

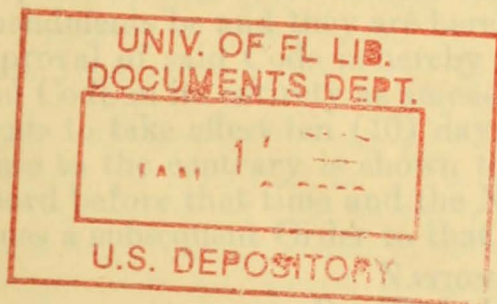
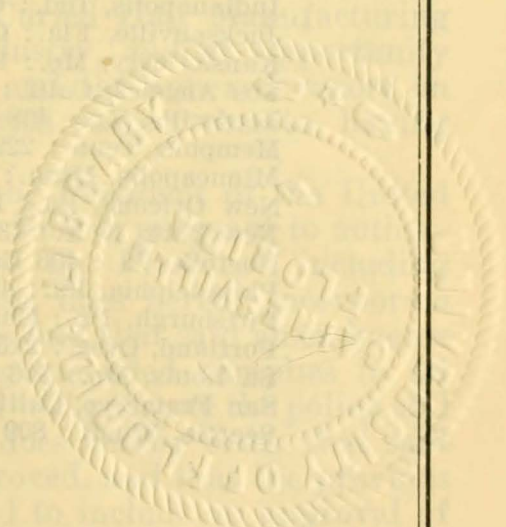
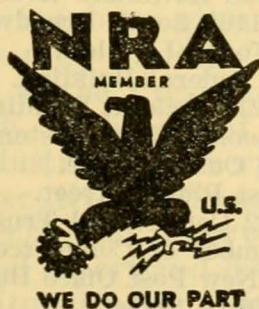
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

CURLED HAIR MANUFACTURING
INDUSTRY AND HORSE HAIR
DRESSING INDUSTRY

AS APPROVED ON FEBRUARY 6, 1935



UNITED STATES
GOVERNMENT PRINTING OFFICE
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Approved Code No. 427—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CURLED HAIR MANUFACTURING INDUSTRY AND HORSE HAIR DRESSING INDUSTRY

As Approved on February 6, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE CURLED HAIR MANUFACTURING INDUSTRY AND HORSE HAIR DRESSING 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 amendments to a Code of Fair Competition for the Curled Hair Manufacturing Industry and Horse Hair Dressing Industry, and an opportunity to be heard thereon having been given and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendments and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendments to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent Order to that effect.

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

Approval recommended:

PRENTISS L. COONLEY,
Division Administrator.

WASHINGTON, D. C.,
February 6, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on amendments to the Code of Fair Competition for the Curled Hair Manufacturing Industry and Horse Hair Dressing Industry. Notice of Opportunity to be Heard on these amendments was published on December 21, 1934; no objections were received within the given twenty (20) day period ending January 10, 1935. The amendments, which are attached, were presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, and being the duly constituted Code Authority for the Curled Hair Manufacturing Industry under the provisions of said Code for said Industries.

These amendments provide for: deletion from the Code as it is now written of all reference to the Horse Hair Dressing Industry (this Industry is operating under an approved Basic Code of Fair Competition; deletion from the Code as it is now written of all reference to "Administrator" and amending the Code to include a definition of "National Industrial Recovery Board"; and deletion from the Code as it is now written of Article VIII "Merchandising" and substituting therefore "Open Price Filing" as set forth in Office Manual, Part II, Section 3031.152.

The Deputy Administrator in his final report to the National Industrial Recovery Board on the said amendments to the said Code having found as herein set forth, and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) The amendments to the said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industry, 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) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

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

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

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

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

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 6, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CURLLED HAIR MANUFACTURING INDUSTRY AND HORSE HAIR DRESSING INDUSTRY

Delete all reference to the Horse Hair Dressing Industry wherever any words referring to such Industry may occur.

