

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

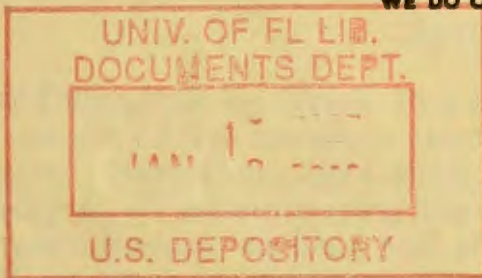
FOR THE

SAW SERVICE INDUSTRY

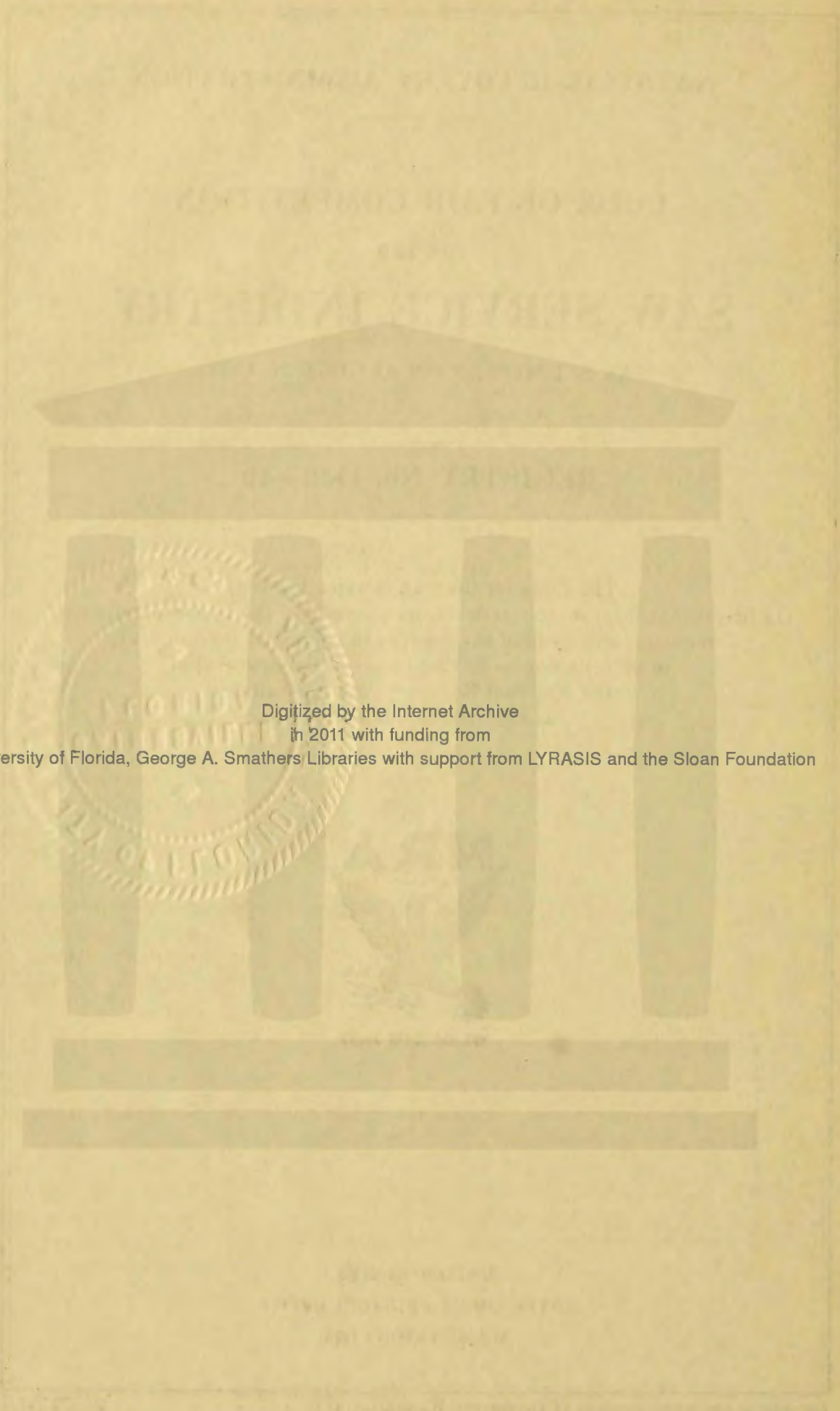
AS SUBMITTED ON AUGUST 26, 1933

REGISTRY No. 1149—10

The Code for the Saw Service Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933



