

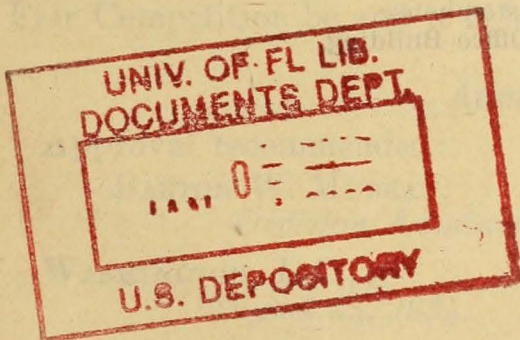
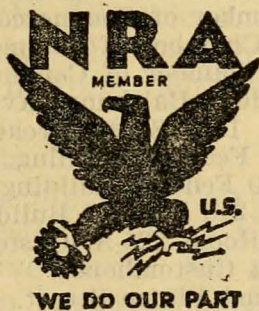
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

ELECTRIC AND NEON SIGN
INDUSTRY

AS APPROVED ON AUGUST 24, 1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

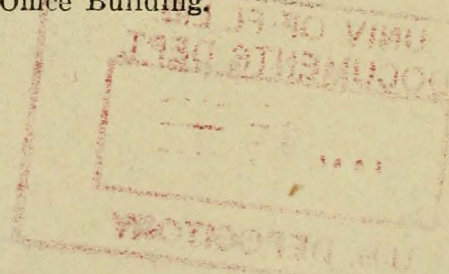
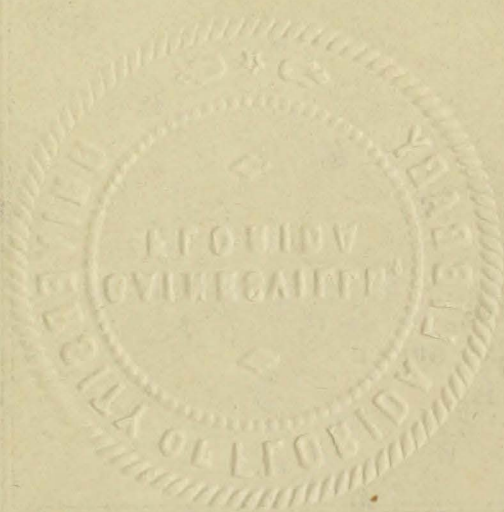
FOR THE

ELECTRIC AND NEON SIGN

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Approved Code No. 506

CODE OF FAIR COMPETITION

FOR THE

ELECTRIC AND NEON SIGN INDUSTRY

As Approved on August 24, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE ELECTRIC AND NEON SIGN 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 a Code of Fair Competition for the Electric and Neon Sign Industry, and hearing having been duly held thereon; and the annexed report on said Code, 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 Code complies 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 Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
August 24, 1934.

82307°—1044-112—34 (131)

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Electric and Neon Sign Industry, the hearing having been conducted thereon in Washington, D.C., April 23, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

PROVISIONS OF THIS CODE AS TO WAGES AND HOURS

Maximum hours for employees are established as follows: All employees, except outside salesmen or employees engaged in emergency maintenance or emergency repair work or persons employed in a managerial or executive capacity who are paid at the rate of \$35.00 or more per week,—forty hours in any one week, or eight hours in any twenty four hour period beginning at midnight; watchman—fifty four hours per week; all employees—six days in any seven day period. Employees engaged in emergency maintenance and emergency repair work shall be paid at not less than one and one-half times their normal hourly rate for all hours in excess of eight hours per day and forty hours per week.

Minimum wages for employees are established as follows: All employees, except skilled employees—\$16.00 per week of forty hours, and part time employees working less than forty hours per week—45 cents per hour; skilled employees—75 cents per hour. No hourly, daily or full time weekly compensation for employees who are paid less than \$50.00 per week shall be less than such compensation existing as of June 16, 1933, and no employee shall be paid a wage rate which will yield a less wage to the shorter full time week herein established than he could have earned for the same class of work for the full time week existing as of June 16, 1933. Wage increases established under the President's Reemployment Agreement shall at least be maintained. Female employees performing substantially the same work as male employees shall receive the same rates as male employees.

