

NATIONAL RECOVERY ADMINISTRATION

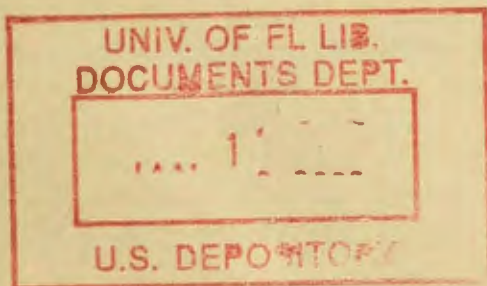
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CODE OF FAIR COMPETITION

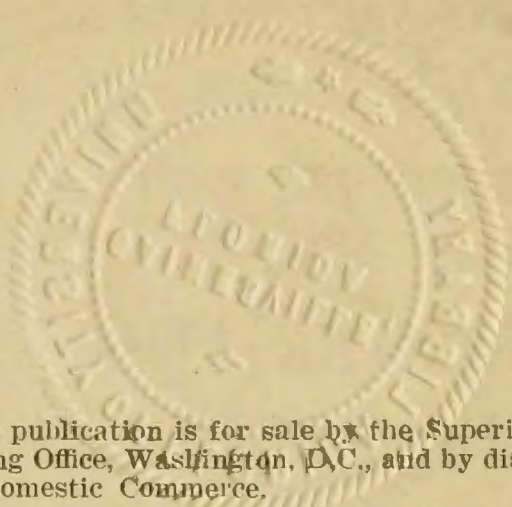
FOR THE

MACHINE KNIFE AND  
ALLIED STEEL PRODUCTS  
MANUFACTURING INDUSTRY

AS APPROVED ON FEBRUARY 6, 1934



UNITED STATES  
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Approved Code No. 263

**CODE OF FAIR COMPETITION**  
**FOR THE**  
**MACHINE KNIFE AND ALLIED STEEL PRODUCTS**  
**MANUFACTURING INDUSTRY**

**As Approved on February 6, 1934**

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE MACHINE KNIFE AND  
ALLIED STEEL PRODUCTS 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 Machine Knife and Allied Steel Products 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, 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.,  
*February 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Machine Knife and Allied Steel Products Manufacturing Industry, the hearing having been held in Washington on the 11th day of December in accordance with the provisions of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

Employment is limited to 8 hours per day and 40 hours per week with the exception of those employees engaged in emergency maintenance and/or repair work or on emergencies occasioned by the necessity for services of specially skilled employees who cannot be replaced. To provide for seasonal demands overtime is allowed to the extent of 8 hours per week for 8 weeks in any 26-week period.

Overtime in excess of 8 hours in any 24-hour period or in excess of 40 hours in any 7-day period will be paid for at one and one half times the normal rate.

Minimum wages of 40 cents per hour for males and females are established. Female employees performing substantially the same work as male employees will receive the same rate of pay as male employees and where they displace men they will receive the same rate of earnings as men.

Clerical employees shall not be paid less than \$15.00 per week.

### ECONOMIC EFFECT OF THE CODE

In April 1933 this Industry, which comprises approximately 30 firms, employed about 350 persons. Since the adoption of the 40-hour week as provided in this Code, employment has increased to 534 persons in September 1933 or an increase of 52%.

The invested capital of the Industry is about \$3,000,000 and the average annual value of its products over the past five years is approximately \$3,000,000.

### 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 association truly representative of the aforesaid Industry; 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, this Code has been approved by me.

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*

FEBRUARY 6, 1934.

# CODE OF FAIR COMPETITION FOR THE MACHINE KNIFE AND ALLIED STEEL PRODUCTS MANUFACTURING INDUSTRY

## 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 Machine Knife and Allied Steel Products Manufacturing Industry, and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—MONOPOLY AND REPRESSION

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 III—DEFINITIONS

SECTION 1. The term "Machine Knife and Allied Steel Products Manufacturing Industry" as used herein is defined to mean the manufacture for sale of machine knives and allied steel products, used as machine parts and primarily for such purposes as cutting and scraping various materials.

SEC. 2. The term "Association" as used herein is defined to mean the Machine Knife Association of the United States.

SEC. 3. The term "Membership" as used herein is defined to mean members of the Machine Knife Association of the United States.

SEC. 4. The term "Employee" as used herein includes anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

SEC. 5. The term "Apprentice" as used herein is any employee bound by a legal contract to learn a trade.

SEC. 6. The term "Employer" as used herein includes anyone by whom any such employee is compensated or employed.

