



NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

BOOK CLOTH AND
IMPREGNATING INDUSTRY

AS SUBMITTED ON AUGUST 28, 1933

REGISTRY No. 299—29

The Code for the Book Cloth and Impregnating Industry in its present form merely reflects the proposal of the above-mentioned industry, and none of the provisions contained therein are to be regarded as having received the approval of the National Recovery Administration as applying to this industry



UNITED STATES
GOVERNMENT PRINTING OFFICE
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CODE OF FAIR COMPETITION FOR BOOK CLOTH AND IMPREGNATED FABRICS INDUSTRY

For the purpose of complying with the provisions of Title I of the National Industrial Recovery Act, and effectuating the policy of Congress as declared in said Act, in so far as applies to the within Industry, the following conditions and principles are adopted as a Code of Fair Competition (hereinafter referred to as the "Code"), for the Book Cloth and Impregnated Fabrics Industry.

ARTICLE I—1. DEFINITIONS

- (a) "Act" means National Industrial Recovery Act.
- (b) "President" means the President of the United States of America.
- (c) "Administrator" means the duly appointed representative of the President to administer the National Industrial Recovery Act.
- (d) "Institute" means the Institute of Book Cloth and Impregnated Fabrics Manufacturers, 103 Park Avenue, New York City.
- (e) "Industry" means and includes all corporations, firms, or individuals in the United States, actively engaged in the manufacture of book cloths and/or impregnated fabrics for bookbinding purposes.
- (f) "Persons" means natural persons, partnerships, associations, corporations, and trusts, including trustees in bankruptcy and receivers.
- (g) "Effective Date" means the first Monday after the first Tuesday after this Code is duly approved by the President.
- (h) "Employees" means those persons employed in the manufacture of book cloths and/or impregnated fabrics.

ARTICLE II—MEMBERSHIP

Any member of the Industry is eligible for membership in the Institute. The provisions of this Code, in so far as provided by the Act shall be applicable to all members of the Industry, and each member thereof shall be responsible for his pro rata share of reasonable costs and expenses for creating and administering this Code.

ARTICLE III—HOURS OF LABOR, RATES OF PAY, MINORS, AND OTHER CONDITIONS OF EMPLOYMENT

SECTION 1. *Hours of Labor.*—(a) This section shall be applicable to all employees except salesmen and those occupying executive, administrative, supervisory, or technical positions.

(b) On and after the effective date the hours of work for employees, except those enumerated above and hereinafter, shall be limited to a maximum of forty (40) hours per week, except for employees engaged

in the operation of such machines as dyeing, bleaching, and drying machines, when used only as part of a continuous process where the goods would be jeopardized by interruption, and in which latter case the hours of work shall be not in excess of forty-eight (48) hours per week.

(c) On and after the effective date the maximum hours of labor of repair shop crews, engineers, firemen, electricians, and watchmen in the Book Cloth and Impregnated Fabrics Industry, shall, except in case of emergency work, be forty (40) hours a week with a tolerance of ten (10) percent. Any emergency time in any mill shall be reported monthly to the Institute.

(d) On and after the effective date the maximum hours of labor for office employees in the Industry shall be on an average of forty (40) hours per week in any consecutive period of six months.

SEC. 2. *Minimum Wages.*—(a) On and after the effective date, the minimum wage to be paid any employee in this Industry—except learners during a six weeks' apprenticeship—shall not be less than thirty-five (35) cents per hour in the North Section nor less than thirty-two and one half ($32\frac{1}{2}$) cents in the South Section. In the case of employees whose compensation is based on measure other than time, total compensation paid shall be no less than such employee would be entitled to receive if the compensation was measured by a time rate. Nothing contained in this statement is intended to set a maximum pay for anyone employed within the Industry.

(b) No employer in the Industry shall pay to any accounting, clerical, office, service, or sales employee less than \$15 per week in any city of more than 500,000 population, or in the immediate trade area of such city; not less than \$14.50 per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; not less than \$14 per week in any city of between 2,500 and 250,000 population, or in the immediate trade area of such city, and in towns of less than 2,500 population to increase all wages by not less than twenty (20) percent, provided that this shall not require wages in excess of \$12 per week.

