

**NATIONAL RECOVERY ADMINISTRATION**

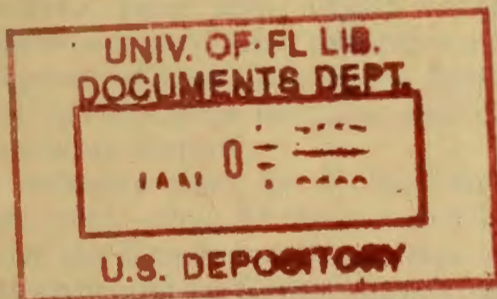
---

**PROPOSED CODE OF FAIR COMPETITION**

**FOR THE**

**COOPERAGE INDUSTRY**

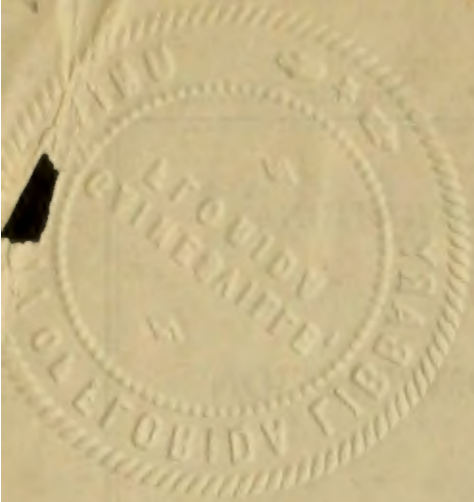
**AS SUBMITTED ON SEPTEMBER 1, 1933**



The Code for the Cooperage Industry  
in its present form merely reflects the proposal of the above-mentioned  
industry, and *none of the provisions contained therein are*  
*to be regarded as having received the approval of*  
*the National Recovery Administration*  
*as applying to this industry*

---

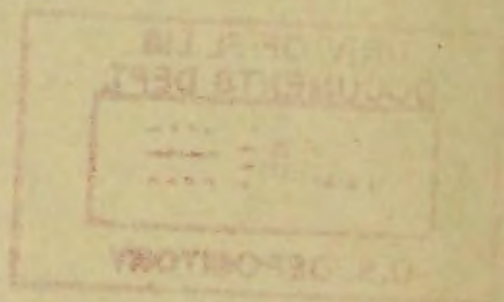
UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1933



SUBMITTED BY

THE ASSOCIATED COOPERAGE INDUSTRIES OF AMERICA

(II)



# **TENTATIVE CODE OF FAIR COMPETITION FOR THE COOPERAGE INDUSTRY**

**PROPOSED BY THE ASSOCIATED COOPERAGE INDUSTRIES OF AMERICA**

## **ARTICLE I**

It is hereby declared to be the purpose of the Cooperage Industry to eliminate unfair competitive and unfair trade practices within the industry, to increase purchasing power and improve standards of labor, to induce and maintain united action between labor and management under governmental supervision, and in general to promote and protect the welfare of this industry in accord with Title I of the National Industrial Recovery Act.

## **ARTICLE II—ORGANIZATION**

The Executive Committee of The Associated Cooperage Industries of America shall constitute the Executive Authority in the administration and enforcement of this Code. It shall be the general planning and coordinating agency for the industry, shall secure adherence hereto, hear and adjust complaints, consider proposals for amendments hereof and exceptions hereto, and otherwise carry out the purposes of this Code as set forth in the Act, including the making and enforcement of rules and regulations not inconsistent with the provisions hereof.

The industry shall be divided into Divisions as set forth below, and into such other Divisions or Classes as may hereafter be determined by the Executive Committee. The Executive Committee shall appoint appropriate Code Committees or other agencies in each Division for the administration of this Code within such Division; may delegate to such agencies all necessary power and authority for the administration of this Code within such Class or Division, including the adoption of divisional and subdivisonal Code provisions not inconsistent with this Code; but said Executive Committee shall reserve and retain generally the power and duty to enforce the provisions of this Code.

## **ARTICLE III—MEMBERSHIP**

The word "persons" as used herein includes any individual, firm, partnership, association, or corporation. Membership in The Associated Cooperage Industries of America shall be upon terms of equality to all persons engaged in any branch of the cooperage industry, including distributors and dealers in both new and second-hand cooperage and cooperage stock.

All persons subject to the jurisdiction of this Code shall from time to time as required make in confidence to the party empowered to receive same, such reports on wages, hours of labor, conditions of employment, number of employees, production, shipments, sales, stocks, prices, and other data pertinent to the purposes of this Code, shall permit inspection of pertinent records, and shall from time to time, upon demand, pay to this Association its proportionate share of the amounts necessary to defray all expenses incurred in effectuating within the industry the purposes and requirements of the National Industrial Recovery Act.

