

**NATIONAL RECOVERY ADMINISTRATION**

---

**CODE OF FAIR COMPETITION****FOR THE****BUFFING AND POLISHING  
COMPOSITION INDUSTRY****AS APPROVED ON NOVEMBER 4, 1933****BY****PRESIDENT ROOSEVELT**

1. Executive Order
2. Letter of Transmittal
3. Code

---

**UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1933**

This publication is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C., and by district offices of the Bureau of Foreign and Domestic Commerce.

**DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE**

Atlanta, Ga.: 504 Post Office Building.  
Birmingham, Ala.: 257 Federal Building.  
Boston, Mass.: 1801 Customhouse.  
Buffalo, N.Y.: Chamber of Commerce Building.  
Charleston, S.C.: Chamber of Commerce Building.  
Chicago, Ill.: Suite 1706, 201 North Wells Street.  
Cleveland, Ohio: Chamber of Commerce.  
Dallas, Tex.: Chamber of Commerce Building.  
Detroit, Mich.: 2213 First National Bank Building.  
Houston, Tex.: Chamber of Commerce Building.  
Indianapolis, Ind.: Chamber of Commerce Building.  
Jacksonville, Fla.: Chamber of Commerce Building.  
Kansas City, Mo.: 1028 Baltimore Avenue.  
Los Angeles, Calif.: 1163 South Broadway.  
Louisville, Ky.: 408 Federal Building.  
Memphis, Tenn.: 229 Federal Building.  
Minneapolis, Minn.: 213 Federal Building.  
New Orleans, La.: Room 225-A, Customhouse.  
New York, N.Y.: 734 Customhouse.  
Norfolk, Va.: 406 East Plume Street.  
Philadelphia, Pa.: 933 Commercial Trust Building.  
Pittsburgh, Pa.: Chamber of Commerce Building.  
Portland, Oreg.: 215 New Post Office Building.  
St. Louis, Mo.: 506 Olive Street.  
San Francisco, Calif.: 310 Customhouse.  
Seattle, Wash.: 809 Federal Building.

(II)





## EXECUTIVE ORDER

### CODE OF FAIR COMPETITION FOR THE BUFFING AND POLISHING COMPOSITION 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 my approval of a Code of Fair Competition for the Buffing and Polishing Composition Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said code of fair competition, together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of title I of said act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of the said act have been met:

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

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*November 4, 1933.*

Approval recommended:  
HUGH S. JOHNSON,  
*Administrator.*



NOVEMBER 2, 1933.

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Buffing and Polishing Composition Industry in the United States, the hearing having been conducted in Washington on October 18, 1933, in accordance with the provisions of the National Industrial Recovery Act.

#### PROVISIONS FOR HOURS AND WAGES

The maximum of 40 hours a week and 8 hours a day is provided for factory employees, except during emergency periods when the maximum may be 48 hours per week for 6 weeks in any 6 months period, provided that the average will not exceed 40 hours per week. Time and a third is paid for overtime. Employees engaged in preparation, care, and maintenance, in delivery work, and nonproducing supervisors will have a tolerance of 10 percent above the 40-hour maximum, provided that their average time is not more than 44 hours per week average in any 2-month period. Time and a third will also be paid to these employees for overtime.

The limitations in hours will not apply to persons in a managerial or executive capacity who receive more than \$35 per week; nor to traveling salesmen or watchmen, the latter limited to 48 hours weekly. There will be no difference in the rates to male and female employees, whether they are on a time or piecework basis. Accounting, clerical, service, sales, or other office employees will not be required to work more than 40 hours a week, averaged over any 2-month period, nor more than 48 hours in any one week.

The minimum wage to factory workers will be 40 cents per hour. Exceptions to this rate apply to employees engaged in light and repetitive work who will receive a minimum of 32½ cents per hour, and to learners who will receive no less than 80 percent of this minimum. Office employees will receive no less than \$15 per week, except for office boys and girls who will receive no less than 80 percent of this minimum.

#### CHILD LABOR

The minimum age of employees will be 16 years; except in hazardous occupations where the minimum will be 18 years.

#### ECONOMIC EFFECT OF CODE

The 40-hour normal week for factory employees, with the additional pay for overtime, should tend to level employment peaks in this Industry, and materially increase the number of workers as soon as business conditions improve in the capital goods industries.



