

**NATIONAL RECOVERY ADMINISTRATION**

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**CODE OF FAIR COMPETITION**

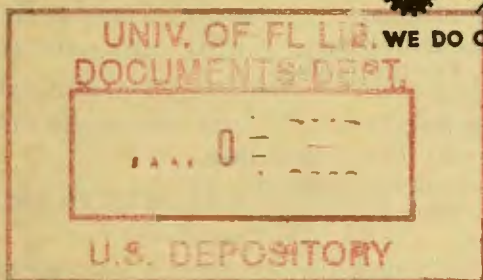
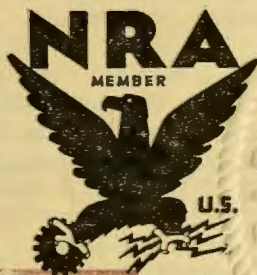
**FOR THE**

**MILLINERY AND DRESS TRIMMING  
BRAID AND TEXTILE INDUSTRY**

**AS APPROVED ON OCTOBER 31, 1933**

**BY**

**PRESIDENT ROOSEVELT**



1. Executive Order
2. Letter of Transmittal
3. Code

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## EXECUTIVE ORDER

### CODE OF FAIR COMPETITION FOR THE MILLINERY AND DRESS TRIMMING BRAID AND TEXTILE INDUSTRY

An application having been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Millinery and Dress Trimming Braid and Textile Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of the said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*October 31, 1933.*

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

(III)

SEPTEMBER 29, 1933.

THE PRESIDENT,  
*The White House.*

SIR: I have the honor to submit and recommend for your approval, the Code of Fair Competition for the Millinery and Dress Trimming, Braid and Textile Industry. The code has been approved by the Labor Advisory Board, the Consumers Advisory Board, and the Industrial Advisory Board.

An analysis of the provisions of the code has been made by the Administration, and a complete report is being transmitted to you. I find that the code complies with the requirements of clauses 1 and 2, subsection (a) of section 3, of the National Industrial Recovery Act.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

(IV)



# CODE OF FAIR COMPETITION FOR THE MILLINERY AND DRESS TRIMMING, BRAID, AND TEXTILE INDUSTRY

## PREAMBLE

### PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Millinery and Dress Trimming, Braid, and Textile Industry, and shall be the standard of fair competition for such industry, and shall be binding upon every member thereof.

## ARTICLE I—DEFINITIONS

(a) The term "Millinery and Dress Trimming, Braid, and Textile Industry" as used herein includes the manufacture and distribution by manufacturers, of braids, narrow fabrics, banding, cloths, or textile fabrics, made in major portion of unusual synthetic yarns and not of wool, silk, cotton, or rayon (or similar yarn made from acetate) for the use and consumption of the Millinery and Dress Trimming trades, and such branches or subdivisions as may from time to time be included under the provisions of this Code.

(b) The term "employee" as used herein includes any person engaged in any branch of the Industry, in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

(c) The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

(d) The term "member of the Industry" includes anyone engaged in the Industry as above defined, either as an employer or on his own behalf.

(e) The terms "President", "Act", and "Administrator" as used herein shall mean, respectively, the President of the United States, the National Industrial Recovery Act, and the Administrator of said Act.

(f) The term "Association" shall mean the Millinery and Dress Trimming, Braid, and Textile Association.

(g) The term "effective date" as used herein means the tenth (10th) day after the approval of this Code by the President.

## ARTICLE II—WAGES

(a) No employee shall be paid at less than the rate of thirty-five cents (35¢) per hour in New York City, nor at less than the rate of thirty-two and a half cents (32½¢) per hour elsewhere in the United States of America.



(b) This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piecework or other basis.

(c) Individual earnings at present above the minimum shall not be decreased, but rates of pay in excess of the minimum prescribed in paragraph (a) of this Article shall be increased so as to preserve the differences in earnings existing on July 1, 1933.

(d) Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

### ARTICLE III—HOURS

(a) No employee shall be permitted to work in excess of forty (40) hours in any one (1) week, or eight (8) hours in any twenty-four (24) hour period, except supervisors earning thirty dollars (\$30.00) a week or over, repair shop crews, engineers, firemen, shipping and watching crews. The excepted employees, other than the supervisors, working in excess of forty (40) hours shall receive time and a third for all overtime.

(b) Pending action by the Code Authority under the terms of Section 3 (e) of the National Industrial Recovery Act, a committee shall be designated by the Code Authority to investigate the labor reserve problems of the industry with a view to recommending a means of meeting this problem.

(c) The foregoing provisions for maximum hours shall establish the maximum hours of labor per week of every employee other than those employees excepted therein, so that under no circumstances shall an employee work or be permitted to work for any one or more employers in the industry an aggregate in excess of the prescribed number of hours in any single week.

### ARTICLE IV—GENERAL LABOR PROVISIONS

(a) No person under sixteen (16) years of age shall be employed in the industry.

(b) 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.

(c) 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.

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

(e) Within a State this Code shall not supersede any laws of such State imposing more stringent requirements regulating the ages of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.



