

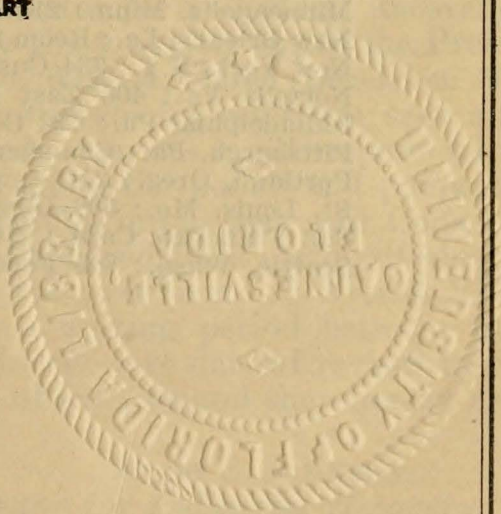
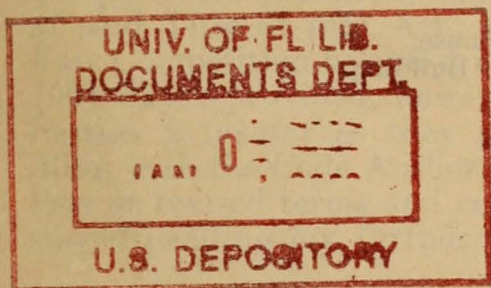
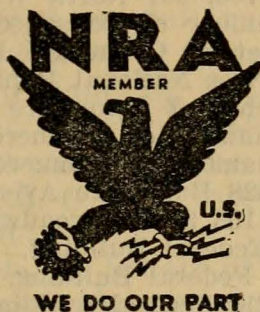
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

PUBLIC SEATING INDUSTRY

AS APPROVED ON JULY 10, 1934



UNITED STATES
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Approved Code No. 477

CODE OF FAIR COMPETITION
FOR THE
PUBLIC SEATING INDUSTRY

As Approved on July 10, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE PUBLIC SEATING
INDUSTRY**

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

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved for a period of ninety (90) days; provided, however, that the provisions of Article VII, Section 2 insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending my further Order.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 10, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Public Seating Industry, as revised after a public hearing conducted in Washington, D.C., on January 19, 1934 in accordance with the provisions of Title I of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO HOURS, WAGES AND GENERAL LABOR PROVISIONS

1. This Code provides that no employee shall be permitted to work in excess of thirty-six (36) hours in any week or in excess of eight (8) hours in any day or more than five (5) days in any week, except as follows:

(a) Employees engaged in clerical or office work shall not be permitted to work in excess of forty (40) hours in any week or nine (9) hours in any day or five and one-half ($5\frac{1}{2}$) days in any week.

(b) Employees engaged as watchmen and night firemen shall not be permitted to work in excess of eighty-four (84) hours in any two (2) weeks' period or forty-eight (48) hours in any week.

(c) To provide for seasonal peaks, employees (other than those engaged in clerical or office work and those engaged as watchmen and night firemen), may be permitted to work not in excess of forty-eight (48) hours in any one (1) week in not more than six (6) weeks of any six (6) months' period; provided, however, that this tolerance shall not be permitted if seasonal demands can be met by the employment of additional employees; and further provided, that at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for all hours worked in excess of the maxima provided in Section 1 of Article III of the Code.

2. This Code exempts from hourly limitations persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week and employees engaged in emergency maintenance or emergency repair work provided, however, that in cases of emergency maintenance or emergency repair work, at least one and one-half ($1\frac{1}{2}$) times the normal rate of pay shall be paid for hours worked in excess of the maximum hours provided in Section 1 of Article III.

3. This Code establishes a minimum rate of pay of forty cents (\$0.40) per hour and a minimum rate of pay irrespective of whether the employee is actually compensated on a time rate, piece work or other basis. Handicapped persons may be employed at less than the minimum wage under the usual prescribed conditions.

4. This Code also provides that no employer shall reduce the existing minimum wage rates of pay where these are now in excess of the

minimum rates established by the Code and further provides for an equitable adjustment of all wages above the minimum. Provisions are incorporated relative to the employment of handicapped persons and rates of pay for female employees and covering complaints by employees of alleged violations, standards for safety and health, posting of the Code, and payment of wages.

