Approved Code No. 442 Registry No. 1217—8—01

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

LEAD INDUSTRY

AS APPROVED ON MAY 24, 1934

NRA MEMBER U.S.

WE DO OUR PART

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934

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ERRATA SHEET

CODE OF FAIR COMPETITION

FOR THE

LEAD INDUSTRY

As Approved on May 24, 1934

Page 376, "Article XIII, Monopolies" should read "Article XII, Modifications."

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U. S. GOVERNMENT PRINTING OFFICE: 1934

Approved Code No. 442

CODE OF FAIR COMPETITION

FOR THE

LEAD INDUSTRY

As Approved on May 24, 1934

ORDER

CODE OF FAIR COMPETITION FOR THE LEAD 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 Lead 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.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:
K. M. SIMPSON,
Division Administrator.

WASHINGTON, D.C.,
May 24, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The original Code of Fair Competition for the Lead Industry was submitted on August 3rd, 1933, by the Lead Industries Association, an unincorporated membership society organized in 1928 representing 90% of the known members of the Industry in volume of production. Several revisions of the Code were made prior to the public hearing held on December 22nd, 1933. The Code was revised during the recess of this hearing and submitted in its final form for approval. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements.

The Lead Industries includes the development, mining, concentrating, smelting, and refining of lead-bearing ores, and the utilization of the products. By far the largest product of the refining process is pig lead, normally about 97% of total mine production. A small amount of pigments are made direct from ore.

The major products of the lead industries are pig lead, antimonial pig lead, lead pigments, manufactured metallic lead products, and manufactured metallic foil products.

The lead code covers the Lead Industries in every phase enumerated above except storage battery plates and lead covered cable. The storage battery plate business came in with the addition of starters for automobiles but has become a revolving supply, as was prophesied at its inception, the use of new lead for battery plates per year not representing over 10% of the lead used at present for that purpose. The quantity of lead covered cable used is dependent on the status of telephone and electric companies.

Lead pigments, used in the paint and varnish business, are made from ores, pig lead, and scrap, but chiefly from pig lead. Lead pigments are sold in a highly competitive field with zinc pigments, titanium oxide paint, and stainless alloy steels. Foil has to meet the competition of cellophane.

Undesilvered soft pig lead containing relatively high copper is extremely resistant to corrosion by acids and is known to the trade as chemical lead; it is used chiefly in the manufacture of cable, pipe and sheets.

Lead mining and smelting is mainly located in the states west of the Mississippi River and, with the exception of the district in southeast Missouri, is closely associated with the mining of other metals. Consequently, code provisions for lead, zinc, and copper, will often be closely inter-related.

All the lead industries included in the Code have suffered greatly during the depression, particularly the mining industry, which has witnessed a drop in the price of pig lead in the United States, carrying it in 1932 to a lower level than has been observed for at least fifty years, namely, 2.65¢ per pound, New York.

From 1929 to 1932, the contribution of the United States to the total world output of primary refined lead decreased from 36% to 22%. As the United States is a small net importer of lead, the actual and relative decline was primarily due to a decrease in domestic consumption.

Lead is a comparatively low-priced metal whose major uses are for pigments, cable covers, storage batteries, building, ammunition and various alloys. Its principal competitor is zinc, particularly in the pigment industries. About 20% of total normal consumption is destroyed in use; the remainder represents possible ultimate recovery and re-use. The recovery of secondary lead is an important factor in demand for new lead. The rapid development of the storage battery demand for lead served to stimulate mine capacity and new production, but more recently the annual recovery of lead, so used, has reduced the demand for new lead for this purpose to a relatively small factor.

Total consumption of lead in 1933 was only about 40% of the 1929 demand. In spite of a rapid decline in mine production, stocks have been built up until they may be considered excessive in view of the present low rate of consumption.

The number employed in the lead industries is about 50% of the total for 1929, or a decrease of some 14,000. The amount of work for those actually employed has decreased, due to the spreading of available work. Increased employment is dependent on improvement in the construction, automobile and electrical industries.

The production of refined primary lead in the United States declined from 637,000 metric tons in 1929 to 251,000 tons in 1932, or from 36% of the world production to 22%. The decline in production for the rest of the world in the same period was from 1,149,000 metric tons to 906.000 tons. The corresponding percentage of world total showed an increase from 64% to 78%. In other words, the major decline in world output occurred in the United States.

Since the United States has no net export of lead but is a comparatively small net importer, the real cause of the decline in United States' production is due primarily to a decline in domestic consumption.

Under the tariff provision of 1922, still in force, a duty of 1½¢ per pound of lead content was placed on imported ores, 2⅛¢ per pound on lead bullion, 2⅜¢ per pound on lead sheets, and duties ranging from 2½¢ to 3¢ per pound on lead pigments.

The tariff protects the lead industry of the United States from heavy imports from Mexico and Canada. Because of competition within the United States, the price differential at New York over London exceeds the tariff on ores but does not reach the tariff on lead bullion, lead sheets, and lead pigments.

From a standpoint of labor at refineries, the decrease in exports is likewise reflected in the decrease of imported ores and base bullion, meaning less refinery capacity used. The United States formerly imported much lead in various forms, principally in ore and base bullion, and continues to import small quantities. Some of it entered for immediate consumption; most of it, however, is entered for warehouse, is smelted and refined in bond, and is then reexported as refined pig lead or in manufactured products.

These relatively large former exports have been captured by Australia and Canada by the imposition of a 10% tariff on non-British lead imported into Great Britain. United States' exports of lead have dropped from 116,260 tons of pigs, bars, and secondary in 1928 to 22,500 tons in 1933.

The quantity of lead in all forms consumed by domestic industry, as estimated by the American Bureau of Metal Statistics, was 548,000 short tons in 1919, had reached 901,000 tons in 1926, was 972,000 tons in 1929, and steadily declined to 400,000 tons in 1932.

