

**NATIONAL RECOVERY ADMINISTRATION**

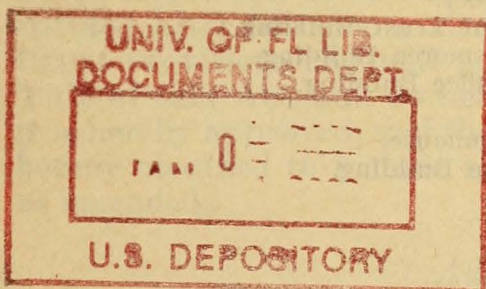
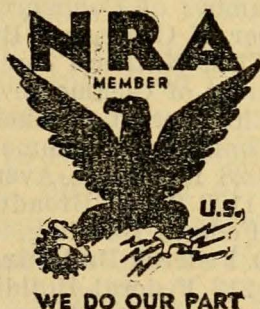
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**AMENDMENT TO  
CODE OF FAIR COMPETITION**

**FOR THE**

**RETAIL JEWELRY TRADE**

**AS APPROVED ON SEPTEMBER 6, 1934**



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FOR THE

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As Approved on September 6, 1934

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ORDER

APPROVING AMENDMENTS TO CODE OF FAIR COMPETITION FOR THE  
RETAIL JEWELRY 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 an amendment to the Code of Fair Competition for the Retail Jewelry Trade, and hearings having been duly held thereon and the annexed report on said amendments, 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 amendments and the Code as constituted after being amended comply 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 amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,  
*Administrator for Industrial Recovery.*

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator.*

WASHINGTON, D.C.,  
*September 6, 1934.*



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report of the Hearing on certain amendments to the Code of Fair Competition for the Retail Jewelry Trade, conducted in the Rose Room of the Washington Hotel, Washington, D. C., on July 19, 1934. The amendments which are attached were presented by the National Retail Jewelry Trade Council, which is the national retail jewelry code authority, and as such the duly qualified and authorized representative of the Trade.

The first of the annexed amendments gives the Code Authority the right to present to the Administrator recommendations based on conditions in the Trade (including interpretations and/or modifications) and to assent to such recommendations on behalf of the Trade, these recommendations being such as will tend to effectuate the operation of the provisions of this Code and the policies of the National Industrial Recovery Act. It is felt that this provision with regard to the right of the Code Authority to present such recommendations and to assent to them on behalf of the Trade will permit the Code Authority to more properly exercise their functions under the Code than the former provision on that subject, which was deleted through the substitution of this new provision.

The second of the amendments annexed hereto is the standard provision suggested by the Legal Division to enable Code Authorities to obtain funds with which to administer Codes. This provision establishes a mandatory assessment to be obtained from all members of the Trade, and sets forth the powers and duties of the Code Authority with respect to the method of assessment, the budget and the expenditure of funds so obtained. Inasmuch as the former provision relating to the expenses of the Code Authority did not provide the Code Authority with the powers necessary to adequately obtain funds necessary to administer the Code for the Trade, it is felt that the substitution of the provision embodied in this amendment was necessary.

The third amendment annexed hereto changes the name of the Code Authority in this Trade to "National Retail Jewelry Code Authority," and gives the National Code Authority and the Local Code Authorities in this Trade the right to incorporate upon complying with certain requirements. It is felt that a great deal of misunderstanding will be avoided by designating the Code Authority by a name which has more common usage and understanding than its former name. It is also felt to be desirable to permit the National and Local Code Authorities in this Trade to incorporate whenever they desire to do so and comply with certain requirements established in this amendment, in order that members of the Code Authorities will not have individual liability for acts performed on behalf of the Trade in administering this Code.



The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the 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 trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction 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 amended 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.

(c) The Code empowers the National Retail Jewelry Trade Council to present the aforesaid amendments on behalf of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are 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 amendments.

For these reasons the amendments have been approved.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

SEPTEMBER 6, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL JEWELRY TRADE

Subsection (b) of Article IX, Section 2 of the Code of Fair Competition for the Retail Jewelry Trade shall be amended by substituting therefor the following paragraph:

(b) *Recommendations.*—The National Retail Jewelry Code Authority may from time to time present to the Administrator recommendations (including proposed modifications) and may assent to recommendations (including proposed modifications) based on conditions in the Retail Jewelry Trade which will tend to effectuate the operation of the provisions of this Code and the policies of the National Industrial Recovery Act. Such recommendations (including proposed modifications) shall upon approval by the Administrator become operative as part of this Code.

Subsection (f) of Article IX, Section 2, shall be amended by substituting therefor the following paragraphs:

(f) *Payment of Cost of Administration.*—

(1) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority and several Local Code Authorities are authorized:

A. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided, and which shall be held in trust for the purposes of the Code;

B. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary:

(1) itemized budgets of the estimated expenses for the foregoing purposes, and (2) equitable bases upon which the funds necessary to support such budgets shall be contributed by members of the Trade;

C. After such budgets and bases of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in their own names.

(2) Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authorities, determined as hereinbefore provided, subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Trade complying with the Code and contributing to the expenses of administration, as hereinbefore provided, (unless duly exempted from such contributions) shall be entitled to participate in the selection of members of the Code Authorities or to receive the benefits of any of their voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.



(3). The Code Authorities shall neither incur nor pay any obligations substantially in excess of the amounts thereof as estimated in their approved budgets, and shall in no event exceed the total amount contained in the approved budgets, except upon approval of the Administrator; and no subsequent budgets shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Article IX, Section 2, shall be amended by adding thereto a new subsection (g), reading as follows:

(g) *Incorporation of Code Authorities.*—The National Retail Jewelry Trade Council, created under Section 2 (a) of this Article, shall hereafter be known as the “National Retail Jewelry Code Authority.” The said National Retail Jewelry Code Authority and each Local Retail Jewelry Code Authority, created in accordance with Section 2 (e) of this Article, may, upon submission to and approval by the National Recovery Administration of its proposed Certificate of Incorporation and By-Laws, incorporate under the laws of any State of the United States or the District of Columbia, such corporation to be known as “National Retail Jewelry Code Authority, Inc.,” or “Local Retail Jewelry Code Authority for (the local area), Inc.,” respectively; provided that the powers, duties, objects and purposes of the said corporations shall, to the satisfaction of the Administrator, be limited to the powers, duties, objects and purposes of the Code Authorities, as provided in the Code; and, provided further, that the existence of the said corporations shall be during the term of the Code.

If at any time the Administrator shall determine that the corporate status assumed by the National Code Authority or any of the Local Code Authorities provided herein are interfering with the proper exercise of their powers and duties under this Code, or with the application of the policy or purpose of the Act, he may, after such notice and hearing as he may deem necessary, require an appropriate modification of the structure of the corporation (if consistent with the law of the State of incorporation), or the substitution of another corporation created under the laws of another State in the same manner as the existing corporation was created, or such other action as he may deem expedient.

Approved Code No. 142—Amendment No. 2.  
Registry No. 1631-11.





