

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

SCRAP IRON

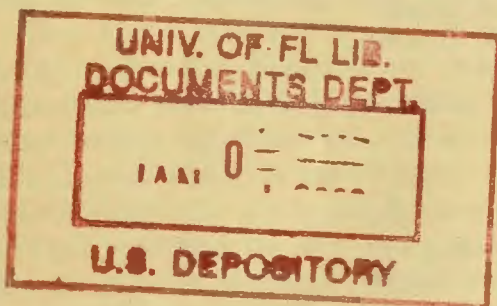
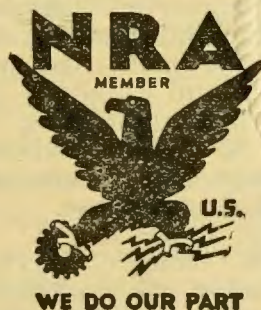
NONFERROUS SCRAP METALS

AND WASTE MATERIALS TRADE

AS APPROVED ON MARCH 12, 1934

BY

PRESIDENT ROOSEVELT



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CODE OF FAIR COMPETITION

FOR THE

**SCRAP IRON, NONFERROUS SCRAP METALS AND
WASTE MATERIALS TRADE**

As Approved on March 12, 1934

BY

PRESIDENT ROOSEVELT

EXECUTIVE ORDER

**CODE OF FAIR COMPETITION FOR THE SCRAP IRON, NONFERROUS SCRAP
METALS AND WASTE MATERIALS 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 my approval of a Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, 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 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 approve the report and recommendations and adopt the findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved, subject to the following conditions:

The Code Authority for the "Waste Paper Trade" and/or the Administration Member on said Code Authority shall report to the Administrator not later than sixty (60) days after the effective date hereof, whether or not a supplementary code is necessary or desirable for the "Waste Paper Trade" and recommend all necessary provisions for such supplementary code. Such recommendations when approved by the Administrator after such notice and hearing as he may deem proper shall have the same force and effect as other provisions of this Code.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
March 12, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Hearing on the Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, held in accordance with the provisions of the National Industrial Recovery Act in the Auditorium of the Department of Commerce, on November 22, 1933. The Code which is attached was presented by duly qualified and authorized representatives of the Trade, complying with statutory requirements, said to represent over 60 percent by volume of the Trade.

In accordance with the customary procedure every person who had filed a request for an appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

In this Trade, which is one of collection, the wholesaler buys from the retailer and sells to the industrial consumer. The organization of the Trade is complicated by the fact that the usual distinctions between wholesaler and retailer are blurred. Concerns which are retailers of certain commodities included in the Trade are often wholesalers of other commodities.

Those concerns which are exclusively wholesalers in general evinced a preference for separate Codes by commodity divisions, preferring to set up Code Authorities free from retailer influence. The absence of a clear line of demarcation between a wholesaler and a retailer, and even between the operations of wholesaling as distinguished from retailing, would have caused considerable confusion under such a plan. Further, it would have been difficult to bring the many junk dealers under the Recovery Program in that manner. Had separate Codes for wholesalers been set up, it would have been almost impossible to organize retailers and to include them in any Code. Had separate Codes for each commodity been extended to include the retailer (referred to in the Code as "mixed dealer"), the latter would have found himself under an impossible multiplicity of Codes.

The Code submitted herewith represents a compromise between this conflict of interests, in which:

(1) Every one dealing in waste materials is brought under one Code in which any mixed dealer may find all the provisions under which he must operate.

(2) Code Authorities are set up by commodities, with more effective representation for the small retailer than he could have attained if completely separated.

(3) A waste trade committee is established to coordinate labor provisions for all commodities.

The Code as now submitted has been agreed to between all interests, on the understanding that recommendations regarding representation on Code Authorities should be submitted for approval at the same time as the Code.

THE TRADE

The Trade comprises about 12,000 concerns. In 1929 the Trade provided employment for approximately 180,000 workers. According to the Associations submitting this Code aggregate annual sales have fallen from \$900,000,000 in 1929 to about \$158,000,000 in 1933.

PROVISIONS OF THE CODE

The Code provides for a minimum wage in the North of 32½¢ for men and 27½¢ for women, and in the South 27½¢ for men and 22½¢ for women. The weekly rate of pay for employment in excess of the minimum wages provided in the Code shall not be reduced although the hours of work have been reduced and the pay for such employment is to be increased by an equitable readjustment of all pay schedules.