The three principal uses of lead in the United States are cable covering, storage batteries, and white lead. In 1929, according to the American Bureau of Metal Statistics, these three outlets used: cable covering, 206,000 tons; storage batteries, 210,000 tons; white lead, 119,700 tons; total of the three, 535,700 tons of a total of 930,000 tons used for all purposes; in 1932, cable coverings used were 55,000 tons; storage batteries, 138,000 tons; white lead, 54,500 tons; total of the three, 247,500 tons of a total of 400,000 tons used for all purposes. Revival of the market for lead-covered cable cannot be expected until there is a renewed expansion in the use of the telephone and electric industries.

Large stocks of lead have been accumulated during the depression and now amount to more than a year's supply at present rate of consumption. These unsold accumulations are tangible evidence of the strenuous efforts and great financial sacrifices mining and smelting companies have made to keep their employees at work.

Mining companies have keenly realized their responsibilities in sharing work among their employees and relieving suffering in the mining camps, especially where mines are the only source of employment. The lead mines never cut wages to the extent justified by the extraordinary low price obtained for lead in 1932 and 1933 and after the enactment of the N.I.R.A., spread work still further, making wage increases which they hoped would be justified by the development of the Administration's Recovery program.

The mining industry, as a result of a distressed lead market, is working approximately 46% of its 1929 rate of production and there is no prospect of any increase in this rate unless the price of lead should advance.

In 1929 the member mining companies in the Lead Industries Association employed 8,450 persons. In 1933, despite the low rate of production, they were engaging 5,500 employees, a number which was increased to 5,650 after the P.R.A. program was put into effect.

As reported by the American Bureau of Metal Statistics, and quoted by the U.S. Bureau of Mines, stocks of refined lead and antimonial lead have risen steadily from 51,050 short tons at the end of 1929 to 103,000 tons at the end of 1930, to 152,000 tons at the end of 1931, to 176,000 tons at the end of 1932, and to 203,000 tons at the end of 1933. These stocks (four times as much at the end of 1933 as at the end of 1929) represent at least a six-months' supply on the basis of the best figures obtainable of the consumption of lead for the year 1932; and have accumulated despite a progressive decrease in mine production of recoverable lead from mines from 648,000 tons in 1929 to 558,000 in 1930; to 405,000 tons in 1931; to 293,000 tons in 1932; and to 274,000 tons in 1933.

The total employment in the Lead Industries coming under this Code, was approximately 28,000 in 1929. About three-fourths of the total are employed in the closely associated mining and smelting operations.

Division	Total employed	Wage earners
Mining and milling	15,004	14,007
Smelting and Refining (primary)	5,690	4,819
Fabricating	6,873	
Total	27,567	

The general level of operations in the Industry, judged by production and consumption data, fell in 1933 to about 40% of the rate in 1929. Labor requirements probably declined in about the same proportion, but the actual number employed at the end of 1933 was about 50% of the number in 1929 (according to the results of a survey, made by the Lead Industries' Association), which covered from 85% to 90% of the Industry.

The Code, as written, follows the latest standard code provisions. It contains no open price clause for Pig Lead and Metallic Lead products and no provisions relating to cost of production in relation to selling price. No definite control of production or stabilization of the industry is set up, although provision is made in Article VI, Section 6, Paragraph G, that such proposals may be recommended, after voluntary agreement, to the Administrator.

A basic maximum 8 hour day and 40 hour week is provided, with such standard exceptions as are common to other codes or as may be essential to the peculiar character of the mineral industries. These exceptions are generally further safeguarded by the provision of time and one-half for overtime. Fundamentally, the code week of 5 eight-hour days represents a change from a standard week of 7 eight-hour days in 1929. Considering the present restricted output of the industry and the effort to spread employment by staggering such work as is available, little immediate increase in employment will result. However, with any substantial gain in production, there should be a material increase in total employment.

Notwithstanding the depressed condition of the industry, even to the point of having the price of lead drop to an all time low for a 50 year period of 2.65¢ per pound, F.O.B. New York, the industry has made a sincere effort to spread employment. This sincere desire is evidenced by their past performance as indicative not only of their sincerity in drafting their code but also the further high standard they will maintain in adhering to the provisions and functioning of their code.

Article I. *Purposes.*—States the purpose of the Code.

Article II. *Definitions.*—Accurately defines specific terms applicable to the Lead Industry.

Article III. *Hours.*—The maximum hours are limited to forty hours per week for employees engaged in the processing of products and labor incident thereto. Watchmen may be permitted to work 56 hours in any one week period, provided that such emplyees shall have at least one day's rest in each seven day period. Office, salaried

and other employees not covered above who receive less than $35.00 per week shall not be permitted to work in excess of an average of forty hours per week during any one month, nor more than 48 hours in any one week. Employees engaged in an executive, managerial or supervisory capacity who receive $35.00 per week, or more, are not subject to any hourly limitations. The maximum hours shall not apply in cases of emergencies or repairs where safety of life or health or protection of property necessitates longer hours.

Article IV. *Wages.*—In the Mining Division the minimum rate for totally unskilled or common labor shall not be less than 40¢ per hour above ground or 47½¢ per hour underground. The minimum wages for employees engaged in the processing of products or any labor incident thereto shall be 35¢ per hour for the Lead Smelting and Refining Division, 40¢ for the Lead Pigments Division, and 35¢ for the Metallic Lead Products and Metallic Lead Foil Products Division, provided that as to the Smelting and Refining Division in the Southern District the minimum hourly rate shall be 30¢ per hour. The minimum rates for the several divisions named are in accord with those established in approved codes of related industries. The minimum rates provided for hereinabove shall be construed as the hiring rates applying to totally unskilled or common labor both above and below ground in the mining divisions, and totally unskilled or common labor in the other divisions of the Industry. The established minimum rate of pay for the work performed in any pay period shall apply irrespective of whether an employee is actually compensated on a time rate, piece rate, or other basis. Provision is also made for the employing of handicapped persons. No person employed in clerical or office work shall be paid less than at the rate of $15.00 per week, except that office boys and girls and messengers may be paid at a rate not less than 80% of the minimum paid office employees.

