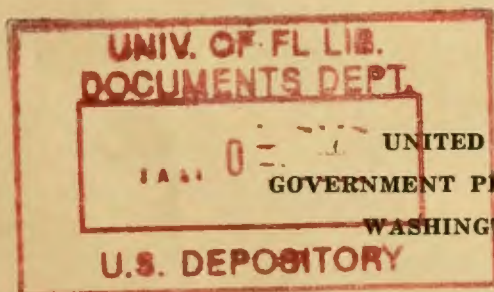
AS APPROVED ON AUGUST 19, 1933

BY

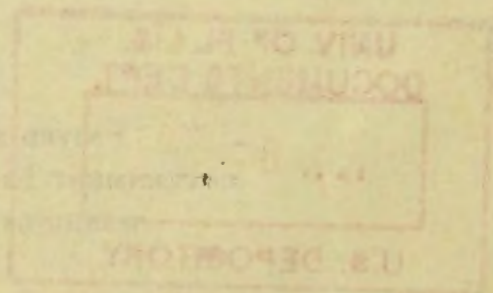
PRESIDENT ROOSEVELT



1. Executive Order
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3. Text of Code



MANUFACTURING INDUSTRY
PHOTOGRAPHIC
CODE OF FAIR COMPETITION
NATIONAL BOARD OF PHOTOGRAPHIC INDUSTRIES



EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE PHOTOGRAPHIC 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 my approval of a Code of Fair Competition for the Photographic Manufacturing 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 said 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 adopt and approve the report, recommendations, and findings of the Administrator and do order that the said Code of Fair Competition be and is hereby approved, subject to the following condition:

(1) To effectuate further the policies of the Act, a Photographic Manufacturing Industry Committee be created to cooperate with the Administrator as a Planning and Fair Practice Agency for the Photographic Manufacturing Industry, which Committee shall consist of seven representatives of the Photographic Manufacturing Industry elected by a fair method of selection, to be approved by the Administrator, and three members without vote appointed by the Administrator.

FRANKLIN D. ROOSEVELT.

Approval Recommended:

HUGH S. JOHNSON, *Administrator*.

THE WHITE HOUSE,

August 19, 1933.

NATIONAL RECOVERY ADMINISTRATION

INTRODUCTION

To the President:

This is a report of the hearing on the Code of Fair Competition for the Photographic Manufacturing Industry in the United States, conducted in Washington on August 4th, 1933, in accordance with the provisions of the National Industrial Recovery Act.

The following exhibits are included and attached:

1. Final Code submitted.
2. Notice of Hearing.
3. Statement of Procedure.
4. Statistical Analysis by Research and Planning Division (Appended).
5. Transcript of the records (Appended).
6. List of Witnesses.
7. Exhibit A, list of Corporations signing the Code.

In the conduct of the hearing every person who had filed a request for an appearance was freely heard in public and all statutory and regulatory requirements were fully fulfilled.

The Code which is attached was presented by duly qualified and authorized representatives of the industry, and complies with the statutory requirements, as representing fully eighty percent of the Photographic Manufacturing Industry in the United States.

ECONOMIC AND STATISTICAL ANALYSIS

Commodities produced by the Photographic Manufacturing Industry had, in 1929, an aggregate value of \$102,827,386, ranking 119th in value of products when compared to other industries for that year. In 1931 the aggregate value was \$79,506,499, representing a decrease of 22.7 percent. This industry produces photographic materials and apparatus including all types of cameras, sensitized material, projectors, films, plates, and other pertinent equipment, but this Code does not include professional motion-picture cameras and projectors, nor chemicals because of their distinctly different applications and uses. A large proportion of the total business volume of this industry is represented by comparatively few companies. Because of the obscurity of data on separate types of commodities manufactured by the industry, the only information available is for commodities manufactured by the industry as a whole. Materials used by the photographic apparatus and materials industry, in the production of its products, can be traced back to almost every raw-material source. This industry is economically related to many another industry by virtue of the diversity of its consumption of other finished commodities.

The peak year for the photographic apparatus industry was 1929. In this year the average purchasing power of the wage earner was

\$30.42 per week. This is considerably above the \$25.28 average for all industry in the same year.

In 1931 the average purchasing power dropped but 22 percent, or to an average of \$23.71, as compared with a drop of 16.2 percent for all industry.

The number of employees in this industry in 1929 was 16,360 persons. Employment from 1929 to 1931 declined 18.2 percent.

There is no specific information available at the present time to show the number of employees in this industry or the hours they are actually employed. However, the following table for 1931 classifies, according to hours per week, the number of employees and establishments and the percentage of distribution.

