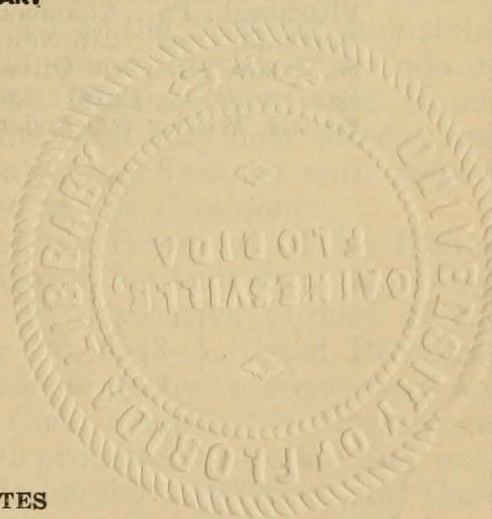
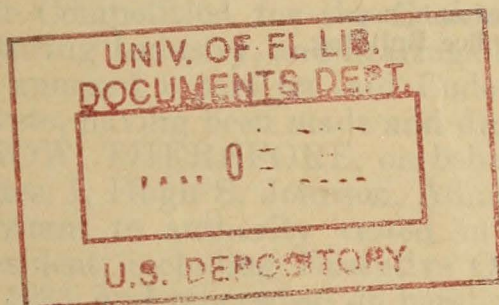
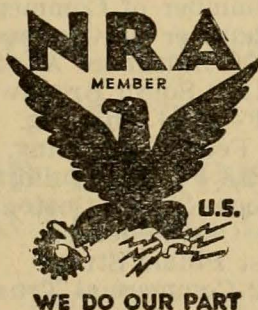


NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION
FOR THE
COOKING AND HEATING
APPLIANCE MANUFACTURING
INDUSTRY

AS APPROVED ON JANUARY 30, 1934

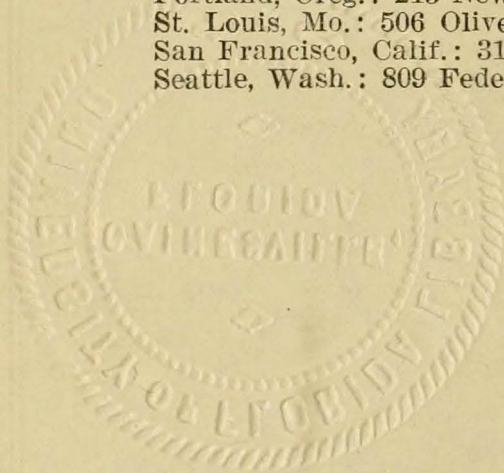


UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

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Approved Code No. 236

CODE OF FAIR COMPETITION
FOR THE
COOKING AND HEATING APPLIANCE
MANUFACTURING INDUSTRY

As Approved on January 30, 1934

ORDER
APPROVING CODE OF FAIR COMPETITION
FOR THE
COOKING AND HEATING APPLIANCE
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 Cooking and Heating Appliance Manufacturing 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; provided, however, that the provisions of Article VIII, (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 are hereby stayed pending my further Order either within a period of sixty days from the effective date of this Code or after the completion of a study of open price associations now being conducted by the National Recovery Administration.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval Recommended:

W. A. HARRIMAN,
Division Administrator.

WASHINGTON, D.C.,
January 30, 1934

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Cooking and Heating Appliance Manufacturing Industry, and on the hearing conducted thereon in Washington, D.C., on October 25, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS REGARDING HOURS AND WAGES

Employees are permitted to work forty (40) hours per week and eight (8) hours per day and, during ten (10) weeks during a twelve (12) months' period, they are permitted to work forty-eight (48) hours per week.

Exceptions are provided that permit longer hours for watchmen, shipping crews, foundry service men, office employees during inventory periods, executives and supervisory employees receiving more than \$35.00 per week, and outside demonstrators, service crews, and salesmen and for all workers during emergencies. The wage rate for hours worked overtime shall be one and one half the normal rate.

The minimum rate of pay shall be forty (40) cents per hour for male workers and thirty-five (35) cents per hour for female workers, excepting the States of Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, where the minimum rate shall be twenty-seven and one half (27½) cents per hour. Female employees doing substantially the same work as male employees shall receive the same wage.

The minimum rate for office workers shall be \$15.00 per week in cities of over 500,000 population with lesser rates for smaller cities with the limit of \$12.00 per week in towns of less than 2,500 population. Office boys and girls, incapacitated employees, and learners, shall be paid not less than eighty (80) percent of the minimum wage, but the number of such employees is limited.

