

NATIONAL RECOVERY ADMINISTRATION

## CODE OF FAIR COMPETITION

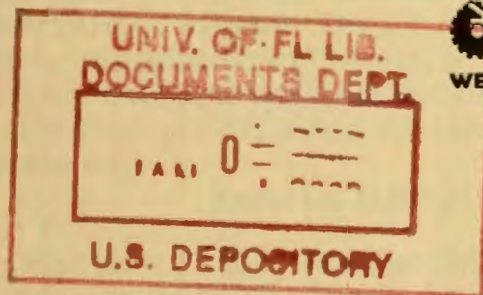
FOR THE

# FLORAL INDUSTRY

AS SUBMITTED ON AUGUST 25, 1933

REGISTRY No. 1622—05

The Code for the Floral Industry  
in its present form merely reflects the proposal of the above-mentioned  
industry, and none of the provisions contained therein are  
to be regarded as having received the approval of  
the National Recovery Administration  
as applying to this industry



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1933



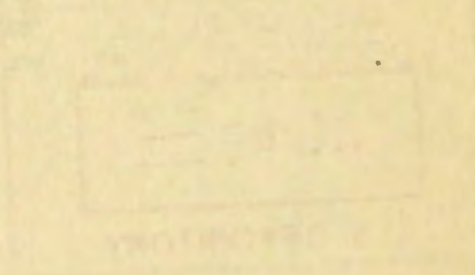
CODE OF FAIR COMPETITION

1917

FLORAL INDUSTRIES

REGISTRY No. 123-45

I hereby certify that the above-named  
person or persons are the owners of the  
rights in the above-named  
invention or inventions, and that they  
are entitled to the same under the  
provisions of the Act of March 3, 1909,  
as amended, in this regard.





# **TENTATIVE CODE OF FAIR COMPETITION OF THE FLORAL INDUSTRY**

## **ARTICLE I—DEFINITIONS**

SECTION 1. The term "President" means the President of the United States of America.

SEC. 2. The term "Grower" means all persons and organizations engaged in the production of flowers and plants for sale.

SEC. 3. The term "Wholesaler" means all dealers or growers in cut flowers, decorative greens, or pot plants and cooperative organizations who sell to others for the purpose of resale.

SEC. 4. The term "Commission Dealer" means all dealers in cut flowers, decorative greens, or pot plants who sell for others on a commission basis for resale.

SEC. 5. The term "Retailer" means all persons and organizations engaged in the retail sales of flowers and plants whose income from sales shall be derived from retail flower transactions.

SEC. 6. The term "National Florists' Council" means the National Florists' Council (as from time to time constituted) representative of the Floral industry.

## **ARTICLE II—PURPOSE OF THE CODE**

SECTION 1. The purpose of the code is to effectuate the policy of Title I of the National Recovery Act in so far as it is applicable to the industry.

SEC. 2. It is the further purpose of the code to increase employment among the various Divisions of the Industry; to improve the standards of labor therein; to maintain and to establish standard methods of grading; to establish standard and controlled methods of marketing; to maintain a reasonable balance between the production and consumption of flowers; to prepare a plan of fair practices between individuals and organizations in the industry; and to insure a fair return to all divisions of the industry in accordance with capital invested.

## **ARTICLE III—MEMBERSHIP IN THE CODE**

SECTION 1. It is the intention of this code that all the members of the Industry which shall comply with the provisions of the code shall be entitled to participate in its benefits upon the terms and conditions set forth in the code.

SEC. 2. Any member of the industry is eligible for membership in the code.

SEC. 3. Rules and Regulations in respect to meetings of members of the code shall be prepared and promulgated by the National Florists' Council.



## ARTICLE IV—ADMINISTRATION OF THE CODE

SECTION 1. The administration of the code shall be under direction of the National Florists' Council, the membership of which shall consist of:

(a) Three members (with one vote each) from the National organization known as the Wholesale Commission Florists.

(b) Three members (with one vote each) from the National organization known as the Florists' Telegraph Delivery Association, Inc.

(c) Six members (with one half vote each) from the National organization known as the Society of American Florists.

(d) Two members at large in the industry (with one vote each) representing all other interests in the industry.

SEC. 2. The National Florists' Council shall be the general planning and coordinating agency for the industry. Its members, selected by the established divisions and from the industry at large, shall be empowered to act exclusively for the industry, having general powers and duties necessary for the administration under the National Recovery Act, and in addition thereto the full and specific powers set forth below:

(a) To establish regional control boards in the various marketing areas, to consist of from one to three members in the discretion of the council, and to act in behalf of the council in investigation, report, and adjustment of violations occurring within the particular area.

(b) The Council may delegate to any regional control board or committee the right to take testimony concerning any violation and make a recommendation to the National Florists' Council.

