

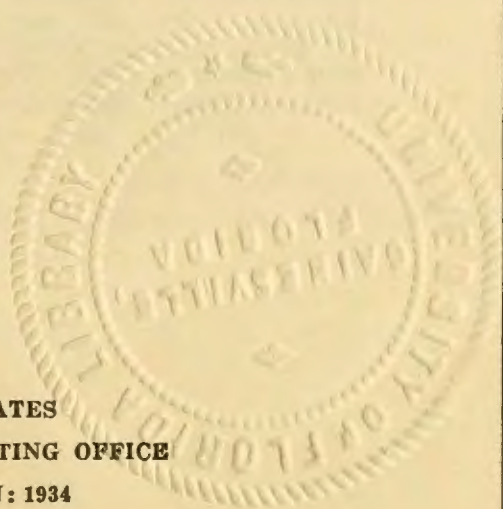
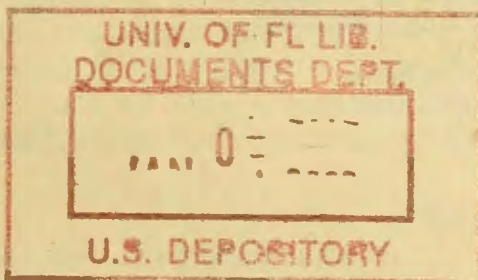
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

DIE CASTING MANUFACTURING
INDUSTRY

AS APPROVED ON MARCH 8, 1934

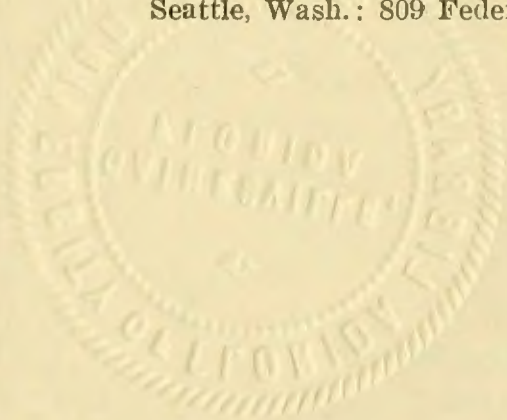


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Approved Code No. 323

CODE OF FAIR COMPETITION
FOR THE
DIE CASTING MANUFACTURING INDUSTRY

As Approved on March 8, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE DIE CASTING
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 a Code of Fair Competition for the Die Casting Manufacturing Industry, and hearings 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 subject to the following condition: that the continued participation of the American Die Casting Institute in the Code Authority after 30 days from the effective date of this Code shall be contingent upon its amending its Constitution and By-Laws to the satisfaction of the Administrator.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

W. A. HARRIMAN,
Division Administrator.

WASHINGTON, D.C.,
March 8, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Die Casting Manufacturing Industry as revised after the Public Hearing held thereon in Washington, D.C., on December 20, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS REGARDING HOURS AND WAGES

The Code provides a maximum work week of forty (40) hours with an allowance of forty-eight (48) hours per week during peak periods, but such hours worked in excess of forty (40) hours per week shall not exceed a total of six (6) weeks in any six (6) months' period.

Provision is made that when additional skilled men are not available Die and Tool Makers may be requested to work additional hours, when restriction of hours of these men would unavoidably reduce the hours of other productive workers. This over-time is compensated at the rate of time and one-half.

A tolerance of ten (10) per cent longer hours shall be allowed for firemen, engineer, electricians, emergency repair and maintenance, shipping, and delivery crews. Watchmen shall be permitted to work fifty-six (56) hours per week. The provisions as to hours shall not apply to executives, administrative, and supervisory employees receiving \$35.00 or more per week.

A minimum wage rate of forty (40) cents per hour is provided regardless of the basis of compensation, with the following exceptions:

(1) Those engaged in light repetitive work consisting of cleaning, finishing, and inspecting shall be paid at the rate of not less than thirty-two and one-half ($32\frac{1}{2}$) cents per hour, but the number of employees so paid shall not exceed five (5) per cent of the total number of employees; (According to information furnished by the Industry, this is the only type of factory work for which female labor is employed; consequently this clause establishes the minimum rate of pay for female labor.)

(2) Beginners learning a trade in the die making departments may be paid at eighty (80) per cent of the minimum rate for a three (3) months' period, but the number of learners shall not exceed one for every ten skilled mechanics.

(3) Office workers shall receive a minimum wage of \$15.00 per week in cities of more than 500,000 population, \$14.50 per week in cities of between 250,000 and 500,000 population, and \$14.00 per week in all other cities. Office boys or girls may be paid at not less than

eighty (80) per cent of such minimum rates, but their number shall not exceed five (5) per cent of the total number of office employees.