The working hours of this Industry have been from 48 to 55 hours per week, with 50 as a fair average. The minimum wage rates have been 20 to 30 cents an hour, with 25 cents as a fair average. The increase in pay roll, as a result of the labor provisions, has been estimated at 35 percent.

The abrasive compositions manufactured by this Industry are used for buffing and polishing metals and other materials. In recent years these products have had to compete with a cheaper mixture of greases and abrasive powder which is sometimes prepared by users themselves, especially among large manufacturers. Competition has been severe, too, with paints and enamels used for finishing surfaces; in the stove trade, a substitute in the form of a vitreous enamel finish is being used extensively.

There are 32 concerns in this Industry, with a total volume of business of \$1,000,000 in 1932, which was only 27 percent of production capacity (\$3,500,000) and 63 percent less than the 1929 sales volume (\$2,600,000). Employment since 1929 has dropped 28 percent.

#### FINDINGS

The Administrator finds that:

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

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

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

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

Respectfully,

HUGH S. JOHNSON,  
*Administrator.*





# CODE OF FAIR COMPETITION FOR THE BUFFING AND POLISHING COMPOSITION INDUSTRY

## ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Buffing and Polishing Composition Industry, and upon approval of the President shall be the standard of fair competition for this Industry.

## ARTICLE II—DEFINITIONS

The term "Industry" as used herein includes the manufacture of buffing and polishing compositions, which are defined as abrasive compositions and other compounds for the buffing and polishing of metals and other materials.

The term "Association" as used herein means the Buffing and Polishing Composition Manufacturers' Association.

The term "Employee" as used herein includes anyone engaged in any phase of the industry in any capacity in the nature of employee irrespective of the method of payment of his compensation.

The term "Employer" as used herein includes anyone for whose benefit such an employee is so engaged.

The term "Member of the Industry" includes any manufacturer who shall be subject to this Code.

The term "Administrator" as used herein means the Administrator of Title I of the National Industrial Recovery Act.

The term "Effective Date" as used herein shall be the date upon which this Code shall have the approval of the President of the United States.

## ARTICLE III—HOURS

(a) Factory employees, mechanical workers, and artisans in the Industry, except as hereinafter provided, shall not be employed in excess of 40 hours per week, nor more than 8 hours in any one day; provided, however, that during any period of emergency an employee of such classes may be permitted to work up to but not more than 48 hours per week in six (6) weeks of any six (6) month period; provided, however, that the average over this period shall not exceed 40 hours per week. Employees in this category for hours worked in excess of 40 hours per week or eight (8) hours per day shall be paid at the rate of one and one third times the regular rates.

(b) There shall be a tolerance of 10 percent additional hours over the above 40 hours for employees engaged in the preparation, care, and maintenance of plant, machinery and production facilities, stock and shipping clerks, delivery employees, and nonproducing supervisors provided that such tolerance shall not result in such employees



working in excess of an average of 44 hours per week over any two (2) month period. Employees listed in this paragraph (b) for hours worked in excess of 40 hours per week or 8 hours per day shall be paid at the rate of one and one third times the regular rate herein provided.

(c) The limitations as to hours of labor shall not apply to persons in a managerial or executive capacity who receive more than \$35.00 per week; nor to commercial traveling salesmen; nor to watchmen who shall be limited to a work week not to exceed 48 hours.

(d) No accounting, clerical, service, sales, or other office employees shall work more than forty (40) hours per week average in any two (2) month period nor more than forty-eight (48) hours in any one week.

(e) No employee shall work or be permitted to work for a total number of hours in excess of the number of hours prescribed for each day and week, whether employed by one or more employers.

#### ARTICLE IV—WAGES

(a) The minimum wage that shall be paid to any employee in this industry shall be 40 cents per hour with the following exceptions:

(1) Employees engaged in light and repetitive work who shall be paid at the rate of not less than 32½ cents per hour.

(2) Learners, who for a period not to exceed 10 weeks may be employed at not less than 80% of the minimum wage, such learners to constitute not more than 10% of the total of employees, nor more than 10 employees in any one plant.

(3) Watchmen, who shall be paid not less than the minimum weekly wage of \$13.00 for a work week not to exceed 48 hours.

(b) All employees mentioned in paragraph (d) of Article III shall be paid at the rate of not less than fifteen dollars (\$15) per week.