(c) *Provided, however,* That where a State law specifies a higher minimum wage, no member of this Industry shall employ within such State, any person at a rate below the wage specified by such State law.

SEC. 3. *Minors.*—On and after the effective date, employers in the Book Cloth and Impregnated Fabrics Industry shall not employ any person under sixteen (16) years of age; *provided, however,* That where a State law specifies a higher minimum age, no member of this Industry shall employ within such State, any person below the age specified by such State law.

SEC. 4. *Employee Organization and Bargaining.*—(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 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 in the Industry, 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.

(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.

ARTICLE IV—ADMINISTRATION

The Institute is hereby designated the Agency to cooperate with the Administrator in administering, supervising and promoting the performance of the provisions of this Code by the members of the Industry.

ARTICLE V—REPORTS

(a) With a view to keeping the President and the National Recovery Administration informed as to the observance or nonobservance of this Code, and as to whether the members of the Industry are taking appropriate steps to effectuate the declared policy of the Act, and to provide for making available to the Administration and members of the Industry, information concerning the Industry, each member of the Industry shall prepare and file with the Secretary of the Institute and to be distributed by the Institute at such times and in such manner as herein or hereafter may be prescribed by the Institute, reports and statistical data covering and relating to the number of persons employed, wage rates, hours of work, volume of production, volume of sales and/or shipments billed, stocks on hand, and such other data as may be useful to the Industry which may be specified or required by the Institute, subject to the approval of the Administrator, or by the Administrator.

(b) Upon the effective date, or at such time thereafter as the Institute may determine, each member of the Industry shall file with the Institute, price schedules, price lists, and/or discount sheets covering products of the Industry currently sold, including therein base prices, net prices, basing points, terms, discounts, allowances, and all conditions relating to or in anywise affecting any sale of the same. Whereupon the Institute shall immediately send copies of the same to all members of the Industry who have signed or approved this Code, or who may be subject to this Code and who have so filed with the Institute such schedules, lists, and/or discount sheets.

(c) Revisions of such price schedules, lists, and/or discount sheets, may be so filed from time to time thereafter by any member of the Industry to become effective upon the date specified therein, but such schedules, lists, and/or discount sheets, shall be filed with the Institute two (2) business days in advance of the effective date, unless the Institute shall authorize a different period. Thereupon copies of all such revised schedules, lists, and/or discount sheets, with notice of the effective dates thereof specified, shall be immediately sent by the Institute to all such members of the Industry, who thereupon may file, if they individually so decide, to be promptly and similarly distributed, revisions of their price schedules, lists, and/or discount sheets, which shall become effective upon the date when the revised price schedules, lists, and/or discount sheets first filed shall go into effect.

(d) No member of the Industry shall sell directly or indirectly by any means whatsoever any product of the Industry covered by the provisions of paragraphs (b) and (c) of this Article V at a price lower,

or at discounts greater, or on more favorable terms of payment than those provided in his current price schedules, lists, and/or discount sheets, filed and distributed as herein provided.

(e) All reports, statistics, data, and information filed in accordance with the provisions of this Code shall be duly certified, when requested by the Institute or the National Recovery Administration, and the same shall be confidential, and the individual figures and data filed by each member of the Industry shall be compiled with similar reports and data from the other members of the Industry, and distributed to members of the Industry in combined totals, except as may be otherwise specified by the Institute. But in no event shall the individual reports of volume of production, volume of sales, orders received, unfilled orders, stocks on hand, or any data filed only for compiling purposes be revealed or disclosed by the Secretary of the Institute, except as may be required by the National Recovery Administration for the purpose of facilitating the administration and enforcement of the Act and the provisions of this Code.