Article V. *General Labor Provisions.*—Provides that no person under 18 years of age shall be employed except in clerical, office, sales, service, technical and engineering departments, and no person under 16 years of age shall be employed in any capacity. This Article also sets forth the mandatory provision respecting the rights of employees to organize and bargain collectively. This Article also provides for matters having to do with reclassification of employees, standards for safety and health, the observance of state laws and the posting of complete copies of this Code so that they are accessible to employees.

Article VI. *Administration.*—Establishes a Code Authority consisting of the members of the Executive Committee of the Lead Industries Association, the Secretary of said Association, and such division chairmen who have respectively been elected to such office by such divisions in an equitable manner, approved by the Administrator, so as to be truly representative of such divisions respectively, and who are not members of the Executive Committee; in addition to membership as above provided there may be one to three members, without vote and without compensation by the Industry, to be appointed by the Administrator to serve for such terms from the date of appointment as he may specify. On the effective date of this Code the voting members of the Code Authority shall consist of

eleven members, but such number is subject to variation due to the contents of the foregoing provision.

ARTICLE VII. Sets forth the Trade Practice Rules for the Lead Pigments Division, and also sets forth open price schedules which are effective immediately after filing.

ARTICLE VIII. Sets forth the Trade Practice Rules for the Metallic Lead Products Division.

ARTICLE IX. Sets forth the Trade Practice Rules for the Metallic Foil Products Division.

ARTICLE X. No provision of this Code relating to price or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade, or transactions in the foreign commerce of the United States.

ARTICLE XI. Sets forth the application of this Code to operations with other Codes wherein other metals are produced.

ARTICLE XII. Makes provision for modifications of this Code.

ARTICLE XIII. No provision of this Code shall be so applied as to promote monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XIV. Covers the effective date.

There are also appended to this Code and made a part thereof conditions for sale of lead oxides in lots less than twenty tons and lots of at least twenty tons, and also conditions of sale for basic lead carbonate (dry white lead).

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

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of Industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of Industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating Industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major Industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant Association is an Industrial Association truly representative of the aforesaid Industry; and that said Association imposes no inequitable restrictions on admission to membership therein.

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(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, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

MAY 24, 1934.

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRY

Article I—Purposes

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Lead Industry and its provisions shall be the standards of fair competition for such Industry and are binding upon every member thereof.

Article II—Definitions

Wherever used in this Code, or any supplement appertaining thereto, the terms enumerated in this Article shall have the meanings herein defined unless the context shall otherwise clearly indicate.

Section 1. The terms "President", "Act", and "Administrator" mean respectively the President of the United States, Title I of the National Industrial Recovery Act, approved by the President June 16, 1933, and any amendments thereto, and the Administrator for Industrial Recovery.

Section 2. The term "Member of Industry" includes all those engaged in the Industry either as an employer or on his or its own behalf.

Section 3. The term "Employee" means and includes anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a member of the Industry.

Section 4. The term "Employer" means and includes anyone by whom any such employee is compensated or employed.

Section 5. The term "Apprentice" as used herein means an individual (usually a minor), bound by indenture, executed in compliance with the laws of the state where the service provided for therein is to be performed, to serve an employer for a term of years at a predetermined wage, for the period of the indenture in order to learn a trade, art or craft.

Section 6. The term "Industry" as used herein includes the mining of lead ore and/or the concentrating thereof, the smelting of lead ore, and/or lead concentrates, and/or lead bearing scrap, the refining of lead and/or lead bearing scrap, and/or drosses, the manufacturing of pig lead, antimonial pig lead, lead pigments, metallic antimony, metallic lead products, allied products defined hereinafter as "metallic lead products" and/or "metallic foil products", and the original sale of such products by the member of Industry producing or manufacturing the same either directly or indirectly through subsidiary and/or affiliated companies.

(a) "Lead Ore and Lead Concentrates" as used herein is defined to mean ore and the concentrates thereof, containing lead as the principal commercially recoverable constituent.

(b) "Lead Mining" as used herein is defined to mean the mining and concentrating of lead ore and any further beneficiation thereto prior to the shipment to the smelter.

(c) "Lead Smelting and Refining" as used herein is defined to mean metallurgical and/or chemical treatment of lead ore, lead concentrates, lead bearing scrap, and/or drosses, and/or any other lead bearing material into "Pig Lead", and/or "Antimonial Pig Lead."

(d) "Antimonial Pig Lead".—Inasmuch as antimony is a common constituent of most lead ores and a by-product of Lead Mining and Smelting and Refining—metallic antimony and antimonial alloy products (antimonial pig lead) shall be included within the provisions of this Code.

(e) "Lead Pigments" as used herein is defined to mean basic carbonate white lead (dry or in oil), basic lead sulphate (dry or in oil), litharge, red lead (dry or in oil), orange mineral or any other lead oxides, with or without metallic lead content.

(f) "Metallic Lead Products" as used herein is defined to mean extruded, rolled, cast or otherwise fabricated lead or lead alloy products (except storage battery plates and lead covered cable), produced by Members of Industry and kindred products of metallic tin and tin alloy, or other metal or metal alloy products, which are produced by the same Members of Industry on the same type of machinery and under similar labor and fabricating conditions.

