

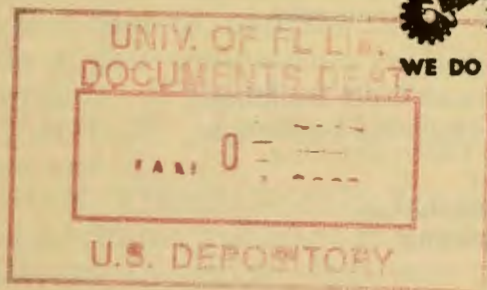
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION
FOR THE
CONCRETE MASONRY
INDUSTRY

AS APPROVED ON NOVEMBER 27, 1933

BY

PRESIDENT ROOSEVELT



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Approved Code No. 133
CODE OF FAIR COMPETITION
FOR THE
CONCRETE MASONRY INDUSTRY
As Approved on November 27, 1933
BY
PRESIDENT ROOSEVELT

Executive Order

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 my approval of a Code of Fair Competition for the Concrete Masonry Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator and do order that the said code of fair competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval Recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
November 27, 1933.

(407)

NOVEMBER 13, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Concrete Masonry Industry in the United States, a public hearing on which was conducted in Washington on October 5, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THIS CODE AS TO WAGES AND HOURS

This code provides for a maximum work week of forty hours, except that during fifteen weeks of the year, forty-eight hours per week may be worked, although the maximum daily limit permissible in any event is eight hours.

Managerial or administrative employees earning more than \$35.00 per week are not subject to these hourly limitations. Further exceptions are provided for employees engaged in emergency work, who may work forty-eight hours per week averaged over any fifteen-week period; watchmen, who may work sixty-four hours per week; and shipping clerks, who may work fifty-two hours per week. Not more than six days may be worked in any seven-day period.

This code provides a minimum hourly rate of forty cents per hour, except that in specified Southern States a minimum rate of thirty cents per hour is provided, whether the compensation is based on a time rate, piecework, or other basis. Accounting, clerical, office, service or sales employees are to be paid at not less than \$15.00 per week. Managerial or administrative employees may be paid not less than \$35.00 per week.

For all time worked in excess of eight hours per day or forty hours per week, employees are to be paid at one and one third the regular hourly rate. Provision is made for maintaining existing wage differentials. No person under eighteen years of age may be employed in the Industry. Maximum continuity of employment is to be provided insofar as practicable.

ECONOMIC EFFECTS OF THE CODE

As indicated by data furnished by the Industry, the production and sale of concrete masonry units increased rapidly from 1921 to 1928, at which time there were about 5,000 plants in the business, representing invested capital of one hundred million dollars, employing 50,000 plant workers and producing 387 million units per year. Being largely dependent on the erection of new buildings, and on industrial and public works developments, this Industry experienced a serious decline following the year 1928. In 1932 the number of establishments had decreased 30%, employees 84%, capital invested 25%, and production 85%.

From all available information, the average hourly wage in 1929 was about fifty-five cents per hour, while in 1932 the average was thirty-nine cents per hour, representing a decrease in the average hourly rates of about 30%. Since the labor provisions of this code establish a minimum rate of forty cents per hour in the North and thirty cents per hour in the South, it is evident that the average hourly wage will be materially raised as soon as the code becomes effective.

It is further evident that the provisions in the code with respect to maximum hours and conditions of employment, conformity to fair trade practices, and conditions of sale, will serve to stabilize the Industry and reflect benefits to the Industry and employees alike.

FINDINGS

The Administrator finds that:

(a) The Code as recommended complies in all respects with the pertinent provisions of Title I of the Act, including, without limitation, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The applicant group imposes no inequitable restrictions on admission to membership therein and is truly representative of the Concrete Masonry Industry; and that

(c) The Code as recommended is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

CONCRETE MASONRY INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Concrete Masonry Industry, and upon approval by the President shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. *Industry*.—The term “Industry” as used herein includes the manufacture, and sale by those who manufacture, of block, brick, or tile building units made of Portland Cement Concrete, primarily for structural use.

