

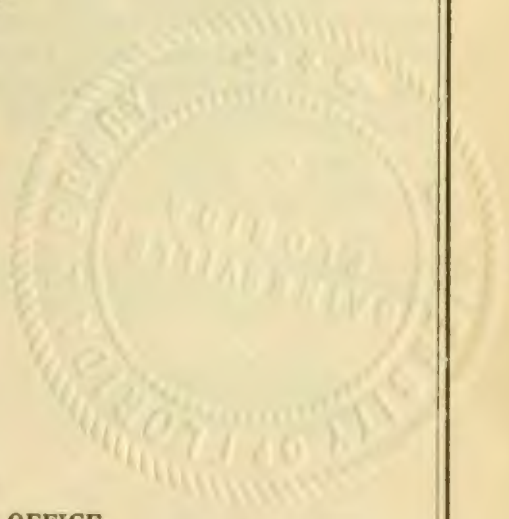
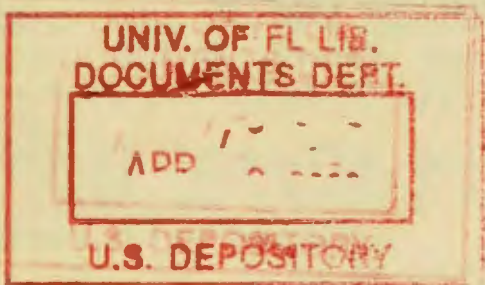
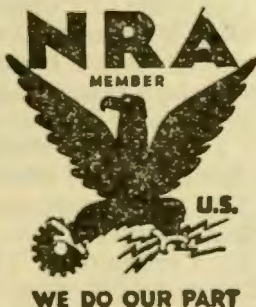
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

LEATHER AND WOOLEN
KNIT GLOVE INDUSTRY

AS APPROVED ON DECEMBER 4, 1934

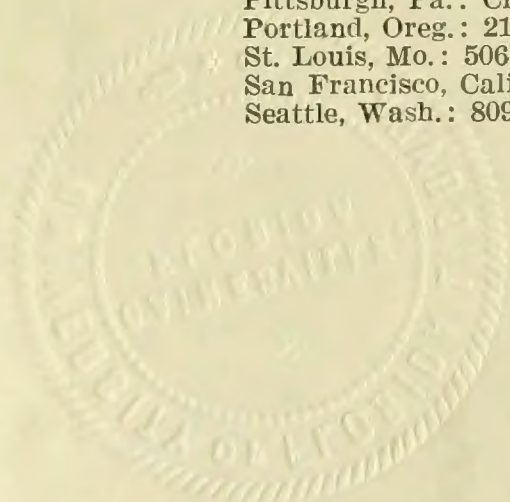


UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

This publication is for sale by the Superintendent of Documents, Government Printing Office, Washington, D. C., and by district offices of the Bureau of Foreign and Domestic Commerce.

DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE

Atlanta, Ga.: 504 Post Office Building.
Birmingham, Ala.: 257 Federal Building.
Boston, Mass.: 1801 Customhouse.
Buffalo, N. Y.: Chamber of Commerce Building.
Charleston, S. C.: Chamber of Commerce Building.
Chicago, Ill.: Suite 1706, 201 North Wells Street.
Cleveland, Ohio: Chamber of Commerce.
Dallas, Tex.: Chamber of Commerce Building.
Detroit, Mich.: 801 First National Bank Building.
Houston, Tex.: Chamber of Commerce Building.
Indianapolis, Ind.: Chamber of Commerce Building.
Jacksonville, Fla.: Chamber of Commerce Building.
Kansas City, Mo.: 1028 Baltimore Avenue.
Los Angeles, Calif.: 1163 South Broadway.
Louisville, Ky.: 408 Federal Building.
Memphis, Tenn.: 229 Federal Building.
Minneapolis, Minn.: 213 Federal Building.
New Orleans, La.: Room 225-A, Customhouse.
New York, N. Y.: 734 Customhouse.
Norfolk, Va.: 406 East Plume Street.
Philadelphia, Pa.: 422 Commercial Trust Building.
Pittsburgh, Pa.: Chamber of Commerce Building.
Portland, Oreg.: 215 New Post Office Building.
St. Louis, Mo.: 506 Olive Street.
San Francisco, Calif.: 310 Customhouse.
Seattle, Wash.: 809 Federal Office Building.



Approved Code No. 87—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LEATHER AND WOOLEN KNIT GLOVE
INDUSTRY

As Approved on December 4, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
LEATHER AND WOOLEN KNIT GLOVE 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 amendments to a Code of Fair Competition for the Leather and Woolen Knit Glove Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code be and it is hereby amended to include an approval of said Code in its entirety as amended;

PROVIDED, HOWEVER, that Section 13—"Advertising"—of Article VIII be and it hereby is stayed until such time as a subsequent Order is issued thereon.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,
Acting Division Administrator.

