

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

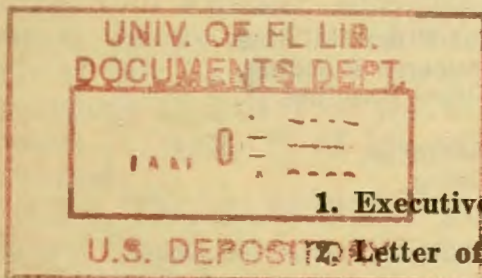
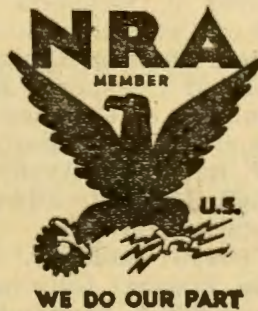
END GRAIN STRIP

WOOD BLOCK INDUSTRY

AS APPROVED ON DECEMBER 30, 1933

BY

PRESIDENT ROOSEVELT



1. Executive Order

2. Letter of Transmittal

3. Code

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Approved Code No. 186

CODE OF FAIR COMPETITION

FOR THE

END GRAIN STRIP WOOD BLOCK INDUSTRY

As Approved on December 30, 1933

BY

PRESIDENT ROOSEVELT

Executive Order

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 End Grain Strip Wood Block Industry, 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 the said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of 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 adopt and approve the report, recommendations, and findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 30, 1933.

DECEMBER 20, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the End Grain Strip Wood Block Industry in the United States as revised after the hearing conducted in Washington on October 12, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO HOURS, WAGES, AND GENERAL LABOR
PROVISIONS

ARTICLE III—HOURS

2. This Article provides that no employee shall be permitted to work in excess of forty (40) hours in any seven (7) day period or eight (8) hours in any twenty-four (24) hour period or more than five (5) days in any seven (7) day period, except that such hourly and daily limitations do not apply to employees engaged in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, or to travelling salesmen or to employees engaged in emergency maintenance or emergency repair work. Further, an exception is made to persons employed in clerical or office work permitting such employees to work five and one half (5½) days in any seven (7) day period.

ARTICLE IV—WAGES

3. This Article establishes a minimum rate of pay at the rate of forty (\$0.40) cents per hour, except that employees employed in the State of Arkansas shall be paid not less than thirty-five (\$0.35) cents per hour and persons employed in clerical or office work shall be paid not less than fourteen dollars (\$14.00) per week. This Article also establishes a minimum rate of pay irrespective of whether the employee is actually compensated on a time rate, piece-work, or other basis. Further, female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

This Article also provides for an equitable adjustment of all wages above the minimum and further, that the Code Authority may present for the approval of the Administrator upward adjustments in minimum wages for specified localities or occupations.

Overtime for all work in excess of the normal number of hours per day or the normal number of hours per week, but not to exceed six (6) hours in any seven (7) day period, except in cases of emergency maintenance or emergency repair work involving break-downs or the protection of life or property, at the rate of one and one half

(1½) times their normal rate of pay is provided for all employees with the exception of those employees who earn more than thirty-five (\$35.00) dollars per week.

ARTICLE V—GENERAL LABOR PROVISIONS

4. This Article provides that no person under sixteen (16) years of age shall be employed in the industry and no person under the age of eighteen (18) years shall be employed in operations or occupations which are hazardous in nature or dangerous to health, and that the Code Authority must submit to the Administrator within thirty (30) days after the effective date of this Code a list of such operations or occupations.

This Article embodies subparagraph (a) of Section 7 of Title I of the National Industrial Recovery Act.

This Article further provides that employers shall not reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes of provisions of the Act or of this Code.

This Article further provides that every employer shall provide for the safety and health of his employees at the place and during the hours of their employment.

This Article further provides that all employers shall post complete copies of this Code in conspicuous places accessible to employees and that employers shall make payment of all wages due in lawful currency or by negotiable check at specified pay periods.

ECONOMIC EFFECT OF THE CODE

5. The members of this industry manufacture and grain strip wood blocks for floors, side walls, ceilings, furniture, accoustical treatment, and decorative uses, for use in connection with construction projects.

