

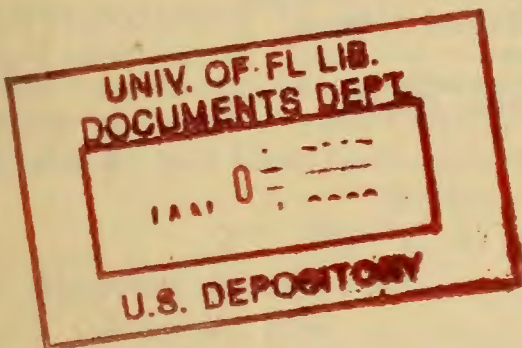
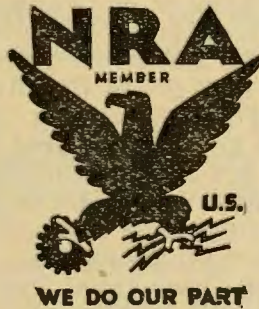
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

BEVERAGE DISPENSING
EQUIPMENT INDUSTRY

AS APPROVED ON MARCH 16, 1935



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Approved Code No. 334—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BEVERAGE DISPENSING EQUIPMENT INDUSTRY

As Approved on March 16, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BEVERAGE DISPENSING EQUIPMENT 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 nineteen amendments to a Code of Fair Competition for the Beverage Dispensing Equipment Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order Number 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOHN W. UPP,
Acting Division Administrator.

WASHINGTON, D. C.,
March 16, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on nineteen amendments to the approved Code of Fair Competition for the Beverage Dispensing Equipment Industry.

These amendments are acceptable to the Code Authority for that Industry and to the various Boards and Divisions, and opportunity to be heard thereon has been given to all interested parties.

The Acting Assistant Deputy Administrator in his final report to us on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter, we find that:

(a) The amendments of said Code and the Code as amended are well constituted to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purposes of cooperative action among the Trade Groups, by inducing and maintaining united action of labor and management under adequate Government sanction 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, and improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons therefore, we have approved these amendments.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 16, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BEVERAGE DISPENSING EQUIPMENT INDUSTRY

1. Amend Article II by adding the following as Section 9:

SECTION 9. The term "employer" as used herein includes anyone by whom employees are compensated or employed.

2. Amend Article III, Section 1, by inserting in parentheses between the words "one week" and "except", the words "seven (7) day period", the Section to read as follows:

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work more than forty (40) hours in any one week (seven (7) day period), nor more than eight (8) hours in any one day (twenty-four (24) hour period), nor more than six (6) days in any one week (seven (7) day period), except as herein otherwise provided.

3. Amend Article III, Section 6, to read as follows:

SECTION 6. *Exemptions as to Hours.*—The provisions of this Article in respect to the limitation of hours shall not apply to traveling salesmen, or to persons employed in a managerial or executive capacity who earn not less than thirty-five dollars (\$35.00) per week.

4. Amend Article III, Section 7, to read as follows:

SECTION 7. The provisions of this Article in respect to the limitation of hours shall not apply to employees engaged in emergency maintenance or emergency repair work, provided, however, that in any such emergency work at least one and one-half (1½) times the normal rate of pay shall be paid for all hours worked in excess of the maxima herein provided by this Article, and further provided that all cases of emergency work shall be reported to the Code Authority, and further provided that such overtime shall not exceed eight (8) hours in any one week (seven (7) day period) except in cases of emergency maintenance or emergency repair work involving breakdowns or the protection of life or property.

5. Amend Article IV, Section 1, third word, to read "shall".

6. Amend Article IV by adding the following as Section 6:

SECTION 6. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

7. Amend Article IV by adding the following as Section 7:

SECTION 7. *Handicapped Persons.*—A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, 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. Employers shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. 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.

8. Amend Article V, Section 1, third sentence, to read as follows:

The Code Authority shall submit to the National Industrial Recovery Board, for approval, within sixty (60) days after the effective date of this Amendment, a list of such operations or occupations.

9. Amend Article V, Section 4, second sentence, to read as follows:

Standards for safety and health for the Industry shall be submitted by the Code Authority to the National Industrial Recovery Board, for approval, within six (6) months after the effective date of this Amendment.

10. Amend Article V, Section 6, to read as follows:

SECTION 6. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. 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 National Industrial Recovery Board.

11. Amend Article V, Section 8, to read as follows:

Section 8. *Dismissal*.—No employee shall be dismissed, demoted or otherwise discriminated against by reason of making a complaint or giving evidence with respect to a violation or an alleged violation of any Code.

12. Amend Article VI, Section 11, first statement, to read as follows:

SECTION 11. Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the following powers and duties to the extent permitted by the Act;

13. Amend Article VI, Section 11, subsection (a), to read as follows:

(a) To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act.

14. Amend Article VI, Section 11, subsection (b), to read as follows:

(b) To adopt, subject to the approval of the National Industrial Recovery Board, By-Laws and rules and regulations for its procedure.

15. Amend Article VI, Section 11, subsection (e), to read as follows:

(e) To make recommendations to the National Industrial Recovery Board for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect the Industry.

16. Amend Article VII, Rule 5, to read as follows:

RULE 5. *Secret Rebates*.—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 privi-

lege not extended to all customers of the same class, for the purpose of influencing a sale.

17. Amend Article VII, by adding the following as Rule 20:

RULE 20. *Classification of Customers.*—The Code Authority shall cause to be formulated and keep current a classification of all types of customers of the Industry. Such classification shall be subject to the disapproval of the National Industrial Recovery Board and shall contain: (a) a complete list of all of the classes of customers of the Industry, including a class to cover every known type of customer; and (b) definitions or descriptions of the several classes in terms of functions performed, or in other appropriate terms such as purchasers of defined quantities.

After submission to the National Industrial Recovery Board, if there is no disapproval or request for suspension of action within twenty (20) days, full information concerning the classification shall be made available to all members of the Industry. No one shall by intimidation, coercion, or other undue influence cause or attempt to cause the inclusion of any customer in or the exclusion of any customer from any class of customers, or the exclusion of any class of customers from the classification, or the use of uniform or stipulated prices, discounts, or differentials and each member of the Industry may at all times classify his own customers in accordance with his own judgment.

18. Amend Article XII to read as follows:

Every member of the Industry shall comply with the rules and regulations of the National Industrial Recovery Board as to registration with the Code Authority or such other agency as the National Industrial Recovery Board may direct and including, but without limitation, the number of shops, establishments, or separate units thereof and their location, as well as each additional shop, establishment, or separate unit opened after registration.

19. Amend Article XIII by designating it as Article XIV, and by adding the following as Article XIII:

No member of the Industry shall permit any individual, corporation, partnership, association, or other form of enterprise owned or over which it exercises control, to violate any provision of this Code, or any other Code. Nor shall any member of the Industry engage in any subterfuge for the purpose of and with the intent or effect of defeating or violating the provisions of this Code, or any other Code, or of the Act.

Approved Code No. 334—Amendment No. 2.
Registry No. 1331-02.





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