

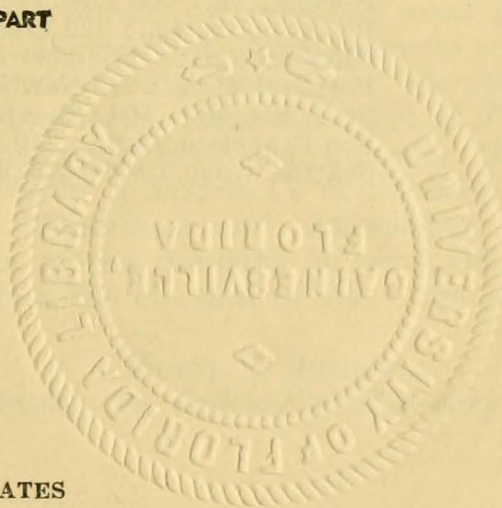
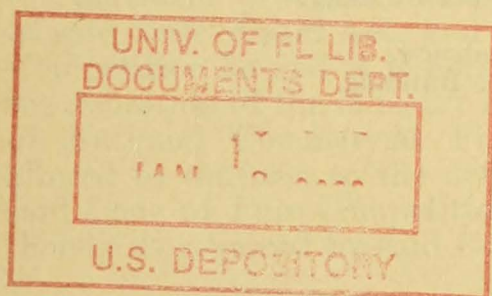
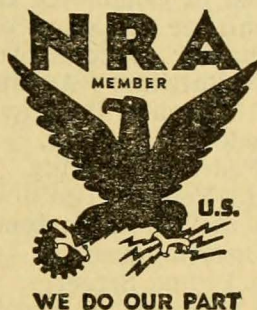
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

COMMERCIAL FIXTURE
INDUSTRY

AS APPROVED ON MAY 3, 1934

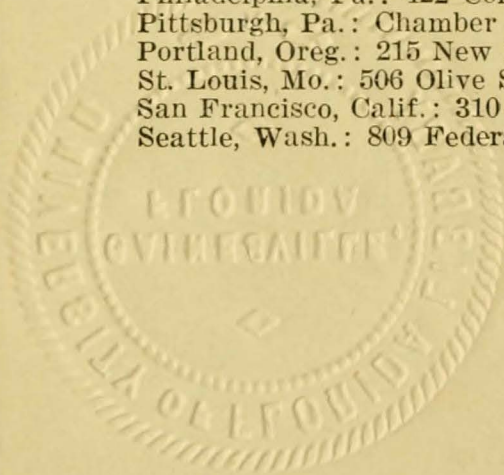


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Approved Code No. 415

CODE OF FAIR COMPETITION
FOR THE
COMMERCIAL FIXTURE INDUSTRY

As Approved on May 3, 1934

ORDER

**APPROVING CODE OF FAIR COMPETITION FOR THE COMMERCIAL FIXTURE
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 the Code of Fair Competition for the Commercial Fixture Industry, and hearings having been duly held thereon and the annexed report of 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; provided, however, that the definition of the industry as set forth in Article IV of the Bylaws of National Commercial Fixture Manufacturers' Association be altered to conform to the definition of the industry as set forth in said Code of Fair Competition before the election of the Code Authority as required by said Code.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

A. R. GLANCY,
Divisional Administrator.

WASHINGTON, D.C.,
May 3, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Commercial Fixture Industry in the United States, as revised after the hearing conducted in Washington on December 7, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO HOURS, WAGES, AND GENERAL LABOR PROVISIONS

This Code provides for a maximum work week of forty (40) hours with the following exceptions and exemptions:

(a) Employees engaged as truck drivers who shall not be permitted to work in excess of forty-four (44) hours in any one week.

(b) Employees engaged as watchmen and firemen in manufacturing operations who shall not be permitted to work in excess of an average of forty-eight (48) hours per week in each two weeks period.

(c) Employees engaged in executive or managerial work who receive thirty-five dollars (\$35.00) or more per week and traveling salesmen.

(d) Employees engaged on emergency maintenance or emergency repair work.