The report of the Research and Planning Division indicates that this industry has grown rather rapidly in recent years. From one establishment in 1928 employing 200 workers and having an estimated productive capacity of \$600,000.00, the industry has expanded to the point where there are now nine (9) establishments employing 600 workers and having a productive capacity of \$3,000,000.00. During this same period, invested capital has increased three (3) times and estimated annual sales about one and one half (1½) times.

On the basis of man hours, the industry reached its production peak in 1933, and should consumer demand increase, while the industry is working under the forty (40) hour week maximum, as provided by the Code, it will be necessary to employ approximately 120 additional men not previously employed in this industry. The increases which were effected as a consequence of the President's Reemployment Agreement will be further extended by the provisions of this Code and the upward readjustment of wages above the minimum promises to carry out in spirit and letter the object of the National Industrial Recovery Act.

The report of the Research and Planning Division indicates that the minimum rate of forty cents (\$0.40) per hour established by the

Code affects approximately sixty percent (60%) of the total employees of the industry receiving less than forty cents (\$0.40) per hour on September 15, 1933, excluding those employees in the State of Arkansas for whom a minimum rate of thirty-five cents (\$0.35) is established by the Code.

FINDINGS

The Administrator finds that—

(a) The code as recommended complies in all respects with the mandatory provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof, and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the End Grain Strip Wood Block Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this code be adopted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
END GRAIN STRIP WOOD BLOCK INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act as approved by the President June 16, 1933, the following provisions are submitted as a Code of Fair Competition for the End Grain Strip Wood Block Industry and, upon approval by the President, shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "End Grain Strip Wood Block Industry" or "Industry" as used herein is defined to mean and include the manufacture for sale and the installation by the manufacturer of End Grain Strip Wood Blocks for floors, side walls, ceilings, furniture, accoustical treatment, and decorative uses, together with such accessory materials and operations as may be incidental thereto and such branches or subdivisions as may from time to time be included under the provisions of this Code by the President after such notice and hearing as he may prescribe.

SEC. 2. The term "End Grain Strip Wood Blocks" is defined to mean a series of end-grain wood blocks assembled into strips on continuous baseboards, or by the use of wood or metal binders, splines, or dowels, or a combination thereof, or such other methods as may be devised from time to time.

SEC. 3. The term "member of the industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

SEC. 4. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SEC. 5. The term "commodity" as used herein is defined to mean End Grain Strip Wood Blocks or accessory materials.

SEC. 6. The term "product" as used herein is defined to mean a complete installation of End Grain Strip Wood Blocks including any required accessory materials. A product may be one of several species of wood or thicknesses of the strip.

SEC. 7. The term "Association" means the End Grain Strip Wood Block Manufacturers, Incorporated.

SEC. 8. The term "Act" and "Administrator" as used herein mean respectively Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—MAXIMUM HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any seven (7) day period, or eight (8) hours in any twenty-four (24) hour period, beginning at midnight, or more than five (5) days in any seven (7) day period, except as herein otherwise provided. A normal work day (twenty-four (24) hour period) shall not exceed eight (8) hours, and a normal work week (seven (7) day period) shall not exceed forty (40) hours.

SEC. 2. *Hours for Clerical and Office Employees.*—No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any seven (7) day period, or nine (9) hours in any twenty-four (24) hour period, or five and one half ($5\frac{1}{2}$) days in any seven (7) day period. A normal work day (twenty-four (24) hour period) shall not exceed eight (8) hours and a normal work week (seven (7) day period) shall not exceed forty (40) hours.

SEC. 3. *Exceptions as to Hours.*—The provisions of this Article shall not apply to travelling salesmen, or to employees engaged in emergency maintenance or emergency repair work, or to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week.

SEC. 4. *Employment by Several Employers.*—No employer shall knowingly engage any employee for any time which, when totaled with that already performed with another employer or employers in this industry, exceeds the maximum permitted herein.

ARTICLE IV—MINIMUM WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of forty cents (\$0.40) per hour, except as herein otherwise provided.

SEC. 2. No employee employed in the State of Arkansas shall be paid in any period less than at the rate of thirty-five cents (\$0.35) per hour.

SEC. 3. No person employed in clerical or office work shall be paid in any pay period less than fourteen dollars (\$14.00) per week.

SEC. 4. *Piecework Compensation—Minimum Wages.*—This Article establishes a minimum rate of pay, which shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SEC. 5. *Minimum Wage Rates by Locality Occupation.*—After the approval of this Code, the Code Authority may present for approval to the Administrator, after notice and hearing, recommendations as to upward adjustments in minimum wages for specified localities or occupations, in order to effectuate the purposes of the Act.