SEC. 2. *Employee*.—The term “employee” as used herein includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of his compensation.

SEC. 3. *Employer*.—The term “employer” as used herein includes any individual, partnership, association, corporation, or other person or enterprise by whom any such employee is compensated or employed.

SEC. 4. *Member of the Industry*.—The term “member of the industry” as used herein includes any one engaged in the industry as above defined, either as an employer or on his own behalf.

SEC. 5. *President, Act and Administrator*.—The terms “President”, “Act”, and “Administrator” as used herein shall mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator of Title I of said Act.

ARTICLE III—HOURS

SECTION 1. *Hours of Labor*.—No employee shall be permitted to work more than 40 hours per week. Due to the seasonal nature of this Industry an employee may be permitted to work 48 hours per week but not more than 8 hours per day for a period of not to exceed 15 weeks during any one calendar year.

SEC. 2. *Exceptions*.—The maximum hours prescribed in Section 1 of this Article shall not apply to the following:

(a) Managerial or administrative employees earning more than \$35.00 per week.

(b) Employees engaged in emergency work occasioned by breakdowns in production machinery or in work requiring the protection of life or property, provided no such employee shall be permitted to

work in excess of forty-eight (48) hours per week averaged over any fifteen (15) weeks' period.

(c) Watchmen, provided no such employees shall be permitted to work in excess of sixty-four (64) hours in any one week.

(d) Shipping clerks, provided no such employees shall be permitted to work in excess of fifty-two (52) hours in any one week.

SEC. 3. *Employers*.—Employers who personally perform manual work or are engaged in mechanical operations shall be subject to the same maximum hours provided in this section as to employees.

SEC. 4. *Dual Employment*.—No employer shall engage any employee for any time, which when totaled with that already performed with another employer, or employers, exceeds the maximum permitted herein.

SEC. 5. *Agreements*.—Nothing herein shall be construed to apply to employees whose hours of labor, wages or working conditions are established for specific projects by competent governmental authority acting in accordance with law or with hours of work, wages, or terms of employment which are established by labor agreements or understandings now in force, where such hours are less or wages are more or both than those set forth hereinabove.

SEC. 6. *Day of Rest*.—No employee shall be permitted to work more than six (6) days in any seven (7) day period.

ARTICLE IV—WAGES

SECTION 1. *Rates of pay*.—(a) No factory or mechanical worker or artisan shall be paid at less than the rate of forty (40) cents per hour, except that in region number 4 as defined in Article VI of this Code, the minimum shall be thirty (30) cents per hour.

(b) No accounting, clerical, office, service, or sales employee, or any other employee not included in subsection (a) or (c) of this section shall be paid at less than the rate of \$15 per week.

(c) No managerial or administrative employee shall be paid at less than the rate of \$35.00 per week.

SEC. 2. *Overtime, Piece Work, etc.*—(a) Any employee working in excess of eight (8) hours in any twenty-four (24) hour period or in excess of 40 hours in any 7-day period shall be paid not less than one and one third ($1\frac{1}{3}$) times his regular hourly rate, for all such excess time.

(b) This Article establishes a minimum rate of pay for the actual time worked regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

(c) The amounts by which hourly wages in the higher paid classes of employees exceeded hourly wages in the lower paid classes of employees on June 16, 1933, shall be maintained.

(d) All hourly wages shall be paid at least twice a month and all salaries at least once a month, in lawful currency or by negotiable check therefor payable on demand.

ARTICLE V—LABOR PROVISIONS

SECTION 1. *Child Labor*.—No person under eighteen (18) years of age shall be employed in the industry. 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.

SEC. 2. *Statutory Provisions.*—(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.