(c) Any member of the industry aggrieved at any such recommendation may appear before the council at a properly designated time and place. The finding of the National Florists' Council is subject to review by the administrator under the National Recovery Act, or to whomever his powers may be designated.

(d) The National Florists' Council may on complaint of any parties or on its own initiative make such inquiry and investigation into the operation of this agreement as may be necessary.

(e) The council shall make all rules and regulations necessary for the administration of this code, including rules of fair practice within marketing areas, standard methods of grading and marketing merchandise, and may from time to time require such reports from divisions as may be necessary to advise it adequately in the administration and enforcement of this agreement.

(f) The council shall collect funds for its operation and maintenance from the established divisions represented upon the council and from the membership at large as follows:

Growers.....	a 3/11 part.
Retailers.....	a 3/11 part.
Wholesalers.....	a 3/11 part.
Allied.....	a 2/11 part.

## ARTICLE V—THE HOURS OF LABOR, RATES OF PAY, AND OTHER CONDITIONS OF EMPLOYMENT

SECTION 1. The schedule of hours of labor and rates of pay set forth herein shall apply in all cases except where seasonal and climatic or other physical factors affecting either growing or marketing conditions shall make necessary employment in excess of the maximum



hours set forth herein; but in no instance shall the standard maximum hours be exceeded in the average employment for a period over six calendar months in any one year. The schedule of hours and rates of pay shall not apply to temporary employment in case of emergency.

SEC. 2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from interference, restraint, and coercion of employers of labor or other agents in the designation of such representatives, or in their concerted activities for the purpose of collective bargaining or other mutual aid or protection.

SEC. 3. Employers of the industry shall comply with the schedule set forth herein of maximum hours of labor and minimum rates of pay and other conditions of employment approved or prescribed by the President.

SEC. 4. The following schedule of maximum hours of labor shall apply in the industry throughout the United States:

(a) The total number of hours of employment shall not exceed forty-eight (48) hours per week throughout the United States, subject to the necessity of seasonal employment set forth above.

SEC. 5. The minimum rate of wages in the industry throughout the United States shall be as follows:

(a) In the States east of the Mississippi River and south of the Mason Dixon line, twenty-five cents (25¢) per hour.

(b) In the States east of the Mississippi and north of the Mason Dixon line, thirty cents (30¢) per hour.

(c) In the States west of the Mississippi, except Louisiana, Oklahoma, Arkansas, Texas, New Mexico, and Arizona, thirty cents (30¢) per hour.

(d) In the States of Louisiana, Oklahoma, Arkansas, Texas, New Mexico and Arizona, twenty-five cents (25\*) per hour.

SEC. 6. No persons under the age of sixteen years shall be employed by any member of the industry.

## ARTICLE VI—FAIR PRACTICES AND CREDIT

SECTION 1. Wholesale and Commission dealers shall make reports and returns at least once each month on all consignments.

SEC. 2. Each natural marketing area through regional control boards or committees appointed by the council shall establish credit terms to florists in its locality based upon capital investment, general responsibility and paying experiences.

SEC. 3. No member of the industry shall sell any flowers or potted plants to other members of the industry or to the trade which are not graded and marketed in accordance with the regulations of the National Florists' Council.

SEC. 4. The following are declared to be unfair practices and unfair methods of competition for the purpose of the code and shall be deemed to be a violation of the code subject to the penalties thereto:

(a) The granting of any rebate, premium, or concession for the purpose of securing business. This shall include the following:

1. Payment of express charges on goods sold.
2. Payment of the cost of telephone and telegraph communications.
3. Payment of cost of packing boxes.
4. Unwarranted discounts and delivery of larger amounts of goods than appear upon the order.



(b) Special understandings with customers relative to entry of orders immediately prior to general advances in price.

(c) Selling of flowers or potted plants without regard to the grading regulations set forth by the National Florists' Council.

(d) Publication of any false, untrue, or deceptive statement by bulletin or advertising concerning the grade, quality, quantity, character, and nature of any flowers or potted plants kept for sale.

(e) The improper marking or labelling of any flowers or potted plants for the purpose of misleading or deceiving purchasers.

(f) Publication, dissemination, or circulation of any false or misleading information relative to any product of any member of the industry, or any misleading statement relative to the credit standing, or ability of any member of the industry to perform any work or produce any product.

(g) Aiding or abetting any firm, association, or corporation in any unfair practice.

(h) Inducing or attempting to induce by any means whatsoever the breach of existing contracts between competitors and their customers by false or deceptive means.

#### ARTICLE VII—AMENDMENTS—TERMINATION

SECTION 1. The code may be amended, modified, or revised by the National Florists' Council by and with the consent of the President whenever any such change shall be necessary.