(g) "Metallic Foil Products" as used herein is defined to mean lead and/or tin, and/or zinc, or their alloys, or combinations thereof, rolled to a thickness of .006 of an inch or less, whether attached or affixed to other materials or not.

Section 7. The term "Division" as used herein includes respectively the several parts of the Industry as enumerated below:

1. Lead Mining Division
2. Lead Smelting and Refining Division
3. Lead Pigments Division
4. Metallic Lead Products Division
5. Metallic Foil Products Division

and such other and further divisions as may hereafter be created pursuant to the provisions of this Code.

Section 8. The term "Association" as used herein includes the "Lead Industries Association", an unincorporated membership society organized under the laws of the State of New York and having its principal office at 420 Lexington Avenue, New York City, and such other trade associations as may hereafter participate in the activities under this Code or in the selection of the Code Authority.

Section 9. The term "Executive Committee" as used herein shall mean the Executive Committee of the Lead Industries Association.

Section 10. The term "Secretary" as used herein shall mean the Secretary of the Lead Industries Association, who also shall be the Secretary of the Code Authority.

Section 11. The term "Southern District" as used herein shall include the States of Texas, Mississippi, Alabama, Louisiana and Florida.

Article III—Hours of Labor

MAXIMUM HOURS

Section 1. No employee shall be permitted to work in any division of the Industry in excess of forty (40) hours per week, or in

excess of eight (8) hours in any twenty-four (24) hour period except as herein otherwise provided. A normal work day shall not exceed eight (8) hours.

The interpretation of the eight (8) hour provision for the Mining Division in each state shall be in accordance with any laws of such state pertaining to the eight (8) hour day on mining operations.

The Code Authority shall study the operation of the eight (8) hour provision for the Mining Division and not later than ninety (90) days from the effective date shall report fully to the Administrator the results of such study. The Administrator may, at his discretion, appoint an impartial investigator who shall review the conditions in the Mining Division of the Industry concerning the operation of the eight (8) hour provision and shall report thereon to the Administrator not later than ninety (90) days from the effective date and forward a copy of such report to the Code Authority.

HOURS FOR CLERICAL AND OFFICE EMPLOYEES

SECTION 2. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any one (1) week, except that during any one (1) week in a one (1) month period such employee shall be permitted to work a maximum of forty-eight (48) hours in any such week. A normal work day shall not exceed eight (8) hours.

EXCEPTIONS AS TO HOURS

SECTION 3. The limitation as to hours of labor as specified in Sections 1, 2 and 4 of this Article III shall not apply to the following:

(a) To employees engaged in emergency maintenance, or emergency repair work, involving breakdown or protection of life or property; provided that in such special cases not less than one and one-half (1½) times the normal wage rate for any employee so employed shall be paid for all hours worked in excess of forty (40) hours in any one (1) week.

(b) Nor in the case of the Mining Division shall it apply to hoist men, power house men, or pump men, provided the total working hours of such employees shall not exceed forty-eight (48) hours in any one (1) week.

(c) Nor to employees receiving not less than Thirty-Five (35) Dollars per week in a managerial, executive or supervisory capacity, or to technical staffs; nor to outside sales or service employees.

(d) Watchmen may be permitted to work fifty-six (56) hours in any one (1) week period, provided that such employees shall have at least one (1) day's rest in each seven (7) day period.

(e) There may be a tolerance of 10% additional hours over the forty (40) hours in any one (1) week for employees engaged in the preparation, care and maintenance of machinery and production facilities, stock and shipping clerks and truckmen engaged in outside delivery and pick-up service; provided, however, that at least one and one-half (1½) times the normal wage rate for any employee so employed shall be paid for all hours worked in excess of forty (40) hours in any one (1) week, or eight (8) hours in any one (1) day.

(f) The limitation as to maximum hours of work shall not apply to very special cases where restriction of hours of labor of skilled workers in continuous processes would unavoidably reduce or interrupt production because of demands inherent and peculiar within the process itself provided, however, that such employees in such special cases shall not work more than forty-eight (48) hours in any one week, and provided that in such special cases at least one and one-half times the normal wage rate shall be paid to any employee so employed for hours worked above forty (40) hours per week, or eight (8) hours per day. Such special cases, however, shall be reported to the Code Authority. The limitation of hours does not apply where one employee is acting in temporary relief for a fellow employee in continuous processes.

(g) During any period in which a concentrated demand upon any division of the Industry, except mining, shall place an unusual and temporary burden for production work upon its facilities or to meet seasonal peak requirements or emergencies, an employee of any such division may be permitted to work not more than forty-eight (48) hours per week in not more than six (6) weeks in six (6) months of any calendar year, provided that not less than one and one-half times the normal wage rate shall be paid to any employee so employed for hours worked above forty (40) hours per week or eight (8) hours per day. All such overtime worked shall be reported to the Code Authority.

STANDARD WEEK

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

EMPLOYMENT BY SEVERAL EMPLOYERS

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

ARTICLE IV—WAGES

MINIMUM

SECTION 1. The minimum wage for each division of this Industry shall be as follows:

	Cents per hour	
	Surface	Underground
1. Lead mining division	40¢	47½¢
2. Lead smelting and refining division	35	----------
3. Lead pigments division	40	----------
4. Metallic lead products division	35	----------
5. Metallic foil products division	35	----------

provided that, as to the Smelting and Refining Division, in the Southern District, the minimum hourly rate shall be thirty (30) cents per hour. Minimum wages in all divisions of the Industry in effect on July 1st, 1933, which were above the minimum specified, shall in no case be reduced.

The minimum rates provided for hereinabove shall be considered as the lowest hiring rates applying to totally unskilled labor or common labor above ground in the Mining Division and totally unskilled labor or common labor in the other divisions of the Industry. In the Mining Division, the minimum hiring rate for underground common labor shall be not less than forty-seven and one-half (47½) cents per hour. Other classes of labor shall be compensated at rates above such minimums.

