

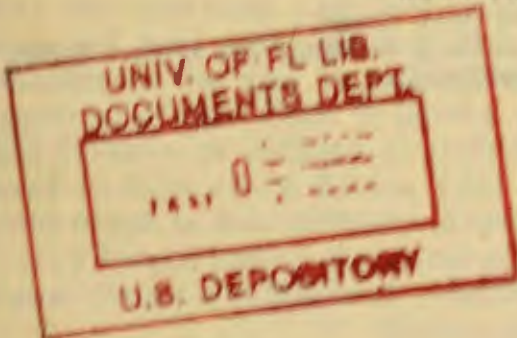
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION


FOR THE

BEVERAGE DISPENSING
EQUIPMENT INDUSTRY

AS APPROVED ON APRIL 6, 1935

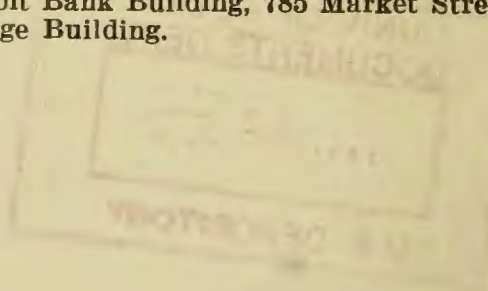


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Approved Code No. 334—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BEVERAGE DISPENSING EQUIPMENT INDUSTRY,

As Approved on April 6, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
BEVERAGE DISPENSING EQUIPMENT 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 an amendment to a Code of Fair Competition for the Beverage Dispensing Equipment Industry, and an opportunity to be heard having been duly afforded to all interested parties and the annexed report on said amendment 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 6859 and otherwise, does hereby incorporate by reference, said annexed report and does find that said amendment 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 amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

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

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
April 6, 1935.

REPORT TO THE PRESIDENT

The **PRESIDENT**,
The White House.

SIR: This is a report on an amendment to the Code of Fair Competition for the Beverage Dispensing Equipment Industry designed to improve the definition of the Industry. This amendment was proposed in accordance with Article IX of the Code as approved on March 16, 1934. Notice of Opportunity to be Heard was given from November 23, 1934 to December 4, 1934 during which time no objection was filed against this amendment.

FINDINGS

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

The Amendment of Article II, Section 1 will change and amplify the definition of the term "Beverage Dispensing Equipment Industry."

Findings: The definition of the term "Beverage Dispensing Equipment Industry" as set forth in the Code as approved, has not been satisfactory to the Industry as a whole. This amendment will provide a more inclusive and accurate definition of the Industry by broadening the definition to include those engaged in manufacturing *and/or* installing operations, and will make it impossible for any member of the Industry to ignore his rightful obligations. Adequate representation has been afforded those firms in the Industry which will be affected by this amendment.

GENERAL FINDINGS

On the basis of all the evidence in this matter and the studies and findings of the Advisory Boards, I find that this amendment and the Code as constituted after being amended will comply with the provisions of the Act:

(a) The amendment 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 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 unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision 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 amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment 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.

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

For these reasons, therefore, this amendment has been approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

APRIL 6, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BEVERAGE DISPENSING EQUIPMENT INDUSTRY

Amend Article II, Section 1 to read as follows:

SECTION 1. The term "Beverage Dispensing Equipment Industry" or "Industry" as used herein is defined to mean and include:

(a) The manufacture (fabrication and/or assembly) for sale by the manufacturer (fabricator or assembler) of all dispensing equipment for beverages as herein defined, including front counters and back bars, drain boards, soda fountains, and carbonators which are a part of beverage dispensing equipment and sold in connection with or for use therewith, but not including barrels, kegs and other containers in which beverages are packaged for delivery to the dispenser.

(b) The manufacture (fabrication and/or assembly) for sale by the manufacturer (fabricator or assembler) of such component parts and fittings of beverage dispensing equipment as are used exclusively in the manufacture or assembly of beverage dispensing equipment or in the dispensing of such beverages as are defined in the code.

(c) The installing of such equipment and/or parts thereof as are heretofore mentioned when performed by the manufacturer (fabricator or assembler) is likewise defined within the scope of this definition.

The term "products of this industry" as used herein is defined to mean and include beverage dispensing equipment and/or those component parts thereof as are included within the scope of the definition of the industry or any one of them.

Approved Code No. 334—Amendment No. 3.
Registry No. 1331-02.

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