WASHINGTON, D. C.,
December 4, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on amendments of the Code of Fair Competition for the Leather and Woolen Knit Glove Industry. The amendments which are attached were presented by the Code Authority for the Leather and Woolen Knit Glove Industry and the National Recovery Administration, however the amendments in their present form have been assented to by the Code Authority for the Leather and Woolen Knit Glove Industry on behalf of the said Industry.

A public hearing, of which due notice was given all interested parties, was held August 3, 1934 on these amendments. All persons who requested were fairly heard in accordance with rules and regulations of the National Recovery Administration.

The amendments amend Articles IV, V, VI and VIII of the Code as approved by you November 4, 1933 and later amended September 5, 1934.

Article IV is amended by deleting Section 3, which is a provision for handicapped workers that is now inconsistent with policy.

Article V is amended by adding two new sections. The first provides for standards for safety and health of employees within the Industry. The second provides for employment of handicapped workers on light work at a wage below the minimum established by the Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing such person's employment.

Article VI is amended by revising the language of the first paragraph of Section 2; by adding three new sections providing for a Trade Practice Complaints Committee to handle trade practice complaints, a Trade Practice Committee to meet with the trade practice committees appointed under such other codes for related industries for the purpose of formulating fair trade practices to govern the relationships between manufacturers under this Code and such other codes, and a National Labor Complaints Committee to deal with complaints relating to labor in accordance with rules and regulations issued by the National Industrial Recovery Board; and by adding another new section providing for alternate Code Authority members to sit at Code Authority meetings and to vote in the absence of the principal.

Article VIII is amended by deleting the entire Article as contained in the Code when originally approved and substituting a new Article which contains fourteen unfair trade practices. Unfair trade practice No. 1 prohibits commercial bribery. Unfair trade practice No. 2 prohibits discounts in excess of a minimum rate. Unfair trade practice No. 3 prohibits false billing. Unfair

trade practice No. 4 prohibits copying of original designs, copyright, trade marks or trade names of a competitor by a member of the Industry and provides for regulations to effect the purposes of the provision to be adopted by the Code Authority for the Industry, subject to the approval of the National Industrial Recovery Board. Unfair trade practice No. 5, prohibits consignment selling. Unfair trade practice No. 6 prohibits return of merchandise except on specified conditions. Unfair trade practice No. 7 prohibits false representation of merchandise by printing, radio, display, false branding, marked or packed, or in any other form or manner which is misleading. Unfair trade practice No. 8 prohibits certain marking or branding of gloves. Unfair trade practice No. 9 prohibits any member of the Industry interfering with a competitor. Unfair trade practice No. 10 prohibits allowances, refunds, rebates, credits or unearned discounts. Unfair trade practice No. 11 prohibits defamation of competitors. Unfair trade practice No. 12 prohibits shipping of merchandise other than on shipping terms of F. O. B. factory or main warehouse, which includes free delivery to any shipping or forwarding agency or store within the city in which the factory or main warehouse is located. Unfair trade practice No. 13 was designed to prohibit the sharing by members of the industry, in whole or in part, the cost of advertising of any customer's agent, but it has appeared that justice requires that it should be stayed until further action can be taken by the National Industrial Recovery Board. Unfair trade practice No. 14 prohibits subterfuge and to evade the Code or any of its provisions.

These amendments are the result of the experience of the industry under the Code for approximately one year, and the result of careful consideration of the practical effect of the Code provisions by both the Code Authority for the industry and the National Recovery Administration.

FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth and on the basis of all proceedings in this matter:

We find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving un-

employment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the Industry as a whole.

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

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For the above reasons these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

DECEMBER 4, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LEATHER AND WOOLEN KNIT GLOVE INDUSTRY

ARTICLE IV

Amend Article IV by deleting Sec. 3 thereof and renumbering subsequent remaining provisions 3, 4, 5, 6 and 7.

ARTICLE V

Amend Article V by adding thereto a Section numbered 5 to read as follows:

5. 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 National Industrial Recovery Board within thirty (30) days after the effective date of this Amendment.

Sections 5, 6, 7, 8, 9 and 10 of Article V shall become Sections 6, 7, 8, 9, 10 and 11 respectively.

Amend Article V by adding thereto a Section numbered 12 to read as follows:

12. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, 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 such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. 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 employees. The number of handicapped workers thus employed by a member of the industry shall not exceed ten (10 percent of the total number of workers employed by such member of the Industry.

ARTICLE VI

Amend the first paragraph of Section 2 of Article VI to read as follows:

2. Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the following powers and duties in addition to those authorized by other provisions of this Code.

Amend Section 3 of Article VI by substituting in lieu thereof the following:

3. (a) The Code Authority shall create a Trade Practice Complaints Committee to handle trade practice complaints. This Com-

mittee shall be representative of different groups and interests in the Industry, and shall be established in accordance with rules and regulations prescribed by the National Industrial Recovery Board.

(b) The Code Authority shall appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other Codes, to the end that such fair trade practices may be proposed to the National Industrial Recovery Board as amendments to this Code and such other Codes.

