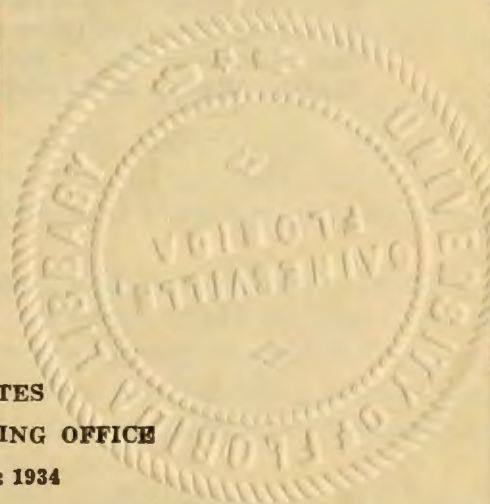
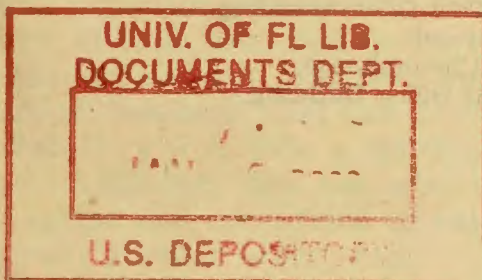
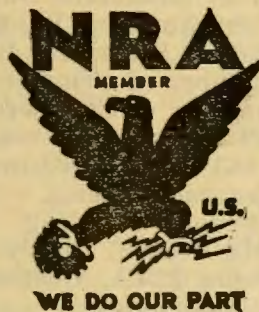


**NATIONAL RECOVERY ADMINISTRATION**

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**CODE OF FAIR COMPETITION**  
**FOR THE**  
**TRAILER**  
**MANUFACTURING INDUSTRY**

**AS APPROVED ON JUNE 26, 1934**

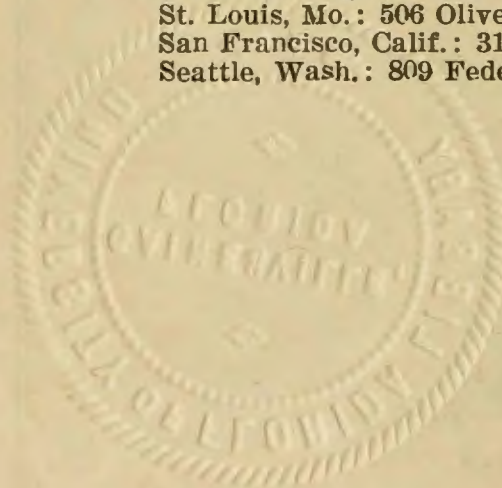


**UNITED STATES**  
**GOVERNMENT PRINTING OFFICE**  
**WASHINGTON: 1934**

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Approved Code No. 471

## CODE OF FAIR COMPETITION

FOR THE

## TRAILER MANUFACTURING INDUSTRY

As Approved on June 26, 1934

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### ORDER

#### CODE OF FAIR COMPETITION FOR THE TRAILER 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 approval of a Code of Fair Competition for the Trailer Manufacturing Industry, and hearing 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;

*Provided*, however, that the provisions of Article VII, Section 5, 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 are hereby stayed pending my further order; and

*Provided*, further, that the provisions of Article VII, Section 6, insofar as it provides that prices in no event shall be less than the individual member's cost, be and they are hereby stayed for a period of sixty (60) days and thereafter, unless, during such period good cause is shown why such stay should not be made permanent, and I by my further order otherwise direct; and

*Provided*, further, that the continued participation of the Trailer Manufacturers' Association in the Code Authority after thirty days

from the effective date of this Code shall be contingent upon its amending its constitution and by-laws to the satisfaction of the Administrator.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

C. E. ADAMS,  
*Division Administrator.*

WASHINGTON, D.C.,  
June 26, 1934.



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The proposed Code of Fair Competition for the Trailer Manufacturing Industry was submitted to the Administrator on August 30, 1933, by the Trailer Manufacturers' Association, representing at least 80% of the volume of production and 70% of the number of manufacturers in the Industry.