(4) Partially incapacitated persons may be employed at lower wages under conditions authorized by an agency designated by the United States Department of Labor.

Equitable adjustments of pay schedules above the minimum shall be made and no employee shall be reduced, nor shall employees be reclassified to defeat the purposes of the Act.

No person under sixteen (16) years of age shall be employed and none under eighteen (18) years at hazardous occupations.

ECONOMIC AND STATISTICAL MATERIAL

The industry is not large as there are believed to be less than fifty firms engaged in producing commercial castings and three-fourths of the business is concentrated in less than twenty firms. Responses from the firms doing three-fourths of the business show that sales have dwindled from \$20,000,000 in 1929 to \$6,000,000 in 1932, and during the same period, the capital invested dropped from \$12,000,000 to \$7,000,000.

In each of the years, 1928 and 1929, the total net profits of these companies amounted to about \$1,500,000, but this fell to \$13,000 in 1930 and since then there has been a loss, as shown by the following table:

Year	Em- ployees	Minimum wage (cents per hour)		Weekly pay roll	Year	Em- ployees	Minimum wage (cents per hour)		Weekly pay roll
		Male	Fe- male				Male	Fe- male	
1928.....	2,825	34	27	\$103,000	1932.....	1,672	29	24	\$48,000
1929.....	3,483	35	28	118,000	1933 (March).....	1,823	26	23	¹ 38,000
1930.....	2,309	34	28	75,000	1933 (November)---	2,990	33	30	-----
1931.....	1,776	33	28	55,000					

¹ First 8 months 1933.

The Industry was unable to assemble and tabulate figures of hours worked per week, but it was stated that they have been in excess of forty (40). It is significant that the minimum wage rates per hour for both male and female labor, as provided in the Code, show a substantial increase over those prevailing in 1929. It is also noteworthy that employment in November, 1933, exceeded that in 1928 and, furthermore, showed a fifty (50) percent increase in the fall over that in the spring. It is believed that this gain may be further increased under the Code.

I believe that the Code is fair to Industry, to Labor, and to the Public and is in accordance with the intent and purposes of the National Industrial Recovery Act.

The Assistant 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 group is an industrial group truly representative of the aforesaid Industry; and that said group 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 subject to the following condition: that the continued participation of the American Die Casting Institute in the Code Authority after 30 days from the effective date of this Code shall be contingent upon its amending its Constitution and By-Laws to the satisfaction of the Administrator.

Respectfully,

HUGH S. JOHNSON,
Administrator.

MARCH 8, 1934.

CODE OF FAIR COMPETITION FOR THE DIE CASTING MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title 1 of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Die Casting Manufacturing Industry, and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

The term "Industry" as used herein includes the manufacture for sale of die castings, and does not include the manufacture of die castings when manufactured for use as part of another product by the manufacturer of such other product.

The term "die casting" as used herein is a casting made by forcing molten metal under pressure into a metallic mold or die.

The term "employee" as used herein includes anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the method of payment of such compensation.

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

The term "member of the Industry" includes anyone engaged in the Industry as defined above, either as employer or on his own behalf.

The terms "President", "Act", and "Administrator" as used herein shall mean respectively the President of the United States, Title 1 of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

SECTION 1. On and after the effective date no employee shall be permitted to work in excess of forty (40) hours per week.

(a) Provided, that during peak periods in which a concentrated demand shall place an unusual and temporary burden for production upon the facilities of the Industry, employees may be permitted to work not more than forty-eight (48) hours per week in any six (6) weeks in any six (6) months' period.

(b) Provided, further that firemen, engineers, electricians, emergency repair and maintenance, shipping, and delivery crews shall be allowed a tolerance of ten percent (10%) based upon the maximums above prescribed.

(c) Provided further that when additional skilled men are not available Die and Tool Makers, at the request of the employer, may

work additional hours beyond those specified above when restriction of hours of these highly skilled workers would unavoidably reduce the hours of other productive workers, provided such additional hours shall be paid for at the rate of time and one-half.

(d) Providing further, that nothing in the foregoing employment provisions shall apply to executives, administrative, and supervisory employees who receive thirty-five dollars (\$35.00) or more per week; and outside salesmen.

SECTION 2. Watchmen shall not work in excess of fifty-six (56) hours per week and not more than six (6) days in any seven (7) day period.

SECTION 3. The Industry recognizes the desirability of and accepts the principle of the eight (8) hour working day for labor and insofar as it reasonably can, the Industry will endeavor to employ its labor on that basis.

SECTION 4. No employee shall knowingly be permitted to work for one or more employers in the aggregate in excess of the above prescribed number of hours.