Employment of any person under 16 years of age and anyone under 18 years of age at occupations hazardous in nature or dangerous to health is prohibited.

No reclassification of employees for the purpose of defeating the purpose of the Act is permitted, and no employee is permitted to work more than the specified maximum hours whether for one or more employers.

The right of employees to organize and bargain collectively through representatives of their own choosing is recognized. No employee shall be required as a condition of employment to join any company union, or refrain from joining, organizing, or assisting a labor organization of his own choosing.

No employee who has been regularly employed in any one establishment of this Industry for eight weeks or more shall be discharged on less than one week's notice, and no employee shall be dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

ECONOMIC EFFECTS OF THE CODE

The Electric and Neon Sign Industry ranks among those industries experiencing the greatest loss of business due to the depression, the annual sales of the Industry falling from an estimated eighty million dollars in 1928 to an estimated thirty-eight million dollars in 1932, a decline of 53% from the 1928-1929 peak; and employment declining from 18,000 in 1928 to 13,000 in 1932, a decrease of 29%. The total estimated number of concerns, however, increased from 1,000 in 1928 to 1,500 in 1932 and 1933, an increase of 50% while the invested capital decreased during the same period from thirty million dollars to twenty-five million dollars, a decrease of 17%.

It is believed that the provisions of the Code permit adequate control and at the same time insure development and sound expansion.

FINDINGS

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including 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 the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions 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) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved 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; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is 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 Code.

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AUGUST 24, 1934.

CODE OF FAIR COMPETITION FOR THE ELECTRIC AND NEON SIGN INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Electric and Neon Sign Industry, and the provisions of this Code shall be the standards of Fair Competition of such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Electric and Neon Sign Industry" or "Industry" as used herein shall mean and include the manufacture, lease and sale of electric and neon signs; the installation, maintenance and servicing of such signs upon premises not owned or controlled by a member of this Industry; and the manufacture, installation, maintenance, lease and sale of luminescent tube products and neon tube electrodes designed for use only in electric and neon signs and advertising displays.

SECTION 2. The term "employee" as used herein includes any and all persons, except a member of the Industry, engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

SECTION 3. The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

SECTION 4. The term "member of the Industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the Industry as above defined, either as an employer or on his or its own behalf.

SECTION 5. The terms "President", "Act", "Administrator", and "Code Authority", as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, the Administrator for Industrial Recovery, and the agency herein created to administer this Code for the Industry.

SECTION 6. The term "Association" as used herein shall mean the National Electric Sign Association or its successor.

SECTION 7. The term "Confidential Agent" as used herein shall mean the person or persons designated by the Code Authority to perform certain duties hereinafter set forth. Such person or persons shall be impartial and in no way connected with any member of the Industry.

SECTION 8. The term "service" as used herein is defined to mean leasing, contracting at the time of a lease or sale for the servicing of the products of the Industry for a specified length of time, and also contracting for the servicing of the products of the Industry for a specified length of time.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of 40 hours in any one week, or 8 hours in any 24 hour period beginning at midnight, except as herein otherwise provided.

SECTION 2. No watchman shall be permitted to work in excess of 54 hours per week. The term "watchman" as used herein is defined to mean any employee who devotes not less than ninety percent of his time watching and/or guarding the premises and/or property of the employer and who does not engage in production or repair work.

SECTION 3. The provisions of this Article shall not apply to outside salesmen or to employees engaged in emergency maintenance or emergency repair work or to persons employed in a managerial or executive capacity who earn regularly thirty-five (\$35.00) dollars per week or more; provided, however, that employees engaged in emergency maintenance and emergency repair work shall be paid not less than one and one-half ($1\frac{1}{2}$) times their normal hourly rate for all hours worked in excess of 8 hours per day and 40 hours per week.