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TENTATIVE CODE OF FAIR COMPETITION FOR SAW SERVICE INDUSTRY

ARTICLE 1—PURPOSE

This Code is set up pursuant to the requirements of the National Industrial Recovery Act, for the purpose of increasing employment, establishing fair and adequate wages, improving standards of labor, granting the right of collective bargaining to employees and applicants for employment, eliminating unfair trade practices, and such other purposes as may be required by the duly constituted administrative director of the Act, to the end of rehabilitating the Saw Service Industry and enabling it to do its part toward establishing that balance of industries which is necessary to the restoration and maintenance of the highest degree of public welfare.

It is the declared purpose of the Saw Service Industry, and adherent to this Code, to bring, insofar as may be practical, the rates of wages within the Industry to such levels as are necessary for the creation and maintenance of the highest practical standards of living; to restore the income of enterprise within the Industry to levels which will make possible the payment of such wages and avoid the further depletion and destruction of capital assets; and to make provision for the periodical revision of wages in such manner as will reflect the equitable adjustment to variations in the cost of living.

ARTICLE 2

Any individual, firm, partnership, or corporation, whose principal business is servicing, exchanging, lending, or leasing meat-saw frames, blades, meat-chopper plates, or meat-chopper knives hereinafter called equipment shall, for the purpose of this Code, be deemed a member of this Industry.

ARTICLE 3

The Committee on Trade Practices for the Saw Service Industry shall consist of five members elected by the United Saw Service Association. Said Committee shall act in behalf of the Industry for the purpose of administering the provisions of the Code; to secure adherence thereto; to hear and adjust complaints; to consider proposals for amendments thereof and exceptions thereto; to formulate plans for sub-administrative organizations, and otherwise to carry out for the Industry the purpose of the National Industrial Recovery Act as set forth in this Code.

ARTICLE 4

SECTION I. The Committee on Trade Practices for the Saw Service Industry shall be the general planning and coordinating agents for the Industry. Its members shall be empowered to act conclusively in respect to all matters before it and within its jurisdiction. The Committee shall have powers and duties as provided herein, and in addition thereto, it shall:

A. From time to time require such reports from the respective members as may be necessary to advise it adequately of the administration and enforcement of this Code.

B. Upon complaint of interested parties, or upon its own initiative, make such inquiry and investigation into the operation of the Code as may be necessary, and

C. Make rules and regulations necessary for the administration and enforcement of this Code.

D. The cost of the supervision needed to secure proper observance of this Code and any additions thereto, compilation of statistical data, and such other activities as may be necessary, shall be apportioned pro rata so far as practicable to all members of the United Saw Service Association.

SEC. II. The Committee may delegate any of its authority to committees or such agents as it may determine.

ARTICLE 5.—LABOR CODE (MANDATORY)

SECTION I. Employees in the Saw Service Industry 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 lawful concerted activities for the purpose of collective bargaining or other mutual aid or protection.

SEC. II. No employee in the Saw Service Industry, and no one seeking employment therein, shall be required as a condition of employment to join any company union or to refrain from joining a labor organization of his own choosing.

SEC. III. Employers of labor in the Saw Service Industry agree to comply with the maximum hours of labor, minimum rates of pay, and other working conditions approved or prescribed by the President.

SEC. IV. No person under 16 years of age shall be employed in any department of the industry at any time.