This Code establishes a minimum rate of pay of forty cents (40¢) per hour except for take-off boys (machine tailers) who shall be paid not less than eighty percent of this rate.

No person under sixteen years of age shall be employed in this industry and no person under eighteen years shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code further provides that no member of the industry 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.

The Code further provides that each member of the industry shall comply with the regulations of the Administrator as to posting this Code or portions of it and requires the payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. The Code further provides that no employee shall be dismissed by reason of making a complaint or giving evidence with respect to a violation of this Code.

ECONOMIC EFFECTS OF THE CODE

According to the statistical analysis of the Division of Research and Planning, the total sales of the products of seventy-three (73)

reporting concerns of this Industry have decreased from \$27,968,365.00 in 1929 to \$6,610,913.00 in 1932, or a shrinkage of 74.6% in four years. Factory wages have likewise declined from approximately \$9,434,229.00 in 1929 to \$1,390,272.00 in 1933. The Industry is to a large extent influenced by the depression in the business of retail stores, the largest users of the products of this Industry.

From the data furnished to the Division of Research and Planning, it would appear that approximately 218 wage earners should be re-employed under the forty (40) hour week provided by the Code. Further re-employment will be dependent on and in direct proportion to the trend of construction of new and the alteration and rehabilitation of existing retail stores and similar establishments. The minimum wage rate established in this Code should increase the wages of approximately 26% of the factory wage earners in this Industry, and further equitable re-adjustment of wages is provided for all employees receiving more than the minimum wage rate.

FINDINGS

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 for 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 I 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 group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(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.

(g) The evidence submitted in support of the southern differential is not convincing and provision has been made for an investigation of said differential with a view towards its elimination, if possible.

For these reasons, therefore, I have approved this Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

MAY 3, 1934.

CODE OF FAIR COMPETITION FOR THE COMMERCIAL FIXTURE INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Commercial Fixture Industry and its provisions shall be the standard of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Commercial Fixture Industry", or "industry", as used herein, is defined to mean and include the fabricating and assembling of products of this industry and/or installing of such products.

SECTION 2. The term "products of the industry" or "products", as used herein, is defined to mean and include cases, shelving, cabinets, tables and bank fixtures for the purpose of displaying, merchandising, and/or storing and including such other interior treatment in connection therewith for any specific project to complete the service, merchandising, storing or the decorative plan. This definition specifically excludes (1) products predominantly made of metal, (2) commercial refrigerators, (3) refrigerated display counters or cases, and (4) the cooling or refrigerating agencies therefor.

SECTION 3. The term "member of the industry" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

SECTION 4. The term "employee" as used herein, includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 5. The term "employer" as used herein, includes anyone by whom such employee is compensated or employed.

SECTION 6. The term "Association" as used herein, is defined to mean the National Commercial Fixture Manufacturers' Association.

SECTION 7. The terms "Act," and "Administrator" as used herein, mean, respectively, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 8. The term "southern section" as used herein, is defined to mean the following states: South Carolina, Georgia, Florida, Arkansas, Alabama, Mississippi, Louisiana, Arizona, Oklahoma, Texas and New Mexico.

ARTICLE III—HOURS

SECTION 1. *Maximum Hours.*—No employee shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours

in any twenty-four (24) hour period, or five (5) days in any one week, except as herein otherwise provided.

SECTION 2. *Exceptions as to Hours.*—Excepted shall be employees engaged in drafting and designing work, who shall not be permitted to work in excess of forty (40) hours per week.

SECTION 3. Excepted also shall be clerical and office employees, who shall not work or be permitted to work in excess of forty (40) hours per week or five and one-half (5½) days in any one week.

SECTION 4. Excepted also shall be truck drivers, who shall not work or be permitted to work in excess of forty-four (44) hours in any one week.

SECTION 5. Excepted also shall be watchmen and firemen engaged in manufacturing operations, who shall not be permitted to work in excess of an average of forty-eight (48) hours per week in each two weeks' period.

SECTION 6. *Exemptions as to Hours.*—Excepted also shall be employees engaged in executive or managerial work who receive thirty-five (\$35.00) dollars or more per week, and traveling salesmen.