SEC. 6. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SEC. 7. *Wages Above the Minimum.*—There shall be an equitable adjustment of all wages above the minimum, and to that end, within thirty (30) days after the effective date of this Code, the Code Authority shall submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval by the Administrator after such hearing as he may prescribe, such proposal shall become binding as a part of this Code, provided, however, that in no event shall hourly rates of pay be reduced.

SEC. 8. *Overtime.*—All employees who work more than the normal number of hours per day in any twenty-four (24) hour period, or more than the normal number of hours per week in any seven (7) day period, provided in this Code for the class of work performed by such employees shall be paid not less than one and one half ($1\frac{1}{2}$) times their normal rate of pay for said excess. Such overtime shall

not exceed six (6) hours in any seven (7) day period, except in cases of emergency maintenance or emergency repair work involving breakdowns or protection of life or property. This section shall not apply to employees in executive or managerial capacity who earn more than thirty-five (\$35.00) per week.

ARTICLE V—CHILD LABOR

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within thirty (30) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Agency in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SEC. 2. *Provisions from the Act.*—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. 3. *Reclassification of Employees.*—No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

SEC. 4. *Standards for Safety and Health.*—Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

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

SEC. 6. *Posting.*—All employers shall post complete copies of this Code in conspicuous places accessible to employees.

SEC. 7. *Payment of Wages.*—All employers shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Wages shall be paid at the end of each weekly period. These wages shall be exempt from any payment for pen-

sions, insurance, or sick benefits other than those voluntarily paid by employees. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this section regarding payment of wages at the end of each weekly period shall not apply to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week, nor to persons employed in clerical or office work. The wages for persons employed in clerical or office work shall be paid at the end of pay periods not to exceed bi-monthly periods.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. *Organization and Constitution.*—A Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SEC. 2. The Code Authority shall consist of five (5) members of the industry to be selected as follows:

Members of the industry shall elect the industry members of the Code Authority by majority vote of the members of the Industry; provided, however, that four (4) of such members of the Code Authority shall be members of the Association and one (1) such member of the Code Authority shall be a nonmember of the Association; and further provided, in the event that ninety percent (90%) of the members of the industry are members of the Association, all five (5) members of the Code Authority may be members of the Association.

SEC. 3. The Association is hereby designated as the agency to conduct an election of the members of the Code Authority within fifteen (15) days after the effective date of this Code, and any other elections of members of the Code Authority which may thereafter be held. Members of the Code Authority shall be elected to serve for a term of one (1) year or until their successors are elected at the next annual meeting of the industry. In the event of any vacancy in the membership of the Code Authority, a special meeting of the members of the industry for an election to fill the incomplete terms of such members shall be called. Notice of each election shall be sent to all members of the industry at least ten days in advance of such election, and voting at such election may be by person, by proxy, or by letter ballot.

SEC. 4. In addition to membership as above provided, there may be three (3) members, without vote, to be appointed by the Administrator, to serve for a term of twelve (12) months from the date of appointment.

SEC. 5. The representatives who may be appointed by the Administrator, together with the Administrator, shall be given notice of and may sit at all meetings of the Code Authority.

SEC. 6. 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, to-

gether with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SEC. 7. 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.

SEC. 8. 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 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 factors as may be deemed equitable.

SEC. 9. 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 nonfeasance.

SEC. 10. *Powers and Duties.*—The Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove any action taken by the Code Authority:

(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.

(b) To adopt bylaws and rules and regulations for its procedure and for the administration and enforcement 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 to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided, that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other member 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 make recommendations to the Administrator for the co-ordination of the administration of this Code with such other Codes, if any, as may be related to the industry.

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

(g) To cooperate with the Administrator in regulating the use of any NRA insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(h) 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.

ARTICLE VII—TRADE PRACTICE RULES

GENERAL DEFINITIONS

For all purposes of the Code the acts described in this Article shall constitute unfair practices. Any member of the industry who shall directly or indirectly through any officer, employee, agent, or representative, knowingly use, employ, or permit to be employed, any of such unfair practices shall be guilty of a violation of the Code.