5. Further, this Code provides that no employee now employed at a rate in excess of the minimum shall be discharged and reemployed or displaced by another employee at a lower rate for purposes of evading the provisions of this Code. Further, no person under sixteen (16) years of age shall be employed in the industry, and no person under eighteen (18) years of age shall be employed at operations or occupations hazardous in nature or dangerous to health. Further, no employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the provisions of the Act or of this Code.

ECONOMIC EFFECTS OF THE CODE

1. The report of the Research and Planning Division indicates that the sales volume of the industry in 1929 was approximately \$25,000,000 and that about 2,550 were employed in the industry in that year. This report further indicates the absence of available statistics reflecting the trends in this Industry, but nevertheless indicates that the annual sales declined from about \$28,000,000 in the year 1927 to about \$4,800,000 for the year 1933, or about eighty-two percent (82%), and that the severest decline occurred during the last three (3) years as witnessed by a decline from \$20,100,000 in 1930 to \$4,800,000 in 1933. The trend of factory employment has likewise been steadily downward. Since the high point in 1928, employment has dropped about fifty percent (50%) to about 1,041 factory employees in the first half of 1933.

2. The demand for the products of this Industry is to a large degree dependent on the construction, alteration and repair of public structures including schools, theatres and churches.

3. It has been deemed impractical to reduce the work week sufficiently to reabsorb those unemployed since 1929 (which would necessitate a fifteen (15) to twenty (20) hour week) and at the same time to restore the purchasing power of 1929. However, the thirty-six (36) hour week and the minimum hourly rate of forty cents (\$0.40) as established by the Code should provide a material increase in purchasing power.

FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign

commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, I have approved this Code for a period of ninety (90) days in order to provide for the further study and establishment of a more inclusive code or codes comprehending those businesses competitive or potentially competitive in nature and producing products from the same or similar classifications of labor, and by the same or similar machines.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 10, 1934.

CODE OF FAIR COMPETITION FOR THE PUBLIC SEATING INDUSTRY

ARTICLE I—PURPOSE

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Public Seating Industry, and its provisions shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Public Seating Industry" or "industry", as used herein is defined to mean and include the fabricating and/or assembling (for sale) and installing (by those who fabricate and/or assemble) of the products of this industry, and such related branches and sub-divisions as may be from time to time included under the provisions of the Code by the Administrator after such notice and hearing as he may prescribe.

SECTION 2. The term "products of the industry" or "products" as used herein is defined to mean and include public seating (upholstered or non-upholstered), fabricated and/or assembled of wood, plywood, iron, steel, non-ferrous metals, or any combinations of these materials, and consisting of the following:

(a) Fixed or connected seating for such public places as theatres, auditoriums, lodges, assembly halls, shoe stores, rinks, ball parks, race tracks, stadia, and other similar buildings, and structures;

(b) Pewing, chancel, choir stalls, and related furniture and accessories for ecclesiastical purposes (of which an itemized list is attached hereto as Appendix A); furniture for such places as lodge rooms and Sunday schools (of which an itemized list is attached hereto as Appendix B); seats and benches for court houses, hospitals, public waiting rooms and for other similar public purposes, provided, however, all such products are fabricated and/or assembled predominantly of wood or plywood, for a specified project;

(c) Pupil's desks, pupil's tables, pupil's chairs, and school furniture for all educational purposes;

(d) Portable chairs with folding seats in both single and multiple units;

(e) Portable folding seating in single units for other than household use;

(f) Fixed seating for public passenger transportation not including vertical transportation:

Provided, further, that the following are specifically not included:

(g) Bleacher type seats and benches, fabricated and/or assembled exclusively of wood and iron;

(h) Products as defined by Schedule D, the Supplementary Code for the Laboratory Furniture Manufacturers' Section of the Code of Fair Competition for the Scientific Apparatus Industry as approved by the President on November 14, 1933;

(i) Tablet arm chairs and school chairs fabricated and/or assembled exclusively of wood.

SECTION 3. The term "member of the industry" includes anyone engaged in the industry as above defined, either as an employer or on his or its own behalf.

SECTION 4. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 5. The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

SECTION 6. The term "trade" as used herein is defined to mean and include all functional classifications of enterprise in the distributive process.

SECTION 7. The "Trade Practice Committee" as used herein is defined to mean the Committee established by virtue of the approval of the Federal Trade Commission as of February 12, 1930, and which functions as the trade association proposing this Code.