SECTION 7. The maximum hours fixed in the foregoing provisions shall not apply to employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least one and one-half (1½) times the normal rate shall be paid for hours worked in excess of the maximum hours herein provided.

SECTION 8. *Employment by Several Employers.*—No member of the industry shall knowingly permit any employee to work for any time which, when totaled with that already performed with another member or members of the industry, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. *Minimum Wages.*—No employee shall be paid in any pay period less than at the rate of forty (40) cents per hour, with the exception of take-off boys (machine tailers) who shall be paid not less than eighty (80) percent of this rate, provided however that such take-off boys shall be limited in any calendar month to one for each twenty employees employed by any one employer (accounting and clerical employees excepted) but in any event each establishment may employ one such take-off boy; provided further that such take-off boys shall not be employed for more than six (6) months at a rate less than the forty (40) cents per hour minimum established above.

SECTION 2. *Piece-work Compensation—Minimum Wages.*—This Article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece-work or other basis.

SECTION 3. *Female Employees.*—Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 4. *Evasion through Re-employment.*—No employee now employed at a rate in excess of the minimum shall be discharged and re-employed, or replaced by another, at a lower rate for the purpose of evading the provisions of this Code.

SECTION 5. *Wages above Minimum.*—On or before the effective date every employer shall make an equitable adjustment of all wage rates above the minimum. In no case shall wage rates be reduced, notwithstanding that the number of hours worked in such employment may be hereby decreased. No change shall be made in piece-work rates which will reduce the hourly or daily earnings of piece workers. The action taken by each employer in accordance with this provision shall be reported to the Code Authority within thirty (30) days after the effective date of this Code and to the Administrator on his request and shall be subject to the Administrator's review and disapproval.

SECTION 6. *Handicapped Employees.*—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 a 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.

SECTION 7. *Southern Differential.*—The minimum wage of employees in the southern section shall be ten (10) percent less than the minimum wages provided in paragraph (1) of this Article IV. This differential shall be the subject of investigation and research by the Code Authority with a view to its elimination at the earliest time practicable to the industry.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. *Child Labor Provisions.*—No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator within sixty (60) days after the effective date of this Code a list of such operations or occupations. In any State a member of the industry shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the agency in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. *Provisions from the Act.*—In compliance with Section 7 (a) of the Act it is provided:

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

SECTION 3. *Payment of Wages.*—All members of the industry shall may payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Employers shall agree that wages shall be paid at the end of each weekly period. These wages shall be exempt from any payment for pensions, insurance or sick benefits other than those voluntarily paid by employees or required by law. Members of the industry or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this section regarding payment of wages at the end of each weekly period shall not apply to persons employed in a managerial or executive capacity who earn not less than thirty-five (\$35.00) dollars per week, nor to persons employed in clerical or office work. Employers shall agree that the wages for persons employed in clerical or office work shall be paid at the end of pay periods not to exceed semi-monthly periods.

SECTION 4. *Industrial Relations Board.*—There may be established for the industry a National Planning and Adjustment Board consisting of an equal number of representatives of employers and employees to which shall be referred and which shall deal with all matters relating to the promotion of better relations between employers and employees within the industry and the furtherance of other matters of their mutual interest. The Board may select an impartial chairman, subject to the approval of the Administrator, who shall vote only when the Board is unable to reach a decision, and all actions, findings, rulings and determinations of the Board shall be subject to the right of review by the Administrator. The creation and functioning of the Board, including the selection of representatives of employees, shall be in accordance with Section 7 of the Act. The National Planning and Adjustment Board may establish such subsidiary agencies constituted in like manner as it finds necessary.

SECTION 5. *Reclassification of Employees.*—No member of the industry 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.

SECTION 6. *State Laws.*—No provision of this Code shall supersede any State or Federal Law which imposes on members of the industry 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.

SECTION 7. *Posting.*—Each member of the industry shall comply with the rules and regulations of the Administrator as to posting this Code or portions thereof.

SECTION 8. *Standards for safety and Health.*—Every employer shall make reasonable provision for the safety and health of his em-

ployees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six (6) months after the effective date of this Code.