CLERICAL AND OFFICE EMPLOYEES

SECTION 2. No accounting, clerical, office, sales, or service employees shall be paid less than Fifteen (15) Dollars per week of forty (40) hours; provided, however, that office boys and girls and messengers may be paid at a rate not less than 80% of such minimum, and provided further that the number of such boys and girls and messengers so paid shall constitute not more than 5% of the total number of such employees of any one (1) office of any one (1) employer, but in any case each employer shall be entitled to at least one (1) such employee. Part time employees shall be paid an hourly rate which shall not be less than the pro rata amount of the wages specified hereinabove.

PIECEWORK COMPENSATION—MINIMUM WAGES

SECTION 3. This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

FEMALE EMPLOYEES

SECTION 4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees, and, when they displace male employees they shall receive the same rate of pay as the men they displace.

WAGES ABOVE THE MINIMUM

SECTION 5. Equitable adjustments in all pay schedules of employees above the minimum fixed in this Code shall be made within thirty (30) days after the effective date of this Code by any employer who has not heretofore made such adjustments under the National Industrial Recovery Act. In no event, however, shall hourly rates be reduced. Within sixty (60) days after the effective date of this Code, each member of the Industry shall make a report of such adjustments whether made prior to or subsequent to the date of approval of this Code to the Code Authority.

HANDICAPPED PERSONS

SECTION 6. 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 such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority 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.

APPRENTICES

SECTION 7. Employment of apprentices at rates of compensation below the minimum provided herein shall be permitted where they are apprenticed to an employer by an indenture made pursuant to the laws of the state in which such service is to be performed, under any apprentice system established and maintained by such employer, provided such indenture agreements are filed with the Code Authority. Employers shall not be allowed to have apprentices exceeding 5% of the total number of skilled craftsmen of their special class, except that each employer shall be entitled to employ at least one such employee. In no case shall an apprentice be paid less than the minimum wage provided in Section 1 of Article IV in states which do not have laws governing apprentices.

PAYMENT OF WAGES

SECTION 8. An employer shall make payment of all wages in lawful currency, or by negotiable check therefor, payable on demand. These wages shall be exempt from any payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earners or required by the State Laws. Pay periods for wages shall be at least semi-monthly and for salaries at least once per month. Employers shall not withhold wages except as otherwise provided for by law.

ARTICLE V—GENERAL LABOR PROVISIONS

CHILD LABOR

SECTION 1. On and after the effective date of this Code, no person under 18 years of age shall be employed in the Lead Industry except in clerical, office, sales, service, technical and engineering departments, and no person under 16 years of age shall be employed in any capacity. In any state, an employer shall be deemed to have complied with this provision as to age of employees 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.

PROVISIONS FROM THE ACT

SECTION 2. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

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

RECLASSIFICATION OF EMPLOYEES

SECTION 3. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

STANDARDS FOR SAFETY AND HEALTH

SECTION 4. Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards of safety and health for each division of the Industry shall be submitted to the Administrator by the Code Authority within six (6) months after approval of this Code.

STATE LAWS

SECTION 5. No provision in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance or fire protection, than are imposed by this Code.

POSTING

SECTION 6. All employers shall post and keep posted complete copies of this Code and all amendments thereto in conspicuous places accessible to employees.

COMPANY TOWN AND STORES

SECTION 7. Employees other than maintenance or supervisory men, or those necessary to protect property, shall not be required as a condition of employment, to live in homes rented from the employer. No employee shall be required as a condition of employment, to trade at a store owned or specified by an employer.

DISMISSAL FOR COMPLAINT

SECTION 8. No employee shall be dismissed by reason of making a complaint or giving evidence with respect to a violation of a Code.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby constituted and shall consist of the members of the Executive Committee of the Lead Industries Association, the Secretary of said Association, and such division chairmen who have respectively been elected to such office by such divisions in an equitable manner, approved by the Administrator, so as to be truly representative of such divisions respectively, and who are not members of the Executive Committee. In addition to membership as above provided there may be one to three members, without vote and without compensation by the Industry, to be appointed by the Administrator to serve for such terms from the date of appointment as he may specify. On the effective date of this Code the voting members of the Code Authority shall consist of eleven members but such number is subject to variation due to the contents of the foregoing provision. It is contemplated that supplementary codes of fair competition not inconsistent with this basic Code will be adopted for each division of the Industry. When and if such supplementary codes are submitted and approved they shall contain provisions for a Divisional Code Authority selected in an equitable manner so as to be truly representative of such division of the Industry subject to the approval of the Administrator, to administer the provisions of this basic Code which relates to such division, and the provisions of such supplementary Code, and in addition this basic Code Authority may delegate such of its powers and duties as it deems necessary to such division Code Authority of such supplementary Code, provided, however, that any interested party shall have a right of appeal from any act or decision of such divisional Code Authority to the Code Authority of this basic Code.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall, (1), impose no inequitable restrictions on membership and, (2), submit to the Administrator true copies of its Articles of Association, By-Laws, Regulations and any amendments when made thereto, together with such other information as to membership, organization and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper, and thereafter, if he shall find that any basic Code Authority or divisional 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 such Code Authority.

SECTION 4. 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. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review and approval by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or nonfeasance.

POWERS AND DUTIES

SECTION 6. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove, after such hearing as he may prescribe, any action taken by the Code Authority. If the Administrator shall determine at any time that any action of the Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

(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, subject to such rules and regulations as the Administrator may prescribe, and receive complaints of violations of this Code and disputes arising thereunder, except as otherwise hereinafter provided for in subsection (h) of this section, make investigations thereof at their own instance, provide hearings thereon, adjust such complaints and make such decisions as are necessary thereon and to interpret the provisions of the Code and to bring violations of this Code to the attention of the Administrator for prosecution, recommendation and other action.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code. The Code Authority shall promptly furnish to the Administrator true copies of the by-laws, rules and regulations adopted pursuant to this paragraph.