SEC. 3. *State Laws.*—Within each State no provision of this Code shall supersede any law of such State which imposes more stringent requirements on employers regulating the age of employees, wages, hours of work, or safety, health, sanitary, or general working conditions, or insurance, or fire protection than are imposed by this Code.

SEC. 4. *Reclassification.*—Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act or of this Code.

SEC. 5. *Accident Prevention.*—Each employer shall provide for the welfare and safety of his employees. He shall not be relieved from complying with all national, state, and local ordinances and provisions of safety measures referring to safety and health measures and the welfare of employees insofar as the same may apply to his special type of work and from protecting his employees by workmens' compensation insurance.

SEC. 6. *Publicity.*—Each employer shall post in conspicuous places at each job and at offices the provisions relating to labor conditions, minimum wages, and maximum hours under this Code.

SEC. 7. *Continuity of Labor.*—An employer shall so administer work in his charge as to provide the maximum practicable continuity of employment for his work force.

ARTICLE VI—ADMINISTRATION

SECTION 1. *Regions.*—To facilitate administration, the industry shall be divided into five regions, as follows:

(1) Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island.

(2) Pennsylvania, Maryland, New Jersey, Delaware, District of Columbia, West Virginia.

(3) Indiana, Michigan, Wisconsin, Kansas, Illinois, Minnesota, Iowa, Ohio, Missouri, North Dakota, South Dakota, Nebraska.

(4) Texas, Oklahoma, Arkansas, Louisiana, Kentucky, Tennessee, Mississippi, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida.

(5) Arizona, California, Colorado, Idaho, Montana, Nevada, Wyoming, New Mexico, Oregon, Utah, Washington.

SEC. 2. *Code Authority*.—The Code Authority as hereinafter defined and constituted may divide each region into regional subdivisions hereinafter termed subregions to further facilitate the administration of this Code.

SEC. 3. *Administration*.—Further to facilitate administration, the industry may be divided into sections according to productive capacity as follows:

(a) Plants with a productive capacity of less than 250,000 units annually.

(b) Plants with a productive capacity of more than 250,000 units annually but less than 500,000 units annually.

(c) Plants with a productive capacity of more than 500,000 units annually.

Productive capacity is defined to be actual production of equivalent of 8 x 8 x 16-inch units.

For the purposes of the first election of the Code Authority, as hereinafter provided for, the determining productive capacity shall be the productive capacity in the year 1929, and the members of this Code Authority so elected shall serve for the duration of the Act. For the purpose of subsequent annual elections, in the event that the duration of the Act is extended by Congress beyond its present expiration date, the productive capacity shall be the productive capacity for the year immediately preceding the election. If a plant was not in operation for the full year of 1929, its determining productive capacity shall be its first full year of operation.

SEC. 4. *Code Authority*.—A Code Authority is hereby designated to cooperate with the Administrator as a planning and fair practice agency for the industry. Each trade association representing a group (as defined in Section 6 of this article) shall so modify its constitution and by-laws as to provide for the election of a Board of Directors of eight members, one member to be selected from each group, in accordance with the regional and productive capacity schedules of Sections 1 and 3 of this article, or by some other fair method of election approved by the Administrator.

The Code Authority shall be composed of eight members. These members shall be designated by the respective boards of directors above mentioned from among the membership of such respective boards. The proportion of representation by each trade association on the Code Authority shall be based upon the relative production of the membership of these associations.

In addition to said representatives of the industry, three or less members may be appointed to said Code Authority by the Administrator, and shall serve for terms of six (6) months to one (1) year as designated in the order of appointment. The representatives so appointed by the Administrator shall be without vote, shall serve without expense to the industry, and shall be given notice of and may sit at all meetings of the Code Authority. Similar notice shall also be given to the Administrator.

SEC. 5. *Regional and Subregional Committees*.—Members of the industry in each region may establish regional committees by means

of some fair system of election, subject to the approval of the Code Authority and the Administrator.