The hearing was conducted in Washington on January 11, 1934, and the Code was revised during the recess of this hearing and submitted in its present form for approval. Every person who requested an appearance was properly heard in compliance with statutory and regulatory requirements.

The Industry is nation-wide in scope of operation, with a market which includes large interests and the individual consumer. Figures submitted show a growth from 5 establishments in 1928, to 45 in 1933, with an increase in employees from 1305 in 1928 to 2650 in August, 1933. Annual sales, on the other hand, have not kept pace with the increase in employment, only a slight increase having occurred from a figure of \$7,500,000.00 in 1928 to \$8,500,000.00 in 1932, the last year for which annual sales reports are available.

ARTICLE I. *Purpose.*—States the purpose of the Code.

ARTICLE II. *Definitions.*—Accurately defines the specific terms applicable to the Trailer Manufacturing Industry, as used in this Code.

ARTICLE III. *Hours.*—Maximum hours are limited to 40 hours in any 7 day period, except that during any 6 weeks in any 26 week period, overtime not exceeding 8 hours in any 7 day period is permitted. Watchmen shall not be permitted to work more than 56 hours per week. Travelling salesmen, and executives, supervisors, and managers who earn not less than \$35.00 per week, are not subject to any hourly limitation. The maximum hours shall not apply in cases of emergency maintenance or repair work involving breakdown or protection of life or property.

ARTICLE IV. *Wages.*—The minimum wages for employees, whether actually compensated on a time rate, piecework or other basis, is at the rate of 40¢ per hour, with a minimum rate in the South and in communities of less than 50,000 population of 35¢ per hour, except as otherwise provided. No office or clerical employee shall be paid less than \$15.00 per week, except that in the South and in communities of less than 50,000 population, the rate shall be not less than \$14.00 per week. Office boys or girls may be employed at a rate not less than 80% of the minimum rate paid office employees. Equitable adjustment of all pay schedules above the minimum shall be reported by each employer. Provision is also made for the employing of handicapped persons.



ARTICLE V. *General Labor Provisions.*—Provides that no person under 16 years of age shall be employed, and that no persons under 18 years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The mandatory provisions respecting the rights of employees to organize and bargain collectively are included. Reclassifications of employees for purposes of subterfuge is prohibited. Employers shall provide for the safety and health of employees, observe State and Federal Laws and shall post copies of pertinent parts of this Code so as to be accessible to employees.

ARTICLE VI. *Organization, Powers and Duties of the Code Authority.*—Establishes a Code Authority consisting of 5 persons, 4 of whom are to be selected by the Trailer Manufacturers' Association, and 1 to be selected by non-members of the Association, under a plan to be approved by the Administrator. In addition, the powers and duties of the Code Authority are set forth.

ARTICLE VII. *Trade Practices.*—Sets forth fair trade practices for the Industry, and furthermore provides for the filing of open prices, effective not less than 10 days after filing.

ARTICLE VIII. *Export Trade.*—Sets forth that no provision of this Code relating to prices or terms of selling, shipping or marketing shall apply to export trade or sales or shipments for export trade.

ARTICLE IX. *Modification.*—Sets forth that this Code and all provisions thereof are expressly made subject to the right of the President in accordance with 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 said Act. Provision is made that amendments may be submitted by the Code Authority or in behalf of the Industry or subdivisions thereof, for approval by the Administrator.

ARTICLE X. *Monopolies.*—Sets forth that no provision of this Code shall be so construed or applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI. *Effective Date.*—Sets forth the effective date of this Code as the fifteenth day after its approval by the President.

#### FINDINGS

The 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 Sub-section (a) of Section 3, Sub-section (a) of Section 7, and Sub-section (b) of Section 10 thereof, and that the applicant association is an industrial association truly representative of the aforesaid industry, and that said association 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, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

JUNE 26, 1934.



# CODE OF FAIR COMPETITION FOR THE TRAILER MANUFACTURING INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act the following provisions are established as a Code of Fair Competition for the Trailer Manufacturing Industry, and shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Trailers" as used herein is defined to mean any commercial vehicle attached to or towed behind any motor vehicle, including, but without limitation, passenger automobiles, trucks and truck tractors, but excluding motorcycles, for carrying passengers or freight of any description.

