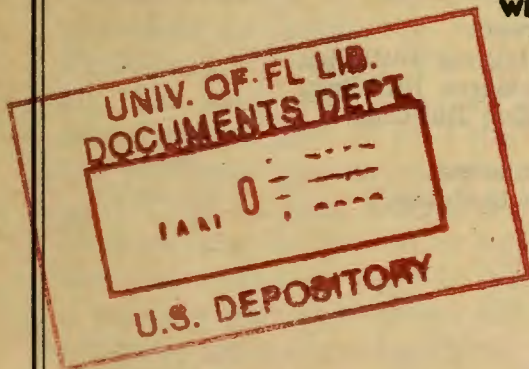
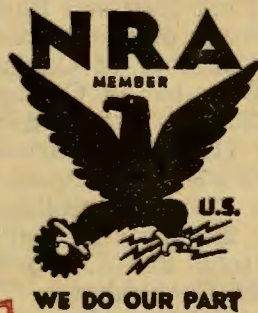


NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION
FOR THE
ADVERTISING DISPLAY
INSTALLATION TRADE

AS APPROVED ON JANUARY 30, 1934

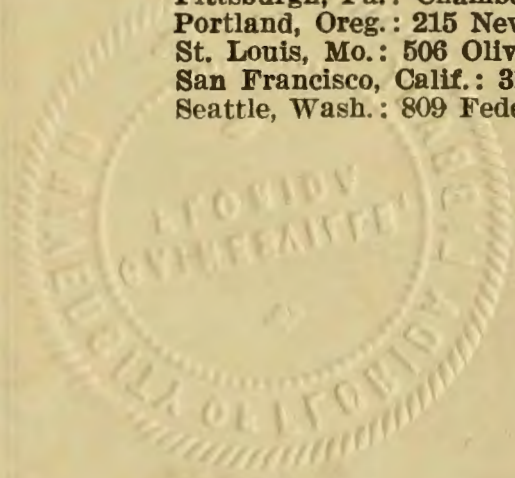


UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

This publication is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C., and by district offices of the Bureau of Foreign and Domestic Commerce.

DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE

Atlanta, Ga.: 504 Post Office Building.
Birmingham, Ala.: 257 Federal Building.
Boston, Mass.: 1801 Customhouse.
Buffalo, N.Y.: Chamber of Commerce Building.
Charleston, S.C.: Chamber of Commerce Building.
Chicago, Ill.: Suite 1706, 201 North Wells Street.
Cleveland, Ohio: Chamber of Commerce.
Dallas, Tex.: Chamber of Commerce Building.
Detroit, Mich.: 801 First National Bank Building.
Houston, Tex.: Chamber of Commerce Building.
Indianapolis, Ind.: Chamber of Commerce Building.
Jacksonville, Fla.: Chamber of Commerce Building.
Kansas City, Mo.: 1028 Baltimore Avenue.
Los Angeles, Calif.: 1163 South Broadway.
Louisville, Ky.: 408 Federal Building.
Memphis, Tenn.: 229 Federal Building.
Minneapolis, Minn.: 213 Federal Building.
New Orleans, La.: Room 225-A, Customhouse.
New York, N.Y.: 734 Customhouse.
Norfolk, Va.: 406 East Plume Street.
Philadelphia, Pa.: 422 Commercial Trust Building.
Pittsburgh, Pa.: Chamber of Commerce Building.
Portland, Oreg.: 215 New Post Office Building.
St. Louis, Mo.: 506 Olive Street.
San Francisco, Calif.: 310 Customhouse.
Seattle, Wash.: 809 Federal Office Building.



CODE OF FAIR COMPETITION
FOR THE
ADVERTISING DISPLAY INSTALLATION TRADE
As Approved on January 30, 1934

ORDER
APPROVING CODE OF FAIR COMPETITION
FOR THE
ADVERTISING DISPLAY INSTALLATION TRADE

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 Advertising Display Installation Trade, 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 60 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:

A. D. WHITESIDE,
Division Administrator.

WASHINGTON, D.C.,
January 30, 1934.

THE PRESIDENT,
The White House.

INTRODUCTION

SIR: This is the report of the Administrator to the President on the application for, and public hearing on, a Code of Fair Competition for the Advertising Display Installation Trade as proposed by the National Display Installation Association representative of that business. The Code presented herewith was revised by the Executive Committee of the National Display Installation Association following the public hearing, which was held Tuesday, November 21, 1933.

The hearing was conducted in Washington on November 21, 1933. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements.

There is one national trade association, namely, the National Display Installation Association with offices at 1209 Sycamore Street, Cincinnati, Ohio. There is no evident reason why the truly representative character of said Association should be questioned.

DEFINITION

Advertising display installation is a small item in national economy, for the services rendered by installation concerns require the employment of but fifteen hundred (1,500) employees and approximate \$2,500,000 in gross business. The definition embraces no productive functions, in the generally accepted meaning; it is purely a service available to anyone who wishes to have his advertisements placed in or on windows of retail stores or in interiors of retail stores. To supplement the explanation of the service involved, it might be stated that these advertising displays are standard set forms furnished to the installation concerns by national advertisers.