The wage rates of those receiving more than the minimum rates are to be adjusted equitably and in no case shall the rates be decreased. No employees are to be reclassified so as to defeat the purpose of the Act.

Persons under sixteen (16) years of age shall not be employed and none under eighteen (18) years at hazardous occupations.

PROVISIONS FOR SUPPLEMENTAL CODES

It is provided that subdivisions of the industry may formulate supplementary codes but the employment provisions shall conform with this basic code.

ECONOMIC AND STATISTICAL MATERIAL

The industry is widely distributed over the country although it is estimated that three fourths of it is located in the Northern wage district and one fourth in the Southern wage district.

The industry has furnished statistical information showing that in June 1933 wage rates for common labor had been reduced twelve (12) cents per hour in both the Northern and Southern districts, from forty-six (46) cents and twenty-seven (27) cents per hour respectively, from the wage rates of 1929. Under the code, one half of the reduction in the Northern wage district will be regained and the increase in the Southern wage district will more than compensate the reduction.

There are no data on the number of workers employed prior to June 1933, but it is estimated that under the code employment will be increased from 14,000 to 15,500, an improvement of ten percent. It is also estimated that the weekly pay roll of the industry will increase sixteen percent under the code.

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 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.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JANUARY 30, 1934.

CODE OF FAIR COMPETITION

FOR THE

COOKING AND HEATING APPLIANCE MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Cooking and Heating Appliance Manufacturing Industry, and upon approval by the President, its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term Cooking and Heating Appliance Manufacturing Industry as used herein includes the manufacture and sale of all designs of cooking and heating stoves and ranges and parts thereof, using coal and wood or combinations of various fuels.

2. 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.

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

4. The terms "President", "Act", and "Administrator" as used herein respectively mean, the President of the United States, the National Industrial Recovery Act and the Administrator for Industrial Recovery.

5. "Population" for the purposes of this code shall be determined by reference to the latest Federal census.

ARTICLE III—HOURS

1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period, except as herein otherwise provided, but with the right to work a maximum of forty-eight (48) hours per week for any ten (10) weeks during a twelve (12) months period.

2. *Exceptions as to Hours.*—(a) Provided, however, that employees working on emergency maintenance or emergency repair work involving breakdown or protection of life or property may work ten percent (10%) additional hours.

(b) Provided further, that shipping crews and foundry service men whose duties are servicing the cupola and changing flasks and patterns for moulders are to have a tolerance of one hour per day, when necessary.

(c) Outside demonstrators and outside service crews whose traveling expenses are paid by the employer, and outside salesmen, are exempt from the above hour provisions.

(d) Office employees during the annual inventory period may work an additional thirty-six hours in any two weeks period at the discretion of the employer, provided that it shall not exceed three hours per day.

(e) Watchmen may not work more than fifty-six (56) hours in every seven (7) days nor more than six (6) days out of every seven (7) days.

3. All classes of workers are exempt from the foregoing hour provisions when an emergency arises such as a fire, flood, or cyclone, or other unpredictable emergencies, which cause operations to cease; such exemptions may cover the actual number of hours lost as a result of such emergency.

4. Any employee at the request of the employer may work additional hours beyond those specified above, provided such additional hours are paid for at the rate of time and one half.

5. Executives and their staffs, supervisors, and office employees, making thirty-five dollars (\$35.00) per week or more, are exempt from the maximum hours fixed in this code.

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

ARTICLE IV—WAGES

1. No employees shall be paid less than the rate of forty cents (40¢) per hour for male workers and thirty-five cents (35¢) per hour for female workers except employees employed in the States of Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, who shall be paid not less than twenty-seven and one half cents (27½¢) per hour for male and female workers.

2. Provided that office workers shall not be paid less than \$15.00 per week in any city of over 500,000 population, or in the immediate trade area of such city; nor less than \$14.50 in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; nor less than \$14.00 per week in any city of between 2,500, and 250,000 population, or in the immediate trade area of such city; nor less than \$12.00 per week in towns of less than 2,500 population, except that office boys, girls, and messengers shall not be paid less than eighty per cent (80%) of the minimum rate specified herein. The number of office boys, girls, and messengers shall not exceed one for every ten office employees.

3. Provided, further, that learners and superannuated or physically incapacitated employees shall not exceed in any calendar month five percent (5%) of the total number of employees and shall be paid at least eighty percent (80%) of the minimum wage. A learner shall be defined as one who has had no previous experience in the class of work for which he is employed and may be so classed for one period of ninety (90) days.