(c) No employees of the classes mentioned in paragraph (d) of Article III now receiving compensation at a rate in excess of the minimum provided in paragraph (b) of this Article IV, next above, shall have their compensation reduced on account of any reduction in the weekly hours of employment to conform with the requirements of paragraph (d) of Article III.

(d) The minimum wage that shall be paid to office boys and girls, and messengers, by any member of this Industry shall be not less than 80% of the minimum wage stipulated in paragraph (b) of this Article IV. Office boys and girls, and messengers shall constitute not more than 10% of the total number of employees of any employer, nor more than 5 such employees in one plant.

(e) Where employees' earnings on piecework, divided by the number of hours worked, produce a result under the minimum wage stipulated in paragraph (a) of this Article IV, such earnings shall be so adjusted as to conform with the aforesaid minimum wage.

(f) The differences in hourly rates for all operations shall be equitably readjusted and in no case shall they be decreased. Each member of the Industry shall report all such readjustments made since May 1, 1933, to the Code Authority within 30 days of the effective date.



(g) No distinction in rates shall be made between male and female employees where substantially the same class of work is performed regardless of whether compensation is calculated on an hourly, weekly, monthly, or piecework basis. Wherever they displace men on any operation, women are to be paid at the same rate as the men who were displaced.

(h) There shall be no evasion of this Code by any employer in the Industry by reclassification of the functions of employees. An employee shall not be included in one of the classifications exempted from the provisions of this Code, unless the identical functions were identically classified on June 16, 1933.

(i) No person who has worked as a learner for one member for the period of time prescribed under the term "learner" in Article II may thereafter be classified as a learner.

(j) Nothing in this Article IV shall apply to or effect any outside salesmen compensated on a commission basis.

#### ARTICLE V—CHILD LABOR

No person under the age of 16 years shall be employed in the Industry and no one under the age of 18 years shall be employed in hazardous work.

#### ARTICLE VI—ADMINISTRATION

1. To further effectuate the policies of the National Industrial Recovery Act, a Code Authority is hereby set up to cooperate with the Administrator in the Administration of this Code.

(a) The Code Authority shall consist of the Executive Committee of the Buffing and Polishing Composition Manufacturers Association, two representatives that may be elected by the nonmembers of the above association in a way satisfactory to the Administrator, if they so desire, and not more than three representatives that may be appointed by the President if he so desires to represent the National Recovery Administration who shall act in an advisory capacity and shall have no vote. The Code Authority shall complete their own organization by the election of officers.

(b) Any member of the Industry is eligible for membership in the Code and there shall be no inequitable restrictions on such membership. Any such member may participate in the preparation and any revision of and additions or supplements to this Code by paying the proper pro rata share of the cost and responsibility of creating and administering it, either by becoming a member of the Association or by paying his proper share of the costs to the Code Authority.

(c) In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

2. The Code Authority shall have the following duties and powers to the extent permitted by the Act and subject to review by the Administrator.



(a) To collect from members of the Industry all data, reports, and statistics when and as required by the President and/or the Administrator and/or their agent or agents and/or the Code Authority. Such information shall be held confidential by the Code Authority. Each such member shall send his data signed by an officer, partner, or owner of such member to the agent of the Code Authority. This agent shall assemble all such data and present to the Code Authority only the combined totals. Each such member shall retain copies of his own data to be sent direct by him to the Administrator, if required by the latter. Reports submitted by the Code Authority to the President and/or the Administrator shall be in the form prescribed and/or approved by him.

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

(c) To hear and investigate complaints and attempt to adjust the same in accordance with law.

(d) To coordinate the administration of this Code with such Codes, if any, as may be adopted by any subdivision of this Industry, or any related Industry, with a view to providing joint and harmonious action on all matters of common interest, all with the approval of the Administrator.

(e) To study the trade practice provisions of Article VII and the operation thereof, and make recommendations from time to time to the Administrator which it deems desirable for modification or addition thereto, which upon the approval of the President or the Administrator, after such hearing as he may prescribe, shall become a part of this Code and have full force and effect as provisions hereof.

(f) To make rules and regulations necessary for the administration of this Code, subject to the right of any affected person to appeal to the Administrator.

(g) In addition to information required to be submitted to the Code Authority there shall be furnished to Government agencies such statistical information as the Administrator may deem necessary for the purpose recited in Section III (a) of the Act.