According to testimony at the Public Hearing, minimum wages have been increased approximately 50% in the North and up to 100% in the South. An analysis of the questionnaire sent out by the Division of Research and Planning shows that on June 15, 1933, 80% of the employees in this Trade were receiving less than 35¢ per hour and 50% were receiving less than 25¢ per hour.

Hours of work are limited to 40 hours in any one week with the following exceptions: Male workers on outdoor work only and office employees are permitted to work 48 hours in any one week provided they do not average more than 40 hours per week over any 12-week-period; crane and locomotive crews, oxygen plant operators and truck drivers and their helpers are permitted to work 48 hours per week; maintenance employees are permitted to work 44 hours per week; executives and employees in a supervisory capacity receiving \$35.00 per week, outside salesmen and buyers, and watchmen are not limited as to hours; employees engaged in emergency repair work are excepted but are to be paid time and one-third for all overtime work. The survey made by the Division of Research and Planning indicates that employment will be increased approximately 24%.

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) 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 associations are industrial associations truly representative of the aforesaid Trade; and that said associations impose no inequitable restrictions on admission to membership therein.

(c) The Code is not designed to and will not permit monopolies or monopolistic practices.

(d) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) 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.

I recommend that the Code be approved.

Respectfully submitted.

HUGH S. JOHNSON,
Administrator.

MARCH 8, 1934.

CODE OF FAIR COMPETITION FOR THE SCRAP IRON, NONFERROUS SCRAP METALS AND WASTE MATERIALS TRADE

ARTICLE I—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 Scrap Iron, Nonferrous Scrap Metals and Waste Materials 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 "Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade" or "Trade" as used herein, and as subdivided into the following specific commodity trades, includes the buying and/or handling for resale purposes on commission or otherwise of scrap iron and steel, nonferrous scrap metals, cotton and woolen rags, scrap rubber, waste paper, and other commodities commercially classified as waste materials. It shall also include the buying and/or handling for resale purposes on commission or otherwise of textile waste insofar as the members of that Division of the Trade, as hereinafter defined, shall signify their intention in writing to the Waste Trade Committee to be governed by this Code.

(a) The term "Scrap Iron and Steel Trade" as used herein includes specifically the buying and/or handling for resale purposes on commission or otherwise of scrap iron and steel. The term "Scrap Iron and Steel Trade" also includes the dismantling of cars, ships, and locomotives whose principal salvage value is scrap iron and steel.

(b) The term "Nonferrous Scrap Metal Trade" as used herein includes the buying and/or handling for resale purposes on commission or otherwise of nonferrous scrap metals.

(c) The term "Wool Stock Trade" as used herein includes the buying and/or handling for resale purposes on commission or otherwise of woolen rags and clips, new and old.

(d) The term "Scrap Rubber Trade" as used herein includes the buying and/or handling for resale purposes on commission or otherwise of scrap rubber.

(e) The term "Waste Paper Trade" as used herein includes the buying and/or handling for resale purposes on commission or otherwise of waste paper.

(f) The term "Cotton Rag Trade" as used herein includes the buying and/or handling for resale purposes on commission or otherwise of cotton and/or linen rags.

(g) The term "Textile Waste Trade" as used herein includes, but only as provided below, the buying and/or handling for resale purposes on commission or otherwise of textile waste.

Members of this Division of the Trade, who handle other commodities included under this Code, may operate under the provisions of this Code by signifying their intention in writing to the Waste Trade Committee.

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

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

The term "South" as used herein includes the States of Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, and the District of Columbia; the following States shall be included in the "South" except with respect to commodities included in the Scrap Iron and Steel Trade: Kentucky and Maryland.

The term "North" as used herein includes all of the territory of the United States except that portion included under the term "South."

The term "President," "Act," and "Administrator" as used herein shall mean, respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

The term "mixed dealer" as used herein includes any employer whose business is substantially confined to the purchase of the commodities herein mentioned from peddlers and the sale thereof to wholesale dealers.

ARTICLE III—HOURS

1. No employee shall work or be permitted to work in excess of forty (40) hours in any one week, except that:

(a) Male workers on outdoor work only shall be permitted to work not to exceed forty-eight (48) hours in any one week, provided, that they shall average not over forty (40) hours per week in any twelve (12) week period.