4. This article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

5. The hourly wage rates, base piecework rates, or salaries of employees receiving more than the minimum rates herein prescribed shall be equitably adjusted, if this has not already been done, and in no case shall the rates be decreased. Action taken shall be reported to the Code Authority not later than fifteen (15) days after the effective date of this Code and to the Administrator at his request.

ARTICLE V—STATE LAW REQUIREMENTS

Within each State this Code shall not supersede any laws of such State imposing more stringent requirements than those under this Code with reference to regulating the age of employees, wages, hours of work, fire, or general working conditions.

ARTICLE VI—GENERAL LABOR PROVISIONS

1. Employers shall not employ or permit to be employed any person under the age of sixteen (16) years, provided that no person under the age of eighteen (18) years shall be employed in a hazardous occupation. The Code Authority shall report within ninety (90) days such hazardous occupations to the Administrator.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from 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.

3. 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.

4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President for this industry in its approved code.

5. The Code Authority shall require that the pay rolls of all employers of the industry contain the names of all employees, showing the number of hours and compensation paid therefor, regardless of whether the wages of any employee be paid by the employer or by another employee for services rendered in connection with the task or production of another employee or employees.

6. No employer shall reclassify employees or duties or occupations of employees for the purpose of defeating the purposes or provisions of the Act.

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

8. All employers shall post copies of the labor provisions of this code in a conspicuous place accessible to employees.

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

1. *Organization and Constitution.*—There shall forthwith be constituted a Code Authority consisting of three (3) members of the Board of Trustees of the Institute of Cooking and Heating Appliance Manufacturers, Inc., who shall be elected by said Board.

2. In addition to membership as above provided, there may be from one to three members without vote, to be appointed by the Administrator, to serve for a term of from six months to one year from the date of appointment.

3. The Institute of Cooking and Heating Appliance Manufacturers, Inc., shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of incorporation, bylaws, 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 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 modification in the method of selection of the Code Authority.

5. Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this code and sustaining their reasonable share of the expenses of formulating, putting into effect, and administering this code. Such reasonable share of the expenses of formulating, putting into effect, and administering this code shall be determined by the Code Authority subject to disapproval by the Administrator, on the basis of volume of business and/or such other facts as may be deemed equitable. Failure of any employer to pay his proportionate share fixed by the Code Authority will deprive him of his participation in the benefits of the code but will not remove his obligation to pay his due and unpaid assessments.

6. Nothing in this code shall constitute the members of the Code Authority partners for any purpose.

7. *Powers and Duties.*—The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority:

(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.

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the code subject to the approval of the Board of Trustees.

(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 directed by the Administrator.

(d) To use the Institute of Cooking and Heating Appliance Manufacturers, Inc., 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 the Institute of Cooking and Heating Appliance Manufacturers, Inc., and other 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.

(g) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this code.

(h) 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 VIII—COSTS AND PRICES

1. No member of the industry shall sell any commodity at a price below his own allowable cost except that any member of the industry may meet the price competition of any one whose allowable costs under this provision are lower. Permission to exercise this option of selling below allowable cost shall be presumed to be granted when a manufacturer has reported to the Code Authority the fact that he must sell below cost and shall cite the specific competition. Allowable cost shall be determined in accordance with the standard cost principles formulated by the Code Authority with the approval of the Administrator.

2. Within ten days after the effective date of this code, every member of the industry shall file with the confidential agent designated by the Code Authority his sales prices, discounts, and terms then in effect; such sales prices, discounts, and terms must provide rea-

sonable differences for each class of buyer. Every member of the industry must file with the confidential agent any reductions made such sales prices, and any changes in discounts, terms, or classifications, ten days prior to the date on which they become effective.¹

ARTICLE IX—TRADE PRACTICES

The practices and methods set forth in the following paragraphs in this Article IX are hereby designated as unfair methods of competition and the indulgence by any member of the industry in any of the same shall be a violation of this code:

1. *Consignment*.—Making any agreement or contract after the effective date of this code, the effect of which will amount to the sale and/or delivery of cooking and heating appliances on consignment and to discontinue forthwith any consignment arrangements now in effect.

2. *False Billing*.—No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

3. *Underselling reported prices, discounts, and terms*.—Offering any product of the industry for sale at less than his sales prices, discounts, and terms, as filed with the confidential agent designated by the Code Authority.

4. *Redating*.—Allowing terms of payment more liberal than those stated in the original sales terms of each member of the industry as filed with the confidential agent designated by the Code Authority. This applies to deliberate action on the part of a member of the industry who allows a purchaser to keep goods to be paid for when sold, and does not apply to a manufacturer who makes an actual effort to collect on same.