SEC. 7. The term "Member of the Industry" as used herein includes anyone engaged in the Industry as above defined, either as an employer or on his own behalf.

SEC. 8. The terms "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.



## ARTICLE IV—WORKING HOURS

SECTION 1. *Maximum Hours.*—No 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 beginning at midnight, except as herein otherwise provided.

SEC. 2. *Exceptions as to hours—Executives and salesmen.*—(a) The provisions of Section 1 above shall not apply to either executives and supervisors and their immediate assistants receiving thirty-five (\$35.00) dollars weekly or more, or to traveling salesmen.

(b) *Emergency overtime.*—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, or on emergencies occasioned by the necessity for services of specially skilled employees which cannot be cared for by the employment of additional men. But in any such special case at least one and one half times the normal rate shall be paid for hours worked in excess of the maximum provided in Section 1 above.

(c) *Ordinary overtime for seasonal periods.*—The maximum hours fixed in Section 1 above shall not apply for eight (8) weeks in any twenty-six (26) weeks period, during which overtime shall not exceed eight (8) hours in any one (1) week. In any such case at least one and one half times the normal rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period, or in excess of forty (40) hours in any seven (7) day period.

(d) *Reporting overtime.*—All work in excess of the hours provided in Section 1 above shall be reported to the Code Authority in such detail as may be required.

SEC. 3. *Sunday and holiday work.*—Not less than one and one half times the regular rate shall be paid for all work performed on Sundays or legal holidays, but watchmen are excepted from this provision.

SEC. 4. *Watchmen.*—Watchmen shall be permitted to work not in excess of forty-eight (48) hours per week.

SEC. 5. *Employment by several employers.*—No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed for another employer or employers, exceeds the maximum permitted herein.

SEC. 6. *Maximum hours for working employers.*—Employers who personally perform manual work or are engaged in mechanical operations shall not exceed the prescribed maximum number of hours.

## ARTICLE V—WAGES

SECTION 1. (a) No employee, except as hereinafter provided, shall be paid at less than the rate of forty (40) cents an hour.

(b) Clerical employees shall be paid at a rate of not less than fifteen (\$15.00) dollars per week, provided however, that office boys and girls and messengers shall be paid at a rate not less than eighty (80) percent of the minimum salary herein provided, and provided further that the number of such office boys and girls and messengers so paid shall constitute not more than five (5) percent of the total number of office or clerical workers employed by any one employer;



but in any case, each employer shall be entitled to employ two (2) such employees.

SEC. 2. *Piece rates*.—This Article establishes a minimum rate of compensation, irrespective of whether an employee is actually paid on a time rate, on a piece rate, or other basis.

SEC. 3. *Females*.—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees; and where they displace men, they shall receive the same rate of earnings as the men they displace. The Code Authority shall file with the Administrator within ninety (90) days after the effective date of this Code a description of all occupations in the Industry in which both men and women are employed.

SEC. 4. *Apprentices*.—Regularly indentured apprentices shall be paid a starting rate not less than eighty (80) percent of the minimum set forth in Section 1 above. The number of apprentices shall not at any time exceed the ratio of one (1) apprentice to ten (10) skilled workmen engaged in production. A copy of all such apprenticeship contracts shall be filed with the Code Authority.

SEC. 5. *Disabled employees*.—An individual whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

SEC. 6. *Adjusting wage scale*.—Within thirty (30) days after the effective date of this Code, the wages paid all workers whose pay is above the minimum shall be equitably adjusted if this has not already been done since May 1, 1933. In making such readjustment, there shall be no decrease in wage rates at this time. Within sixty (60) days of effective date the Code Authority shall report to the Administrator the readjustments made.

## ARTICLE VI—GENERAL LABOR PROVISIONS

SECTION 1. In compliance with Section 7 (a) of the Act it is provided: (a) that 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; (b) that 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; and (c) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 2. No person under 16 years of age shall be employed in the Industry, nor anyone under 18 years of age shall be employed at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator



before ninety (90) days 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.

SEC. 3. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers, regulating the age of employees, wages, hours of work, health, fire, or general working conditions, than under this Code.

SEC. 4. Employers shall not reclassify employees or duties of the occupations performed by employees or engage in any other subterfuge to defeat the purposes of the Act.

SEC. 5. Each employer shall post in conspicuous places, accessible to employees, full copies of this Code.

SEC. 6. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment.

#### ARTICLE VII—CODE ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to administer, supervise, and promote the performance of the provisions of this Code.

