

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

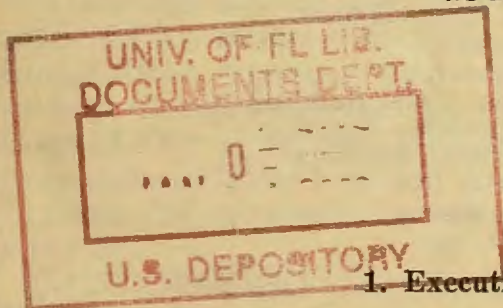
ELECTROTYPING AND

STEREOTYPING INDUSTRY

AS APPROVED ON DECEMBER 23, 1933

BY

PRESIDENT ROOSEVELT



1. Executive Order
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Approved Code No. 179

CODE OF FAIR COMPETITION
FOR THE
ELECTROTYPING AND STEREOTYPING
INDUSTRY

As Approved on December 23, 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 Electrotyping and Stereotyping 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 said Act, and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the 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 hereby 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, subject to the following conditions:

1. That the maximum hours of work specified in Article III of the Code and/or any other provisions of the Code relating to hours of work, shall not be construed as a minimum work day or work week;

PROVIDED, that if at any time in any locality, employees engaged in any trade or craft, through their chosen representatives, express by written request to their employer or employers, a desire

to share available work with bona fide resident competent mechanics in their particular trade or craft, the number of hours may be adjusted by mutual agreement;

PROVIDED further, that if local agreement proves impossible within fifteen (15) days after such request, the question may be appealed by either party to a local Board set up by mutual agreement of the parties, or to the Labor Board established in Article VIII of the Code.

2. That my approval of the Code as a separate Code is limited to a period of three (3) months from the effective date thereof, and the Administrator is hereby authorized, after such public notice and hearing as he may prescribe, to require the Electrotyping and Stereotyping Industry to operate under the Code of Fair Competition for the Graphic Arts Industries.

PROVIDED, however, that if the Administrator so orders, no changes in any provisions of the Code of Fair Competition for the Electrotyping and Stereotyping Industry other than appropriate modifications of the definitions and of the Administrative provisions of said Code, are authorized by this Order of Approval.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

THE WHITE HOUSE,

December 23, 1933.

DECEMBER 22, 1933.

The PRESIDENT,
The White House.

SIR: Hearings were held on a Code for Electrotyping and Stereotyping coincidentally with the hearings on the other Graphic Arts Codes.

The Electrotyping and Stereotyping Industry was reluctant to come under the scope of such a 'basic' code. Its attitude was the same as that of the Photo-Engraving Industry and the reasons for it are discussed at some length in my reports on the Graphic Arts and Photo-Engraving Codes and in the memorandum by Deputy Administrator Lindsay Rogers which is part of the Graphic Arts record. I recommend the approval of a separate code for Electrotyping and Stereotyping and suggest that your Executive Order make two conditions of approval of the code which will be more specifically referred to later.

EXTENT OF THE INDUSTRY

In the year 1929, according to the Census of Manufactures, there were 230 trade stereotyping and electrotyping establishments employing during the year an average of 6,487 wage earners at an average annual salary of approximately \$2,100. The total value of production during this year was in excess of \$35,000,000. In common with other branches of the Graphic Arts Industries these wage earners are for the most part highly skilled mechanics.

By 1931, employment in this branch of the industry had declined to 4,857 representing a decrease of over 25% from the 1929 level. It has not been possible to determine the extent to which unemployment has further grown at the present time, but there is no question that in common with other branches of the Graphic Arts it presents a very serious problem.

HOURS AND WAGES

In common with the Photo-Engraving Code a 40-hour work week is established as a maximum for productive employees. As I emphasized in my report to you on that trade the application of these provisions cannot be expected to reduce unemployment to any appreciable extent. It is to be hoped that voluntary work-sharing programs will be instituted, and continued where now prevalent to take up the slack and to ameliorate to some extent the conditions now prevailing among this highly skilled group of workers.

A basic minimum wage rate of \$1.00 per hour for electrotyping and stereotyping journeymen is specified in this Code with an increase of 10% for night workers. As in the case of the Photo-Engraving Code this represents substantial agreement between the industry

and the representatives of organized labor. The provisions for other employees conform essentially to those adopted in codes previously approved.

TRADE PRACTICES

The provisions regulating trade practices appear to be intelligently designed to prevent unsound competition in this industry, and involve no unsound economic policies.

ANALYSIS OF CODE

The Code as recommended may be summarized as follows:

Article I states the purposes of the Code.

Article II sets forth various definitions.