SEC. 2. The code shall continue in effect for a period of 90 days after the effective date of the code and thereafter until termination as hereinafter provided. This code shall cease to be in effect at the expiration of two years after date of the enactment of the National Recovery Act, or at any time before that date if the President of the United States shall by proclamation declare the emergency has ceased to exist.

#### ARTICLE VIII—GENERAL PROVISIONS

SECTION 1. No provisions in this agreement shall be interpreted or applied in such manner as to:

(a) Promote monopolies.

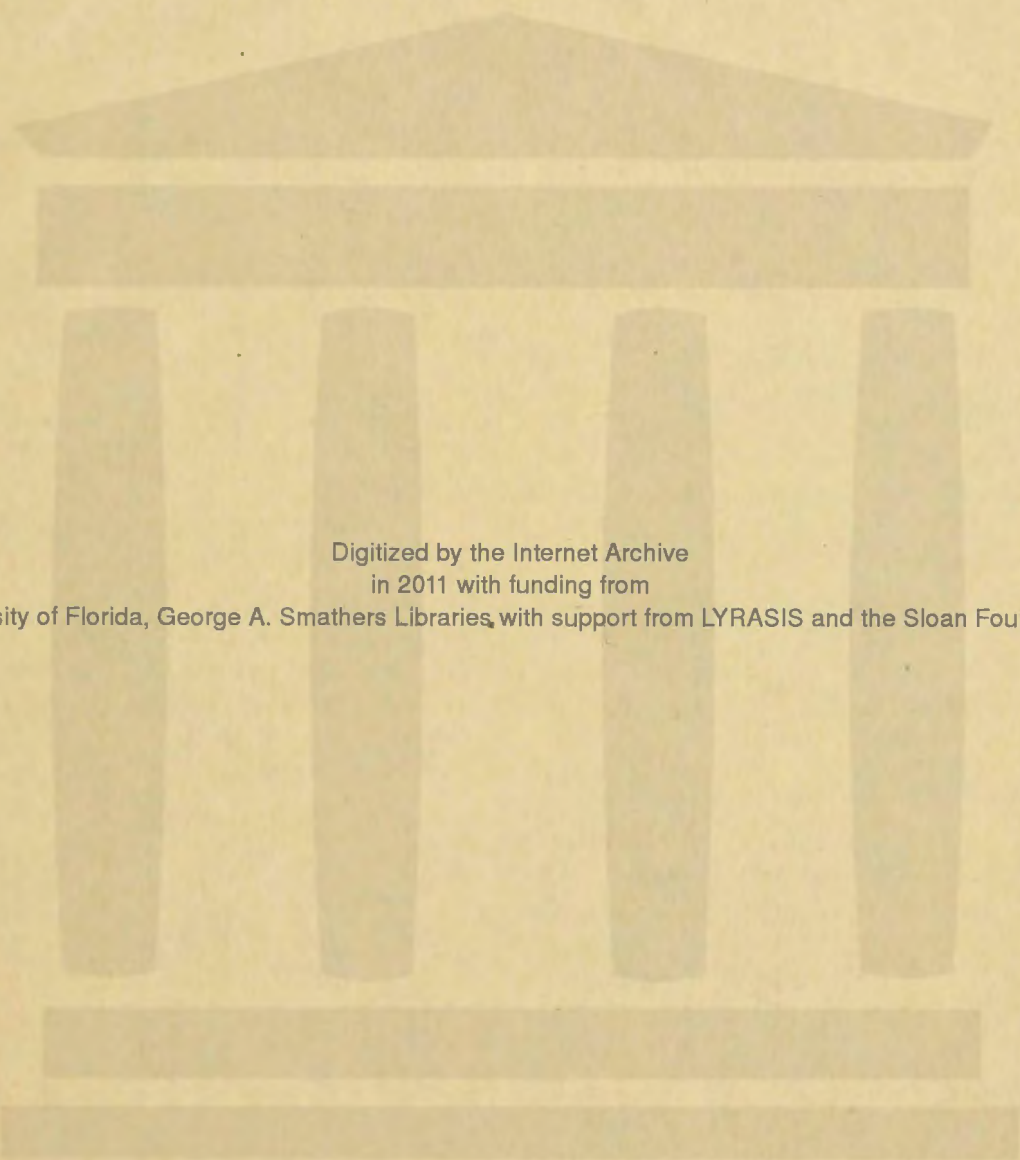
(b) Permit or encourage unfair competition.

(c) Eliminate or oppress small enterprises.

(d) Discriminate against small enterprises.

SEC. 2. The effective date of this code shall be -----

-----  
Submitted by the Floral Industries of The United States.



Digitized by the Internet Archive  
in 2011 with funding from

University of Florida, George A. Smathers Libraries, with support from LYRASIS and the Sloan Foundation