SECTION 8. The terms "President", "Act", and "Administrator" as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of thirty-six (36) hours in any week (seven (7) day period), or eight (8) hours in any one day (twenty-four (24) hour period), or more than five (5) days in any one seven (7) day period.

SECTION 2. *Exceptions as to Hours.*—No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any week (seven (7) day period), or nine (9) hours in any day (twenty-four (24) hour period), or five and one-half (5½) days in any seven (7) day period.

SECTION 3. No person employed as watchman or night fireman shall be permitted to work in excess of eighty-four (84) hours in any two (2) weeks' period or forty-eight (48) hours in any one week.

SECTION 4. To provide for seasonal peaks, employees covered by Section 1 may be permitted to work not in excess of nine (9) hours in any twenty-four (24) hour period, nor more than forty-eight (48) hours in any one week (seven (7) day period) in not more than six (6) weeks of any six (6) months' period; provided, however, that this tolerance shall not be permitted if seasonal demands can be met by the employment of additional employees; and further provided, that at least one and one-half (1½) times the normal rate of pay shall be paid for all hours worked in excess of the maximum provided herein in Section 1.

SECTION 5. *Exemptions as to Hours.*—The maximum hours provided by this Article shall not apply to traveling salesmen, or to persons employed in a managerial or executive capacity who earn

not less than thirty-five dollars (\$35.00) per week, or to employees engaged in emergency maintenance or emergency repair work; provided, however, that in cases of emergency maintenance or emergency repair work at least one and one-half (1½) times the normal rate of pay shall be paid for hours worked in excess of the maximum hours provided herein.

SECTION 6. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which when totaled with that already performed for another employer or employers exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. *Minimum Wage.*—No employee shall be paid less than at the rate of forty cents (\$0.40) per hour, except as herein otherwise provided.

SECTION 2. *Wage Reductions.*—No employer shall reduce existing minimum wage rates of pay where these are now in excess of the minimum rates established by this Article.

SECTION 3. *Handicapped Persons.*—A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the state authority designated by the United States Department of Labor a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to and the maximum hours of work for such employees.

SECTION 4. *Piece-work Compensation—Minimum Wages.*—A guaranteed minimum rate of pay is established by this Article regardless of whether the employee is compensated on the basis of the time rate or on a piece-work performance or other basis.

SECTION 5. *Evasion through Reemployment.*—No employee now employed at a rate in excess of the minimum shall be discharged and reemployed or replaced by another at a lower rate for the purpose of evading the provisions of this Code.

SECTION 6. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

SECTION 7. *Wages above the Minimum.*—On or before the effective date every employer shall make an equitable adjustment of all wage rates above the minimum. In no case shall wage rates be reduced, notwithstanding that the number of hours worked in such employment may be hereby decreased. No change shall be made in piece-work rates which will reduce the hourly or daily earnings of piece workers. The action taken by each member of the industry in accordance with this provision shall be reported to the Code Authority within thirty (30) days after the effective date of this Code and to the Administrator on his request and shall be subject to the Administrator's review and disapproval.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Provision.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within 60 days of the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. *Provisions from the Act.*—As provided by Section 7 (a) of the Act:

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

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

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

SECTION 3. *Standards for Safety and Health.*—Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three (3) months after the effective date of this Code.

SECTION 4. *State Laws.*—No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 5. *Posting.*—Each member of the industry shall comply with the rules and regulations of the Administrator as to posting this Code or portions thereof.

SECTION 6. *Payment of Wages.*—Every employer shall agree to make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand, at the end of each weekly pay period. These wages shall be exempt from any payment for pensions, insurance, or sick benefits other than those voluntarily paid by employees or required by law. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this section regarding payment of wages at the end of each weekly pay period shall not apply to persons employed

in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, nor to persons employed in clerical or office work. Employers shall agree that the wages for persons employed in clerical or office work shall be paid at the end of pay periods not to exceed semi-monthly periods.

SECTION 7. *Dismissals*.—No employee shall be dismissed by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

SECTION 8. *Reclassifications of Employees*.—No member of the industry shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the provisions of the Act or of this Code.

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

SECTION 1. *Organization and Constitution*.—To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 2. The Code Authority shall consist of seven (7) individuals to be selected as hereinafter set forth. The Administrator, in his discretion, may appoint not more than three (3) members, without vote to serve for such terms as he may prescribe.