Hours of labor per week by number of establishments and number of wage earners, 1931

Hours	Number of establishments	Number workers employed	Percent of total employed
Hours not reported.....	2	4
44 hours or less.....	44	941	8.9
45 to 48 hours, inclusive.....	46	9,413	88.7
Over 48 hours.....	18	251	2.4
Total.....	110	10,609	100.0

This Code specifically provides thirty-five cents (\$0.35) per hour or fourteen dollars (\$14.00) per week for 40 hours of labor, except that learners may be paid not less than 80 percent of this minimum wage during a period limited to 60 days and that the total amount paid to such learners shall not exceed in any calendar month 5 percent of the total wages paid by the employer.

There is a provision in this Code for 144 hours per year in excess of the maximum, limited by a requirement that the average hours worked per week shall not exceed 40 hours when averaged over a period of three months. This is due to definite seasonal demand and a perplexing problem peculiar to this industry because of the perishable nature of the sensitized products, and a necessity for pursuance to completion of attendant processes, when once begun.

It is estimated that on the basis of 1931 figures, the 40-hour week would place no additional burden on the ultimate consumer. If wages were maintained on the basis of 1929 figures the price to the consumer would increase 7.8 percent on a 40-hour basis, whereas a 36.7-hour basis would increase this price 9.3 percent.

In order to further effectuate the policies of the Act, it is recommended that the Administrator appoint a Photographic Manufacturing Industry Committee to cooperate with the Administrator as a planning and fair practice agency for this Industry; and that this committee consist of seven representatives of the Photographic Industry elected by fair method with the approval of the Administrator and of three members appointed by the Administrator, as follows: One of recognized experience and technical knowledge from a recognized institution of learning; one to represent the Administrator; and one of recognized ability in the Photographic Manufacturing Industry but without direct personal interest therein.

It is believed that this hearing, which has brought together all diversified branches of the Photographic Manufacturing Industry, is an excellent example of cooperative spirit and evidences a sincere desire on the part of this Industry to manifest the attitude anticipated in the National Recovery Act.

It is further believed that actual facts obtained through the analysis of statistics and reports as provided in this Code will form a basis, in the future, for any revisions required to provide for the needs of this Industry.

FINDINGS

The Administrator finds that—

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Photographic Manufacturing Industry; and that

(c) The Code as recommended 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 immediately adopted.

Respectfully submitted.

HUGH S. JOHNSON, *Administrator.*

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CODE OF FAIR COMPETITION OF THE PHOTOGRAPHIC MANUFACTURING INDUSTRY

To effectuate the policy of Title I of the National Industrial Recovery Act, during the period of the emergency, by reducing and relieving unemployment, improving the standards of labor, eliminating competitive practices destructive of the interests of the public, employees and employers and otherwise stabilizing the Photographic Manufacturing Industry and by increasing the consumption of industrial and agricultural products by increasing purchasing power, and in other respects, the following provisions are established as a Code of Fair Competition for the Photographic Manufacturing Industry:

I

Definitions.—A. The term “Photographic Manufacturing Industry” as used herein is defined to mean the manufacture of any of the following photographic products:

(a) Cameras, exclusive of professional motion-picture cameras using film having a width of 35 mm or greater.

(b) Motion-picture projectors, exclusive of professional motion-picture projectors using film having a width of 35 mm. or greater.

(c) Amateur and professional photographic film, plates, and paper.

(d) Photographic accessories, equipment, and supplies, except photographic mounts and photographic chemicals.

B. The term “employees” as used herein shall include all persons employed in the conduct of such operations, excepting those persons who serve in executive, administrative, supervisory, sales, special accounting, and/or technical capacities.

C. The term “employers” shall include partnerships, associations, trusts, including trustees in bankruptcy and receivers, corporations, and all persons who employ labor in the conduct of any branch of the Photographic Manufacturing Industry as defined above.

D. The term “effective date”, as used herein, is defined to be the tenth day after the approval by the President of the United States of this Code or any part thereof or addition thereto.

II

On and after the effective date the minimum wage that shall be paid any employer in the Photographic Manufacturing Industry shall be at the rate of thirty-five cents (\$.35) an hour, or fourteen dollars (\$14.00) per week for forty (40) hours of labor except that learners may be paid not less than eighty per cent (80%) of such minimum wage during a period limited to sixty (60) days; that the total amount paid to such learners shall not exceed in any calendar month five percent (5%) of the total wages paid to all employees of such employer

during such month; and provided further, that the provisions of this paragraph shall not apply to apprentice machinists and apprentice toolmakers who are now under contract with their employer under forms approved by the National Metal Trades Association or any branch of such association.