SECTION 4. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

SECTION 5. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid in any pay period less than sixteen (\$16.00) dollars per week of forty (40) hours; provided, however, that part time employees working less than the forty (40) hour week shall be paid not less than forty-five (45) cents per hour.

SECTION 2. (a) The term "skilled employee" as used in this Section shall mean sign painters, iron workers, sheet metal workers, maintenance men, electricians, glass blowers and pumpers, expressly excepting therefrom helpers as hereinafter defined.

(b) No member of the Industry shall employ more than one helper for each three journeymen. The term "helper" as used herein shall mean all employees other than journeymen engaged in the skilled trades defined in paragraph (a) of this Section.

SECTION 3. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

SECTION 4. Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

SECTION 5. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

SECTION 6. No hourly, daily, or full time weekly compensation for employees who are paid less than fifty (\$50.00) dollars per week shall be less than such compensation existing as of June 16, 1933, and no employee shall be paid a wage rate which will yield a less wage to the shorter full time week herein established than he could have earned for the same class of work for the full time week existing as of June 16, 1933. Wage increases established under the President's Reemployment Agreement shall at least be maintained.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in this Industry nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within ninety (90) days after the effective date of this Code a list of such occupations. In any State, an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit, duly issued by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 2. (a) 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) 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) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment and shall comply with the standards of safety and health approved by the Administrator. Such standards shall be recommended by the Code Authority to the Administrator within three (3) months after the effective date of this Code.

SECTION 4. Within each State this Code shall not supersede any laws of such State or Federal laws imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire or general working conditions than under this Code.

SECTION 5. No employer shall reclassify employees or duties of occupations performed by employees or engage in any other subterfuge so as to defeat the purposes of the Act or the provisions of this Code.

SECTION 6. If any employer of labor in this Industry is also an employer of labor in any other Industry, the provisions of this Code shall apply to and affect only that part of the business which is a part of the "Electric and Neon Sign Industry."

SECTION 7. No employee shall be dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

SECTION 8. No employee who has been regularly employed in any one establishment of this Industry for eight (8) weeks or more shall be discharged on less than one week's notice.

SECTION 9. Each employer shall post and keep posted in conspicuous places accessible to employees, full copies of Articles III, IV, and V, of this Code and any amendments thereto. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Code Authority is hereby constituted to administer this Code.

SECTION 1. A Code Authority is hereby established consisting of twelve (12) persons to be elected in the following manner:

During the period of sixty days from the effective date of this Code, the Code Committee shall act as a temporary Code Authority and shall cause a meeting of the members of the Industry to be held for the purpose of electing a Code Authority. Twenty days' advance notice of such meeting shall be sent to all members of the Industry whose names and addresses can be ascertained after diligent search. The members of the Code Authority shall be elected in the following manner:

(a) Nine (9) members who shall be members of the Industry and members of the Association shall be elected by a majority vote of all members of the Industry present in person or by proxy or letter ballot, each member to have one vote.

(b) Three (3) members of the Industry who shall be non-members of the Association shall be elected by a majority vote of all non-members of the Association present in person or by proxy or by letter ballot, each member to have one vote.

The members of the Code Authority so elected shall serve for a period of one year or until their successors are elected and qualified. Thereafter, members of the Code Authority shall be elected at a meeting of the members of the Industry to be held at the time and place of the annual meeting of the Association, in the manner hereinabove set forth.

Any vacancy occurring in the membership of the Code Authority shall be filled by a majority vote of the remaining members of the Code Authority, subject, however, to the classifications of membership hereinabove set forth.

In addition to membership as above provided, there may be three (3) members without vote to be known as Administration Members to be appointed by the Administrator to serve for such term as he may specify. The Administration Members so appointed shall receive notice of, and may sit at, all meetings of the Code Authority.

SECTION 2. Each trade or industrial association 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.

SECTION 3. 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 of the Code Authority.