#### ARTICLE VII—UNFAIR TRADE PRACTICES

For all purposes of this Code the following acts shall constitute unfair practices and each such act shall be a violation of this Code.

(a) Making or promising to any purchaser or prospective purchaser of any product, or to any officer, employee, agent, or representative of any such purchaser, or prospective purchaser, any bribe, gratuity, gift, or other payment or remuneration, directly or indirectly.

(b) Procuring, otherwise than with the consent of a member of the Industry, any secret or confidential information concerning the business of such member.

(c) Disseminating, publishing, or circulating any false or misleading information relative to any product, or price for any product, of any member of the Industry, or the credit standing or ability of any member thereof to perform any work or manufacture or produce any product in the Industry or to the conditions of employment among the employees of any member thereof.



(d) Payment or allowing to any purchaser in connection with the sale of any product any rebate, commission, credit, discount, or similar concession other than is permitted by the Code and specified in the order or contract of sale.

(e) Inducing, or attempting to induce, by any means any party to a contract with another member of the Industry operating under this Code to violate such contract.

(f) Aiding or abetting any member of the Industry in any unfair practice in the Industry.

(g) Making or giving to any purchaser of any product of the Industry any guarantee or protection in any form against decline in the market price of such product.

(h) Making any sale or contract of sale of any product of the Industry under any misleading or false description.

(i) Making excessive allowances or adjustments to a customer for alleged defective merchandise or alleged shortages.

(j) Improperly dating any invoices.

(k) Making of more favorable terms of payment than the standard terms adopted by the Industry which are 30 days net, 1% for cash if paid within 10 days. These terms may be extended to 1% on the 25th of the month on invoices dated from the first to the fifteenth of the month, and 1% on the 10th proximo for invoices dated from the 16th to the end of the month.

(l) Making contracts or accepting firm order for a term exceeding three months from the beginning of the month next following the date of contract or contracts for other than a definitely stated quantity, plus or minus 10%; or making contracts or accepting firm orders which do not contain the following clause which is a part of the standard contract as adopted by the industry: "Prices on any undelivered portion of this contract are subject to increases or decreases due to federal legislation affecting the sellers cost and delivery may be modified to the extent necessitated by any such governmental actions or legislation or strikes or labor trouble or conditions over which we have no control."

(m) Extending any contract beyond its date of maturity.

(n) Failure to use quantity differentials which may be adopted by each member of the Industry, and filed with the Code Authority.

#### ARTICLE VIII—INDUSTRY REGULATIONS

Every manufacturer shall use an accounting and cost-finding system which conforms to the principles of, and is at least as detailed and complete as the uniform and standard method formulated or approved by the Code Authority, subject to the approval of the Administrator.

No manufacturer shall sell or exchange any product of his manufacture at a price that will result in the customer paying for the goods received less than the cost to the seller, such costs to be determined in accordance with the uniform and standard methods hereinabove prescribed.

#### ARTICLE IX—GENERAL

(a) Each employer shall post in conspicuous places full copies of this Code.



(b) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from 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.

(c) 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

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

(e) This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision 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 Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

(f) Within each State, members of the Industry shall comply with any laws of such State imposing more stringent requirements regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

(g) Where the costs of executing contracts entered into in this Industry are increased as a result of the enactment of the Act and by the provisions of this Code, or where any contracts entered into by an employer subject to this Code, are inconsistent with the provisions thereof, it is equitable and promotive of the purposes of the Act that appropriate adjustments of such contracts be arrived at by arbitral proceedings or otherwise and with the assistance of the Code Authority members of the Industry will endeavor to make such adjustments.

(h) Such of the provisions of this Code as are not required to be included therein by the 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 the other purposes and policies of Title I of the Act consistent with the provisions thereof.

(i) No provision in this Code shall be interpreted or applied in such manner as to: (1) Promote monopolies or monopolistic practices, (2) permit or encourage unfair competition, (3) eliminate or oppress small enterprises, or (4) discriminate against small enterprise.

(j) If any employer in this Industry is also an employer in any other industry, the provisions of this Code shall apply to and affect only that part of the business of such employer which is a part of the Industry covered by this Code.

(k) This Code shall be in effect immediately upon its approval by the President and shall apply to all persons engaged in the Industry.