2. The terms "trailer manufacturing industry", "trailer industry" or "Industry" as used herein are defined to mean the manufacturing or assembling and sale by the manufacturer or assembler of Trailers and bodies therefor, and of component and repair parts and accessories by manufacturers or assemblers of trailers, and such related Branches or Subdivisions as may from time to time be included under the provisions of this Code by the President or the Administrator after such notice and hearing as he may prescribe.

3. The term "Association" as used herein, means Trailer Manufacturers' Association, a trade association at present having its office at 7 East 44th Street, New York City.

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

5. The term "employer" as used herein, means anyone for whose benefit such employee is so engaged.

6. The term "member of the industry" includes but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

7. The terms "President", "Act" and "Administrator" as used herein, mean respectively the President of the United States, Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery. Population for the purposes of this Code shall be determined by reference to the 1930 Federal Census, and Trade Areas shall be defined according to the maps of the U.S. Department of Commerce.

## ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any seven (7) day period, except as herein below otherwise provided.



2. The provisions of the above Section 1 shall not apply to:

A. Traveling salesmen.

B. Persons engaged in a supervisory, managerial or executive capacity, who earn not less than Thirty-five (\$35.00) Dollars per week.

C. Watchmen, who shall not be permitted to work in excess of fifty-six (56) hours in any one week.

3. Employees may be permitted to work in excess of the maximum hours provided in Section 1 of this Article during any six (6) weeks in any twenty-six (26) weeks' period, provided, that during such six (6) weeks, such overtime shall not exceed eight (8) hours in any seven (7) day period; and provided further, that compensation at a rate of at least one and one-half ( $1\frac{1}{2}$ ) times the regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period, or forty (40) hours in any seven (7) day period.

4. The maximum hours provided in Section 1 of this Article shall not apply to any employees engaged in emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but compensation at a rate of at least one and one-half ( $1\frac{1}{2}$ ) times the regular rate shall be paid to such employees for all hours worked in excess of eight (8) hours in any twenty-four (24) hour period, or forty (40) hours in any seven (7) day period.

5. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

6. No employer shall perform the functions of any employee, except in compliance with the provisions of this Article.

7. No employer shall knowingly permit any employee to work for any time which when totalled with that already performed with another employer or employers, exceeds the maximum hours permitted herein.

#### ARTICLE IV—WAGES

1. No employee, except as herein otherwise provided, shall be paid less than at the rate of forty (40¢) cents per hour.

(a) In communities of less than 50,000 population and in the states of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, Mississippi, and Louisiana, no employee shall be paid less than at the rate of thirty-five (35¢) cents per hour.

2. No office or clerical employee, except as herein otherwise provided shall be paid less than at the rate of fifteen (\$15.00) Dollars per week.

(a) In communities of less than 50,000 population and in the states of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, Mississippi and Louisiana, no such office or clerical employee shall be paid less than at the rate of fourteen (\$14.00) Dollars per week.

3. Office boys or girls may be employed at not less than eighty (80) per cent of the minimum rate set forth in Section 2 of this Article IV; provided, that the number of such office boys or girls in the employ of any member of the industry shall not exceed five (5) per cent of the total number of office employees of such member, but at



least one such office boy or girl may be employed by any member of the industry.

4. This Article establishes minimum rates of pay which shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

5. Each employer shall make an equitable adjustment of all pay schedules above the minimum and not later than thirty (30) days after the effective date of this Code, each employer in the industry shall report to the Administrator, through the Code Authority hereinafter provided for, the action taken by such employer since June 16, 1933 in adjusting the hourly wage rates for all employees receiving more than the minimum rates. Such adjustment shall not reduce the hourly wage rate of any such employee.

6. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

7. A person whose earning capacity is limited because of age or physical or mental handicap 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 U.S. Department of Labor a certificate authorizing his 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 U.S. Department of Labor in issuing certificates to such persons. Each employer shall file with the Code Authority a list of all such persons employed by him.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Trailer Industry. No persons 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 for approval within ninety (90) days from the effective date a list of such 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 valid certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

2. 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.

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

3. No member of the industry shall reclassify employees or duties or occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.



4. 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 for approval within six months after the effective date of this Code.

