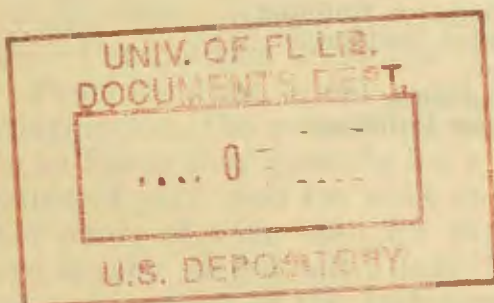
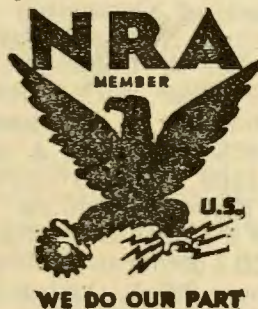


NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION
FOR THE
CANDLEWICK BEDSPREAD
INDUSTRY

AS APPROVED ON JUNE 1, 1934



UNITED STATES
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Approved Code No. 451

CODE OF FAIR COMPETITION
FOR THE
CANDLEWICK BEDSPREAD INDUSTRY

As Approved on June 1, 1934

ORDER

CODE OF FAIR COMPETITION FOR THE CANDLEWICK BEDSPREAD 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 Candlewick Bedspread 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 that, upon application of the Candlewick Bedspread Association, the provisions of Article IV, Section 2 of said Code, in so far as they provide for a compensation of eight cents (8¢) per ounce of yarn used for work on the 60/60 spreads and ten cents (10¢) per ounce of yarn used for work on the 64/64 spreads, be and they are hereby stayed until July 16, 1934, on condition that in the interim members of the Industry pay to home workers not less than six and one-fourth cents (6¼¢) per ounce of yarn used for work on the 60/60 spreads and not less than eight cents (8¢) per ounce of yarn used on the 64/64 spreads, pending my further order;

And provided further that the approval of Article IV, Section 2 and Article V, Section 2 is limited to such period as may be necessary for a commission appointed by me upon recommendation of the Division of Research and Planning and the Labor and Industrial Advisory Boards to investigate the economic desirability of said

provision. It is proposed that such commission be immediately appointed by the Administrator and directed to report with all reasonable expedition and if possible by July 16, 1934. When such commission has reported, the Administrator will hold a public hearing on the reports and findings of the commission giving interested parties reasonable notice and opportunity to be heard. On the basis of such report and of the facts brought out at such public hearing, it is contemplated that these provisions and any other provisions in the Code, may be modified so as to meet existing conditions.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

H. O. KING,
Division Administrator.

WASHINGTON, D.C.,
June 1, 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 Candlewick Bedspread Industry, conducted in Room 2062, Department of Commerce Building, Washington, D.C., Monday, April 16, 1934.

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

The Code which is attached was presented by duly qualified and authorized representatives of the Industry, claiming to represent ninety-two (92%) per cent of the capacity of the Industry.

GENERAL CHARACTERISTICS OF THE INDUSTRY

This Industry is a traditional one in the homes of the mountain people of the Blue Ridge, but has been developed commercially only in the last twenty years. In its commercial phase this Industry is concentrated almost entirely in Whitfield, Murray, Jordan and Bartow counties in North Georgia with its center at Dalton. Outside of the four counties there is one plant in South Carolina, one in Tennessee and one in Alabama. There are twenty-five (25) concerns in the Industry.

The products of the Industry are hand-tufted bed coverings, draperies, piece goods, pillow tops, bath mats and related products.

There are from one hundred and fifty (150) to two hundred (200) persons normally employed inside the plants of the Industry, and in addition it is estimated that from twelve thousand (12,000) to fifteen thousand (15,000) home workers are engaged in the tufting of the products of the Industry. The value of the products of the Industry was approximately \$1,600,000.00 for 1933.

PROVISIONS OF THE CODE

The minimum wage for employees is twelve (\$12.00) dollars per week, except for cleaners and learners for which the minimum is nine (\$9.00) dollars per week. Learners are limited to ten per cent (10%) of the total number of employees. With the exception of a few classes of employees the maximum number of hours permitted is forty (40) hours per week.