#### ARTICLE IV—DIVISIONS

Divisions of the industry are hereby established as follows:

- (1) Slack Barrel and Keg Division.
- (2) Slack Stave, Heading, and Hoop Division.
- (3) Tight Barrel and Keg Division.
- (4) Tight Stave, Heading, and Hoop Division.
- (5) Beer Stave, Heading, and Cooperage Division.
- (6) Fir Stave, Heading, and Cooperage Division.
- (7) White Pine Stave, Heading, and Cooperage Division.

#### ARTICLE V.—LABOR PROVISIONS

(a) No person under 16 years of age shall be employed or permitted to work in this industry.

(b) Employees of persons subject to the jurisdiction of this Code 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.

(c) No employee of persons subject to the jurisdiction of this Code, and no one seeking employment from such persons, 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.

(d) Persons subject to the jurisdiction of this Code agree to comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President pursuant to the provisions of the National Industrial Recovery Act.

(e) It is clearly understood that nothing in this Code shall impair any Constitutional rights of the employee and employer, including the right to bargain individually or collectively as may be mutually satisfactory to them; nor impair the joint right of employee and employer to operate an open shop, such right and shop being considered as conforming to the following statement by Administrator H. S. Johnson:

"An open shop is a place where any man who is competent and whose services are desired will be employed, regardless of whether or not he belongs to a union. That is exactly what this law says.

The statute cannot be qualified. The law clearly states that there shall not be any requirement as to whether or not a man belongs to a union."

(f) Nothing in this Code shall be construed to interfere with or prevent the selection, retention, and advancement of employees on the basis of their individual merit, without regard to their affiliation or nonaffiliation with any labor organization.

(g) Nothing in this Code shall authorize any change in the maximum hours of labor, minimum rates of pay, or other conditions of employment specified in this Code, without the agreement of a truly representative association or group of the trade or industry, or subdivision thereof, to which this Code applies.

#### ARTICLE VI—HOURS OF LABOR

The maximum hours of labor of employees subject to the jurisdiction of this Code shall be forty (40) hours a week, in the manufacture, reworking, repairing, and distribution of cooperage, and forty-eight (48) hours a week in the production of staves, heading, and hoops, subject to the following exceptions:

1. The provisions herein shall not apply to watchmen, firemen, outside salesmen, repair and maintenance, transportation and shipping employees, those employed solely in executive or supervisory work, and temporary employment in cases of emergency.

2. Seasonal employment in excess of the standards herein where operations are necessarily limited by climatic or other physical factors to less than 12 months in each year.

3. Farmers and other persons producing by their own manual labor and selling their products to members hereof.

4. Work on cooperage required for export trade, for packinghouse, dairy, agricultural, and all perishable food products, and also for beer and whiskey.

#### ARTICLE VII—MINIMUM WAGES

The minimum wages for common labor which shall be paid by persons subject to the jurisdiction of this Code shall be as follows:

(1) In all cooperage shops, thirty (30¢) cents per hour, subject to the following exceptions:

(a) for boys between 16 and 18 years of age it shall be twenty (20¢) cents per hour;

(b) in the manufacture of potato and apple barrels it shall be twenty (20¢) cents per hour.

(2) In mills producing staves, heading, and hoops for cooperage, twenty (20¢) cents per hour.

These minimum rates of pay are guaranteed regardless of whether the employee is compensated on the basis of a time-rate or piece-work performance, and semi-skilled and skilled labor shall be compensated at wage rates equitably higher than common labor.

#### ARTICLE VIII—SELLING PRICES

The sale of any product by a member of the industry at less than his cost of production or replacement cost, including the cost of all

materials or elements recognized in accounting for Federal income-tax returns is hereby declared to be an unfair trade practice; provided, however, that in exceptional cases or for exceptional reasons permission may in its discretion be given by the Executive Committee to make such sales at less than such cost, in which event members shall receive the refusal of purchasing at such less-than-cost prices.

#### ARTICLE IX—CANCELLATION OR MODIFICATION

This Code or any of its provisions shall be cancelled or modified and any approved rule issued hereunder shall be ineffective to the extent necessary to conform to any action by the President under Section 10 (b) of the National Industrial Recovery Act in cancellation or modification of any order, approval, license, rule, or regulation pertaining thereto.

#### ARTICLES X—MONOPOLIES

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

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

#### ARTICLE XI—VIOLATIONS

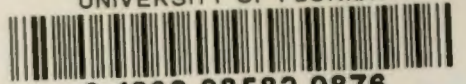
Violation by any persons subject to the provisions of this Code or any provision of this Code, or of any approved rule issued hereunder, is an unfair method of competition, and the offender shall be subject to the penalties imposed by the National Industrial Recovery Act.

#### ARTICLE XII—EFFECTIVE DATE

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







3 1262 08582 9876