SECTION 4. 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 wilful malfeasance or non-feasance.

SECTION 5. Powers and Duties.—The Code Authority shall have the following powers and duties to the extent permitted by the Act:

(a) To adopt by-laws and rules and regulations for its procedure and for the administration of this Code in accordance with the powers herein granted; the same shall be submitted to the Administrator for his approval, together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may deem necessary to effect the purposes of the Act.

(b) To insure the execution of the provisions of this Code and to provide, subject to rules and regulations established from time to time by the Administrator, for the compliance of the Industry with the provisions of the Act.

(c) To make recommendations to the Administrator for the co-ordination of the administration of this Code with such other Codes, if any, as may be related to the Industry or to any subdivisions thereof.

(d) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

a. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

b. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by the members of the Industry;

c. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equita-

ble contribution as above set forth by all members of the Industry and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(e) To recommend to the Administrator further trade practice provisions to govern the members of the Industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning and stabilization of employment; and to consider and recommend to the Administrator proposals for modification or amendment of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(f) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between employers under this code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

(g) To use such trade associations and other 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 and agencies shall at all times be subject to and comply with the provisions hereof.

(h) To provide for local administration of the code through the selection of district Code Committees for various districts as may from time to time be set up by the Code Authority, each such district Code Committee to be selected from the members of the Industry residing within the district in a manner truly representative of the members of the Industry within that district. The set up of the district or districts and the method of selection shall be subject to review by the Administrator.

(i) The District Code Committees shall have such power as may be delegated to them by the Code Authority, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities.

ties under this Code; and that such district Code Committees shall at all times be subject to and comply with the provisions of this Code.

(j) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he 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 report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(k) To authorize and empower Regional Code Committees, or other such Agencies as it may designate, to install a method of checking competitive bids after the opening and after the award of the contract of such bids and when such authorization is granted to require such Regional Code Committees or Agencies to designate a depository, or to use such other method as may be approved by the Code Authority.

(l) To present to the Administrator, from time to time, recommendations based on conditions in the Industry, which will tend to effectuate the operation of the provisions of this Code. Such recommendations, when approved by the Administrator, shall have the same force and effect as the other provisions of this Code.

SECTION 6. The Code Authority may with the approval of the Administrator maintain a representative in each major trade area and in such minor trade areas as may be designated, who shall be nominated by the Industry in said trade area, and who shall keep in touch with all members of the Industry, explain the provisions and applications of the Code and rulings made thereon by the Code Authority, investigate complaints, instruct members in the keeping of data required, and perform such other duties as shall be designated by the Code Authority to create and maintain harmony in the Industry, and to provide members of the Industry with a direct personal channel for securing the full benefit of the operation of this Code. This representative shall exercise only such authority as may be specifically invested in him by the Code Authority with the approval of the Administrator.

SECTION 7. In each division or subdivision of the Electric and Neon Sign Industry, truly representative associations or groups of employers and employees respectively concerned, after proper notice and hearing and as a result of bona fide collective bargaining, may establish by mutual agreement (when approved by the President as provided in Section 7 (b) of the Act), for a specifically defined region or locality the standards of hours of labor, rates of pay, and such other conditions of employment, relating to occupations or types of operations in such region and locality, as may be necessary to effectuate the policy of Title I of the Act. For the purposes of this Section, the entire United States may be defined as a region.

SECTION 8. All statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential

and the statistics, data, and information of one member shall not be revealed to any other member. No such data or information shall be published except in combination with other similar data and only in such a manner as to avoid the disclosure of confidential information, or except upon the written consent of a particular member of the Industry supplying such statistics, data and information. The Code Authority shall arrange in such manner as it may determine for the current publication of Industry statistics to members.

SECTION 9. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VII—COSTS AND PRICE CUTTING—COST FINDING AND ACCOUNTING

SECTION 1. (a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of NRA which shall render a report and recommendation thereon to the Administrator.

