

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

LIQUEFIED GAS INDUSTRY

AS SUBMITTED ON AUGUST 26, 1933

REGISTRY No. 706—01

The Code for the Liquefied Gas 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



WE DO OUR PART

UNIV. OF FL. LIB.
DOCUMENTS DEPT.

U.S. DEPOSITORY

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

CODE FOR THE LIQUEFIED GAS INDUSTRY

PURPOSES

In order to insure the conservation of the liquefied gas resources of the country, to eliminate unfair trade practices, to increase employment, to establish fair and adequate wages, to enlarge the purchasing power of persons related to this industry, to improve the standards of labor, to so restore the liquefied gas industry that it may promote the general welfare and common prosperity of the American people, to give maximum safety protection to all consumers regardless of type, to eliminate unfair competition in the liquefied gas industry, and to accomplish and effectuate the policies set forth in the National Industrial Recovery Act, this Code of fair trade practices governing the liquefied gas industry is adopted.

THIS CODE COVERS ONLY THE MARKETING OF LIQUEFIED GAS FOR ANY USE WHATSOEVER, IN ANY QUANTITIES AND IN ANY SIZE OR TYPE OF CONTAINER WHATSOEVER.

Liquefied gas for the purpose of this Code is (a) an inflammable liquefied hydrocarbon material having an absolute vapor pressure exceeding twenty-five pounds per square inch gauge at 70° F. and/or (b) any inflammable liquefied hydrocarbon material with a lesser vapor pressure, but not less than nine (9) pounds absolute vapor pressure at 70° F., when same is used as or in a similar manner to "bottled gas" for purposes such as cooking, water heating, and the like by the gas feed, liquid feed, or other utilization system, or as raw material in "pentane-air" machines and the like.

A person, firm, association, corporation, or a producer, distributor, jobber, wholesaler, or retailer shall herein be termed "marketer."

ARTICLE I—LABOR

Employees in this industry shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from 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. No employee in this 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. Employers of labor in this industry shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

The selection, retention, and advancement of employees will be on the basis of individual merit without regard to their affiliation or nonaffiliation with any labor or other organization.

The employees of the liquefied gas industry, except executives, supervisors, and their immediate clerical force, and outside salesmen, will work on an average of not more than 40 hours per week. Because of the exigencies and seasonal peaks of the liquefied gas industry it may be necessary to work the employees more than 40 hours per week on occasion, but the weekly work for each individual for each six months' calendar period shall not exceed an average of 40 hours per week nor exceed a total of 48 hours in any one week. The minimum wage to be paid by employers in the industry shall be forty cents (\$0.40) per hour, excepting those employees working on a commission or drawing account basis in the direct sales activities of the industry.

The rate for other labor shall bear a fair relation to the foregoing, giving due consideration to the experience and knowledge of the employees affected and to the prevailing scale for similar work in the locality of the employment, but no attempt shall be made to introduce any classification according to the nature of the work involved which might tend to set a maximum as well as a minimum wage.

NO "MARKETER" IN THIS INDUSTRY SHALL EMPLOY ANY MINOR UNDER THE AGE OF SIXTEEN (16) YEARS.

THE LABOR PROVISIONS HEREIN SHALL NOT APPLY WHEN THE PRINCIPAL BUSINESS OF A "MARKETER" COMING WITHIN THE ARTICLES OF THIS CODE IS OTHER THAN MARKETING OF LIQUEFIED GAS. A "MARKETER" WHOSE PRINCIPAL BUSINESS IS OTHER THAN THE MARKETING OF LIQUEFIED GAS SHALL BE PRIVILEGED TO ABIDE BY THE LABOR PROVISIONS OF EITHER THIS CODE OR THE CODE ADOPTED FOR ITS PRINCIPAL BUSINESS, PROVIDING, HOWEVER, THAT IN NO CASE SHALL SUCH "MARKETERS" MINIMUM WAGE SCALE OR MAXIMUM HOURS OF EMPLOYMENT BE MORE ADVANTAGEOUS TO SUCH "MARKETER" THAN THE PROVISIONS SET FORTH HEREIN.