The rate of pay for the home workers is based on eight cents (8¢) per ounce for twelve (12) strand yarn worked on 60/60 spreads, or under, and ten cents (10¢) per ounce for twelve (12) strand yarn worked on spreads heavier than 60/60. The rate per hour produced by the Schedule of rates is difficult to determine accurately

in view of the conditions under which the home work is done. However, evidence produced by the Manufacturers would seem to indicate a yield of from fifteen cents (15¢) to twenty cents (20¢) per hour from the above rates—which is from three to four times the rate in effect a year ago.

The above rates are to be stayed until July 16, 1934, at which time they become effective—subject to a review and Public Hearing on the facts brought out at that time or shortly thereafter by a committee established under the Code to investigate labor and competitive conditions in the Industry.

The rates which will be in effect during the period to July 16th are based on six and one-quarter cents ($6\frac{1}{4}$ ¢) per ounce for 60/60 spreads and eight cents (8¢) per ounce for spreads heavier than 60/60. These rates compare with the rates of four cents (4¢) and six cents (6¢) per ounce respectively in effect before the Code and about two and one-half cents ($2\frac{1}{2}$ ¢) per ounce in effect a year ago.

While fifteen cents (15¢) to twenty cents (20¢) per hour appears to be low, when compared to the minimum of thirty cents (30¢) per hour established in other textile codes, it is approximately three (3) to four (4) times the amount received in 1932 as stated. As the work is done in the home of the worker as a part time job and is not supervised by the manufacturer, it is believed that the rate is justified pending the further determination of facts by the investigating committee.

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 supervisions, 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 fifty thousand (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 association 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, the Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JUNE 1, 1934.

CODE OF FAIR COMPETITION FOR THE CANDLEWICK BEDSPREAD INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a code of fair competition for the Candlewick Bedspread Industry and its provisions shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Candlewick Bedspread Industry" as used herein, includes the converting of sheetings and yarn into hand-tufted bed coverings, draperies, piece goods, pillow tops, bath mats and related products, together with such punch-work tufting as is incidental thereto, and the primary distribution of such products.

SECTION 2. The term "member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise, engaged in the Industry as above defined, either as an employer or on his or its own behalf.

SECTION 3. The term "Association" as used herein means the Candlewick Bedspread Association of Dalton, Georgia.

SECTION 4. The term "employees" as used herein means only those employees working in the offices, warehouses, or establishments of members of the Industry.

SECTION 5. The term "employer" as used herein means any member of the Industry by whom employees are employed or compensated.

SECTION 6. The term "home workers" as used herein means all persons engaged in the process of making hand-tufted bed coverings and all other hand-tufted products of the Industry from yarns, sheeting, and other materials supplied them by members of the Industry, which persons work on their own time and in their own homes or places away from the establishments of members of the Industry.

SECTION 7. The term "hauler" as used herein means a person who distributes yarn, sheetings, and other materials from members of the Industry to home workers.

SECTION 8. The term "cleaners" as used herein, shall include only those who perform janitorial services and clean machines, or not as sweepers and whose labor is confined to such tasks.

SECTION 9. 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.

SECTION 10. The term "Code Authority" as used herein means the Candlewick Bedspread Industry Code Authority set up in Article VI of this Code.

ARTICLE III—HOURS

No employees in this Industry shall be permitted to work in excess of forty (40) hours per week or eight (8) hours per day with the following exemptions:

(a) Executives, office employees, and members of the supervisory staff who receive \$35.00 per week or more, and outside salesmen and haulers.

(b) Office employees who receive less than \$35.00 per week may work in excess of forty (40) hours per week provided such excess work shall not average more than forty (40) hours per week over a five weeks' period; but in no event shall any office employee work more than forty-eight (48) hours per week during such period.

(c) Watchmen who shall not be employed in excess of fifty-six (56) hours per week.