(c) To obtain from members of the Industry, through a confidential agency, such statistical information and reports as are required for the administration of the Code and to provide for sub-

mission by members of the Industry of such statistical information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members of the Industry to such Federal and/or State agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any government agency. No individual reports submitted to the Administrator and/or such government agencies as the Administrator may designate, shall be disclosed to any other member of the Industry or any other party except to such government agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other Codes, if any, as may be related to the Industry.

(f) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the Industry who have assented to, and are complying with, this Code.

(g) To call meetings of any division of the Lead Industry to consider control of production through voluntary agreement, and to recommend to the Administrator such measures as have been voluntarily agreed upon covering fair trade practices, industrial planning and production control, including stabilization of employment and conservation of natural resources.

(h) Within ninety days after the effective date of this Code, the Code Authority shall submit to the Administrator for his approval a plan for the establishment of a National Industrial Relations Board for the Industry, consisting of an equal number of representatives of employers and employees. Provision shall be made in such plan for division of the country into districts and the creation of regional industrial relations boards to comprise an equal number of representatives of employers and employees truly representative of such districts. The creation and functioning of these boards, including the selection of representatives of employees, shall be in accordance with Section 7 of the Act. Provision shall also be made for the appointment of an impartial person on each board, national and regional, to vote only where such board is unable to render a majority decision. This plan shall provide that the regional boards shall have the authority to hear and adjudicate all complaints and disputes arising out of Articles III, IV and V of the Code, and the National Industrial Relations Board shall pass on all appeals from the regional boards solely on the basis of the record as certified by the Regional Boards to the National Industrial Relations Board. Before any such plan is approved, it shall be submitted to the Labor Advisory Board of the National Recovery Administration for their consideration and recommendations. The Administrator shall have the right, after such notice and hearing as he may specify, to review,

disapprove or modify such plan and the plan shall become effective as a part of this Code when and as approved by him.

ARTICLE VII—TRADE PRACTICE RULES FOR LEAD PIGMENTS DIVISION

SECTION 1. The following described acts shall be deemed unfair competition for Division 3 (Lead Pigments), and shall constitute a violation of this Code:

(a) Misbranding or misrepresentation of lead pigments.

(b) 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. This commercial bribery provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising, except so far as such articles are actually used for commercial bribery as hereinabove defined.

(c) Inducing or in any manner attempting to induce a breach, default or cancellation of a contract between a competitor and his customer during the term of such contract.

(d) Guaranteeing for a definite time the life and/or service of lead pigments.

(e) Making false and derogatory statements with respect to the prices, policies, products, practices, business or credit of any competitor.

(f) No merchandise shall be sold at a concession, or used as an inducement, to influence the sale of any lead products, nor shall any concession be given in the price or terms of sale of a lead product to influence the sale of any other merchandise.

SECTION 2. Each member of the Industry engaged in the manufacture and sale of lead pigments shall file with the Secretary within ten (10) days after the effective date of this Code, a list of the prices at which his products will be sold and a memorandum of any of his conditions of sale at variance with those set forth in Schedule "A" attached hereto and which is made a part hereof. Any change in prices or conditions of sale shall be reported to the Secretary in such manner as to reach his office within twenty-four (24) hours after the effective date of such change. Any member making a sale or quotation, which does not conform to the basis he then has on file, shall notify the Secretary in detail by letter mailed within twenty-four (24) hours. The information supplied the Secretary shall be reissued immediately to the reporting members.

SECTION 3. Each member of the Lead Pigments Industry, as defined in Article II, shall submit promptly to the Secretary the following periodic reports for compilation and reissuance in such manner as may be determined by the Division:

(a) Monthly reports of total production.

(b) Stocks on hand of finished merchandise at the beginning of each month.

(c) Monthly reports of total shipments.

Article VIII—Trade Practice Rules For Metallic Lead Products Division

Section 1. The following described acts shall be deemed unfair competition for Division 4 (Metallic Lead Products), and shall constitute a violation of this Code:

(a) 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. This commercial bribery provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising, except so far as such articles are actually used for commercial bribery as hereinabove defined.

(b) Making allowance for sales promotion and advertising in excess of actual amount expended, or making excessive expenditures on behalf of or for the benefit of a customer.

(c) Misbranding or misrepresenting the percentage or quality of various metals in any products.

(d) No member of the Division 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.

(e) Accepting orders guaranteed against a decline in price.

(f) Making false and derogatory statements with respect to competitors' prices, policies, products, practices, business or credit.

(g) Giving any other product at a concession in price or giving it away free, in order to influence the sale of any lead product.

(h) Changing prices after the award of a contract and specifically, but without limitation, canceling any undelivered portion of a contract for the purpose of effectuating a new contract with the buyer when the purpose of such cancelation is to create an unfair price advantage for a Member of Industry.

(i) Contracting for unspecified quantities at a fixed price or giving options at fixed prices for unspecified quantities.

(j) Inducing or in any manner attempting to induce a breach, default or cancellation of a contract, between a competitor and his customer, during the term of such contract.

(k) Taking back obsolete material or material damaged not by the vendor's fault at any value other than its value as secondary material.

Section 2. The following unfair trade practices apply to the Type Metal Business only:

(a) Attaching drum tags to competitors' dross drums without receiving authority to do so from the prospect or customer.

(b) Failing to return competitors' drums to their owner within a period not exceeding thirty days from time of their receipt.