ARTICLE II—DEFINITIONS

Delete Section 3 of Article II—Definition of Horse Hair Dressing Industry—and renumber Sections 4, 5, 6, and 7 to read Sections 3, 4, 5, and 6, respectively.

Delete all reference to “Administrator” and substitute therefore “N. I. R. B.”, making the necessary changes in verbs and pronouns after the term “N. I. R. B.”, and amend Section 7 to read as follows:

6. The terms “Act” and “N. I. R. B.” as used herein mean, respectively, Title I of the National Industrial Recovery Act and the National Industrial Recovery Board.

ARTICLE VI—ADMINISTRATION

Delete all reference to a Code Authority for the Horse Hair Dressing Industry—Section 1 of Article VI—so that Section 1 of Article VI will read as follows:

1. A Code Authority is hereby established to cooperate with the N. I. R. B. in the administration of this Code and shall consist of three (3) members who shall be chosen by the Curled Hair Manufacturing Industry through a fair method of selection approved by the N. I. R. B. The N. I. R. B. in its discretion may appoint not more than three (3) additional members without vote and without compensation from the Industry to serve for such period of time and to represent the N. I. R. B. or such group or groups as it may designate.

Delete Article VIII—Merchandising—and substitute therefore the following:

ARTICLE VIII—OPEN PRICE FILING

1. Each member of the Curled Hair Manufacturing Industry shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the N. I. R. B., identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Article referred to as “price terms”, which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the industry as are sold or offered for sale by said member and for such nonstandard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within (15) days after the date of ap-

proval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof, and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the industry and their customers, as aforesaid; provided that prices filed in the first instance shall not be released until the expiration of the aforesaid fifteen day period after the approval of this provision. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the N. I. R. B. Upon request, the Code Authority shall furnish to the N. I. R. B., or any duly designated agent of the N. I. R. B., copies of any such lists or revisions of price terms.

2. When any member of the industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

3. No member of the industry shall sell or offer to sell any products/services of the industry, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

4. No member of the industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.



approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegram or other equally prompt means notify said member of the time of such receipt. Such lists and revisions together with the effective time thereof shall upon receipt be immediately and simultaneously distributed to all members of the industry and to all of their customers who have applied therefor and have agreed to accept the cost actually incurred by the Code Authority in the preparation and distribution thereof, and be available for inspection by any of their customers at the office of such agent. Lists and revisions of any part thereof shall not be made available to any person until released to all members of the industry and their customers, as aforesaid; provided that prices filed in the first instance shall not be released until the expiration of the aforesaid fifteen day period after the approval of this provision. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the N. I. R. B. Upon request, the Code Authority shall furnish to the N. I. R. B. or any duly designated agent of the N. I. R. B. a copy of any and all lists and revisions of price terms filed by any member of the industry as filed and revised, such member shall not file a higher price within forty (40) days.

3. No member of the industry for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms of aforesaid Article, shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion or any other influence inconsistent with the maintenance of the free and open market, which acts the purpose of this Article to create.

Delet Article VIII - Merchandise and substitute therefor the following:

Article VIII - Open Price Fixing

1. Each member of the United States Manufacturing Industry shall file with a confidential and detailed agent of the Code Authority a list of his prices, discounts, rebates, allowances, and other terms or conditions of sale, hereinafter in this Article referred to as "price lists," which shall be filed with the Code Authority and distributed to all members of the industry and to all of their customers who have applied therefor and have agreed to accept the cost actually incurred by the Code Authority in the preparation and distribution thereof, and be available for inspection by any of their customers at the office of such agent. Lists and revisions of any part thereof shall not be made available to any person until released to all members of the industry and their customers, as aforesaid; provided that prices filed in the first instance shall not be released until the expiration of the aforesaid fifteen day period after the approval of this provision. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the N. I. R. B. Upon request, the Code Authority shall furnish to the N. I. R. B. or any duly designated agent of the N. I. R. B. a copy of any and all lists and revisions of price terms filed by any member of the industry as filed and revised, such member shall not file a higher price within forty (40) days.