In order that the President of the United States may be informed as to the observance or nonobservance of this Code and as to whether the liquefied gas industry is taking appropriate steps to effectuate the declared policy of the National Industrial Recovery Act, each "marketer" engaged in any phase of the liquefied gas industry will furnish duly certified reports every month showing the actual hours worked by the various occupational groups of employees and the minimum hourly and/or weekly and/or monthly rates of wages in such form as may be hereafter requested.

ARTICLE II—MARKETING

RULE 1

No "marketer" engaged in the sale of liquefied gas products shall induce, attempt to induce, or assist a party to break a then existing written contract for the sale of liquefied gas products or a then existing lease of the equipment used for the sale or utilization of liquefied gas products between that party and another.

No "marketer" engaged in the sale of liquefied gas products shall knowingly enter into any agreement to sell or deliver any liquefied gas to anyone where sale or delivery will violate or prevent the performance of a then existing written contract between the person to whom the sale or delivery is made and another.

No contracts in violation of this Code are protected under this rule.

RULE 2

When any equipment, tank, cylinder, or other device for the storage, consumption, handling, or sale of liquefied gas sold or leased prior or after the adoption of this Code bears the name, mark, trade mark, or trade name of any "marketer" engaged in the manufacture or sale of any such commodity, no other "marketer", unless that "marketer" has been regularly serving such equipment immediately prior to the adoption of this Code, or unless such equipment is owned by Federal, State, or municipal governments or subdivisions thereof and no liquefied gas contract is in effect, shall deliver into or deliver for sale to such equipment, tank, cylinder, or other device, or any tank or container connected therewith, any liquefied gas other than that manufactured, sold, and distributed by the "marketer" whose name, mark, trade mark, or trade name is so affixed, and no "marketer" shall in any way knowingly be a party to the substitution of one brand of liquefied gas for another, or the removal or transportation of any equipment, tanks, cylinders, devices, or the like belonging to another "marketer."

No "marketer" shall make any changes in, additions to, or substitutions from, any equipment installed by any "marketer", except where such other "marketer" has been regularly supplying liquefied gas for use in such equipment immediately prior to the adoption of this Code, or upon written permission of the owner thereof or the original "marketer" installing same. Marks, trade marks, or trade names of any "marketer" engaged in the manufacturing or sale of any such commodity shall not be removed by any other "marketer" except on written authorization by such "marketer" and/or owner.

RULE 3

As the bottled gas branch of the liquefied gas industry is a growing industry and as it is still in its development period of creating new markets, marketing of appliances to consumers directly by the "marketer" is essential, and all "marketers" may sell appliances direct. Incentives such as load-building appliances, utensils, advertising novelties, etc., shall be construed as assisting in building the industry and shall be allowed, only to consumers already using liquefied gas as compensation for services rendered, in a manner conducive to good business practices, and the value of such incentives shall not be excessive in comparison to business gained thereby.

"Marketers" engaged in the sale of liquefied gas shall not give away any liquefied gas nor make any installation or lease free of charge or at less than posted prices.

This rule shall not prevent (a) the giving of other reasonable prizes at fairs, public demonstrations, and cooking schools; (b) the giving of other reasonable incentives to induce attendance at such public demonstrations or to obtain names of prospective consumers.

RULE 4

All "marketers" shall post at each point from which they make deliveries and at places readily accessible to the public all prices for which liquefied gases are sold at retail. All "marketers" engaged in the retail sale or leasing of bottled-gas equipment shall post at each point from which they make deliveries and at places readily accessible to the public all retail prices for which bottled gas equipment are sold and/or leased. Upon adoption of this Code all "marketers" shall submit posted price schedules and any price changes made thereafter in written form to the National Bottled Gas Association, or any other association designated by the Emergency National Committee, within twenty-four hours after such change. All "marketers" shall have access to this information from the "Association" upon written request. All prices shall remain in effect for at least twenty-four (24) hours after they are posted. Posting shall include the following: (a) The retail prices for all classes, types, methods, and quantities of deliveries of liquefied gas; (b) the prices and/or lease or installation charges for all types and specifications of liquefied gas equipment for retail use; (c) a schedule of all discounts offered and the terms thereof; and (d) a statement of all terms as to freight rates, deliveries, and points of price basis. All retail sales or leased installations shall be made at the posted price or lease charges and no "marketer" shall make any deviation from his posted price by means of rebates, allowances, concessions, benefits, scrip books, quantity discounts, discounts to buyers of a class or by any plan, device, or scheme whereby any buyer obtains any liquefied gas or equipment, or lease, or installation at a net cost lower than the posted price.