SEC. V. Forty hours shall constitute the maximum number of hours per week for factory and office help, (outside salesmen and/or field representatives excepted) and the maximum hours per day shall be eight hours. In special cases and emergencies where production would be otherwise unavoidably restricted this maximum will not apply, but in such special case time and one third shall be paid for hours worked in excess of the maximum. In no case shall any employee work over fifty hours in any one week and only for a period of two weeks in any three-month period.

It is agreed that night watchmen, over the age of 55 years whose duties consist of watching the plant and ringing time clock one per hour, shall be allowed to work twelve hours in any one day, a maximum of eighty-four hours per week, at a minimum rate of 32¢ per hour.

SEC. VI. 1. Minimum wage for male factory or office employees over 21 years of age shall be at the rate of forty cents per hour.

2. Minimum wage for male factory or office employees, ages 16 to 21, shall be at the rate of 30¢ per hour.

3. Minimum wage for female employees shall not be less than thirty cents per hour.

4. No female help will be used to replace any male help in any factory department of the saw-service industry where male help was employed on or before June 1, 1933.

5. Minimum rate for pieceworkers shall be such that they can earn the minimum rate of wage by a reasonable day's work, and the minimum wage schedule shall be set to meet such State and local conditions as may exist, but in no case shall the minimum wage be less than hereinbefore specified.

ARTICLE 6.—TRADE PRACTICE RULES FOR SAW SERVICE INDUSTRY

SECTION I. *Rule I.*—It is an unfair trade practice for one company knowingly and wilfully to induce or attempt to induce purchasers or lessees of saw service and meat-chopper service from competitors to breach their contracts with such competitors, or to interfere with or obstruct the performance of any contractual duty or service, with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their business.

Rule II.—It is an unfair trade practice to make false, untrue, and deceptive statements regarding the business standing, credit, and integrity of competitors, and regarding the quality, durability, and workmanship of equipment sold or leased by competitors for the purpose of deceiving purchasers and inducing, or attempting to induce users of saw service and meat-chopper service to breach their contracts with such competitors, or of preventing or attempting to prevent the sale or lease of equipment manufactured, sold, or leased by competitors.

Rule III.—It is an unfair trade practice to make secret payments or allowances of rebates, commissions, refunds, credits, or unearned discounts, whether in the form of money or otherwise, or secretly extend to certain purchasers or lessees special services or privileges not extended to all purchasers or lessees under like terms or conditions, with the intent and effect of injuring the competitor.

Rule IV.—It is an unfair trade practice to give a grinding service on meat-chopper plates and knives on the condition that the purchaser or lessee use exclusively the saw service of said company with the intent and effect of injuring the competitor.

Rule V.—It is an unfair trade practice to induce, or attempt to induce, persons who have been selling or leasing agents of equipment manufactured by competitors to enter into agreements, arrangements, or understandings whereby such persons should become the selling agents for the inducing company, and at the same time to

retain the selling agency of the competitors of the said company, but without intending, in good faith, to sell or lease equipment manufactured by such competitors.

Rule VI.—Maliciously enticing away the employees of competitors with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their businesses is an unfair trade practice.

Rule VII.—It is an unfair trade practice to discriminate in price, either directly or indirectly, between different purchasers or lessees of saw frames, blades, meat-chopper plates and knives, where the effect that such discrimination may be to substantially lessen competition or tend to create a monopoly, provided that nothing herein contained shall prevent persons engaged in selling or leasing the products of this Industry in commerce from selecting their own customers in bona-fide transactions and not in restraint of trade.

Rule VIII.—It is an unfair trade practice to sell or lease goods below due allowance for replacement-purchase cost, plus cost of doing business, plus a reasonable return on the capital invested. That all discrimination between customers shall be abolished. To that end, all service shall be sold only upon open prices and terms made known to all parties interested therein.

Rule IX.—It is an unfair trade practice to give, or permit to be given, or offer to give money or anything of value, either directly or indirectly, to agents, employees, or representatives of customers or prospective customers, or to agents or representatives of competitors' customers or prospective customers without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or lease or contract to purchase or lease equipment from the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors.