SECTION 1. The Code Authority shall consist of not less than five (5) and not more than nine (9) members, five (5) of whom shall be appointed by the Executive Committee of the Association. If any members of the Industry, who pay their proportionate share of the expense of the administration of the Code, but who are nonmembers of the Association, desire representation, they may elect, by some fair method, subject to the approval of the Administrator, one (1) member. The Administrator may appoint not over three (3) members without vote.

SEC. 2. In order that the Code Authority shall at all times be truly representative of the Industry 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.

SEC. 3. It is the intention of the Industry to keep the President informed as to the observance or nonobservance of this Code, and as to whether the Industry is taking appropriate steps to effectuate the declared policy of the Act. Therefore, each employer shall prepare and file with such person or organization as the Code Authority may designate, and at such times and in such manner as may be prescribed by the Code Authority (to be held and used subject to the limitations of Article XI hereof), statistics of plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, number of employees, wage rates, employee earnings, and hours of work.

It is, however, expressly provided, that the jurisdiction of the Code Authority under this Code over any employer is limited to that



portion of the business and employment of such employer, which is within the Industry.

SEC. 4. If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended 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 not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

#### ARTICLE VIII—PRICES

Members of the Industry shall file with the Code Authority a complete schedule of price lists, terms, discounts, and conditions of sale, including points of delivery, for the products of the Industry within ten (10) days after the effective date of the Code; such price lists, terms, discounts, and conditions of sale, including points of delivery, may be revised only upon notice by registered mail to the Code Authority, and shall become effective on the tenth day after such notice unless the Code Authority shall authorize a shorter period. The Code Authority shall immediately send copies of all price lists, terms, discounts, and conditions of sale, including points of delivery, so filed to all members of the Industry cooperating in the administration of this Code. Effective filed price lists, terms, discounts, and conditions of sale, including points of delivery, shall be open to the inspection of the trade factors as each may be concerned.

Members of the Industry shall not sell their products at other prices or on other terms or conditions than set forth in their own price list. When any member of the Industry revises his price list, any other member of the Industry may revise his price list accordingly to become effective on the same date as the revised price list first filed.

#### ARTICLE IX—COST PROTECTION

Costs shall be determined in accordance with the principles enumerated in an adequate cost system to be formulated by the Code Authority with the approval of the Administrator. The Code Authority shall with the approval of the Administrator specify those items of cost which shall be allowable. It is understood that a member of the Industry may use any cost system approved by the Code Authority and the Administrator.

#### ARTICLE X—CODE OPEN TO ALL EMPLOYEES

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. Each member of the Industry accepting the benefits of the activities of the Code Authority relative to the preparation and administration of this



Code shall pay to the Code Authority his proportionate share of the amounts necessary to defray the expense of assembling, analyzing and publishing such reports and data. This proportionate share shall be based on the volume of business and/or such other equitable factors which the Code Authority may prescribe and the Administrator approve.

#### ARTICLE XI—DATA CONFIDENTIAL

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.

Except as otherwise provided in the Act, all statistics, data, and information filed in accordance with the provisions of the Code shall be confidential.

The statistics, data, and information of one employer shall not be revealed to any other employer, except that, for the purpose of administering or enforcing the provisions of this Code, the Code Authority, by its duly authorized representatives (who shall not be in the employ of any employer affected by this Code), shall have access in summarized form to any and all statistics, data, and information that may be furnished in accordance with the provisions of this Code.

#### ARTICLE XII—NOT TO SELL BELOW COST

SECTION 1. No employer shall sell or exchange any product of the Industry manufactured by him at a price, or upon terms and conditions, which will result in the customer paying for the goods received, less than the cost thereof to the seller, determined in accordance with the method of costing above described; provided, however, that obsolete merchandise may be disposed of by any employer at a lesser price, but only if such employer, not less than two (2) weeks before such disposal, has filed with the Code Authority, for immediate transmittal to all direct competitors, a statement in writing setting forth an identifying description and quantity of such merchandise, and provided further, that any member may meet the price competition of any other member whose costs under this Code provision are lower.

SEC. 2. In event the Code Authority finds that any filed price would cause instability in the market, the Code Authority may require the member of the Industry filing such price to establish that such price does not involve a net return to such member less than his cost determined pursuant to Section 1 above of this Article. Until such filed price under scrutiny is held violative of Section 1 above, it may remain in effect.

