

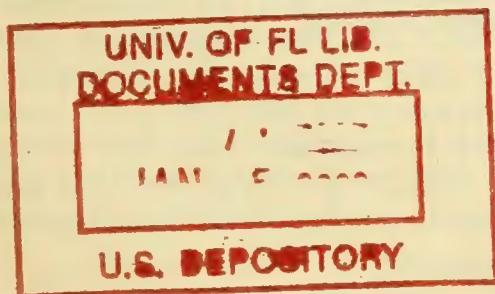
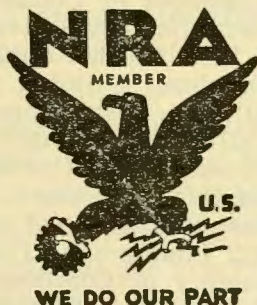
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

CANDLE MANUFACTURING INDUSTRY
AND THE BEESWAX BLEACHERS
AND REFINERS INDUSTRY

AS APPROVED ON DECEMBER 22, 1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1935

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Approved Code No. 302—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CANDLE MANUFACTURING INDUSTRY AND THE BEESWAX BLEACHERS AND REFINERS INDUSTRY

As Approved on December 22, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE CANDLE MANUFACTURING INDUSTRY AND THE BEESWAX BLEACHERS AND REFINERS 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 an amendment to a Code of Fair Competition for the Candle Manufacturing Industry and the Beeswax Bleachers and Refiners Industry, and opportunity to be heard having been afforded all interested parties, and any objections filed having been duly considered, and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

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

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

Approval recommended:

JOSEPH F. BATTLEY,
Acting Division Administrator.

WASHINGTON, D. C.,
December 22, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment to the Code of Fair Competition for the Candle Manufacturing Industry and the Beeswax Bleachers and Refiners Industry, submitted by the Code Authority for such Industry.

The purpose of this amendment is to empower the Code Authority to incorporate and also to provide for the establishment of a voluntary liquidated damages agreement among members of the Industry for violation of any of the provisions of the Code.

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

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

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

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

(d) This amendment and the Code as amended are not designed to and will not permit monopolies and monopolistic practices.

(e) This amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

DECEMBER 22, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
CANDLE MANUFACTURING INDUSTRY AND THE BEES-
WAX BLEACHERS AND REFINERS INDUSTRY

Article II, Section 6, shall be amended to read as follows:

SECTION 6. The term "Act " as used herein shall mean Title I of the National Industrial Recovery Act.

Article II shall be amended to include a new section to read as follows:

SECTION 7. The term "Administrator " as used herein shall mean such person or persons, board or agency, as may from time to time be designated by the President, pursuant to Section 2 (b) of the Act to administer the provisions of such Act.

Article VI shall be amended to include two new sections to read as follows:

SECTION 9. The Code Authority may incorporate under the laws of any State of the United States or of the District of Columbia, such incorporation to be not for profit and to be known as "Candle and Beeswax Code Authority, Inc."; provided that the powers, duties, objects and purposes of the said Corporation shall, to the satisfaction of the Administrator, be limited to the powers, duties, objects and purposes of the Code Authority as provided in the Code; provided further that the Code Authority shall submit to the Administrator for his approval its proposed certificate of incorporation and proposed By-laws, and no amendment of either shall be made without the like prior approval of the Administrator.

SECTION 10. If at any time the Administrator shall determine that the corporate status assumed by the Code Authority is interfering with the proper exercise of its powers and duties under this Code, or with the effectuation of the policies or purposes of the Act, he may, after such notice and hearing as he may deem necessary, require an appropriate modification of the structure of the Corporation (if consistent with the law of the State of Incorporation), the substitution of a corporation created under the laws of another State in the same manner as the existing Code Authority, the substitution of a non-corporate Code Authority truly representative of the Industry, or such other actions as he may deem expedient.