RULE 5

No "marketer" engaged directly or indirectly in the liquefied gas industry shall sell any liquefied gas below his cost; nor shall sell at retail any liquefied gas equipment or appliances for less than his cost; nor shall lease any utilization equipment at an installation charge, lease fee or any other form of initial charge that is less in amount than such "marketers" full costs of his standard utilization unit.

RULE 6

All utilization equipment requiring portable and/or moveable containers shall be approved by and listed with the Underwriters Laboratories, Inc., of National Board of Fire Underwriters and/or affiliates and shall be installed, maintained, and operated in accordance with the rules and recommendations of Underwriters Laboratories, National Board of Fire Underwriters and/or affiliates, as a means of promoting the greatest degree of safety.

All cylinders or drums purchased after the effective date of this Code shall be built and maintained in accordance with the specifications and regulations of the Interstate Commerce Commission. All cylinders or drums purchased and/or in use prior to the effective date of this Code, and used for storage and/or transportation of liquefied gas, in interstate or intrastate service, by rail, truck or otherwise, shall, if not constructed, marked, and maintained in accordance with specifications and regulations of the Interstate Commerce Commission, be either retired from any storage or transportation service or be tested, and maintained in accordance with specifications of the Interstate Commerce Commission within five years from the effective date of this Code.

No deliveries of liquefied gas in or by cylinders or otherwise shall be made to any installations either temporary or permanent for domestic or commercial bottled gas uses such as cooking, hot water heating, lighting, and space heating, which installations are located inside buildings, basements or other dangerous or hazardous locations, excepting only buildings designed and erected specifically and exclusively for housing such installations.

Liquefied gas cylinders or drums shall be warehoused and/or stored only in a safe location and in a safe manner, in accordance with recognized safety practices and under the rules or recommendations of insurance companies or recognized authorities, and shall not be warehoused and/or stored in stores or locations used or frequented by the public.

All deliveries of liquefied gas made to buyers or consumers for domestic use shall be limited to the capacity of the liquefied gas equipment installed on the premises of said user or buyer.

All tanks, containers, piping, devices, and utilization equipment shall be built in accordance with the rules or specifications covering that class promulgated by National Board of Fire Underwriters, National Fire Protection Association, and/or affiliates, and shall be installed, maintained, and operated in strict accordance with the rules and recommendations of the National Board of Fire Underwriters, National Fire Protection Association, and/or affiliates.

RULE 7

"Marketers" engaged in the sale of liquefied gas or sale or lease of liquefied gas equipment, being cognizant of the need for safety in equipment and installation, shall not sell, lease, or install any reclaimed or second-hand equipment, except where such equipment has been reconditioned so as to be equivalent from a safety standpoint to new equipment of the same type and specification. Such equipment shall not be sold, leased, or installed below the posted price of unused equipment.

RULE 8

"Marketers" shall permit any duly authorized employee, agent, or representative of the Commission delegated under the National Industrial Recovery Act to make any inspection or examination of books, records, contracts, plants, or stocks of merchandise to determine if there has been any failure to comply with the provisions of this Code.

RULE 9

The broadcasting or publishing, in any manner, of a claim, representation, or implication which might be reasonably construed to lead to a false or incorrect conclusion in regard to the goods, prices, or service of the advertiser, or in regard to the goods, prices, or service of a competitor, or which lays claim to a policy or a continuing practice of generally underselling competitors, is prohibited.

RULE 10

This Code shall also apply to renewals or extensions of contracts made prior to the effective date of this Code.

The provisions of this Code shall not apply to transactions between subsidiary or affiliated companies. Companies shall be considered to be affiliated when one owns the majority of the outstanding capital stock of the other and when the majority of the outstanding capital stock of each is held by the same individual, corporation, or association.

The provisions of this Code shall not apply in respect to sales made in the United States for export to foreign countries.

RULE 11

The unauthorized use by any "marketer" of the trade mark, trade slogan, insignia, or emblem of any other "marketer" or of any trade association in the liquefied gas industry, or the assertion or claim, by advertisement or otherwise, by any "marketer" that he is a member of any such association when in fact not a member thereof, is prohibited.