III

On and after the effective date the maximum hours of labor for employees shall be forty (40) hours per week, subject to the following limitations and exceptions:

A. That the average hours worked per week by any individual employee shall not exceed the maximum established when figured over a period of three (3) months.

B. That the maximum hours established shall not apply in cases of emergency or in those departments or divisions of the Photographic Manufacturing Industry in which seasonal or peak demand places an unusual and temporary burden for production upon such departments or divisions, except that in all such cases no employee shall be permitted to work more than an aggregate of one hundred forty-four (144) hours per year in excess of the maximum limitations above provided.

C. That the maximum hours established shall not apply to employees engaged in research and experimental capacities or to emulsion makers engaged in secret processes, or to designing and tooling engineers.

D. That the maximum hours established shall not apply to repair shop crews, outside crews, and cleaners, but further provided that all such employees shall be paid at the rate of time and one half for all hours per week over forty.

IV

On and after the effective date employers shall not employ or have in their employ any person under the age of sixteen (16) years.

V

As required by Section 7 (a) of Title I of the National Industrial Recovery Act the following provisions are conditions of the Code:

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

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

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

VI

With a view to keeping the President of the United States and the Administrator informed as to the observance or nonobservance of this code, and as to whether the Photographic Manufacturing Industry is taking appropriate steps to effectuate in all respects the declared policy of the National Industrial Recovery Act, each employer shall prepare and file with the Code Committee of the Photographic Manufacturing Industry, composed of seven members, hereinafter appointed, and at such times and in such manner as may be prescribed, statistics covering number of employees, wage rates, employee earnings, hours of work, and such other data or information as the Code Committee of the Photographic Manufacturing Industry may from time to time require for the use of the Administrator.

Except as otherwise provided in the National Industrial Recovery Act all statistics, data and information filed in accordance with the provisions of Article VI shall be confidential, and the statistics, data and information of one employer shall not be revealed to any other employer except that for the purpose of administering or enforcing the provisions of this Code, the Code Committee of the Photographic Manufacturing Industry shall have access to any and all statistics, data and information that may be furnished in accordance with the provisions of this code.

If formal complaint shall be made to the Code Committee that any of the provisions of this Code have been violated by any employer in the Photographic Manufacturing Industry, the Code Committee shall promptly investigate the facts and to that end may cause such examination to be made as may be deemed necessary in the circumstances, the result of such examination to be reported, if required, to the National Industrial Recovery Administration.

VII

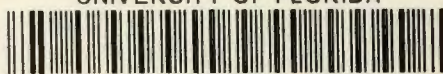
If any employer in the Photographic Manufacturing Industry is also an employer of labor in any other industry the provisions of this Code shall apply to and affect only that part of the business of such employer which is included in the Photographic Industry.

VIII

This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Clause 10 (b) 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 to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval of this Code.

IX

Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or addi-



tional conditions will be submitted for the approval of the President to prevent unfair competition in prices and other unfair destructive and competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act, provided, however, that no modification or amendment of this Code shall be made by the members of the Code without the consent in writing of members employing at the time at least two-thirds in number of the employees subject to the provisions of this Code.

X

All of the provisions of this Code, unless revised, modified, or repealed as hereinabove provided, shall remain in full force and effect until the expiration date of Title I of the National Industrial Recovery Act.

XI

M. B. Folsom is hereby appointed Secretary of the Code Committee. His duties shall be to accept and file applications for membership in the Code, to keep records of all proceedings relating to this Code, and to conduct correspondence with members of the Code relating to all matters arising under the Code. In case of his resignation or death or inability for any reason to act, his successor shall be selected by the then members of the Code.

XII

L. Dudley Field, E. H. Gates, Sherman Hall, Thomas J. Hargrave, J. H. McNabb, Gilbert E. Mosher, and Richard Salzgeber are hereby appointed the seven members of the Code Committee. Any member of the Code Committee may act either in person or by proxy. In case of the resignation, death, or incapacity to act of any member of the Code Committee, his successor shall be selected by the then members of the Code.

By L. DUDLEY FIELD.
E. H. GATES.
SHERMAN HALL.
THOMAS J. HARGRAVE.
J. H. McNABB.
GILBERT E. MOSHER.
RICHARD SALZGEBER.

I, M. B. Folsom, Secretary of the Code Committee of the Photographic Manufacturing Industry, do hereby certify that the foregoing is a true copy of the Code of Fair Competition for the Photographic Manufacturing Industry submitted to the Administrator under the National Industrial Recovery Act on July 27, 1933, as amended by authority of the Code Committee of the Photographic Manufacturing Industry.

[SEAL.]

(s) M. B. FOLSOM,
M. B. FOLSOM,

Secretary of the Code Committee.

Dated AUGUST 11, 1933.