Article III prohibits the employment of persons under 16 years of age in this industry, embodies the mandatory provisions of Section 7 (a) of the National Industrial Recovery Act, and contains other provisions relating to general labor conditions.

Article IV provides a standard work week of 40 hours with certain exceptions.

Article V sets minimum wage scales.

Article VI establishes a standard basis of estimating and pricing and of determining costs of production.

Article VII constitutes a Code Authority and gives it certain powers.

Article VIII establishes a joint Labor Board to consider and pass upon any alleged violations, disputes or nonobservance of the Labor Provisions of this Code.

Article IX regulates trade practices.

Article X provides for the modification of this Code in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act.

Article XI specifies that no provision of this Code shall be so applied as to permit monopolies or monopolistic practices; and

Article XII fixes the effective date of the Code.

CONDITIONS OF APPROVAL

I recommend that your Executive Order suggest to the Industry the desirability of reducing the work week below forty hours when this can be done by agreement between representatives of the employers and representatives of the employees and that you empower the Labor Board, which the Code sets up, to act as an agency in using its good offices to effect proper adjustments below the maximum of forty hours per week.

The desire of the Graphic Arts Industries to have the basic code cover Electrotyping and Stereotyping has already been referred to. The present code does not cover privately owned electrotyping and stereotyping establishments (that is, operated in connection with commercial printing establishments and not making electrotyping and stereotyping for sale). Such privately owned establishments are covered under the Graphic Arts Code. Conflicts of jurisdiction are bound to arise.

Under these circumstances, I recommend that your Executive Order approving this Code make, as a condition of approval, the stipulation that the separateness of the Code for the industry be reconsidered at the expiration of a three-months period. When this period elapses the Code will be continued as a separate code or its provisions will be incorporated unchanged in the Graphic Arts basic code. The industry agrees to this condition of approval.

I am making the same recommendation in respect of the separate code for Photo-Engraving and in respect of the Graphic Arts Code, since it may turn out that certain industries and groups are improperly under this Code.

FINDINGS

The Administrator finds that:

(a) The Code complies in all respects with the pertinent provisions of Title I of the National Industrial Recovery Act, including without limitation subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and

(b) The International Association of Electrotypers imposes no inequitable restrictions upon the membership therein and is truly representative of the Electrotyping and Stereotyping Industry; and

(c) The Code 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 policies of Title I of the National Industrial Recovery Act.

I recommend that the Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION
FOR THE
ELECTROTYPING AND STEREOTYPING INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Electrotyping and Stereotyping 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

The term "electrotyping and stereotyping industry" as used herein, includes all plants engaged in the production or partial production of electrotypes, stereotypes, matrices, wax engravings (running shells, casting and finishing), aluminotypes, and rubber plates, used in relief printing and/or made for sale or for the use and benefit of the producers or of others than the person, firm, or corporation that produces such products, and all persons, firms, or corporations that purchase the above-named products for the purpose of resale; excepting newspaper and periodical publishers who own and print their own publication or publications and who manufacture the product or products of the electrotyping and stereotyping industry for their own publications only.

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.

The term "employee" or "employees" as used herein, is defined to include all persons hired or employed by any employer, as above defined, and the members of the family of any employer who are engaged in carrying on any operations within the Electrotyping and Stereotyping Industry, whether employed or not; excepting those persons who serve in executive, administrative, supervisory, and sales capacities.

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

The term "Standard Scale" shall mean the Standard Scale of electrotypes as published and approved by the International Association of Electrotypers September 24, 1931, or any subsequent reissues of same.

Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE III—GENERAL LABOR CONDITIONS

1. No person under sixteen years of age shall be employed in the industry. No person under eighteen years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health.

2. 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.

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 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.

4. Nothing in this Code shall be construed or applied to supersede or interfere with existing agreements arrived at by bona fide collective bargaining.

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

6. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within three months after the effective date of this Code.

7. A placard containing all the provisions of this Code relating to hours, wages, and employment shall be posted in a prominent place in the workrooms of each establishment operating under this Code.

8. The Code Authority of the Industry will regulate or standardize conditions of employment other than hours and wages.

ARTICLE IV—HOURS OF LABOR

1. No mechanical employee including proprietors, supervisors, foremen and/or others for the time actually engaged in mechanical work, shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period, except as hereinafter provided. The total number of hours worked in any twenty-four (24) hour period shall be continuous except for lunch period of not less than thirty minutes and not more than one hour. It is not intended that any of the foregoing provisions shall limit the number of days per week a plant may operate, nor the number of shifts per day.