Rule X.—The practice of persons or corporations of sending their agents to the customers of competitors, and disguising and feigning their identity as representatives of competitors, representing to the customer that the knives, saws or blades, or other articles under lease to the customers are obsolete and not used, and then substituting one or some of his own, appropriating to his own use any monies due his competitor, carrying away his competitor's knives, saws, or blades, and failing to disclose any part of said fraud is an unfair trade practice.

Rule XI.—Leaving equipment on trial for a period longer than 30 days is an unfair trade practice.

Rule XII.—It is an unfair trade practice to withhold from or insert in a receipt left with customers statements which make a receipt a false record, wholly or in part, of the transaction which said receipt covers. The Industry recognizes that if a company omits from the receipt the proper date the agent called upon the customer, the amount collected, and the period the collection actually covered, it is done in fraud of competitors and is condemned by the Industry. Likewise, the Industry recognizes that where a free trial is given and the receipt fails to state the proper date and duration of said trial it is done in fraud of competitors and is condemned by the Industry.

Rule XIII.—It is an unfair trade practice to give free deals or free service or premiums which affect injuriously all branches of the Industry and the public.

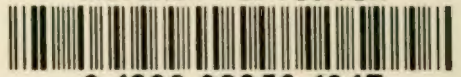
Rule XIV.—In the competition attendant upon the exchanging, lending, selling, and leasing of saw frames, blades, meat-chopper plates, and knives, the said articles are frequently lost and come into the hands of a competitor or competitors of the owner who fails to disclose the fact of his find but actually converts the said saw frames, blades, meat-chopper plates, and knives to his own use. This is an unfair trade practice.

Rule XV.—For the purpose of effecting the practical application of this Code and assisting in realizing the intent of the Industrial Recovery Act it shall be required of every individual, firm, partnership, or corporation who is a member of this Industry to keep a record of his business transaction through such an accounting system as he may deem suitable for his business and which will permit him to have a record of the chief essentials of his business, namely, purchase totals, sales totals, wages, and all operating expense totals. Failure to keep such a record shall be an unfair trade practice.

Rule XVI.—While it is not the spirit of this Code to attempt to fix prices, it is considered an unfair trade practice for any company to have more than one price for any identical service under the same conditions.

SEC. II. (a) Any complaint concerning an alleged violation of the Code shall be submitted to the Code Committee in writing and by registered mail. The complaint shall contain a complete statement of the facts and shall refer specifically to that part of the Code which is alleged to have been violated. The Code Committee shall obtain such information as shall be necessary to establish the facts. If it shall appear to the Code Committee that there has been a violation of the Code, a statement of the charges shall be sent by registered mail to the person who is alleged to have committed the violation. The statement of charges shall fix the time and place for a hearing and at this hearing the person who is charged with the violation shall be given an opportunity of presenting his defense. If it is the decision of the Code Committee that a violation of the Code has been committed, it shall report the violation to the Administrator of the National Industrial Recovery Act or take such action as the Administrator may approve to enforce the provisions of the Act.

(b) If the Code Committee, upon full examination of the alleged facts of violation of the Code, does not render a decision that the Code has been violated it shall notify the complainant in writing and by registered mail to this effect. In cases where the complainant believes that his case has not been properly heard, he is accorded the privilege of repeating his complaint direct to the Administrator of the National Recovery Act, at the same time so notifying the Code Committee. Nothing in this section shall be construed, however, as giving a complainant the right to appeal to the Administrator before he has first made complaint to the Code Committee.



ARTICLE VII

No provision in this Code shall be interpreted or applied in such measure as to:

- A. Promote monopolies.
- B. Permit or encourage unfair competition.
- C. Eliminate or oppress small enterprises.
- D. Discriminate against small enterprises.

This Code or any of its provisions may be cancelled or modified and any approved rule issued thereunder shall be ineffective to the extent necessary to conform to any action by the President under Section 9 (b) of the National Recovery Act.

This code shall be in effect beginning ten days after its approval by the President.

Code as approved at meeting of United Saw Service Association on August 22, 1933.

G. A. ANDERSON, *Secretary.*

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