SECTION 3. These seven individuals constituting industry representatives of the Code Authority shall be elected by a majority vote of members of the industry eligible (as defined by Section 10 of this Article) to participate and participating in the elections. All such members shall be elected from directors, officers, or executives of members of the industry. All seven individuals shall have equal voting power. The first Code Authority shall be elected at a general meeting of the industry called and conducted by the Trade Practice Committee of this industry within fifteen (15) days after the effective date of this Code. Members of the Code Authority shall be elected to serve for a term of one (1) year or until their successors are elected at the next annual meeting of the members of the industry. In the event of any vacancy in the membership of the Code Authority, a special meeting of the members of the industry for an election to fill the incomplete terms of such members shall be called within thirty (30) days after such vacancy shall have occurred. Notice of the time and place of each election shall be sent to all members of the industry who are registered with the Committee or after the effective date of this Code with the Code Authority, or whose names and addresses can be ascertained through diligent inquiry, and to the Administrator at least ten (10) days in advance of such election and voting at such election may be by person, by proxy, or by letter ballot. Each member of the industry eligible (as defined by Section 10 of this Article) shall have one (1) vote. Not more than one (1) representative of the same member of the industry may serve on the Code Authority at any time.

SECTION 4. The representative or representatives who may be appointed by the Administrator together with the Administrator shall be given notice of and may sit at all meetings of the Code Authority and any agency thereof.

SECTION 5. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 6. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate change in personnel or modification of the method of selection of the Code Authority.

SECTION 7. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under the Code, except for his own willful malfeasance or non-feasance.

SECTION 8. The Code Authority shall have the following powers and duties to the extent permitted by the Act; provided, however, that if the Administrator shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Code Authority or agency pending final action, which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form:

(a) To insure the execution of the provisions of this Code and provide for the compliance of the industry with the provisions of the Act, subject to such rules and regulations as the Administrator may prescribe.

(b) To adopt by-laws and rules and regulations for its procedure and for administering and facilitating the enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual reports shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

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

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

(f) To appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to this industry for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other codes.

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who are complying with this Code.

(h) To recommend to the Administrator further fair trade practice provisions and measures for industrial control, including stabilization of employment.

(i) To establish minimum standards of quality of material, workmanship, operation and installation of the products of the industry, provided that nothing herein contained shall be applied to restrict development or advancement of the industry or to prevent any member from manufacturing any industry products, or perfecting developments or making changes or additions.

SECTION 9. It being found necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

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

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

(1) An itemized Budget of its estimated expenses for the foregoing purposes, and

(2) An equitable basis upon which the funds necessary to support such Budget shall be contributed by all members of the industry entitled to benefits accruing from the maintenance of such standards, and the Administration thereof.

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

SECTION 10. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code

and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any problem or insignia of the National Recovery Administration.

SECTION 11. The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved Budget, except upon approval of the Administrator; and no subsequent Budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

ARTICLE VII—PUBLICITY OF PRICES, TERMS, CONDITIONS OF SALE AND COSTS

SECTION 1. Within ten (10) days after the election of the Code Authority of this Code, every member of the industry shall file and shall maintain on file with the Code Authority, or with such agency as the Code Authority may designate, the member's most recently published catalogue, specifications, price lists, discounts applicable thereto, and terms and conditions of sale for all his standard products. Such lists and/or discounts shall include all terms and conditions of sale to each of the member's class of trade provided, however, that no price and/or discount applicable thereto shall provide for less than the member's cost pursuant to Sections 6 and 7 of this Article. A complete schedule of all such catalogues, specifications, price lists, discounts applicable thereto, and terms and conditions of sale for all his standard products shall be immediately distributed by the Code Authority to all members of the industry. Each member of the industry shall also, upon request of the Code Authority, report to the Code Authority prices quoted and prices received and all other terms and conditions of sale on individual closed transactions in such detail as the Code Authority may prescribe. These reports shall be summarized by the Code Authority and distributed to those members of the industry who manufacture and sell identical or similar products as defined in Section 2 of Article II.