(d) No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this industry (or otherwise), exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid at less than the rate of \$12.00 per week except cleaners and learners, who shall not be paid less than at the rate of \$9.00 per week. The period of learning shall be limited to the first two months of the training. In this Industry any time spent as a learner for another employer shall be credited to the two months' period of learning herein prescribed. At no time shall the number of learners employed by any member of the Industry be in excess of ten per cent (10%) of the total number of employees employed by such member of the Industry.

SECTION 2. The minimum scale of compensation for all Candlewick work done by home workers shall be:

(a) 8¢ per ounce for 12 strand unfinished yarn worked on all light weight spreads 60/60 or under, with 25¢ as minimum for any pattern. 10¢ per ounce for 12 strand unfinished yarn worked on all heavy weight spreads over 60/60, with 30¢ as minimum for any pattern. For each additional color or tone above three, 5¢ shall be added on each spread. The price per ounce shall be doubled on all patterns where manufacturer or the pattern requires each stitch to be pulled up and cut separately and on all French knots. 12 strand yarn shall be the standard and any yarn with fewer strands shall be paid for as if its weight equaled the 12 strand.

(b) For hemming spreads workers shall receive at least 1¢ per spread.

(c) For laying off patterns from forms each worker shall receive at least 2¢ per spread.

(d) For fringing the minimum scale of compensation shall be 25¢ for single knot with 5¢ additional for each tie or knot.¹

SECTION 3. No employee shall receive for forty (40) hours of labor less compensation than he received or would have received as of August 1, 1933, for not exceeding fifty-two (52) hours per week,

¹ See paragraphs 3 and 4 of order approving this Code.

and the wage differentials for all operations shall be equitably re-adjusted.

Within 30 days after the effective date, every member of the Industry shall report to the Code Authority action taken by him with respect to adjustment of wages above the minimum.

SECTION 4. A person 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 monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. On and after the effective date of this code, no member of the Industry shall employ any minor under the age of 16 years, nor anyone under eighteen (18) years of age at operations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before August 1, 1934, a list of such occupations which, upon his approval, shall be deemed hazardous in nature or detrimental to health within the meaning of this section. In any state an employer shall be deemed to have complied with the age provision, if he shall have on file a certificate or permit duly issued by the authority in such state empowered to issue employment or any certificates or permits, showing that the employee is of the required age.

SECTION 2. No member of the Industry shall distribute material through haulers unless such haulers contract in writing not to accept from any home workers a compensation aggregating more than 15% of the amount received by such home worker for each finished product and in no event to accept a compensation of more than thirty cents (30¢) per spread. Such contracts shall further provide that haulers when delivering raw materials to workers should deliver them with a slip provided by the member of the Industry and printed with his name thereon, specifying the number of ounces of yarn required for each pattern and the amount of compensation to be paid for each pattern.²

SECTION 3. 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

² See paragraph 4 of order approving this Code.

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.

SECTION 4. All employers shall post and keep posted copies of this Code, in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition, which may from time to time be prescribed by the Administrator.

SECTION 5. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 6. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six months after the effective date of the Code.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 1. The Code Authority shall consist of five members of the Industry to be elected in accordance with a fair method of selection, approved by the Administrator.

SECTION 2. In addition to the membership as above provided, there may be not more than three members without vote to be appointed by the Administrator, who will serve without expense to the Industry, except where the Industry agrees to such expense.

SECTION 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, 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.

SECTION 4. 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 prescribe 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.

SECTION 5. 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 complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration.

Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other facts as may be deemed equitable.

SECTION 6. 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, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or non-feasance.

SECTION 7. The Code Authority shall make the proper investigation of violations and endeavor to correct them and shall refer violations to the Administrator where adjustment cannot be made subject to the regulation of the Administrator.

SECTION 8. The Code Authority shall have the following powers and duties:

(a) To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act in accordance with the regulations of the Administrator.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration of the Code.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code and in addition to information required to be submitted to any Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as the Administrator may designate; nor shall anything in any code relieve any person of existing obligations to furnish reports to Government agencies. No individual reports shall be disclosed to any other members of the Industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To secure from members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(f) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the Industry who have assented to and are complying with this Code.