If the Code Authority in pursuance of Section 2 of this Article shall divide any region into subregions, each such subregion may establish a subregional committee by means of some fair system of election, subject to the approval of the Code Authority and the Administrator.

SEC. 6. *Group Committees.*—Whenever members of the industry representing two thirds of the production of concrete masonry units in which the aggregate is composed chiefly of one material shall petition the Code Authority to constitute the members of the industry using such aggregate a division of the industry (such division being based upon common interests and common problems), the Code Authority, subject to the approval of the Administrator, shall designate such members a division of the industry and thereupon the group so designated shall elect a Group Committee from its membership by some fair method of election, subject to the approval of the Code Authority and the Administrator.

SEC. 7. *Divisions.*—If, prior to the signing of this Code by the President, members of the industry shall have submitted proof to the Administrator that they represent two thirds of the production of industry products in which the aggregate is composed chiefly of one material, and shall petition the Administrator to constitute the members of the industry using such aggregate a division of the industry, the Administrator shall designate such members a division of the industry, with all of the functions of a group as outlined in this Article. Under this section the Cinder Unit Group is hereby constituted a division of the industry.

SEC. 8. *Duties of Associations.*—Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority or of any regional or subregional administrative committee shall:

(1) Impose no inequitable restriction on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, 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.

SEC. 9. *Code Authority Representative.*—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 provide 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 in the method of selection of the Code Authority.

SEC. 10. *Powers and Duties of Code Authority and Committees.*—In addition to the powers herein specifically conferred, the Code Authority shall have the following powers and duties to the extent permitted by the Act, subject to the right of the Administrator on review to disapprove or modify any action taken by any agencies pursuant to this Code.

(a) *Duties of Code Authority.*—The Code Authority shall be the general planning, coordinating, and administering agency for the industry. The Code Authority may present to the Administrator recommendations based upon conditions in the industry as they may develop from time to time, which recommendations will tend to effectuate the operation of this Code and the policies of the Act. Such recommendations, upon approval by the President, shall become operative as a part of this Code. The Code Authority shall cooperate with the Administrator in making investigations as to the functioning and observance of any provisions of this Code and shall report the results of such investigations to the Administrator. The Code Authority shall draft a safety and health manual for the industry. The Code Authority may use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein and to pay such trade associations and agencies the cost thereof, 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.

(b) *Duties of Committees.*—(1) *Regional and Subregional Committees.*—The duties of such committees shall be to administer the provisions of this Code within the regions or parts thereof. Provided, however, that their actions shall be subject to approval of the Code Authority and to review by the Administrator.

(2) *Group Committees.*—The duties of such committees shall be to administer the provisions of this Code within their respective groups irrespective of the regional or subregional committees. Provided, however, that their action shall be subject to the approval of the Code Authority and to review by the Administrator.

(3) Where conflicts arise between decisions of group committees and regional or subregional committees such conflicts shall be settled by the Code Authority, subject to review by the Administrator.

SEC. 11. *Voting.*—(a) *Code Authority.*—Each member of the Code Authority may vote in meeting assembled or by letter ballot. If a meeting is called notice shall be sent out not less than ten (10) days before the date of meeting. A majority of the voting members of the Code Authority shall constitute a quorum at any assembled meeting. Each member of the Code Authority, excepting members appointed by the Administrator, shall be entitled to one vote. A majority of the votes cast shall constitute a sanctioning vote.

(b) *By Committees.*—Rules governing the voting by the Code Authority shall govern the voting by committees, except that five (5) days' notice shall be adequate for a meeting of subregional committees.

(c) *By members of the Industry.*—On national questions voting by members of the industry shall be by letter ballot. A sanctioning vote shall be a majority of the votes cast.