(c) There shall be established a National Labor Complaints Committee for the Industry, which shall consist of an equal number of representatives of employers and employees and an impartial chairman. The National Industrial Recovery Board shall appoint such impartial chairman upon the failure of the committee to select one by agreement. If no truly representative labor organization exists, the employee members of such board may be nominated by the Labor Advisory Board of the N. R. A. and appointed by the National Industrial Recovery Board. The employer representatives shall be chosen by the Code Authority. Such committee shall deal with complaints relating to labor in accordance with rules and regulations issued by the National Industrial Recovery Board. The National Labor Complaints Committee may establish such regional labor complaints committees as it may deem desirable, each of which shall be constituted in like manner as the National Labor Complaints Committee.

Amend Article VI by adding thereto a Section numbered 8 to read as follows:

8. There shall be elected by the members of the National Association of Leather Glove Manufacturers, Incorporated, Gloversville, New York, one alternate for each Industry member of the Code Authority for a term coextensive with that of his principal, and such alternate shall have full authority to sit at meetings of the Code Authority and to vote, if his principal is absent.

ARTICLE VIII

Amend Article VIII by substituting in lieu thereof the following:

For all purposes of this Code the provisions hereinafter set forth shall constitute unfair trade practices. Any member of the industry who shall directly, or indirectly through any officer, employer, agent, or representative, knowingly use, employ, or permit to be employed or be engaged in any of such unfair trade practices, shall be guilty of violation of the Code and be subject to the penalties provided in the Act.

1. *Commercial Bribery*.—No member of the industry shall give, permit to be given, or 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. This provision 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.

2. *Terms.*—It shall be unfair trade practice to sell merchandise at a cash discount in excess of six per cent (6%) 10 days E.O.M., (end of month) except that merchandise shipped after the 25th day of any month will be dated as of the first day of the following month. Anticipation shall not be allowed at a rate in excess of six per cent (6%) per annum.

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

4. *Design Piracy.*—It shall be unfair trade practice to copy original designs, copyrights, trade names, or trade marks of a competitor without the written permission of such competitor. Regulations to effect the purpose of this provision may be adopted by the Code Authority subject to the National Industrial Recovery Board's approval.

5. *Consignment.*—It shall be unfair trade practice to sell or deliver goods subject to consignment or by any other method which has the effect of selling on consignment or memorandum or guaranteeing retail turnover.

6. *Returns.*—Members of the industry shall accept merchandise for credit, replacement or adjustment when returned within seven (7) working days from date of receipt by the customer only for the following reasons: Noncompliance with order by shipper, or merchandise showing faulty material or workmanship; if after seven (7) days, only for breach of written confinement agreement, or merchandise showing faulty material or workmanship. There shall be no credit, replacement or adjustment made on gloves that show careless handling or misuse or signs of more than slight wear.

7. *False Representation.*—No member of the trade shall falsely represent (whether by printing, radio, display, or by any other form) or falsely brand, mark or pack any goods, in any manner, which is misleading. Nor shall any member of the Industry in any way misrepresent any goods (including, but without limitation, their use, trade-mark, quality, quantity, origin, size, finish, material, or serviceability) or credit terms, values, policies, services or the nature or form of the business conducted.

8. *Marking or Branding.*—It shall be unfair trade practice to mark with the words "table cut" any gloves which are not cut and fabricated according to the standards fixed by the Code Authority, or to use the Glovers' Guild Mark except on goods cut and fabricated in accordance with rules established by the Code Authority, and no other designation of cutting shall be used except as approved by the Code Authority, all subject to the disapproval of the National Industrial Recovery Board.

Odd lots, substandard and distress merchandise shall be branded as designated by the Code Authority, with the approval of the National Industrial Recovery Board. The sale of such distress merchandise shall be reported to the Code Authority when invoiced.

9. *Interference with Competitor.*—It shall be unfair trade practice to maliciously induce or attempt to induce the breach of an

existing oral or written contract between a competitor and his officers or agents or between a competitor and his customer or source of supply, or interfere with or obstruct the performance of any such contractual duties or services.

10. *Allowances.*—It shall be unfair trade practice to make or give allowances, or refunds, rebates, credits or unearned discounts (whether in the form of money or otherwise) and/or special privileges or services not openly extended to all purchasers of the same class on like terms and conditions.

11. *Defamation.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods, shall be considered unfair trade practice.

12. *Transportation.*—All members of the industry shall sell merchandise on the shipping terms of f. o. b. their factory or main warehouse which includes free delivery to any shipping or forwarding agency or store within the city in which the factory or main warehouse is located.

13. *Advertising.*—It shall be unfair trade practice for any member of the industry to share in whole or in part the cost of the advertising of any customer's agent.

14. *Subterfuge.*—It shall be unfair trade practice to resort to subterfuge to evade this code or any of the provisions thereof.

Approved Code No. 87—Amendment No. 2.
Registry No. 913-1-01.



UNIVERSITY OF FLORIDA



3 1262 08851 7759