(g) To recommend to the Administrator further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment and to recommend to the Administrator amendments to

or modifications of this Code after submitting said recommendations to the members of the Industry.

(h) To equitably adjust compensation to workers on all complicated patterns either alone or with Representatives of Labor at their request; so that the net earnings on such spreads shall in no event be less than the average net earnings which the workers shall receive from working spreads of simple design at the 8¢ and 10¢ minimum per ounce. And for the purpose of adjusting compensation the Code Authority shall, subject to the disapproval of the Administrator, have the power to revise prices per ounce upward with or without notice to those concerned.

SECTION 9. 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 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 VII—TRADE PRACTICES

The following shall constitute fair trade practices for this Industry and any violation of any fair trade practice shall constitute a violation of the Code.

SECTION 1. *Sales Below Cost*.—No member of the Industry shall sell or offer for sale any product at a price less than his own individual cost of production, to be determined in accordance with the system of cost accounting which shall be approved by the Administrator upon recommendation of the Code Authority, except to meet a lower competition price or to dispose of distress merchandise, provided that sales of distress merchandise at prices below cost shall be reported to the Code Authority.

SECTION 2. Every employer shall have a cost accounting system which conforms to the principles of and is at least as detailed and complete as the standard method of cost accounting system adopted by the Code Authority and approved by the Administrator, and which shall be used in determining his individual cost of production.

SECTION 3. Members of this Industry shall file with the Code Authority a schedule of already quoted prices, terms, discounts, and conditions of sale for products of the Industry effective on the date of mailing said schedule to the Code Authority.

SECTION 4. Schedules of prices, terms, discounts, conditions of sale, and revised price lists shall be open to the inspection of any interested party, and the Code Authority shall publish to the Industry said schedules of prices, terms, discounts, and shall notify the members of the Industry of any revision of price lists.

SECTION 5. In order to maintain quality, no member of the Industry shall offer any product made on sheeting of light or sub-count material less than 87 in. two yards 60/60.

SECTION 6. Whenever a member of the Industry introduces a new pattern, distinctive in motif and design, this pattern by cut or photograph shall be submitted to the Code Authority and registered

as the exclusive design of said member of the Industry for a period not to exceed two years. No member of the Industry shall use a registered pattern except by permission of the owner.

SECTION 7. Cash discounts allowed by any member of the Industry shall not exceed three per cent 10th E.O.M. except when added into the invoice prices. All terms of sale shall be made on the basis of F.O.B. point of origin.

SECTION 8. No member of the Industry shall secretly offer or make any payment or allowance of any gift, rebate, commission, refund, credit, unearned discount, or excess allowance whether in the form of money or otherwise; nor shall any member of the Industry secretly offer or extend to any purchaser any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

SECTION 9. *False Billing.*—No member of the Industry shall knowingly withhold from or insert in a quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 10. Each manufacturer or distributor shall, within thirty days after the effective date of this Code, furnish to the Code Authority and its secretary a list of his or its active patterns together with a certificate showing the weight and character of sheeting used in each pattern; the number of ounces of unwashed yarn required to complete said pattern into a finished spread; the rate of pay per ounce for working said pattern; the total amount of compensation to be received by each worker for working such pattern; the average time required for working the same by average experienced workers, and shall include in each certificate the name of the worker who made the test for the distributor or manufacturer. Every manufacturer or distributor who shall, after the effective date of this Code, put out for work or introduce into the trade any new pattern shall first furnish the Code Authority with the above information on such proposed pattern. The Code Authority may require such other like information as it may at any time deem necessary or suitable or proper. Such information shall at all times be accessible to Representatives of the Workers.

ARTICLE VIII—MODIFICATION

SECTION 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 Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under said Act.

SECTION 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 provisions 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—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases, except such as may be required to meet individual cost, should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's cost.

ARTICLE XI—EFFECTIVE DATE

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

Approved Code No. 451.

Registry No. 226-1-05.