(d) *Within Regions or Groups.*—A meeting of members of the industry within a region or group may be called at the instance of the Code Authority or at the instance of members of the industry representing 25 percent of the plants, or at the instance of members of the industry representing 25 percent of the production, within the region or group respectively. Each member of the industry

within a region or group shall have one vote and a sanctioning vote shall be a majority of those voting. Such sanctioning vote shall bind the regional committee of such region, or the group committee of such group, except that the action authorized or required by such vote shall be subject to the approval of the Code Authority and the Administrator; and except further, that any action taken on which there is a disagreement by members of the industry (whether or not they have participated in the voting), representing either 25 percent of the number of producers, or 25 percent of the production within such region or group shall be reviewed by the Code Authority.

(e) *Within Subregions*.—A meeting of members of the industry within any subregion of any region may be called by the Code Authority or by members of the industry representing either 25 percent of the producers, or 25 percent of the production, within such subregion. The regulations governing the voting by regions shall apply to voting within a subregion of any region, except that disagreements shall be reviewed by the regional committee subject to the right of any party to secure a further review by the Code Authority.

(f) *Notices of Meeting*.—Whenever a meeting is called for a region, group, or subregion, reasonable notice of said meeting shall be given to all members of the industry within that region, group, or subregion at least seven days (7) prior to the date of such meeting.

SEC. 12. *Arbitration*.—Complaints between groups within the industry or controversies involving labor, consuming interests, or parties outside of the industry shall, by and with the consent of both parties concerned, be submitted to the Code Authority. Or at the instance of any such consenting party, such complaints may be referred to an arbitration board composed of equal representation of each of the parties involved in the complaint or controversy with a neutral arbitrator selected by the appointed members of such arbitration board.

SEC. 13. *Statistics*.—In order that the President may be informed as to the extent of the observance of the provisions of this Act and of the extent to which the declared policy of the Act is being effectuated in the industry as herein defined, the Code Authority shall make such reports as the Administrator may require. Each member of the industry shall make such sworn reports to the Code Authority as to wages, hours of labor, number of employees, production, stocks on hand, sales, and such other matters as the Code Authority, subject to review by the Administrator, may require for the administration of this Code.

In addition to the information required to be submitted to the Code Authority, there shall be furnished to governmental agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

SEC. 14. *Assessment*.—Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. The reasonable share of the expenses of administration

shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable to be taken into consideration.

Such reasonable share of the expense incidental to administering this Code shall be paid to such person or agency as the Code Authority shall designate.

SEC. 15. *Liability*.—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 be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or nonfeasance.

SEC. 16. *Handling of Violations*.—The Code Authority shall have the power to receive complaints of violations of this code, make investigations thereof, provide hearings thereon and adjust such complaints, and bring to the attention of the Administrator for prosecution recommendations and information relative to unadjusted violations.

ARTICLE VII—TRADE PRACTICES

SECTION 1. *Unfair Methods*.—The following practices constitute unfair methods of competition for members of the industry and are prohibited.

(a) *Secret Rebates*.—To make a secret prepayment of transportation charges or permit the payment or allowance of secret rebates, refunds, credits, or unearned discounts, whether in the form of money or otherwise, or to give secret premiums for the purpose of influencing a sale, or secretly extend to certain purchasers special services or privileges not extended to all purchasers of industry products under like terms and conditions.

(b) *Interference in Existing Contracts (Breach)*.—To willfully interfere by any means or device whatsoever, in any existing contract or order between a seller and a purchaser in or concerning the production, manufacture, transportation, purchase, or sale of any industry product, or the performance of any contractual duty or service connected therewith, destroying or appropriating in whole or in part the patronage, property, or business of another member of the industry.

(c) *Defamation of competitor*.—To define a competitor by words or acts, falsely imputing to him dishonorable conduct, inability to perform contracts, or questionable credit standing, or by the false disparagement of the grade or quality of his products.

(d) *Price Misrepresentation*.—To represent deliberately, either directly or by inference, that a competitor is quoting lower prices than those actually quoted by such competitor, without first establishing the accuracy of such representation.