(f) Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

(g) Each employer shall post in conspicuous places on his premises such copies of this Code or portions thereof as required by the Code Authority.

#### ARTICLE V—REPORTS

With a view to keeping the Administrator informed as to the observance of this Code, and as to whether the industry is taking appropriate steps to effect the purposes of Title I of the National Industrial Recovery Act, each member of the industry shall furnish duly certified reports in substance as follows, and in such form as may hereafter be provided and at such times as the Code Authority, with the approval of the Administrator, may require.

(1) *Wages and Hours of Labor*.—Returns every four (4) weeks showing actual hours worked by the various occupational groups of employees and weekly earnings;

(2) *Reports of Production, Sales, Stock, and Orders*.—Returns showing production in terms of commonly used units, i.e., gross yards or pounds, or pieces; stock on hand, both sold and unsold, in the same terms, and unfilled orders stated also in the same terms. These returns are to be confined to staple construction of millinery textiles.

(3) The Association is constituted the agency for collecting such reports, which shall be kept confidential by such Association, and only made available as the Administrator may direct.

(4) In addition to the information required to be submitted to the Association, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

#### ARTICLE VI—ADMINISTRATION

Further to effectuate the policies of the Act, a Code Authority is hereby stituted to cooperate with the Administrator in the administration of this Code.

(a) *Organization and constitution of the Code Authority*.—(1) The Code Authority shall consist of five (5) individuals or such other number as may be provided from time to time by the Administrator, to be selected as hereinafter set forth. The Administrator, in his discretion, may appoint not more than three (3) additional members to represent himself or such interests or groups as he may deem entitled to such representation.

(2) The five (5) members representing the industry shall be selected by the members of the industry at a general meeting called by the Association for the purpose, under regulations approved by the Administrator.

(3) In order that the Code Authority shall at all times be truly representative of the industry, the Administrator shall provide such hearings as he may deem proper and may at any time change or modify the method of selection, the groups making such selection, and the membership of the Code Authority.



(4) Any trade or industrial association participating in the selection of activities of the Code Authority shall:

(a) Impose no inequitable restrictions on membership, and all members shall be entitled on equitable terms and conditions to become members thereof; and

(b) Submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may require, and shall comply with such orders as the Administrator may make in respect thereto to effect the purposes of this Act.

(5) Any member of the industry subject to this Code may participate in the selection of the Code Authority and in the benefits of its activities by assenting to and complying with the provisions of the Code and sustaining a reasonable share of the expenses of administration. Such reasonable share shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

(b) The Code Authority shall have the following duties and powers to the extent permitted by this Act and subject to review by the Administrator:

(1) It shall assist in the arbitration of disputes between members of the industry;

(2) It shall bring notices of violations to the proper authorities;

(3) It shall secure current information concerning the competition in domestic markets of imported braids, bandings, cloths, hat bodies, narrow fabrics for use and consumption by the Millinery and Dress Trimming trades, and if it is found that such products are being imported into the United States in substantial quantities or increased ratio to domestic production, and on such terms or on such conditions as to render ineffective or seriously to endanger the maintenance of this Code, it shall complain to the President, pursuant to the provisions of Section 3 (e) of the National Industrial Recovery Act, and petition for suitable restrictions on the importation of such production.

(4) It shall compute the lowest reasonable cost of production of products in the industry, which shall be determined as follows:

It shall, from time to time, but not less than once each year, through certified public accountants, approved by the Administrator, compute the lowest reasonable cost of production on a fair basis. When this lowest reasonable cost has been approved by the Administrator, it shall be proclaimed by the Code Authority and shall be binding upon all members of the industry.

(5) It shall, with the approval of the Administrator, establish a procedure for the registration of style patterns and thereafter the copying and offering for sale of any style pattern or any style design originated by another manufacturer, within six (6) months of the date of the registry of such style pattern or style design with the Association by such manufacturer, with the effect of injuring the industry or customers or consumers, shall be an unfair trade practice and hereby prohibited.



## ARTICLE VII

(a) *Sales Below Cost*.—(1) No member of the industry shall sell or distribute braids, bandings, cloths, hat bodies, or narrow fabrics, of his manufacture, for use and consumption by the Millinery and Dress Trimming trades (except distress merchandise, out of style numbers and/or overstocks, which are hereinafter provided for), at a price below the lowest reasonable cost of such product commercially made under this Code. The lowest reasonable cost shall be determined as provided in Article VI (b), Section 5.

(2) In order to provide for the orderly disposition of distress merchandise, out of style numbers, and/or overstocks, such merchandise shall be reported to the Code Authority with such information as the Code Authority may require. Subject to review by the Administrator, the Code Authority shall recommend as speedily as practicable the methods and conditions of disposal with a view to the best interests of the manufacturer, the industry, and the public.

(b) Any one who manufactures any of the products included within the industry, as defined in Article I, shall be bound by this Code to the extent of his production of such articles.

## ARTICLE VIII—MODIFICATION

This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, 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.

## ARTICLE IX—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 X—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that when made the same should so far as reasonably possible be limited to actual increases in the sellers' costs.

## ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the tenth (10th) day after its approval by the President.



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