ARTICLE IV—WAGES

SECTION 1. No employee except as hereinafter provided shall be paid at less than the rate of forty cents (40¢) per hour with the exception of those engaged in light, repetitive work, consisting of cleaning, finishing and inspecting, who shall be paid at not less than the rate of thirty-two and one-half cents (32½¢) per hour, provided that the number paid at this rate by any member shall not exceed five percent (5%) of his total number of factory employees.

(a) Provided that beginners learning a trade in the die making departments of any plant may be paid not less than eighty percent (80%) of the minimum rate for not more than three (3) months, and provided further that the number of such employees paid less than the minimum rate shall not exceed one for every ten (10) skilled mechanics in this department. Provided, also, that each employer shall be entitled to at least one such employee.

SECTION 2. Office, accounting, and clerical employees shall receive a minimum wage of fifteen dollars (\$15.00) per week in cities of more than five hundred thousand (500,000) population, fourteen dollars fifty cents (\$14.50) per week in cities of between two hundred fifty thousand (250,000) and five hundred thousand (500,000) population, and fourteen dollars (\$14.00) per week in cities of two hundred fifty thousand (250,000) population and less.

SECTION 3. These rates shall not apply to office boys and girls, who may be paid not less than eighty percent (80%) of such minimum rates, but the total number of such office boys and girls shall not exceed in any calendar month five percent (5%) of the total number of office employees for each employer and in no case less than one.

(a) Provided, however, that where any State law requires any higher minimum wages than those specified in this Article such higher minimum wages shall apply in all cases; and

(b) Provided, 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 with the Code Authority a list of all such persons employed by him.

SECTION 4. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piece-work, or other basis.

SECTION 5. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 6. Equitable adjustments in all pay schedules of employees above the minima shall be made on or before fifteen (15) days subsequent to the effective date of this Code by any employers who have not made such adjustments since May 1, 1933.

SECTION 7. No employees receiving more than the minimum rate shall have their wages reduced.

SECTION 8. Each employer shall post in a conspicuous place the labor provisions of this Code.

SECTION 9. The first report of wages, required to be filed under this Code, shall contain all wage increases made since May 1, 1933.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. 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.

SECTION 2. 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.

SECTION 3. 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 4. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous 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 operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed 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 5. Employers shall not reclassify employees so as to defeat the purposes of the Act.

ARTICLE VI—ADMINISTRATION ¹

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 1. The Code Authority shall consist of five individuals from among the members of the Industry, three of whom shall be elected as regional representatives, one for the region East of the Meridian, forming the western boundary of the City of Buffalo, New York; one from the region from that line westward to the Meridian forming the Illinois, Indiana boundary; one from the region from the Meridian forming the Illinois, Indiana boundary westward; and two as members of the Industry at large. All shall be elected by the members of the Industry, each member of the Industry to have only one vote. Such election shall be by mailed ballots which ballots shall be sent to all members of the Industry by the Secretary of the American Die Casting Institute who is authorized to conduct the election. In addition to the membership, as above provided, there may be not more than three members without vote to be appointed by the Administrator.

SECTION 2. The expenses of the administration of this Code shall be apportioned by the Code Authority subject to the disapproval of the Administrator among the employers of the Industry on the basis of the number of man hours worked by employees falling under this Code for the period of any assessments made hereunder and any other factors which in justice and reason should be considered.

SECTION 3. The Code Authority shall have the following duties and powers to the extent permitted by the Act, subject only to disapproval by the Administrator.

(a) To make rules and regulations and to appoint such agents as may be necessary for the administration of this Code.

(b) To represent the Industry in conferring with the President or his agents with respect to the administration of this Code and with respect to the National Industrial Recovery Act and any regulation issued thereunder.

(c) To present to the Administrator recommendations based on conditions in the Industry as they develop from time to time which will tend to effectuate the operation of the provisions of this Code and the policy of the National Industrial Recovery Act.

(d) To collect such reports and statistical data from persons engaged in the Industry as may be required to secure proper observance of the Code. Such data shall be submitted to an impartial agent designated by the Code Authority. No individual reports shall be disclosed to any member of the Industry or any other party except to such governmental agencies as may be directed by the Administrator to secure enforcement of the provisions of this Code.

(e) To prescribe methods and conditions for the reporting of prices subject to the disapproval of the Administrator.

(f) To cooperate with the Administrator in making investigations as to the functioning and observance of any of the provisions of this

¹ See paragraph 2 of order approving this Code.

Code, at its own instance or on complaint by any person affected, to adjust complaints directly or through its designated agents, and to report complaints or violations to the Administrator.