2. When necessary, overtime shall be permitted, but no person shall work more than a total of 520 hours in any consecutive 13 weeks; provided that when, due to the special character of the work, or when suitable help is unavailable, overtime shall be permitted in excess of the maximum hours herein provided. Overtime shall consist of all work performed in excess of the current daily schedule of working hours and maximum weekly hours, and shall be paid for at not less than time and one half of the employee's regular rate; for work on Sundays and customarily observed holidays, at not less than double time.

3. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this Industry exceeds the maximum permitted herein.

4. The provisions of this article shall not apply to outside salesmen and persons employed in a managerial or executive capacity, who receive more than thirty-five dollars (\$35.00) per week, excepting those engaged in the production of electrotyping and stereotyping, nor to emergency maintenance and repair men, janitors, drivers, and delivery men, provided that such employees shall not be permitted to work in excess of 48 hours per week.

ARTICLE V—WAGES

1. The minimum wages to be paid shall be as follows:

Electrotype and Stereotype Journeymen, \$1.00 per hour.

Branchmen (if before June 16, 1933), \$0.90 per hour.

Laborers, \$0.40 per hour.

The minimum rate for night shifts shall be not less than 10% above day rate.

2. Each establishment, with the exception of those—

(1) Which are operating under wage agreements arrived at by collective bargaining; and

(2) Those which are paying not less than the wage rates which they were paying on July 15, 1929—

shall make increases in its average hourly compensation for all classes of skilled labor within 30 days after this Code becomes effective, on the following basis:

Including increases made under Section 1 of this Article, each plant shall increase the hourly rates to a point where (including increases made since July 1, 1933) they are 10 percent higher than the hourly rates in effect on July 1, 1933, with this limitation, that they need not increase rates above those paid on July 15, 1929, in the same plant or in similar plants in the same locality coming within the above clauses (1) and (2).

3. Within 30 days after this Code becomes effective any rate increases under Sections 1 and 2 must be further augmented, if necessary to bring the average hourly compensation paid above the compensation paid in each establishment up to 90 percent of the hourly rate prevailing on July 1, 1933, in the same locality, for those base classes of skilled labor named in the schedule set forth in Section 1 hereof.

Prevailing rates shall be the average of the hourly rates paid to the employees constituting that 50 percent of each class of skilled employees coming under this Code in that locality which was receiving the higher hourly wage rates on July 1, 1933. For example, if in a locality, a total of thirty journeymen were employed, ten of whom were receiving \$1.20 per hour and twenty of whom were receiving \$1.05 per hour, the prevailing rate would be the weighted average of \$1.20 for ten journeymen and of \$1.05 for five journeymen (making together 50 percent of the total number) or \$1.15, and 90 percent thereof would be \$1.035.

4. It is specifically understood that the foregoing provisions are intended to establish only minimum and not maximum wage requirements.

5. The ratio of apprentices shall be not more than one apprentice to three journeymen regularly employed, provided that this provision shall not apply to apprentices employed on or before December 1, 1933. The minimum wages for apprentices shall be based upon length of experience as follows; First year, 30¢ per hour; second year, 35¢ per hour; third year, 45¢ per hour; fourth year, 60¢ per hour; fifth year, 75¢ per hour. All apprentices employed by employers in this Industry shall be registered with the Code Authority.

6. Employees not otherwise covered by this Article shall be paid at not less than the following rates: \$15.00 per week in any city of over 500,000 population or in the immediate trade area of such city; \$14.50 per week in any city of between 250,000 and 500,000 population or in the immediate trade area of such city; \$14.00 per week in any city between 2,500 and 250,000 population or in the immediate trade area of such city; \$12.00 per week in towns of less than 2,500 population. No errand or messenger boy shall be paid less than 80% of the minimum wages specified in this section for the applicable area.

ARTICLE VI—COSTS

1. The basis of estimating and pricing in the Electrotyping and Stereotyping Industry shall be the Standard Scale, which scale was adopted on September 24, 1931, or such revisions thereof as may from time to time be approved by the Code Authority and the Administrator.

2. The principle of pricing shall be one price from any member to all of his customers for like services and like conditions of production and costs.

3. Every electrottype and stereotype establishment shall maintain the Standard Cost Finding System and Standard Accounting System approved by the International Association of Electrotypers and by the Administrator; or systems comparable therewith when approved by the Code Authority or by the Administrator.

4. Selling below the cost of production shall be a violation of this Code, provided, however, that any producer may sell at below his cost to meet the competition by any other producer who does not violate the Code.