(b) Crane and locomotive crews, oxygen plant operators, truck drivers and their helpers shall be permitted to work not to exceed forty-eight (48) hours in any one week.

(c) Employees engaged in repair and maintenance work shall be permitted to work not to exceed forty-four (44) hours in any one week.

(d) Office employees receiving less than thirty-five (\$35.00) dollars per week shall be permitted to work not to exceed forty-eight (48) hours in any one week, provided that they shall average not over forty (40) hours per week in any twelve (12) week period.

(e) The maximum hours fixed in this Section above shall not apply to employees in an executive, supervisory, or managerial capacity receiving thirty-five (\$35.00) dollars or more per week, outside salesmen, outside buyers, and watchmen.

2. The maximum hours fixed in the foregoing Section shall not apply to any employee on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least one and one-third times his normal rate shall be paid for hours worked in excess of the maximum hours herein provided.

3. Whenever any "member of the Trade" employs the services of members of his family, all such persons must be regarded as employees, and shall be subject to all provisions contained in this Code affecting employees of "members of the Trade."

4. No employee shall work or be permitted to work for a total number of hours in excess of the number of hours prescribed for each week, whether employed by one or more employers.

5. No employee shall work, or be permitted to work more than six days in any seven day period.

ARTICLE IV—WAGES

1. The minimum wage that shall be paid by employers to any of their employees in the Trade shall be at the following rate:

	North	South
Male labor, per hour.....	\$0. 32½	\$0. 27½
Female labor, per hour.....	. 27½	. 22½

(a) These differentials shall be based on substantially different employment, and

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

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

3. The weekly rate of pay for employment now in excess of the minimum wages hereby provided shall not be reduced (notwithstanding that the hours worked in such employment may be hereby reduced) and the pay for such employment shall be increased by an equitable readjustment of all pay schedules.

4. Six months after the effective date the minimum wage rates and maximum hours shall be reconsidered. The several Code Authorities shall cooperate during the six months period following the effective date of this Code to study and make recommendations with reference to adjustments in minimum wages and maximum hours, and with respect to health and safety.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the Trade, nor anyone under 18 years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority for each commodity shall submit to the Administrator before June 1, 1934, a list of such occupations. 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 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.

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 "members of the Trade" shall comply with any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire or general working conditions than under the Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees or use any other subterfuge 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.

8. If any "member of the Trade" shall contract with another for the performance of work or service included within the Trade, such "member of the Trade" shall be liable for any violation of the Code on the part of the party performing such work or service.

ARTICLE VI—ADMINISTRATION

1. There shall forthwith be constituted the following Code Authorities:

(a) *The Code Authority for the Scrap Iron and Steel Trade* shall include 15 individuals, to be selected as follows: 10 individuals shall be selected by the Board of Directors of the Institute of Scrap Iron and Steel, from among the members of the scrap iron and steel trade; 5 individuals shall be selected to represent mixed dealers and/or other interests in a manner to be prescribed or approved by the Administrator.

(b) *The Code Authority for the Nonferrous Scrap Metal Trade* shall include 15 individuals, to be selected as follows: 10 individuals shall be selected by the Executive Committee of the Secondary Metal Institute, a division of the National Association of Waste Material Dealers, Inc., from among the members of the nonferrous scrap metal trade; 5 individuals shall be selected to represent mixed dealers and/or other interests in a manner to be prescribed or approved by the Administrator.

(c) *The Code Authority for the Wool Stock Trade* shall include 15 individuals, to be selected as follows: 10 individuals shall be selected by the Board of Directors of the Wool Stock Council, from

among the members of the Wool Stock Trade, at least one of whom shall be a grader of wool stock not a member of the Council; 5 individuals shall be selected to represent mixed dealers and/or other interests in a manner to be prescribed or approved by the Administrator.

(d) *The Code Authority for the Scrap Rubber Trade* shall include 7 individuals from the Scrap Rubber Trade to be selected by members of the Scrap Rubber Trade, directly or by associations, who agree in writing to sustain their reasonable share of the expenses of administering this Code; in a manner to be prescribed or approved by the Administrator. In the selection of the individuals to the Code Authority for the Scrap Rubber Trade members of the scrap rubber trade shall cooperate with the Scrap Rubber Institute, a division of the National Association of Waste Material Dealers, Inc.