Article IX—Trade Practice Rules for Metallic Foil Products Division

Section 1. The following described acts shall be deemed unfair competition for Division 5 (Metallic Foil Products) and shall constitute a violation of this Code:

(a) No member of the Division shall publish untruthful advertising nor shall any member in any way misrepresent any goods or credit terms.

(b) No member of the Division shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any particular.

(c) No member of the division shall secretly offer or made any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise.

Article X—Export Trade

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade, or transactions in the foreign commerce of the United States.

Article XI—Application of Code to Operations Wherein Other Metals Are Produced

Section 1. If any member of the Industry is also a member of any other Industry, provisions of this Code shall apply only to that portion of its business which is a part of the Lead Industry.

Section 2. Where there is any question as to whether lead is the major production from the operations which do or which might produce lead, zinc, copper, gold, silver or other materials, then in any and every such event the question as to which Code of Fair Competition shall govern such operations of any such member of this Industry, shall be referred to a Coordination Committee. This Coordination Committee shall be composed of two members to be appointed by each of the Code Authorities for such industries as may be involved in each particular question. In the event such Committee is unable to reach a majority conclusion, then either the Committee shall elect an additional impartial member or upon their failure so to agree on such additional impartial member, the Administrator then may appoint such additional impartial committee member. Any member of the Industry, the operations of which may raise such a question, shall file a statement of fact with the Code Authority for its Industry, and such statement shall contain a statement of its preference as to the Code it would prefer to have such operations be governed by, and such preference shall be granted unless such Coordination Committee shall find that the granting thereof would be unfair in view of the rights of others or that it would have a tendency contrary to the effectuation of the policies of the Act. Any action taken by the Coordination Committee shall be referred to the Administrator and shall be subject to his disapproval.

Section 3. Within ten (10) days after the effective date of this Code, any member of this Industry may file such a statement of fact and preference as to being governed by any of such other Codes which may at that time be in effect. Thereafter upon any such other Code becoming effective, such statement may then be filed; provided, however, that until any such statement is filed and decision is made thereon by such Coordination Committee, such operation of such member of this Industry shall be governed by the provisions of this Code.

Section 4. From time to time thereafter if conditions change, members of this Industry shall be entitled to file such statements of fact and preference as to change of a portion of their operations from the jurisdiction of one Code to the jurisdiction of another, and in such event they shall be handled in the same manner as provided for above.

Section 5. The foregoing Sections 1 to 4 inclusive of this Article XI, shall not be effective until Codes of Fair Competition for the copper and zinc industries, containing an Article substantially the same as this Article XI, have been approved, and are in effect, and certified copies of such approved codes have been filed with the Code Authority for this Industry.

Article XIII—Monopolies

Section 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under 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 hereof.

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 amended as provided in Section 3 hereof, in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience; all the provisions of this Code, unless so modified or eliminated, shall remain in effect until the expiration of Title I of the Act.

Section 3. An amendment to this Code or any Codes supplemental thereto affecting or pertaining to the several divisions of the Lead Industry, may be proposed by any interested party either to the divisional Code Authority, the Basic Code Authority, or directly by or to the Administrator. All such proposed amendments shall be referred to the division affected or interested and then shall be submitted by said division to the Basic Code Authority, who shall give Members of the Industry an opportunity to be heard thereon, and thereafter the Code Authority may make such recommendations thereon as are deemed proper; provided, however, that when approved by the Administrator as necessary to effectuate the policies of the Act, after such notice and hearing as he may prescribe, any proposed amendment shall thereupon become effective as a part of this Code.

Article XIII—Monopolies

No provision of this Code shall be so applied as to promote monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

Article XIV—Effective Date

This Code shall become effective beginning the second Monday after its approval by the Administrator.

Approved Code No. 442.
Registry No. 1217-8-01.

SCHEDULE A

Article I—Conditions For Sale of Lead Oxides in Lots of Less Than Twenty Tons

A "Sale" or "Order" as used herein includes any transaction whereby a Member of the Industry makes a quotation on, or becomes obligated to sell and deliver material.

B. Whatever terminology may be used, the intent and meaning thereof shall conform to the following requirements of sale:

(1) *Material.*—Dry Oxides of Lead, or mixtures consisting principally thereof, each grade of material to be specifically designated.

(2) *Quantity.*—Any amount as agreed between Buyer and Seller.

(3) *Packages.*—As agreed between Buyer and Seller. Special packages required by Buyer shall be charged for according to cost.

(4) *Price.*—(a) Seller's card or quoted price in effect on date order is received with allowance as follows:

(1) Not more than one-half cent (½¢) per pound for minimum shipment of five (5) tons for one buyer at one time to one destination.

(b) Emergency shipments of smaller quantities may be made at the 5-ton price only to a customer for whom the Seller has a 5-ton order on hand for the same material for immediate shipment, or five (5) tons en route to the same destination.

(c) No protection against decline in Seller's price may be given.

(d) Red Lead containing ninety-seven per cent (97%) or ninety-eight per cent (98%) Pb_3O_4 shall be so marked on the package and shall be sold at not less than one-quarter cent (¼¢) and one-half cent (½¢) per pound, respectively, over Seller's price for grades of lower Pb_3O_4 content.

(5) *Delivery.*—F.O.B. cars Seller's shipping point, or by truck F.O.B. Buyer's premises.

(6) *Transportation Allowance.*—(a) Since transportation is included in the Seller's price, the actual freight paid by Buyer shall be allowed as deduction. No cartage allowance shall be made to Buyer for use of his own truck.

(b) If shipment is made by Buyer's boat, Seller may allow actual amount he would have paid for like transportation at minimum published tariffs in effect on date of shipment.

(7) *Shipment.*—Shall be made at least within thirty (30) days from date order is received.