(b) When no declared emergency exists as to any given product or service, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product or service, sale below the stated minimum price of such product or service, in violation of Section 2 hereof, is forbidden.

SECTION 2. (a) If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the Industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product or service within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product or service affected

by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product or service for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Industry shall sell such specified products or services at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 3. The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the Industry. Thereafter, such member of the Industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

ARTICLE VIII—OPEN PRICE PROVISIONS

SECTION 1. Each member of the Industry shall file with a confidential and disinterested agent of the Code Authority, or, if none, then with such an agent designated by the Administrator, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Article referred to as "price terms" which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products or services of the Industry as are sold or offered for sale by said member and for such non-standard products of said member and for such non-standard services of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within thirty (30) days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the Industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the Industry and their

customers as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid thirty (30) day period after the approval of this Code. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the Code Authority shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

SECTION 2. When any member of the Industry has filed any revisions, such member shall not file a higher price within forty-eight (48) hours.

SECTION 3. No member of the Industry shall sell or offer to sell any products or services of the Industry, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

SECTION 4. No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

ARTICLE IX—TRADE PRACTICES

A. The Following Practices Constitute Unfair Methods of Competition for Members of the Industry, and are Prohibited:

RULE 1. No member of the Industry shall publish advertising (whether printed, radio, display, or of any other nature) as to his own business which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 2. 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.

RULE 3. No member of the Industry shall publish advertising as to his own business which refers inaccurately in any material particular to any competitors or their prices, values, credit terms, policies, or services.

RULE 4. No member of the Industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

RULE 5. No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

RULE 6. No member of the Industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of in-

fluencing 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. This provision 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.

RULE 7. No member of the Industry shall induce or attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

RULE 8. No member of the Industry shall brand or make or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation of such goods.

RULE 9. No member of the Industry shall knowingly convert or adapt to his own use the whole or any essential part of any designs, drawings, sketches, models, or copy of any products which have been submitted to a prospective customer by a competitor; nor shall any member of the Industry knowingly consummate a sale on a design, sketch, or plan originally furnished by a competitor to a prospective customer unless the purchaser or seller has made arrangements for compensation to the competitor for the use of such design, sketch, or plan.

RULE 10. No member of the Industry shall conceal or remove from any electric sign the name of the manufacturer thereof, or any Insignia required by this Code.

RULE 11. No member of the Industry shall furnish any sample sign especially built for a prospective purchaser having a prime cost in excess of \$10.00, except on a definite purchase contract.

RULE 12. No member of the Industry shall lease or sell or offer to lease or sell any product of the Industry through an outside salesman known to be employed solely by a competitor without first obtaining the consent of the competitor, nor shall any member of the Industry employ or contract with any sales agent employed solely by or representing a competitor for the purpose of obtaining business developed by a competitor through such salesmen or sales agent(s).

RULE 13. No member of the Industry shall mislead or deceive customers with respect to the quality and/or quantity of material or workmanship, the size of letters, dimension of signs and amount and kind of service given with a sale.

RULE 14. No member of the Industry shall make any unauthorized use of any insignia, trade marks, designs, or brands established to identify persons who have entered into an agreement with the N.R.A. to observe and conform to the provisions of this Code and approved rules issued thereunder, nor shall any member of the Industry make any false statement that he has entered into any such agreement.

RULE 15. No member of the Industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false repre-

sentations or by false disparagement of the grade or quality of the competitor's goods.

RULE 16. No member of the Industry shall reduce a bid without changes in the specifications and/or plans justifying the same.

ARTICLE X—MODIFICATION

SECTION 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 National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act.

SECTION 2. Such of the provisions of this Code as are not required to be included herein by the Act may, with the approval of the Administrator, be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience. All the provisions of this Code, unless so modified or eliminated, shall remain in effect until June 16, 1935.

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—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as possible, be limited to actual increases in the seller's costs.

ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval.

Approved Code No. 506.
Registry No. 1310-09.