(g) To inform the President on behalf of the Industry as to the importation of competitive articles into the United States in substantial quantities or increasing ratio to domestic production on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code and make complaint to the President on behalf of the Industry, under the provisions of the National Industrial Recovery Act, with respect thereto.

(h) Any action taken by the Code Authority, or other group within the Industry, for the purpose of making effective the provisions of this Code, may in the discretion of the Code Authority or such other group be submitted to the Administrator for approval, and shall, in any case, be subject to the disapproval of the Administrator.

(i) Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose.

ARTICLE VII—STATISTICS

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

ARTICLE VIII—TRADE PRACTICES

The practices and methods as set forth in this Article are hereby designated as unfair methods of competition, and indulgence by any member of the Industry in any of the same shall be a violation of this Code.

SECTION 1. To make or cause or permit to be made or published any false, inaccurate or deceptive statement in any material detail by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry, or the credit terms, values, policies, or services of any member of the Industry, or otherwise, having the tendency and capacity to mislead or deceive customers or prospective customers.

SECTION 2. To use or substitute materials inferior in quality to those specified by the purchaser without the knowledge and consent of the purchaser.

SECTION 3. To allow a discount for payment in advance of the due date greater than one percent (1%) on castings or to allow any discount for cash on dies and tools.

SECTION 4. No member of the industry shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing 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. Commercial bribery provisions shall not be construed to prohibit free

and general distribution of articles commonly used for advertising except as far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 5. To fail to charge the customer for any castings in process, as well as the cost of dies and tools discarded because of changes in the order made by the customer.

SECTION 6. Inasmuch as full compensation for the special engineering, maintenance, storage, handling, insurance and repair of dies and equipment is not included in the price, being assumed by the die caster, and for this reason and because of the special character of the processes, the dies and tools shall be the joint property of the customer and the die caster. Therefore it is an unfair method of competition to fail to make a charge to cover the special engineering, maintenance, storage, handling, insurance and repair of dies and equipment before transferring possession of the die to the customer. This charge shall be determined by the Code Authority and shall be subject to the disapproval of the Administrator.

This clause need not apply in cases where the maker of the die delivers it to the buyer who owns die casting machinery purchased from the maker of the die.

SECTION 7. To fail to include in all quotations, acknowledgments, orders, or contracts covering dies to be used for supplying castings a provision reading as follows: "the above described dies will remain in our possession and control, and when for three consecutive years no orders are received for castings to be made from such dies, they will be considered as obsolete and may be destroyed by us after giving thirty (30) days written notice thereof to the customer."

SECTION 8. To quote on die castings to be produced from dies in the possession of another die caster.

SECTION 9. To quote prices on castings without quoting a separate charge which covers the cost of constructing the necessary dies and tools required for the production of such castings.

SECTION 10. To accept requirement contracts without a specific minimum which shall not be less than seventy-five percent (75%) of the maximum and without specifying the time limit, except where such contracts permit of a price adjustment on date of release of quantities under the contract.

SECTION 11. To withhold from or insert in an invoice anything which would make the invoice a false record, wholly or in part, of the transaction in question, or make any arrangement which would contemplate payment or settlement contrary to the face of the invoice.

SECTION 12. Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

SECTION 13. To imitate or simulate the trade mark, trade name, package, wrapper, or label of a competitor's product to such a degree as to deceive or have a tendency to deceive customers.

SECTION 14. To give buyers guarantees against price declines or protection against price advances.

SECTION 15. To accept orders or releases for production in quantities substantially less than those estimated as a continuous run

on which the sales price was based, unless an additional charge covering increased cost per piece be made.

SECTION 16. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

SECTION 17. To sell any dies, tools, castings, services, and/or any one of these at a price, or upon terms and conditions, which will result in the customer's paying for the goods received less than the cost thereof to the seller, determined in accordance with the method of costing described in Article IX, Section 1; provided, however, that nothing herein contained shall prevent any member of the Industry from meeting the price of any competitor who is not himself selling below cost.

ARTICLE IX—COST FINDING AND SALE BELOW COST

SECTION 1. The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry. After such system and methods have been formulated, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods.

SECTION 2. When the Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

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 sub-section (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 1 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.

SECTION 2. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the Administrator, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of the Act consistent with the provisions thereof.

ARTICLE XI—MONOPOLIES, ETC.

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.

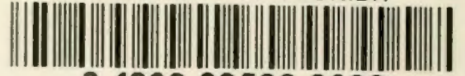
ARTICLE XII

This Code shall become effective ten (10) days after its approval by the President.

Approved Code No. 323.
Registry No. 1224-1-02.



UNIVERSITY OF FLORIDA



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