SECTION 9. *Dismissal*.—No employee shall be dismissed by reason of making a complaint or giving evidence with respect to a violation of this Code.

ARTICLE VI¹—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. A Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 2. The Code Authority shall consist of five (5) members to be selected from members of the industry who are eligible under Section 8 of this Article at the time of election.

The members of the industry shall elect industry members of the Code Authority by a majority vote of members of the industry participating in the election. Members of the Code Authority shall be elected from directors, officers, or executives of members of the industry. As many as but not exceeding two (2) of such industry members of the Code Authority shall be selected from those members of the industry which are not members of the Association. The complement of the industry members of the Code Authority shall be selected from members of the industry which are members of the Association.

SECTION 3. The Association is hereby designated as an agency to conduct the election of the members of the Code Authority within fifteen (15) days after the effective date of this Code, and any other elections of members of the Code Authority which may thereafter be held. Members of the Code Authority shall be elected to serve for a term of one (1) year or until their successors are elected at the next annual meeting of the members of the industry. In the event of any vacancy in the membership of the Code Authority, a meeting of the members of the industry shall be called and an election shall be held within thirty (30) days after such vacancy shall have occurred to fill the incomplete terms of such membership. Notices of the time and place of each election shall be sent to all members of the industry and to the Administrator at least ten (10) days in advance of such election. Voting at each election may be by person, by proxy or by letter ballot. Each member of the industry shall have one (1) vote.

The Administrator may make such temporary appointments to the Code Authority as he may deem necessary in the case of and for the period of any vacancy.

No member of the Code Authority shall act in any matter involving a member of the industry by whom he is employed or with whom he is associated or affiliated.

Members of the industry violating any of the provisions of this Code shall not be entitled to representation on or participation in

¹ See paragraph 2 of order approving this Code.

the selection of the members of the Code Authority for such period as the Administrator may prescribe.

SECTION 4. In addition to membership as provided above, there may be not more than three (3) members, without vote, to be appointed by the Administrator, to serve for terms of from six (6) months to one (1) year so arranged that the terms do not expire at the same time.

SECTION 5. The representatives who may be appointed by the Administrator together with the Administrator shall be given notice of and may sit at all meetings of the Code Authority.

SECTION 6. 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 7. 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 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, or any sub-Code Authority.

SECTION 8. 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 by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

SECTION 9. 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 the Code, except for his own wilful misfeasance or non-feasance.

SECTION 10. The Code Authority shall have the following powers and duties to the extent permitted by the Act; provided, that, if the Administrator shall determine 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 the 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 (30) days' notice to him of intention to proceed with such action in its original or modified form:

(a) To execute the provisions of this Code and provide for the compliance of the industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of this Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code, and to provide for submission by members of such 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 to such administrative and/or government 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 report shall be disclosed to any other member of the industry or any other party except to such governmental 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 secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) 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 the Code.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other and measures for industrial planning including stabilization of employment.

(i) To recommend to the Administrator procedure with respect to credits, collections, and marketing, and such rules and regulations as may be necessary with respect to (1) collection and interchange of credit information; (2) cooperative administration of insolvent debtors' affairs; (3) terms of sale; (4) relationship with wholesale dealers and other distributors, and/or (5) other aspects of credits, collections and marketing.

(j) To appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

ARTICLE VII—TRADE PRACTICE RULES

For all purposes of the Code the acts described in this Article shall constitute unfair practices. Any member of the industry who shall

directly, or indirectly through any officer, employee, agent, or representative, knowingly use, employ, or permit to be employed, any of such unfair practices shall be guilty of a violation of the Code.

RULE 1. No member of the industry shall use or publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 2. No member of the industry shall make false or disparaging statements with respect to a competitor's business, methods, practices or products.

RULE 3. No member of the industry shall sell or furnish any material, industry product, labor or service, below his allowable cost, except to meet the competition of a member of the industry whose allowable costs are lower.