RULE 12

All consuming appliances not manufactured for liquefied gas shall be properly adapted or converted for the safe and efficient use of liquefied gas, and no "marketer" shall render such conversion service, on appliances being connected to a liquefied gas installation made by such "marketer", at prices below cost of labor and material.

RULE 13

The marketing provisions of this Code shall apply to all "marketers" of liquefied gas as hereinbefore defined regardless of any of their trade associations or other industrial affiliations.

RULE 14

A violation of any of the rules of this Code shall constitute an unfair trade practice.

In the event any rule of this Code should be disapproved or held invalid, such action shall in no way affect any other rule hereof.

ARTICLE III

EMERGENCY NATIONAL COMMITTEE

SECTION 1. There shall be an Emergency National Committee of the liquefied gas industry to consist of eleven (11) committeemen, selections to be made so that every section of the United States will be fairly represented. Of this committee there shall be a Chairman, selected by a majority vote of the Committee from the Committee membership.

EMERGENCY EXECUTIVE COMMITTEE

SEC. 2. The Emergency National Committee shall select from its membership an Emergency Executive Committee composed of the Chairman of the Emergency National Committee, who shall be also the Chairman of the Emergency Executive Committee, and two others. The Emergency Executive Committee thus constituted shall have all the authority and power of the Emergency National Committee when the Emergency National Committee is not in session.

POWERS AND DUTIES OF COMMITTEES

SEC. 3. (a) The Emergency National Committee shall be the general planning and coordinating agency for the industry. It shall make rules and regulations and gather such statistics as it may deem necessary, and upon complaint of interested parties or upon its own initiative may make inquiry and investigation into the operation of this Code, and shall aid the President and his delegates in the administration of this Code and the National Industrial Recovery Act.

(b) The Committee shall make and publish, from time to time, such forecasts on these subjects as it may deem advisable. It may call upon and require "marketers" and all others engaged in the liquefied gas industry for information and reports, to enable it not only to make the findings required by this Code, but when the restrictions herein provided are in force to know the extent to which such restrictions are operative and who are violating the rules and regulations, and failure of any "marketer" to comply with the Committee's request for data and information in the form prescribed shall constitute a violation of this Code.

(c) The Committee shall utilize to the fullest extent possible the facilities of any and all existing trade associations, national, regional, or local, in the liquefied gas industry in such manner as may seem most useful to the work of the Committee. It may form or cause to be formed advisory committees and committees to cooperate in the administration of this Code, the National Industrial Recovery Act, and the rules and regulations thereunder.

THE CHAIRMAN

SEC. 4. The Chairman of the Committee shall have and exercise such authority as may be delegated to him by the Committee. All communications and conferences of the liquefied gas industry with

the President or with his agents concerning the approval or amendment of this Code or any of its provisions or any matters relative thereto shall be through the Committee.

VACANCIES

SEC. 5. All vacancies in the Emergency National Committee and the Emergency Executive Committee shall be filled by the Emergency National Committee. Members of all Committees shall serve until August 15, 1934, when their term shall expire.

QUORUM AND PROCEDURE

SEC. 6. The Emergency National Committee shall determine from time to time the number of its members requisite to a quorum, and the number of members of the Emergency Executive Committee requisite to a quorum. It shall also adopt rules of procedure for both Committees. Each Committee shall fix its own meeting dates and places of meeting. Members of the Committee may designate alternates to act for them at meetings of the Committees.

FEES AND ASSESSMENTS

SEC. 7. No initiation or entrance fee shall be charged, but, to cover the actual expenses of administration, assessments shall be made by the Emergency National Committee of the liquefied gas industry, hereinbefore provided for, which assessments shall be on a fair and equitable basis, considering the nature and extent of operations carried on by those subject to assessments, and assessments shall be paid promptly when due by those assessed.

AMENDMENTS

SEC. 8. This Code may be amended by two-thirds vote of the entire membership of the Emergency National Committee and the amendment shall take effect when approved by the President, provided that reasonable public notice for ten days shall be given to the industry of the proposed amendment.

Approved at general meeting of the Liquefied Gas Industry, Hotel Commodore, New York City.

August 15, 1933.