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

6. All employers shall post in conspicuous places accessible to employees full copies of Articles III, IV and V, and any other labor provisions of this Code, in accordance with such rules and regulations as may be established by the Administrator.

#### ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY.<sup>1</sup>

1. There is hereby constituted a Code Authority consisting of five (5) persons, four (4) members thereof to be selected by the Trailer Manufacturers' Association by a majority vote of the members present at the annual meeting held on January 10, 1934, as adjourned, and at each annual meeting of said Association thereafter, so long as this Code shall be in effect, and the other member of said Code Authority to be selected by a fair method of selection, approved by the Administrator by nonmembers of the Association who have assented to and are complying with this Code.

2. In addition to membership as hereinabove provided, there may be not more than three (3) additional members, without vote, to be appointed by the Administrator, to serve for such terms as may be specified by the Administrator.

3. 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.

4. 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, he may require an appropriate modification in the method of selection of the Code Authority.

5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall this Code be construed to render any member of the Code Authority liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall this Code be construed

<sup>1</sup> See paragraph 5 of order approving this Code.



to render any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, liable to anyone for any action or omission to act under this Code, except for his own willful malfeasance or non-feasance.

6. Members of the industry shall be entitled to vote for the Code Authority as above provided and participate in and share the benefits of the activities of the Code Authority by assenting to and complying with the requirements of this Code, and sustaining their pro rata share of the expenses of its administration as determined by the Code Authority, subject to approval by the Administrator, on the basis of volume of business, or such other factors as may be deemed equitable.

7. 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 such 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.

8. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and provide for the compliance of the members of the Industry with the provision of the Act.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and 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, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator 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 designated 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 secure from members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining



the Code Authority and its activities, in conformity with Section 6 of this Article VI.

(g) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other or with other Industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

#### ARTICLE VII—TRADE PRACTICES

The following practices are hereby declared unfair methods of competition and no member of the Industry shall engage in such practices.

1. To make contracts, blanket orders, or other commitments guaranteeing prices, except upon firm orders for definite quantities and definite times of delivery.

2. To demonstrate Trailers to any customers or prospective customers for more than one period of seventy-two (72) hours; or to loan or rent Trailers to any customer or prospective customer, except in accordance with the following requirements; (a) Such Trailers shall not be loaned or rented for more than one period of thirty (30) days; and, (b) There shall be an adequate rental charge based upon the value of the Trailer loaned or rented.

3. To sell Trailers or permit them to be sold with a represented capacity more than the rated capacity of the axles of said trailers, having regard to the distribution of the load on the axles. No member of the industry shall represent the gross load which can be carried by the trailer axle or axles to be greater than the manufacturer's rated capacity. These rated capacities shall be stated in specifications, and a complete list of axle sizes and rated capacities shall be filed with the Code Authority, which shall make the same available to all members of the industry as well as to customers or prospective customers.

4. To sell products of the industry to any customer at net realized prices lower than are offered to all other customers of the same classification for the same quantity, grade, quality, or style, provided, however, that due allowance may be made for differences in transportation costs. The Code Authority shall recommend to the Administrator a fair and equitable classification of customers based upon services rendered. Upon approval of the Administrator, after such hearing as he may prescribe, such classification shall be adhered to by all members of the industry. If any application of the foregoing classifications should work unjust hardship upon any member of the industry or any customer, such member of the industry or customer may appeal to the Code Authority, which shall have power to make or require, subject to approval by the Administrator, such reclassification as justice demands.

5. To fail to file with the Code Authority a net price list or a price list and discount sheet, as the case may be, individually prepared by the member of the industry showing his current prices, or prices and discounts, and terms of payment on products of the industry other than special trailers to the respective classes of customers established pursuant to Section 4 of this Article VII. The



Code Authority shall immediately send copies thereof to all other members of the industry. The Code Authority shall likewise make such filed prices available for inspection by customers or prospective customers of the classification or classifications affected. Revised price lists, with or without discount sheets, may be filed from time to time thereafter with the Code Authority by any member of the industry, to become effective upon a date specified by such member, which date shall be not less than ten (10) days after the filing of such revised prices with the Code Authority and copies thereof with notice of the effective date specified shall be immediately sent to all other members of the industry who thereupon may file, if they so desire, revisions of their price lists and/or discount sheets, which, if filed previous to such effective date, shall take effect upon said date. The Code Authority shall likewise make such revised filed prices available for inspection by customers or prospective customers of the classification or classifications affected.

