

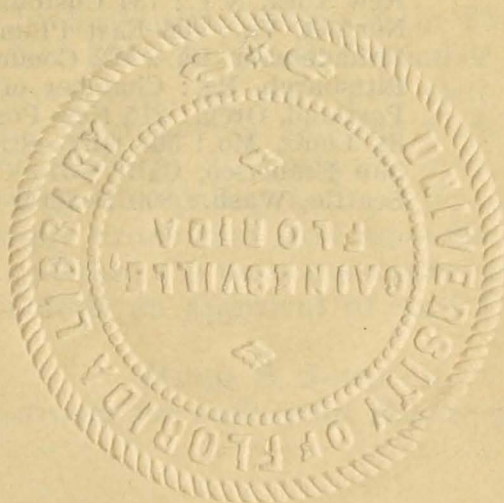
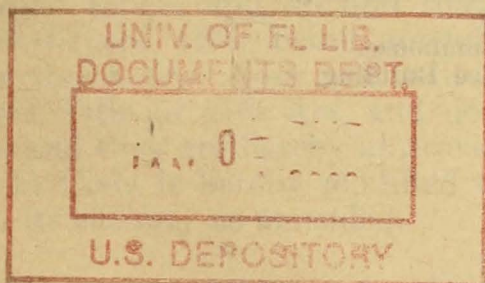
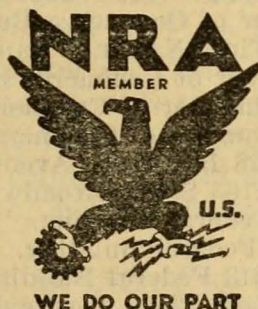
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

FLOOR AND WALL CLAY TILE
MANUFACTURING INDUSTRY

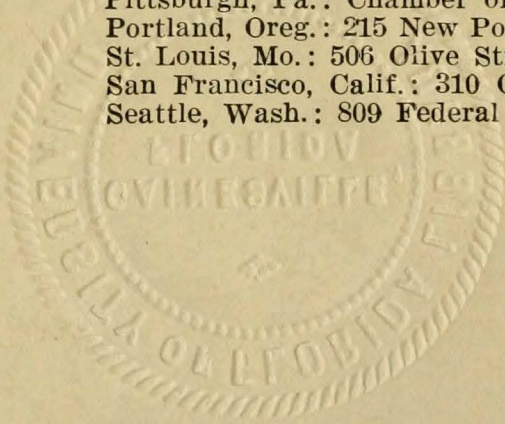
AS APPROVED ON APRIL 28, 1934

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Approved Code No. 92—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FLOOR AND WALL CLAY TILE MANUFACTURING
INDUSTRY

As Approved on April 28, 1934

ORDER

APPROVING AMENDMENTS TO CODE OF FAIR COMPETITION FOR THE
FLOOR AND WALL CLAY TILE MANUFACTURING 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 Floor and Wall Clay Tile Manufacturing 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, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do 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 do hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

A. R. GLANCY,
Division Administrator.

WASHINGTON, D.C.,
April 28, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: This is a report on amendments to the Code of Fair Competition for the Floor and Wall Clay Tile Manufacturing Industry, a hearing on which amendments was conducted in Washington on the ninth of March, 1934, in accordance with the provisions of the National Industrial Recovery Act.

Amendment No. 1.—The definition of the industry in the Code was so worded as to include the manufacture, and sale by the manufacturer, of china bathroom accessories. This amendment broadens the definition to include certain business entities who, while they do not actually manufacture, have long been regarded as members of the industry because of the ownership of certain dies and patents. It provides for a China Accessories Division and clarifies the status of the manufacturing and non-manufacturing members.

Amendment No. 2.—This amendment makes possible the protection of the contractor against changes in price between the time that he places his bid and the time that he receives his contract. It is designed to co-ordinate this Code, to that extent, with the Code for the Construction Industry.

Amendment No. 4.—The original provisions of the Code governing the qualifications for Merchant Tile Contractors were found to be unfair to many contractors who were under the expense of maintaining show rooms, but who could not be given discounts because of the requirements as to past purchases. This amendment is designed to liberalize these provisions and will remove the cause of most of the complaints which have been received from tile contractors.