ARTICLE VI—IMPORTS

The Institute, through its Secretary or duly authorized Committee may investigate and inform the President of the United States, or the Administrator on behalf of the Industry as to importations of competitive articles into the United States selling on a price basis that undersells similar articles of domestic manufacture, and the extent to which said underselling shall render ineffective or seriously interfere with the maintenance of this Code, and which may be made the basis for complaint to the President or Administrator on behalf of the Industry under the provisions of the Act with respect thereto.

ARTICLE VII—TRADE PRACTICES

Upon the effective date of this Code, ethical and commercial principles and practices as set forth in Exhibit "A" hereto annexed and made a part of this Code shall be observed as standards for this Industry, and deviations therefrom or violations thereof shall be regarded as a violation of this Code.

ARTICLE VIII—VERIFICATION OF REPORTS—TRADE PRACTICES

All reports, statistics, data, and information required by this Code to be filed with the Institute, and the trade practices set forth in said Exhibit A shall be subject to verification and the checking of the books and records of the members of the Industry, by a competent and disinterested person at such time or times, and by such person or persons as may be determined by the Institute. Provided, if it should appear as determined by such disinterested person or persons that the reports, statistics, or data were not filed when and as required by this Code, or were willfully inaccurate, or that any member of the Industry had indulged in trade practices in violation of this Code, the expense of such verifying work shall be paid to the Institute by the member of the Industry so in default.

ARTICLE IX—APPLICATION

If any employer of labor in the 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 his business which is included in this Industry.

ARTICLE X—CANCELLATION OR MODIFICATION OF GOVERNMENT APPROVAL

As required by Section 10 (b) of Title I of the Act, the following provision is contained in this Code:

The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under this Title I.

ARTICLE XI—AMENDMENTS

Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in the circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional Codes 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 other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions thereof.

Approved at meeting on August 17, 1933. Attended by the following manufacturers representing the entire industry: Athol Manufacturing Company; Joseph Bancroft & Son; The Columbia Mills, Inc.; E. I. Du Pont de Nemours & Co.; The Holliston Mills, Inc.; Interlaken Mills; Special Fabrics Company; The Western Shade Cloth Company.

EXHIBIT A—TRADE PRACTICES

No member of the Industry shall adopt any of the trade practices enumerated in this Exhibit, and the indulgence in any such trade practices shall be regarded as an unfair method of competition and a violation of this Code.

1. *Interference with Existing Contracts.*—Knowingly or wilfully interfere with an existing contract for the sale and purchase of products of this Industry, nor induce, attempt to induce, or assist a party to break an existing contract for the sale of any products of this Industry.

2. *Commercial Bribery.*—Offer, give, or pay money or anything of value to anyone in order to induce the sale, purchase, or use of the products of this Industry.

3. *Defamation of Competitors.*—Wilfully make, cause, or permit to be made or published any false statements or misrepresentations of or concerning the business, policies, methods, or products of a competitor.

4. *Enticing Employees.*—Employ or entice employees of a competitor with the purpose and effect of unduly hampering, injuring, or embarrassing said competitor.

5. *Piracy of Trade Marks*.—Imitate trade marks, trade names, slogans, or other marks of identification of another member of the Industry.

6. *False Advertising*.—Make, cause, or permit to be made or published any false, untrue, or deceptive statement by way of advertising or otherwise, concerning any grade, quality, substance, character, origin, or preparation of any product of this Industry.

7. *Misbranding*.—Falsely mark or brand packages or products of this Industry, for the purpose or with the effect of misleading or deceiving purchasers or others with respect to quality, quantity, character, grade, or substance thereof.

8. *False Invoicing*.—Withhold from or insert in invoice facts 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.

9. *Postdate or Predate Contract or Invoice*.—Postdate or predate contracts or invoices covering products of this Industry.

10. *Secret Rebates*.—Pay or allow secretly, rebates, refunds, commissions, or discounts, whether in the form of money or otherwise.

11. *Requirement Contracts*.—Accept requirement contracts. All contracts or orders shall be for a definite yardage of a grade and width, with not more than a plus or minus tolerance of 10%, and for deliveries within a definite period.

12. *Advertising Allowances*.—Make any advertising allowances directly or indirectly to any person, or offer free advertising to induce a sale.