ECONOMIC AND STATISTICAL MATERIAL

The Advertising Display Installation Trade in 1932 furnished employment to 1,500 employees. In 1929 employees numbered 2,000. There are approximately 300 concerns in the Trade, the number remaining unchanged since 1928. It can be seen that there has been noticeably less employees since 1929—in fact, a decrease of 25%. This service of display installation seems to be a Trade comprised in the main of “trimmers” who do the actual installing in retail store windows. The Code does not permit anyone under 18 years of age to be engaged as a “trimmer.”

RÉSUMÉ OF THE CODE

The proponents of the Code have established forty hours in any one week or 8 hours in any twenty-four hour period for all employees other than trimmers. No trimmer shall be permitted to work in excess of 40 hours or install more than 45 displays in any one week averaged over any consecutive 12 weeks' period. Sufficient latitude is thus allowed the employers so that the hours of trimmers can be adjusted to meet the irregular demand for service for those on whom the members of the display installation trade are dependent for their business.

Evidence was presented at the public hearing to indicate that more stringent regulation of the hours of trimmers would work hardship on members of the Trade, as well as on employees.

A minimum hourly wage of 35 cents is established for all employees except trimmers. Trimmers, the majority of whom are paid on a piece work basis if compensated on an hourly basis, are paid 85 cents per hour as a minimum, if on a piece work basis a minimum of 90 cents per window installation, or 50 cents per interior installation. There is established for trimmers a minimum daily wage which will allow the employee additional protection.

The administration of the Code closely follows the lines recommended by the N.R.A. Legal Division.

The proponents of the Code are arranging for the nomination and election of the Trade members of the Code Authority, such arrangements to be completed not later than 90 days after the effective date of the Code. In the interim, the regularly constituted Board of Directors of the National Display Installation Association are serving in this capacity.

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 Trade normally employs not more than 50,000 employees; and is not classified by me as a major trade.

(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 association is a trade association truly representative of the aforesaid Trade; 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, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JANUARY 30, 1934.

CODE OF FAIR COMPETITION
FOR THE
ADVERTISING DISPLAY INSTALLATION TRADE

ARTICLE I—PURPOSE

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 Advertising Display Installation Trade, and shall be the standard of fair competition for such Trade and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Advertising Display Installation Trade" as used herein includes the service of installation, for others, of display advertising material in or on the windows or interiors of retail stores, and such branches or subdivisions thereof as may from time to time be included under the provisions of this Code.

The term "employee" as used herein includes anyone engaged in the Trade in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

The term "trimmer" as used herein includes any employee whose principal work is the installation of Advertising Display.

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

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

The term "window installation" as used herein includes the placing of the advertiser's display material in a window of a store in such manner as to make practically a complete window trim, including the placing of a counter card or small counter display on the counter.

The term "interior installation" as used herein includes the placing of the advertiser's display material in the interior of a store with decorative treatment, regardless of location.

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 Title I of said Act.

ARTICLE III—HOURS

1. No trimmer shall be permitted to work in excess of forty (40) hours or to install more than forty-five (45) window installations per week averaged over any consecutive twelve (12) weeks in any one (1) year.

2. No other 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.

3. The maximum hours hereinabove set forth shall not apply to outside salesmen or employees engaged in a managerial or executive capacity receiving thirty-five dollars (\$35.00) a week or more.

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

ARTICLE IV—WAGES

1. Except as hereinafter expressly stipulated otherwise, no employee shall be paid at less than the rate of thirty-five cents (\$0.35) per hour.

2. No trimmer compensated on an hourly basis shall be paid at less than the rate of eighty-five cents (\$0.85) per hour.

3. No trimmer compensated on a piecework basis shall be paid at less than the rate of ninety cents (\$0.90) per window installation or fifty cents (\$0.50) per interior installation.

4. No trimmer shall be paid less in any twenty-four (24) hour period than a wage equivalent to that which such trimmer would be entitled to receive for three (3) working hours.

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

6. No employee whose full time weekly hours for the four (4) weeks ended June 17, 1933, are reduced by the provisions of this Code by twenty percent (20%) or less, shall have his or her full time weekly earnings reduced.

No employee whose full time weekly hours are reduced by the provisions of this Code, in excess of twenty percent (20%), shall have his or her said earnings reduced by more than fifty percent (50%) of the amount calculated by multiplying the reduction in hours in excess of twenty percent (20%) by the hourly rate.

7. Female employees performing substantially the same work as male employees shall receive the same rates of pay as a male employee.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Trade nor anyone under eighteen (18) years of age as a trimmer. In any State, an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by 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.

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.

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

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

7. Each employer shall post in conspicuous places accessible to employees full copies of this Code.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to administer this Code.

Organization, powers, and duties of Code Authority:

1. The Code Authority shall consist of five (5) individuals, or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth, and of such additional members, without vote, as the Administrator, in his discretion, may appoint to represent such groups or governmental agencies as he may designate.