SECTION 2. Each member of the industry shall have the right, individually, to file new prices, discounts, terms, and conditions of sale, from time to time, as herein provided. In the event of any change by any member of the industry in any price, discount, specification, term or condition of sale, he shall file full and complete copies of every such change with the Code Authority on the tenth (10th) day in advance of the effective date of any such change, the filing of these copies to be in sufficient quantity to permit copies with notice of the effective date of such change to be immediately distributed by the Code Authority to the members of the industry who may file, if they so desire, revisions of their prices, discounts, specifications, terms or conditions of sale which, if filed in not less than five (5) days prior to such effective date, shall be effective on the same such effective date.¹

¹ See paragraph 2 of order approving this Code.

SECTION 3. Such catalogues, specifications, price lists, discounts, and terms and conditions of sale together with any changes thereto shall be available and open to inspection at all reasonable times by any interested party.

SECTION 4. No member of the industry shall directly or indirectly pay a rebate, allow a deduction, sell or offer to sell or otherwise dispose of any of the standard products of this industry or furnish accessories or parts thereof or any service at any time at more favorable prices, terms and/or conditions of sale than those then in effect and filed in the manner described herein.

SECTION 5. No member of the industry shall render any service other than advice and consultation to any purchaser of any product of the industry in connection with the sale or installation of any product unless a schedule of such services shall have been previously filed with the Code Authority pursuant to the provisions of this Article, and unless fair compensation for such service shall be paid by such purchaser.

SECTION 6. Pending the adoption and use of an approved cost accounting system or methods, as provided herein, each member of the industry shall determine its individual costs in accordance with such cost accounting system or method customarily used by such member.

SECTION 7. The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the industry. After such system and methods have been formulated and approved by the Administrator, full details concerning them shall be made available to all members. Thereafter, all members shall determine and/or estimate costs in accordance with the principles of such methods.

SECTION 8. When the Code Authority determines that an emergency exists in this industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the industry to sell or offer to sell any products of the industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

ARTICLE VIII—TRADE PRACTICE RULES

General Definition.—For all purposes of the Code the acts described in this Article shall constitute unfair practices. Any member of the industry who shall directly, or indirectly, through any officer, employee, agent, or representative, knowingly use, employ, or permit to be employed, any of such unfair practices shall be guilty of a violation of the Code.

RULE 1. No member of the industry shall maliciously induce or attempt to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfere with or obstruct the performance of any contractual duties or services.

RULE 2. No member of the industry shall defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or by the false disparagement of the grade or quality of their goods.

RULE 3. No member of the industry shall make or cause or knowingly permit to be made or published any false, materially inaccurate or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

RULE 4. No member of the industry shall secretly pay or allow rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or extend to certain purchasers special services or privileges not extended to all purchasers on like terms and conditions.

RULE 5. No member of the industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal, or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 6. No member of the industry shall make deceptive or misleading bids to secure an award as low bidder and subsequently make changes in quality, quantity, terms and conditions of sale for the purpose or with the effect of misleading the buyer.

RULE 7. No member of the industry shall recall or revise or offer to recall or revise any quotation, proposal or bid, whether oral or written (submitted in competition to a prospective purchaser) for the purpose or with the intent of submitting a more favorable price, discount, term or condition of sale unless and until there has been a bona fide revision in the plans, specifications or other estimating or purchasing data forming the basis of the prior quotation proposal or bid or unless and until the prospective purchaser has requested revised bids for the materials, labor or service involved.

RULE 8. No member of the industry shall combine quotations or contracts for any product of this industry with any quotation or contract for any other material, labor, or service, for the purpose and with the intent or effect of concealing the true selling price of the product of this industry.

RULE 9. No member of the industry shall omit from its quotation, proposal, or bid, any material, labor, or service required and/or called for by the plans, specifications, or other estimating or purchas-

ing data in order to avoid full responsibility for the complete compliance with all provisions of such plans, specifications, or other estimating or other purchasing data or for the purpose and with the intent of subsequently informing the purchaser that such omitted material, labor, or service was included, in order to underbid a competitor.

RULE 10. No member of the industry shall post-date or pre-date any contract, invoice, quotation, or receipt, withhold from or insert in any contract, invoice, quotation, or receipt any statement which makes such contract, invoice, quotation, or receipt an inaccurate statement either in whole or in part or accept or offer to accept any such contract with the effect of injuring the business of a competitor or violating the provisions of this Code.

RULE 11. No member shall publish or circulate threats or suits for infringement of patents or trade-marks or of any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or intimidating their customers.