#### ARTICLE XIII—UNFAIR TRADE PRACTICES

Unfair practices shall be deemed to be practices or acts which by subterfuge, concealment, misrepresentation, or by any form of discrimination, result in selling below published prices, or in deceiving



or misleading purchasers, or in misrepresenting the products of competitors. The following specific practices are examples of unfair methods of competition as defined above and shall be prohibited.

SECTION 1. *Unethical and false statements.*—No manufacturer shall, through the medium of his catalogue, advertisement, or any other printed matter or by his representative, make any statement or inference reflecting upon the methods of business procedure of his competitor or make any false and misleading statements regarding the product or price of a competitor.

SEC. 2. *Commercial bribery.*—No member of the Industry 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 employer 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 above defined.

SEC. 3. *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.

SEC. 4. *Consignments.*—No manufacturer of Machine Knives shall carry this product in stock anywhere in the United States on consignment except in branch houses of his own or with his own agent and who shall be listed with the Secretary of the Code Authority.

SEC. 5. *Guarantee.*—No manufacturer shall replace or make allowances on any machine knives because of complaint against the quality of same on the part of the consumer, except after full examination of said knives by the manufacturer producing them, and then only when the manufacturer finds that the complaint is based on fair and reasonable grounds. Claims entered for faulty workmanship or material which are not reported within a reasonable time and until after the product has been largely consumed should not be allowed, but if any allowance is made it shall be upon the basis of the amount used.

SEC. 6. *Free service.*—No manufacturer shall render to any purchaser of any products, in or in connection with the sale of such product, any unusual service or packing, unless fair compensation for such service or packing shall be paid by such purchaser.

SEC. 7. *Selling commission.*—No manufacturer shall grant either a selling commission or dealer's discount to any concern or individual other than an established machine-knife dealer, jobber, salesman, or machine builder. An established dealer, jobber, or salesman is one whose business it is to buy and resell, or to sell, for a salary or commission, to buyers of machine knives; such dealers, jobbers, or salesmen not being controlled or paid for their purchasing efforts by the user.

SEC. 8. *Make-and-hold-orders.*—No manufacturer shall make knives of special design to be carried in stock until called for by



the customer, unless the customer places with the manufacturer a bona fide order specifying the number of knives and delivery date, which delivery date must not exceed ninety (90) days. This provision shall not prevent a Member of the Industry from manufacturing and carrying a stock a reasonable number of special knives not to exceed twenty (20) percent in excess of the number ordered for the purpose of reducing the production cost of such knives.

SEC. 9. Any discrimination between purchasers by the sale of any article having a published price, at any price below the seller's published price by means of direct or indirect price concessions, or by means of any privilege not extended to purchasers generally.

SEC. 10. Withholding from or inserting in an invoice, statements which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof.

SEC. 11. The sale or offering for sale of any product of the Machine Knife Industry under any form of guarantee to the purchaser or prospective purchaser against either advance or protection against the decline in the price of said product.

SEC. 12. Any deviation from the standards as set forth in this Article XIII, or from any amendments thereto, by any member of the Industry either directly or indirectly through his agents, shall be considered an unfair method of competition and a violation of this Code by such member.

#### ARTICLE XIV—EXPORT SALES

The provisions of this Code concerning sales shall not apply to direct export sales of any product. The term "export" shall include shipments to foreign countries and to the territories and possessions of the United States.

#### ARTICLE XV—IMPORTS

The Code Authority shall secure current information concerning the competition in domestic markets of imported Machine Knife and Allied Steel Products and if it shall find that such products are being imported into the United States in substantial quantities or increasing ratio to domestic production and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code, it shall make complaint to the President pursuant to the provisions of Section 3 (e) of the Act and petition for suitable restrictions on the importation of such Machine Knives and Allied Steel Products.

#### ARTICLE XVI—AMENDMENTS AND ADDITIONS

Such of the provisions of this Code, as are not required by the National Industrial Recovery Act to be included herein, may, with the approval of the Administrator, be modified or eliminated as changed circumstances or experience may indicate. This Code is intended to be a basic code and study of the trade practices of the Machine Knife Industry will be continued by the Code Authority

of the Machine Knife Industry with the intention of submitting from time to time, to the Administrator for approval, additions to, or revisions of this Code applicable to all employers in the Machine Knife Industry.

#### ARTICLE XVII—GENERAL PROVISIONS

SECTION 1. Pursuant to subsection (b) of Section 10 of the National Industrial Recovery Act, the President of the United States may from time to time cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act.

SEC. 2. *Effective date.*—This Code shall become effective on the tenth day after its approval by the President.

Approved Code No. 263.

Registry No. 1331-1-01.







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