2. Every member of the Trade who qualifies as provided in Section 10 of this Article shall be entitled to one (1) vote in the nomination and election of the Trade members of the Code Authority. The proponents of this Code shall arrange for such nomination and election not later than ninety (90) days after the effective date of this Code. In the interim, the regularly constituted Board of Directors of the National Display Installation Association shall exercise all the rights, powers, and prerogatives of the Code Authority as herein determined.

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 Trade and in other respects comply with the

provisions of the Act, the Administrator may provide 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. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority be liable to anyone for any action or omission of act under the Code, except for his own willful misfeasance or nonfeasance.

6. The Code Authority may utilize the facilities of and cooperate with any and all trade and labor associations or organizations, national, regional, or local, in the Advertising Display Installation Trade in such manner as it deems most useful to its work, with the consent of such organizations.

7. The Code Authority may coordinate the administration of this Code with such other Codes, if any, as may be related to the Trade, or any subdivision thereof and may assist in promoting joint action upon matters of common interest by establishing a joint Advisory Board to which one (1) or more of its members shall be delegated.

8. The Code Authority may appoint and remove and fix the compensation of such employees, accountants, attorneys, and officers as it shall deem necessary or proper for the purpose of administering the Code.

9. The Code Authority shall obtain from members of the Trade, as soon as the necessary readjustments within the Trade can be made, reports based on periods of one (1), two (2), or four (4) weeks, or multiples thereof, for use of the Code Authority and the Administrator in the administration and enforcement of the Code, and for the information of the President, and to give assistance to members of the Trade in improving methods, or in prescribing uniform system of accounting and reporting.

10. Members of the Trade shall be entitled to participate in and share the benefits of the activities of the Code Authority, to participate in the selection of the members thereof and to use the N.R.A. Code Insignia, by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expense of preparation, presentation, and administration of this Code. The reasonable share of such expense 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.

11. In addition to the information required to be submitted to the Code Authority, 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.

12. If the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty days 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 be taken only upon approval by the Administrator.

ARTICLE VII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Trade and are prohibited:

1. *Inaccurate Advertising.*—No member of the Trade shall use advertising or other representation which is inaccurate in any material particular or in any way misrepresent any commodity (including its use, trade mark, grade, quality, quantity, origin, size, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

2. *Commercial Bribery.*—No member of the Trade shall 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 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.

3. *Selling Below Cost.*—No member of the Trade shall sell any commodity or service at a price below cost. However, any member may meet the price competition of anyone whose costs under this Code provision are lower. Cost shall be determined in accordance with the principles enumerated in any standard cost system formulated by the Code Authority with the approval of the Administrator.

4. *Secret Rebate.*—No member of the Trade shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, excess allowance, free or extra service, whether in the form of money or otherwise, for the purpose of influencing a sale, nor shall a member secretly extend to any customer any special service or privilege not extended to all customers of the same class.

5. *Inaccurate Reference to Competitors.*—No member of the Trade shall use advertising or other representation which refers inaccurately in any material particular to any competitors or their commodities, prices, values, credit terms, policies, or services.

6. *Interferences with Contractual Relations.*—No member of the Trade shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

7. No member of the Trade shall allow any discount; all work shall be billed at least weekly and shall be payable net ten (10) days.

8. No member of the Trade shall make a window installation which does not bear clearly the exact date of such installation, in accordance with the regulation of the Code Authority.

9. No member of the Trade shall remove or interfere with an installation within seven (7) days of the date shown thereon.

10. No member of the Trade shall place a poster or in any way mar or obstruct the view of an installation within seven (7) days of the date shown thereon.

11. No member of the Trade shall give, permit to be given, or offer to give anything of value for the purpose of influencing or rewarding the action of any retailer in granting to said member of the Trade exclusive display privileges.

ARTICLE VIII—OPEN PRICE AGREEMENT

1. The Code Authority shall prepare and complete as soon as possible a basic classification of the services of the Trade together with a scale of extras and deductions that shall be added to or deducted from the base prices. This classification may be amended from time to time by the Code Authority.

2. This classification of services shall be made available by the Code Authority to every member of the Trade. Within thirty (30) days thereafter each member of the Trade shall file with the Code Authority, or otherwise as it may require, a list showing the minimum base prices for all services. Any subsequent change in a price list shall be filed as provided herein to become effective not earlier than ten (10) days from the date of filing, except that the first price list so filed shall become effective immediately.¹

3. No member of the Trade shall contract for the sale of or sell any service at less than such current minimum prices and terms as he shall have established by filing with the Code Authority as hereinabove provided.

ARTICLE IX—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 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.

2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Administrator.

ARTICLE X—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.

¹ See paragraph 2 of order approving this Code.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if price of 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 seller's costs.

ARTICLE XII—EFFECTIVE DATE

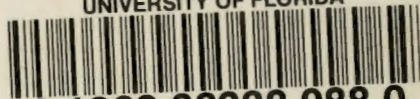
This Code shall become effective on the 10th day after date of approval by the President.

Approved Code No. 240

Registry No. 1702-32



UNIVERSITY OF FLORIDA



3 1262 08338 088 0