RULES CONCERNING TRADE INACCURACIES

Rule 1. Inaccurate Advertising.—No member of the industry shall use or publish advertising (whether printed, radio, display, or of any nature) or other representation which is inaccurate in any material particular or in any way misrepresent any commodity (including its use, trade mark, grade, quality, quantity, origin, size, material content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

Rule 2. "Bait" Advertising.—No member of the industry shall use advertising or selling methods or credit terms which tend to deceive or mislead the customer or prospective customer.

Rule 3. False Billing.—No member of the industry shall intentionally withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

Rule 4. Inaccurate Labelling.—No member of the industry shall intentionally brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, material content, or preparation of such commodity.

RULES CONCERNING ATTACKING OF COMPETITORS

Rule 5. Inaccurate References to Competitors, etc.—No member of the industry shall use advertising or other representation which refers inaccurately in any material particular to any competitor or his commodities, prices, values, credit terms, policies, or services.

Rule 6. Selling Below Cost.—No member of the industry shall sell below his cost, except to meet the competition of the lower cost of another member of the industry. Pursuant to the provisions of Article VI, the Code Authority shall formulate or cause to be formulated standard methods or systems of cost accounting for use in this industry, which methods or systems shall be adaptable to the cost ac-

counting procedure of, and to the business of this industry. Such methods or systems shall specify the factors that shall determine the cost for each member of the industry pursuant to the provisions of this section. Upon approval of such methods or systems by the Administrator, the Code Authority shall furnish to each member of the industry complete details of such methods or systems. Thereafter, in determining costs, each member of the industry shall use a cost accounting system which shall be at least as complete and detailed as the cost accounting method or system recommended by the Code Authority and approved by the Administrator.

Rule 7. Threats of Law Suits.—No member of the industry shall publish or circularize unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harrassing competitors or intimidating their customers.

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

Rule 9. Selling on Consignment.—No member of the industry shall ship commodities on consignment except under contract or bona fide orders.

Rule 10. Bribing Employees.—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 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 hereinabove defined.

Rule 11. Interference with Another's Contracts.—No member of the industry shall attempt to induce the breach of an existing contract between a competitor and his employee or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

Rule 12. Espionage of Competitors.—No member of the industry shall secure or attempt to secure confidential information concerning the business of a competitor by a false or misleading statement or representation or by false impersonation of one in authority by bribery or any other unfair method.

RULES CONCERNING SPECIAL PRACTICES

Rule 13. No member of the industry shall finance, directly or indirectly, a purchaser on a specific contract, nor guarantee his accounts in any manner, except in accordance with provisions previously filed with the Code Authority pursuant to Article VIII hereof.

Rule 14. No member of the industry shall cancel in whole or in part, or permit the cancellation in whole or in part, of any contract of sale of End Grain Strip Wood Blocks or of any commodity except for an equitable consideration.

Rule 15. No member of the industry shall make or give to any purchaser of any commodity any guarantee or protection in any form against a decline in the market price.

Rule 16. No member of the industry shall combine quotations for any commodity of this industry with any quotation for any other material, labor, or service, for the purpose and with the intent of concealing the true selling price of such commodity.

Rule 17. No member of the industry shall intentionally imitate or misappropriate the trade marks, trade designs or trade brands of a competitor for the purpose or with the intent of deceiving any purchaser or prospective purchaser.

Rule 18. Other Unfair Practices.—Nothing in this Code shall limit the effect of any adjudication by the courts or holding by the Federal Trade Commission on complaint, finding, and order, that any practice or method is unfair, providing that such adjudication or holding is not inconsistent with any provision of the Act or of this Code.

ARTICLE VIII—PRICE LISTING, TERMS, AND CONDITIONS OF SALE

SECTION 1. Within twenty (20) days after the effective date of this Code each member of the industry shall file and shall maintain on file with the Code Authority, or with such agency as the Code Authority may designate, a minimum price list individually prepared by it for all commodities and products, f.o.b. shipping point, sold or offered for sale, and all terms and conditions of sale relating thereto, provided, however, that no such price list shall state prices less than the member's individual cost as determined by Rule 6 of Article VII. Such price list and terms and conditions of sale shall be open to inspection at all reasonable times by any interested party. Revised price lists or revised terms and conditions of sale may be filed from time to time thereafter, provided, however, that such revisions shall be filed for a period of not less nor more than five (5) days in advance of the effective date of any such revisions.