5. *Repurchase Agreements*.—Selling or offering to sell any merchandise with a repurchase agreement.

6. *Allowance for Returned Goods*.—Acceptance of returns of obsolete goods or overstock from a customer in exchange for new stocks or other values.

7. *Excessive Allowance for Second-hand Goods*.—Purchasing or allowing credit for second-hand merchandise at an amount greater than its fair wholesale market value, except when merchandise of his own manufacture is returned because of defect in design or operation.

8. *Rebates*.—The extension to certain purchasers of advertising allowances, special services, privileges, or discounts or the payment or allowance of rebates, refunds, commissions, credits, or unearned discounts whether in the form of money or otherwise, not extended to all purchasers on like terms and conditions.

9. *Premiums*.—Giving premiums in the sale of merchandise.

10. *False Description*.—The false description of any product of the industry which has the tendency to mislead or deceive customers or prospective customers, whether as to grade, quality, type, origin, size, capacity, finish, or preparation of any product of the industry, or otherwise.

11. *Commercial Bribery*.—No member of the industry shall give, permit to be given, or directly offer to give, anything of value for

¹ See paragraph 2 of order approving this Code.

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. Commercial bribery provisions 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.

12. *Excessive Inducements*.—To extend excessive inducements or entertainment to customers, or prospective customers, which tend to add unduly to sales costs.

13. *Defamation*.—The defamation of competitors by falsely imputing to them inability to perform contracts, questionable credit standing, or by other false representation or by the false disparagement of the grade or quality of their goods.

14. *Threat of Litigation*.—The publishing or circularizing of unfounded threats of suits for infringement of patents or trade marks or of any legal proceedings without cause which tend to have the effect of harassing competitors or intimidating their customers.

15. *Misrepresentation or False or Misleading Advertising*.—The making or causing or permitting to be made or published any false, materially inaccurate or deceptive statement by way of advertising or otherwise, whether concerning the grade, quality, type, origin, size, capacity, finish, or preparation of any products of the industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency and capacity to mislead or deceive customers or prospective customers.

16. *Piracy of Trade Marks and Trade Names*.—The imitation of a trade mark, trade name, slogan, or the other marks of identification of competitors having the tendency to mislead or deceive.

17. *Imitation of Stoves or Parts*.—So long as the maker of any trade-marked cooking and heating stoves or ranges (or his successor in business) continues to make and supply repair parts therefor, it shall be an unfair method of competition for any other person to make and supply stoves or ranges or parts therefor unless (a) the name of the maker of such stoves or ranges or repair parts therefor is plainly marked on each part (or if this is impracticable, on the package or tag) and unless (b) said stoves or ranges or parts are otherwise marked, packaged, and sold without imitative labels, and in such manner as to clearly indicate to the ultimate user that they are not made by the maker of the original cooking and heating stove or range.

18. *Disposal of Distress Merchandise*.—There shall be no disposal of dropped lines, seconds, excess inventories, or distress merchandise except in accordance with the procedure to be outlined by the Code Authority subject to disapproval by the Administrator for the protection of the owners and to promote sound and stable business conditions.

19. *Interference with Contractual Relations*.—Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

20. *Splitting Commissions*.—Every employer using salesmen who are compensated wholly or partially on a commission basis shall by contract require each such salesman to agree that no part of the commission earned by him in connection with the sale of any product of the cooking and heating appliance manufacturing industry shall be paid or allowed to any purchaser.

21. *Excessive Allowance of Literature*.—To furnish literature to customers without charge, except in modest quantities for distribution.

ARTICLE X—SUPPLEMENTAL CODE OPTION

It is understood that trade groups or groups of manufacturers representing a substantial part of any specific subdivision of this industry, may formulate supplementary codes of fair competition defining specifically the subdivision and covering such regulations as are considered advisable by them. However, all employment provisions of such supplementary codes shall conform with this basic code. Such codes when approved by the President shall have the same force and effect as this basic code.

ARTICLE XI—MODIFICATION

1. This code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (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. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval by the President.

ARTICLE XII—MONOPOLIES, ETC.

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 XIII—EFFECTIVE DATE

This code shall become effective on the second Monday after its approval by the President.

ARTICLE XIV—EXPIRATION DATE

The expiration date of this code shall be June 16, 1935, or the earliest date prior thereto on which the President or the Congress shall by joint resolution declare that the emergency recognized by Title I of the Act has ended.

Approved Code No. 236.
Registry No. 1629-1-02.



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