(e) *The Code Authority for the Waste Paper Trade* shall include fifteen (15) individuals from the Waste Paper Trade to be selected by members of the Waste Paper Trade, directly or by associations, who shall agree to the satisfaction of the Administrator to sustain their reasonable share of the expense of administering this Code; such selection to be in accord with a method to be prescribed or approved by the Administrator.¹

(f) *The Code Authority for the Cotton Rag Trade* shall include fifteen (15) individuals from the Cotton Rag Trade to be selected by members of the Cotton Rag Trade, directly or by associations, who shall agree to the satisfaction of the Administrator to sustain their reasonable share of the expense of administering this Code; such selection to be in accord with a method to be prescribed or approved by the Administrator: Provided, however, that at least 10 individuals shall consist of packers of cotton rags for their own account not acting as purchasing agents for mills using cotton rags which have any financial investment in their business.

(g) Code Authorities may be established for other commodities, when the Administrator after due notice and hearing shall find that such Code Authority should properly be established, in a manner to be prescribed or approved by the Administrator, with the advice and cooperation of the Waste Trade Committee.

(h) The Administrator, in his discretion, may appoint not more than three additional members, without vote, on each of the Code Authorities described in Section 1 of this Article and of the Waste Trade Committee, to represent such groups or interests or such governmental agencies as he may designate.

2. Each trade association directly or indirectly participating in the selection of activities of the Code Authority shall:

(a) Impose no inequitable restrictions on membership; 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 deem necessary to effectuate the purposes of the Act.

3. In order that the Code Authorities or any other chosen trade representatives shall at all times be truly representative of the Trade

¹ See paragraph 3 of order approving this Code.

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 Authorities or other trade representatives are not truly representative or do not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authorities or other chosen trade representatives.

4. "Members of the Trade" shall be entitled to participate in and share the benefits of the activities of the Code Authorities and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and agreeing in writing to sustain their reasonable share of the expenses of its administration. The reasonable share of the expenses of the administration shall be determined by the Code Authorities, 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.

5. Nothing contained herein shall prevent direct access to the Administrator on the part of any organized group in the Trade.

6. The Code Authorities shall have the following duties and powers to the extent permitted by the Act.

(a) To make rules and regulations necessary for the administration of this Code, within their respective Trades.

(b) To make investigations as to the functioning and observance of any provisions of this Code at its own instance, or on complaint by any person affected, and to report the same to the Administrator.

(c) To require, from time to time, from each person in their respective Trades, reports in such form and containing such information as the Administrator may prescribe, in order that he may be kept informed with respect to the observance of this Code. Except as otherwise provided in the Act, any reports filed in accordance with these provisions shall be confidential, and the data of one employer shall not be revealed to any other employer.

(d) To present to the Administrator, from time to time, recommendations based on conditions in their respective Trades, as they may develop, which will tend to effectuate the operation of the provisions of this Code. Such recommendations, when approved by the Administrator, after such notice and hearing as he shall specify, shall have the same force and effect with respect to the particular Trade as the other provisions of this basic Code. Such recommendations may include recommendations for setting up standards of health and safety for employees in the Trade.

(e) To submit supplementary Fair Trade Practices for their respective Trades which, when approved by the President, shall have the same force and effect as this basic Code.

7. With a view to coordinating the wages, hours, and other labor provisions of this Code in relation to each of the Trades, a Waste Trade Committee is hereby established, to consist of one representative to be appointed by each of the Code Authorities herein provided for, or authorized hereafter. The powers of the Waste Trade Committee shall, with respect to commodities which have a separate Code Authority, be restricted to those necessary to effectively obtain coordination of the wages, hours, and other labor provisions

of this basic Code subject to approval of the Administrator, all other powers and duties of administration being reserved for the respective Code Authorities.

8. If the Administrator shall determine that any action of a Code Authority or any agency thereof, or any locally chosen representatives of the Trade 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 or any locally chosen representatives of the Trade, pending final action, which shall be taken only upon approval by the Administrator.

9. In addition to the information required to be submitted to the Code Authorities, 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 VII—TRADE PRACTICES

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

1. *False Marking or Branding*.—The false marking or branding of any product of the Trade which has the tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation, or otherwise.

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. This provision 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. *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.

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

ARTICLE VIII—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 modifications 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 IX—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 X

The provisions of this Code shall not apply to charitable institutions during the six months study period provided in Article IV, Section 4 nor thereafter if they be specifically exempted by the Administrator.

ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 330.

Registry No. 1632-27.