The Code shall be amended to include a new Article to read as follows:

ARTICLE XV—DAMAGES

Recognizing that the violation by a member of any provision of this Code will disrupt the normal course of fair competition in the industry and cause serious damage to others, and that it will be

impossible accurately to determine the amount of such damage, it is hereby provided that those members who may desire to do so may enter into an agreement among themselves embodying the following provisions:

1. Each member violating any provision of this Code shall pay to the Treasurer of the Code Authority, as an individual and not as Treasurer, in trust, as and for liquidated damages, upon determination of violation by the Administrator, or any impartial agency or person nominated by the Code Authority or designated by the assenters of this agreement and approved by the Administrator, amounts as set forth below:

(a) For the violation of any wage provision, an amount equal to the difference between the wages which have been paid and the wages which would have been paid if the member had complied with the applicable provisions of the Code;

(b) For the violation of any hour provision, an amount equal to time and one-half of the employee's regular rate of pay, for all hours worked in excess of the maxima established in Article III of this Code;

(c) For the violation of any labor provision of the Code other than an hour or wage provision, 100 dollars;

(d) For the violation of any provision of the Code (other than a labor provision) involving a transaction incidental to or connected with a sale of any product of the Industry, an amount equal to 25 percent of the actual selling price of the product sold in violation of any such provision or of the price at which the product should have been sold under the Code, if determinable, whichever is the higher, but not less than 25 dollars;

(e) For the violation of any provision of the Code (other than a labor provision) not involving a transaction incidental to or connected with a sale of any product of the Industry, 100 dollars.

2. All amounts so paid to or collected by the Treasurer of the Code Authority, under the provisions of this Article, shall be applied by him as follows: First, if the violation shall have been of a labor provision of the Code, equitable distribution of all damages paid therefor shall be made among all employed directly affected by such violation; Second, if the violation shall have been of a code provision, other than a labor provision, the damages arising therefrom shall be utilized to defray proper expenses of code administration, and the balance, if any, remaining in the hands of the Treasurer shall be distributed semi-annually among members of the Industry who have assented hereto and who have not been determined to have been guilty of a violation of a code provision during the preceding semi-annual period, on the basis of the most recent assessment made against members of the Industry for the expense of code administration.

3. Assent to this Article by any member shall be evidenced by a signed statement signifying assent, filed with the Code Authority. Failure to assent to this Article shall not deprive any member of any other right or privilege under the Code. By so assenting, each member agrees with every other member and the Treasurer, individually (1) that violation of a code provision shall breach this agreement and shall render the violator liable for the payment of liquidated

damages as herein provided, (2) all rights and causes of action arising hereunder are assigned to the Treasurer, individually and in trust, and (3) that the Treasurer, as such assignee and as attorney in fact for each assenting member, may take all proper legal action concerning damages found due hereunder.

4. The Code Authority may waive liability for payment of liquidated damages for any violation it finds to have been innocently made and resulting in no material injury.

5. The Treasurer of the Code Authority, as an individual, and not as Treasurer, by accepting office, accepts the trust established by this contract and agrees to perform the duties of Trustee hereunder until his successor in office may have been appointed.

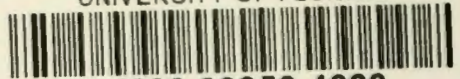
6. The Code Authority shall submit to the National Recovery Administration a complete report on the disposition of each case arising under this Article.

7. Nothing contained herein shall be construed or applied to (a) deprive any person of any right or right of action arising out of this code, or (b) relieve any member of the industry from any contractual or legal obligation arising out of this code or of the Act or otherwise; nor shall violation of this agreement by an assenting member be deemed a violation of the code, so as to subject the violator to any consequence arising under Section 3 (b), Section 3 (c), or Section 3 (f) of the National Industrial Recovery Act, nor to any criminal prosecution of any kind.

8. This agreement may be terminated at any time by a two thirds vote of the members entering into this agreement.

Approved Code No. 302—Amendment No. 1.
Registry No. 625-01.





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