No member of the industry shall sell or offer to sell any product at prices, discounts or terms of payment other than as provided in the schedule of such member on file with the Code Authority, as above provided.<sup>2</sup>

6. To fail to calculate prices for special trailers on the same basis as those for which prices are filed, which prices in no event shall be less than the individual member's cost. There shall be no requirement for the publishing or filing of list prices for special trailers.<sup>3</sup>

7. To sell or offer for sale any product of the Industry by any false means or device which has the tendency and capacity to mislead or deceive customers or prospective customers in any material particular as to such product (including but without limitation capacity, quality, grade, substance, or size of such product).

8. To imitate the trade marks, trade names, slogans, or other marks of identification of competitors, having the tendency or capacity to mislead or deceive purchasers or prospective purchasers.

9. To make verbal or written warranties or "guarantees" which contain statements and representations respecting the product (including, but without limitation, capacity, weight, method of construction, and character of material used) having the tendency or capacity to mislead or deceive purchasers or prospective purchasers in some material particular.

10. To induce or attempt to induce the breach of an existing contract between a competitor and his or its customer or source of supply; or to interfere with or obstruct the performance of any such contractual duties or services, with the purpose or effect of unduly hampering, injuring or embarrassing competitors in their business.

11. To publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

12. Secretly to offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, or secretly to offer or extend to any customer any special service or privilege not extended

<sup>2</sup> See paragraph 3 of order approving this Code.

<sup>3</sup> See paragraph 4 of order approving this Code.



to all customers of the same class, for the purpose of influencing a sale.

13. To give, permit to be given, or directly 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 or such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party. This Section 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 herein above defined.

14. To make any installment or time sales of new or used Trailers, except on the following basis:

a. Minimum payment at time of delivery of twenty-five (25%) per cent. In the computation of such minimum down payment, the value of used equipment accepted in trade, may be included.

b. Terms shall not be granted beyond eighteen (18) months from date of delivery, including period of rental, if any.

c. Interest shall be required on the deferred balance of the purchase price at the rate of not less than six per cent (6%) per annum.

d. If the member of the industry shall have paid any insurance premium in behalf of the purchaser, such sums so paid shall be repaid to the member in addition to payments made on account of the purchase price and interest thereon.

15. To make allowance for trade-in of any product of the industry in excess of the then actual resale value thereof as may be determined on the basis of rules and regulations to be formulated by the Code Authority and approved by the Administrator.

16. After sixty (60) days from the date of approval of this Code to sell or ship products of the Industry on consignment except to wholly owned subsidiaries of the selling or shipping member of the Industry. If the application of this Section should work unjust hardship upon any member of the Industry or any customer, such member or customer may appeal to the Administrator who shall have power to grant such relief as justice may require.

#### ARTICLE VIII—EXPORT TRADE

1. No provision of this Code relating to prices or terms of selling, shipping, or marketing shall apply to export trade or sales or shipments for export trade.

2. With the approval of the Code Authority and the Administrator, an exception similar to that provided in Section 1 of this Article shall apply to any sale or shipment of materials actually used in manufacture for Export Trade.

#### ARTICLE IX—MODIFICATION

1. This Code and all 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 said Act.





2. Such provisions of this Code as are not required to be included therein by the National Industrial Recovery Act, may, upon application duly made on behalf of the Industry and with the approval of the Administrator, be modified or eliminated. It is contemplated that from time to time supplementary provisions to this Code or additional Codes may be submitted in behalf of the Industry or various subdivisions thereof for approval. The Code Authority may recommend any amendment of this Code and upon approval thereof by the Administrator after such notice and hearing as he may prescribe, such amendment shall be binding as a part of this Code.

#### ARTICLE X—MONOPOLIES

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

#### ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the fifteenth day after its approval by the President, and shall continue in effect until June 16, 1935, or until such time prior thereto when the President shall, by proclamation, or the Congress shall by joint resolution, declare that the emergency recognized by Section 1 of the Act has ended.

Approved Code No. 471.

Registry No. 1420-01.