(8) *Terms.*—Net thirty (30) days, less one per cent (1%) for cash in ten (10) days from date of shipment.

(9) *Taxes.*—Any tax or other charge imposed by Federal Law upon the production and/or sale and/or shipment of Lead Oxides shall be added to the price to be paid by the Buyer on any transaction to which such charge is applicable.

Article II—Conditions for Sale of Lead Oxides in Lots of at Least Twenty Tons

A. "Sale" or "Order" as used herein refers to any transaction whereby a Seller quotes on or becomes obligated to deliver material.

B. Whatever terminology may be used, the intent and meaning thereof shall conform to the following requirements of sale:

(1) *Material.*—Dry Oxides of Lead, or mixtures consisting principally thereof, each grade of material to be specifically designated.

(2) *Quantity.*—As agreed between Buyer and Seller; provided, that each order or release shall be an amount not less than twenty (20) tons to one destination and for account of not more than one Buyer.

(3) *Period.*—As specified.

(4) *Packages.*—As agreed between Buyer and Seller. Special packages required by Buyer shall be charged for according to cost.

(5) *Price.*—(a) Shall be determined by adding a differential, as agreed upon by Buyer and Seller, to the price of common Lead at New York, the Lead price applying to each order to be specified by the Buyer at the time order is placed, as:

(1) The American Smelting & Refining Company's quotation at the close of the market on the day the order is received by Seller

or

(2) The American Smelting & Refining Company's quotation at the close of the market on a future date definitely agreed upon by Buyer and Seller when order is accepted

or

(3) The average quotation, as reported in one of the publications known as the American Metal Market and the Engineering & Mining Journal, for a future period definitely agreed upon by Buyer and Seller when the order is accepted. If the Lead price is determined by the method herein outlined, Seller must require Buyer to specify before the beginning of the governing period the exact quantity of material to be priced in this manner. Deferred shipments shall be billed on the basis originally applicable thereto. Additional quantities required during the governing period shall be considered as new orders and shall be priced in accordance with (1) or (2) above.

(b) Emergency shipments of smaller quantities may be made on the twenty (20) ton price basis only to a customer for whom the Seller has a twenty (20) ton order on hand for the same material for immediate shipment, or twenty (20) tons en route, to the same destination.

(c) No protection against decline in Seller's price may be given.

(d) Red Lead containing ninety-seven per cent (97%) or ninety-eight per cent (98%) Pb_3O_4 shall be so marked on the package and shall be sold at not less than one-quarter cent (¼¢) and one-half cent (½¢) per pound, respectively, over Seller's price for grades of lower Pb_3O_4 content.

(6) *Delivery.*—(a) F.O.B. cars Seller's shipping point

or

(b) By truck complete within three (3) days, F.O.B. Buyer's premises.

(7) *Transportation Allowance.*—(a) Since transportation is included in the Seller's price, the actual freight paid by Buyer shall be allowed as a deduction. No cartage allowance shall be made to Buyer for use of his own truck.

(b) If shipment is made by Buyer's boat, Seller may allow actual amount he would have paid for like transportation at minimum published tariffs in effect on date of shipment.

(8) *Shipment.*—Shall be made at least within sixty (60) days from,

(a) The date on which the price of pig lead governs the sale,

or

(b) The beginning of the period during which the average price of Pig Lead governs the sale.

(9) *Terms.*—Net thirty (30) days.

(10) *Taxes.*—Any tax or other charge imposed by Federal Law upon the production and/or sale and/or shipment of Lead Oxides shall be added to the price to be paid by the Buyer on any transaction to which such charge is applicable.

Article III—Conditions for Sale of Basic Lead Carbonate (Dry White Lead)

A. "Sale" or "Order" as used herein includes any transaction whereby a Member of the Industry makes a quotation on or becomes obligated to sell and deliver material.

B. Whatever terminology may be used, the intent and meaning thereof shall conform to the following requirements of sale:

(1) *Quantity.*—Any amount as agreed between Buyer and Seller.

(2) *Period.*—As desired, to be specified.

(3) *Packages.*—As agreed between Buyer and Seller.

(4) *Price*—(a) *Spot Sales.*—Seller's card or quoted price in effect on date order is received.

(b) *Contract Sales.*—1. Seller's price on date contract is made with protection against advance or decline on the undelivered portion to the end of the current calendar quarter.

2. On contracts extending beyond the current calendar quarter, the price applying to subsequent deliveries shall be seller's price in effect on the first day of the calendar quarter in which they are made, with protection against advance or decline on the undelivered portion to the end of each quarter.

(c) The price for minimum twenty (20) ton lots for one Buyer to one destination, shipped by rail in one carload, or delivered by truck within a period of three (3) days, shall be not more than one-quarter cent (¼¢) per pound less than that charged for smaller quantities.

(d) Emergency shipments of smaller quantities may be made at the twenty (20) ton price only to those customers for whom the Seller has a twenty (20) ton order on hand for the same material for immediate shipment, or a carload (twenty (20) tons) en route, to the same destination.

(5) *Delivery.*—F.O.B. cars Seller's shipping point, or by truck F.O.B. Buyer's premises.

(6) *Transportation Allowance.*—Since transportation is included in the Seller's price, the actual freight paid by Buyer shall be allowed as deduction. No cartage allowance shall be made to Buyer for use of his own truck.

(7) *Shipment*—(a) *Spot Sales.*—Within thirty (30) days from date order is received.

(b) *Contract Sales.*—Within the period covered by the contract.

(8) *Terms.*—Net thirty (30) days, less one per cent (1%) for cash in ten (10) days from date of shipment.

(9) *Taxes.*—Any tax or other charge imposed by Federal Law upon the production and/or sale and/or shipment of white lead shall be added to the price to be paid by the Buyer on any transaction to which such charge is applicable.

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