Amendment No. 5.—This amendment makes a re-adjustment of a refund period, for the convenience of the industry, and does not alter the Code in any material respect.

Amendment No. 6.—This amendment clarifies the procedure to be followed in amending the Code, upon recommendation of the Code Authority, and makes this conform to established policy in this matter.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I 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 restrictions 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 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 afore-said 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 these reasons, therefore, I have approved these amendments.

Respectfully,

HUGH S. JOHNSON,
Administrator.

APRIL 28, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FLOOR AND WALL CLAY TILE MANUFACTURING INDUSTRY

AMENDMENT No. 1

The above named Code is amended by adding thereto the following provisions, as a new schedule "B":

CHINA ACCESSORIES DIVISION

SECTION 1. (a) The China Accessories Division of the Industry shall include any business entity engaged (1) in the production and sale by the manufacturer of recessed china accessories and related articles in various colors, styles and combinations; and/or (2) in primary sales of such products to wholesalers, merchant tile contractors, or contractors. Section 1 of Article II of the Code, entitled "Definitions" is amended to include the China Accessories Division as hereinabove defined.

(b) In any governing agency for the China Accessories Division, which may be designated by the Code Authority pursuant to Article VI, Section B, 2 of the Code, those members of this division who are engaged in primary sales to wholesalers, merchant tile contractors, or contractors, but not in the production and sale by the manufacturer, of recessed china accessories and related articles, may vote only on matters pertaining to sales and administration.

(c) The term "china accessories" as used herein, includes products of the recessed or built-in type made principally from clay, feldspar, and flint, and includes but is not limited to, soap dishes, grab rails, tumbler-holders, shelf brackets, toothbrush holders, sponge holders, paper holders, towel bars, door stops, hooks, and related articles.

SECTION 2. No member of the China Accessories Division shall make, allow or sell products of the Industry at a price or discount conditioned on the basis of combined sales or shipments of china accessories, and any other products or merchandise.

AMENDMENT No. 2

Article VIII of the above named Code is amended by adding thereto the following provision as Section 19: "All prices for tile and tile products shall be quoted subject to change without notice, unless specific quotations for specific jobs are made in writing, in which event they shall be valid for not more than fifty-two days after date of quotation, within which period a definite order may be placed for the material for the specific job, at the price in effect at the time of the written quotation."

AMENDMENT No. 4

Article XII of the above named Code is amended by striking therefrom Paragraph (4) of Section B and substituting therefor the following: "Who, if located in a trading area having a population of 5,000,000 or less, shall have purchased during the prior six month period \$1,000 worth of products of the Industry or shall have purchased during the prior three year period \$6,000 worth of the products of the Industry; but if located in a trading area having a population of more than 5,000,000, shall have purchased during the prior six month period \$2,000 worth of the products of the Industry or shall have purchased during the prior three year period \$12,000 worth of the products of the Industry.

Purchases as mentioned shall be construed to mean the total net amount of Industry products billed during the respective periods and is not intended to mean the value or amount of orders placed. Trading areas shall be established by the Code Authority subject to review by the Administrator. The latest Federal census shall be used to calculate population. Calculation for prior periods shall be made on the basis of the semiannual periods ending June 30 and December 31."

AMENDMENT No. 5

Article X, Section D, Paragraph (4) is amended by adding thereto the following: "Provided, that the first refund period shall begin on November 13, 1933, and terminate on June 30, 1934, and that the period from November 13 to December 31, 1933, shall be included and calculated with the year 1934."

AMENDMENT No. 6

Article VI, Section B is amended by adding thereto the following provision as a new sub-section (10): "The Code Authority may make recommendations, based on conditions and circumstances as they may exist from time to time in the Industry, for modifications of or additions to this Code. Such recommendations upon approval by the Administrator after such Notice and Hearing as he may designate, shall constitute a part of and have the same force and effect as the provisions of this Code."

Approved Code No. 92—Amendment No. 1.

Registry No. 1042-1-02.