(e) *Conformity with Specifications*.—To sell or offer for sale any product of the industry with intent to deceive customers or prospective customers as to the quality, quantity, size, grade, or substance of such product. All products shall meet the specifications of the American Concrete Institute or American Society for Testing Materials for concrete masonry units.

(f) *Delivery of Grade Superior to that Ordered.*—To sell an inferior quality of industry product at a fair price, with the understanding that a superior quality selling at a higher price will be delivered.

(g) *Shipping According to Samples.*—To ship or deliver any industry product which does not reasonably conform to the standard or specification of sample submitted as representative of the Material to be shipped, or to representations made prior to securing an order therefor, unless the consent of the purchaser to such substitution is obtained prior to shipment.

(h) *Misbranding.*—To mark, brand, or advertise products of the industry for the purpose or with the effect of misleading or deceiving purchasers with respect to the quality, quantity, size, grade, or substance of the materials purchased.

(i) *Payment of Commission.*—To pay or promise to pay, to an employee of a customer or prospective customer without the knowledge of his principal, a commission or consideration of any character for the purpose of inducing, or compensating for a sale.

(j) *Commercial Bribery.*—To secretly or otherwise offer or give commissions, prizes, premiums, gifts, excessive entertainment, or other benefits as an act of commercial bribery to any person connected directly or indirectly with the purchase, selection, or use of industry products, as an inducement thereto.

(k) *Consignment of Shipments.*—To ship any industry product to an agent on consignment, at an indeterminate price.

(l) *Lump-Sum Bidding.*—To sell any industry product, except on a unit price basis.

(m) *Contingent Selling.*—To enter into any contract for furnishing any industry products contingent upon the sale or purchase of any other thing, the performance of any other service or any other contingency not appearing in the contract or complying with this Code.

SEC. 2. *Selling Below Cost.*—No member of the industry shall sell any commodities at a price below his own individual cost. However, any member may meet the price competition of any other member of the industry provided that notice of this fact is immediately sent to the Code Authority, and provided, further, that any such sales below cost may be continued only until notice is received from the Code Authority that such sales are no longer necessary to meet competition. Cost shall be determined in accordance with the principles enumerated in a standard cost system which shall be formulated by the Code Authority with the approval of the Administrator.

SEC. 3. *Published Prices.*—Each member of the industry shall publish and distribute to the trade his price lists for sales to consumers and/or middlemen for various types, kinds, and grades of products of the Industry, which shall include credit terms, trade and cash discounts, schedules of freight and cartage charges; copies of which shall at the same time be submitted to the Code Authority.

The Code Authority shall immediately send copies thereof to interested members of the industry. Any revision of such price lists or other such information which may be thereafter made, shall be published to the trade and filed with the Code Authority to become effective on the date specified, but such revised price lists shall be

filed at least five days in advance of the effective date. Failure to adhere to such published price lists, discounts, terms, or other conditions of sale, shall constitute an unfair method of competition.

SEC. 4. *Contracts and Quotations*.—All quotations and contracts, except petty sales to individuals or small sales for local consumption not exceeding 100 units, for the sale of products of the industry, shall be made or confirmed in writing and shall contain a definite statement of price, quantity, terms of payments, time and place of delivery, and all other items necessary to form a complete understanding.

SEC. 5. *Credit Practices*.—In any region, group, or subregion, the regional, group, or subregional committee may, subject to the approval of Code Authority, and with the approval of the Administrator, establish credit practices uniform within its respective region, group, or subregion, which shall be binding upon the members of the industry selling in that region, group, or subregion.

ARTICLE VIII—MODIFICATIONS

SECTION 1. *Cancellation*.—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 Act, from time to time to cancel or modify any order, approval, license, rule, or regulations issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SEC. 2. *Amendments*.—This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

ARTICLE IX—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 X—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed. But such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 133.
Registry No. 1011-1-02.