RULE 12. No member of the industry shall dispose of dropped lines, seconds, distressed merchandise, obsolete items or inventories, at less than cost, unless and until a statement in writing is filed with the Code Authority not less than fourteen (14) days in advance of such disposal setting forth details of and the necessity for each such transaction.

RULE 13. No member of the industry shall directly or indirectly sell or offer to sell or otherwise dispose of any of the products of this industry or furnish accessories or parts thereof or perform any service below its cost ascertained pursuant to Sections 6 and 7 of Article VII, except to meet quoted competition of a member of the industry whose costs are lower, and which quoted competition is not in violation of the Code.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of sub-section (b) of Section 10 of the 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.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator. Any such application may be made by the Code Authority.

ARTICLE X—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases, except such as may be required to meet individual cost, should be delayed. But when such increases are made, they should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—SUBTERFUGE

No member of the industry shall engage in any subterfuge for the purpose or with the intent or with the effect of defeating the provisions of the Act or of this Code.

ARTICLE XIII—REGISTRATION OF MEMBERS OF THE INDUSTRY

Every person subject to this Code of Fair Competition shall comply with the rules and regulations of the Administrator as to the registration with the Code Authority, or such other agency as the Administrator may direct and including, but without limitation, the number of shops, establishments or separate units thereof and their location, as well as each additional shop, establishment or separate unit opened after registration.

ARTICLE XIV—INSTALLATION (FIELD ERECTION)

The maximum hours, the minimum wages and conditions of employment of all persons engaged in the installation of public seating shall conform to the maximum hours, the minimum wages, and conditions of employment provided in the appropriate code or codes in the construction industry as approved by the President.

ARTICLE XV—EFFECTIVE DATE

This Code shall be effective on the second Monday after approval by the President of the United States.

Approved Code No. 477.

Registry No. 312-21.

APPENDIX A

CHURCH FURNITURE AND ACCESSORIES

CHURCH FURNITURE

Ambulatory Screens	Contribution Plates	Pulpit (High)
Acolyte Seats	Credence Shelf	Balustrade
Alms Boxes	Credence Table	Canopies
Altars	Crosses	Newel Posts
Rails	Dossals	Stairs
Re-Table	Figures (Carved)	Pulpit Set
Tabernacle	Flag Holders	Bible Stand
Tabernacle Safe	Holy Water Fonts	Center Chair
Ambrys	Hymn Boards	Communion Tables
Arks	Iconostasis	Flower Stands
Balcony Fronts	Lecterns	Pulpit
Baldachinos	Litany Desks	Side Chairs
Baptismal Font	Memorial Boards	Readers' Desk
Baptistry Screens	Music Racks	Reliquaries
Bema	Name Plates	Reredos
Bishop's Chair	Narthex Benches and	Riddle Posts
Book Cases	Desks	Rood Beam
Bulletin Boards	Narthex Screen	Rood Screen
Candle Sticks	Organ Console Cases	Sedilia
Cathedral Chairs	Organ Console Screens	Shrines
Ceilings	Organ Screens	Tables
Celebrants' Benches	Paneis (Carved)	Tri-Seats
Chancel Front	Parapets	Trophy Cases
Choir Fronts	Parclose Screens	Tryptich
Choir Stalls	Pedestals	Vestment Cases
Clergy Chairs	Piscina	Wainscot
Communion Rails	Prayer Desks	Wardrobe Cases
Confessionals	Predellas	
Console	Prie Dieu	

CHURCH PEWS AND ACCESSORIES

Back and Seat Supports	Communion Glass Hold-	Front Screens
Body	ers	Guards
Backs { Upholstered	Communion Glass Silenc-	Kneelers
or	ers	Rear Aprons
Seats { Unuphol-	Convent Stalls	Rear Screens
stered	Divisions	Seat Supports
Book Racks	Ends (Pew and Wall)	Talis Boxes
Card Holders	Envelope Holders	Wall Boards

APPENDIX B

LODGE OR FRATERNAL BUILDING FURNITURE

Members Seating	Secretary Desks and	Register Desks
Station Chairs	Chairs	Apron Cabinets
Altar	Middle Chamber Col-	Tilers' Tables
Station Pedestals	ums	Petition Blank Cabinets
Lesser Light Pedestals	Foyer Settees	

SUNDAY SCHOOL FURNITURE

Class Room Benches and	Sand Tables	Class Tables
Chairs	Teachers' Lecterns	
Supply Cabinets	Register Boards	