SEC. 2. No member of the industry shall sell or offer for sale any commodity or product at such prices or on such terms and conditions of sale as will result in the purchaser obtaining such commodity or product at less than the prices previously filed by such member, or on more favorable terms and conditions than the terms and conditions of sale previously filed by such member, in accordance with the provisions of this Article and in effect at the time of such sale.

SEC. 3. No member of the industry shall render any service other than advice and consultation to any purchaser of any commodity in connection with the sale or installation of any commodity or product unless a schedule of such services shall have been previously filed with the Code Authority pursuant to Section 1 hereof, or unless fair compensation for such services shall be paid by such purchaser. The following additional services shall be individually itemized and charged for if rendered:

(a) Services rendered in connection with the placing of the sub-base or other backing in proper condition to receive the end grain strip wood blocks.

(b) Services rendered in connection with the provision of a clear working space or with the adjustment of conduit pipes or other obstructions which interfere with the installations.

(c) Services required as the result of the failure of the purchaser to so arrange the progress of the operation as to permit one continuous and uninterrupted installation.

(d) Services required as a result of the failure of the purchaser to provide electrical outlets, electrical wiring, and electrical current for power and lighting in the immediate area of the installation.

(e) Services required as a result of the failure of the purchaser to provide free and uninterrupted use of a hoist and the operator thereof.

(f) Services required as the result of the failure of the purchaser to provide watchmen.

(g) Services required as the result of the failure of the purchaser to provide water and toilet facilities for the installation crew.

(h) Costs incurred for insurance of materials delivered or installed in the event that the purchaser requires such insurance.

SEC. 4. The price to any destination shall be not less than the price f.o.b. shipping point plus full transportation charges to unloading point of carrier. No member of the industry shall prepay transportation charges on shipments consigned to other than the member of the industry itself, except in the case of railroad freight charges to stations to which regulations require prepayment from any shipping point, unless other conditions shall have been filed previously with the Code Authority pursuant to Section 1 hereof; provided, however, that the foregoing provisions shall not apply to shipments purchased directly by and consigned to departments or agencies of the United States or State Governments or subdivisions thereof.

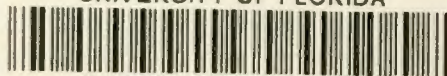
SEC. 5. Terms of payment by members of the industry shall not be more favorable than to provide that eighty-five percent (85%) of the value of any commodity or product furnished, delivered, or installed during the preceding month shall be due and payable on the fifteenth day of each month following such furnishing, delivery, or installing, and that the balance shall be due and payable within thirty (30) days after the completion of the contract. A cash discount of not to exceed one (1) percent, after freight is deducted, may be allowed on partial or complete payments made within ten (10) days from the date of shipment; provided, however, that the foregoing provisions shall not apply to shipments purchased directly by and consigned to Departments or agencies of the United States or State Governments or subdivisions thereof.

ARTICLE IX

If any employer in this industry is also an employer of labor in or engaged in any other industry, the provisions of this Code shall apply to and affect only that part of his business which is defined in this Code.

ARTICLE X—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible 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 increases in the seller's costs.



ARTICLE XI—MONOPOLIES

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 XII—GENERAL PROVISIONS

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 the 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 modification 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 President.

ARTICLE XIII—REPORTS

In addition to information required to be submitted to the Code Authority, all or any of the persons 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; and nothing in this code shall relieve any person of any existing obligation to furnish reports to Government agencies.

ARTICLE XIV—REGISTRATION OF MEMBERS OF THE INDUSTRY

Each member of the industry shall within thirty (30) days of the effective date of this Code register with the Code Authority. All members of the industry who may engage in the industry thereafter shall likewise register with the Code Authority. Registration of a member of the industry shall include the full name and mailing address of the member. The time limit for the registration by any member of the industry may be extended whenever, in the opinion of the Administrator, the time limit as provided herein might cause an injustice to any member of the industry.

ARTICLE XV—INSTALLATION (FIELD ERECTION)

Members of the Industry engaged in installation (field erection) of the products or commodities of this Industry shall be governed by the hours, wages, and other labor provisions of such approved code for the construction industry as may be designated by the Administrator after such notice and hearing as he may prescribe.

ARTICLE XVI—EFFECTIVE DATE

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

Approved Code No. 186.
Registry No. 320—1—01.