5. Cost of production as herein used should include all direct labor and material at cost or market, whichever is lower, plus a pro-

portionate share of all indirect expenses, inclusive of depreciation and/or depletion computed according to the maximum rates of the Income Tax Procedure; but exclusive of any reserves for purposes other than depreciation, exclusive also of interest paid and developmental expenses, provided that the distribution of such indirect expenses per unit of product should be on the basis of an average rate of utilization of plant facilities by efficient producers during the period 1927-32.

ARTICLE VII—ADMINISTRATION

1. There shall be constituted a Code Authority consisting of five (5) persons who shall be truly representative of the employers, and who shall be selected by the Executive Committee of the International Association of Electrotypers.

2. In addition to membership as above provided, there may be three (3) members, without vote, to be appointed by the Administrator to serve without expense to the Industry.

3. Each trade association or group 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, by-laws, 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.

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.

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 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 the number of mechanical employees employed and/or such other factors as the Code Authority may deem equitable.

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 nonfeasance.

7. 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 representatives and 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, representatives, and other agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination 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 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; to recommend to the Administrator measures for industrial planning, including stabilization of employment. Such recommendations when approved by the Administrator shall have full force and effect as provisions of this Code.

(h) In the absence of cost data and pending the compilation of such data in all electrotpe and stereotype establishments, to prescribe regulations for determining the cost of production in each establishment, based upon that establishment's own actual expenses, for the purpose of enforcing Section 4 of Article VI.

(i) Any regional agency or agencies established in a locality as provided by the bylaws of the Code Authority shall have the right to prescribe credit terms for all establishments in such locality, subject to review by the Code Authority and the Administrator.

(j) Such regional agency or agencies shall also have power to establish standard forms of invoicing and billing, subject to the approval or review of the Code Authority and the Administrator.

ARTICLE VIII—LABOR BOARD

A Labor Board to consist of three members shall be established, two members truly representative of the Industry to be selected by the International Association of Electrotypers, and one member to be selected by the International Stereotypers and Electrotypers Union of North America. This Board shall consider and pass upon alleged violations, disputes, or nonobservance of the labor provisions of this Code. All decisions of the Labor Board shall, if unanimous, be final. In the event that no agreement is reached the matter shall be referred to the appropriate governmental agency.

ARTICLE IX—TRADE PRACTICE RULES

1. Violation of credit terms agreed upon in a given locality shall be a violation of this Code, provided that it shall not be a violation of this Section to offer credit terms in any locality other than that in which any establishment is situated as favorable as those provided for establishments in such other locality according to the provisions of Section (i) of Article VII.

2. Failure to apply rules respecting legitimate charges for extras and misrepresentation of classified work as set forth in the Standard Scale shall be a violation of this Code.

3. Estimates made upon work done by another electrotyping or stereotyping concern for the purpose of a check estimate shall only be furnished when the estimator has access to all copies and specifications involved in the original order.

4. Electrotypers or Stereotypers who secure an order on a competitive-bid basis may be required by the Code Authority, upon request of any unsuccessful bidder, to file their specifications and prices with the Code Authority so that it may determine whether any infraction of this Code has been committed.

5. The sale or invoicing of the manufactured product without the use of the Standard Scale, together with suitable discounts or additions, shall be a violation of this Code.

6. The payment or allowance of rebates, commissions, credits or unearned discounts, whether in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like terms or conditions, shall constitute a violation of this Code.

7. 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.

8. Offers, secret or otherwise, to furnish electrotypes or stereotypes or other products of the electrotyping or stereotyping Industry free of charge or below cost to influence the sale of other products or services, shall constitute a violation of this Code.

9. Offers, secret or otherwise, to furnish other products or services free of charge or below cost to influence the sale of electrotypes or stereotypes or other products of the electrotyping or stereotyping industries, shall constitute a violation of this Code.

10. Inducing breach of contracts or agreements, espionage, imitation of trade names, or enticement of employees for the purpose of injuring a competitor, shall constitute a violation of this Code.

11. No member of the Industry shall publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member, in any way misrepresent any goods (including but without limitation its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

12. 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.

13. 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, provided that nothing in this section shall be construed as preventing any employer from otherwise offering or giving employment to any person in the employ of another; and provided that nothing in this section shall prevent any employee from offering his services to a competitor, nor preventing any employer from employing the employee of another member of the Industry where the initiative in such change is taken by the employee.

14. Willful or malicious defamation of competitors or the disparagement of competitors' products, policies, equipment, or personnel shall constitute a violation of this Code.

ARTICLE X—MODIFICATION

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.

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 President.

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—EFFECTIVE DATE

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

Approved Code No. 179.

Registry No. 503—02.