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the industry. After such system and methods have been formulated, and approved by the Administrator, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods. Obsolete fixtures, repossessed products, or surplus stocks and inventories which must be converted into cash to meet immediate needs may be sold at such prices as are necessary to effect a sale, provided that all such sales are reported to the Code Authority within ten (10) days after the sale is made or contract to sell entered into. No member of the industry who, having once classified any design, pattern or specification of a product of this industry as obsolete shall continue to manufacture such pattern, design or specification for the purpose of defeating the provisions of this rule.

RULE 4. No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

RULE 5. No member of the industry shall offer or make any secret or discriminatory payment or allowance or a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry offer or extend to any customer any secret discriminatory service or privilege for the purpose of influencing a sale.

RULE 6. 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 member of the industry of such employee, the principal of such agent or the represented party, without the knowledge of such member of the industry, principal or party. This 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.

RULE 7. No member of the industry shall attempt to induce the breach of an existing contract between a competitor or customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

RULE 8. No member of the industry shall combine quotations or contracts for any product of this industry with any quotation or contract for any other material, labor or service, for the purpose and with the intent of concealing the true selling price of the product of this industry.

RULE 9. No member of the industry shall post-date or pre-date any contract, invoice, quotation or receipt, withhold from or insert in any contract, invoice, quotation or receipt any statement which makes such contract, invoice, quotation or receipt a misleading or inaccurate statement either in whole or in part, or accept or offer to accept any such contract with the effect of injuring the business of a competitor or violating the provisions of this Code.

RULE 10. No member of the industry shall offer or give prizes, premiums, or gifts, in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

RULE 11. No member of the industry shall secure or attempt to secure confidential information concerning the business of a competitor by a false or misleading statement or representation or by false impersonation of one in authority by bribery or any other unfair method.

RULE 12. No member of the industry shall intentionally imitate or misappropriate the trade marks, trade designs or trade brands of a competitor for the purpose or with the intent of deceiving any purchaser or prospective purchaser. No member of the industry shall copy designs, plans, or specifications prepared by a competitor for a specific project, or bid on designs, plans or specifications submitted to a prospective customer by a competitor for a specific project, under conditions creating a fiduciary relationship between such competitor and his prospective customer, without the knowledge and consent of such competitor.

RULE 13. No member of the industry shall ship commodities on consignment, except under circumstances to be defined by the Code Authority, subject to review and disapproval by the Administrator.

RULE 14. No member of the industry shall cancel in whole or in part, or permit the cancellation in whole or in part, of any contract of sale except for an equitable consideration.

RULE 15. No member of the industry shall brand, mark, or represent any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation of such goods.

RULE 16. No member of the industry shall make plans, drawings, or specifications for use by the customer for the purpose of obtaining competitive bids, without a bona fide agreement with the customer to pay the members of the Industry providing such plans,

drawings, or specifications an amount not less than the actual cost of such service.

RULE 17. No member of the industry shall recall or revise or offer to recall or revise any quotation whether oral or written (submitted in competition to a buyer) for the purpose or with the intent of submitting a more favorable price, discount, term or condition of sale, unless there had been a bona fide revision in the plans, specifications or other estimating or purchasing data forming the basis of the original quotation, or a new request for bids.

RULE 18. No member of the industry shall make a fake or fictitious bid for the purpose of deceiving competitors and securing an undue advantage.

RULE 19. No member of the industry shall induce or attempt to induce an architect, contractor, or builder to reveal any information, or otherwise surreptitiously obtain information relative to competitors' bids, which would give an advantage in the preparation of a bid.

RULE 20. No member of the industry shall make a sale of industry products contingent upon the sale of the products of any other industry; and each member of the industry shall quote separately on industry products and non-industry products.

RULE 21. No member of the industry shall combine the requirements for the products of this industry for two or more distinct and separate projects in one quotation to the same purchaser for the purpose and with the intent of concealing the true selling price for the products of each or all of such projects. Under this section a project shall be considered distinct and separate from another project unless constructed on the same site and the awarding authority, including the owner, and his agents (including the architect and the engineer) are the same entities.

RULE 22. No member of the industry shall depart from plans and specifications when quoting on contract requirements for the purpose or with the effect of misleading the buyer as to the grade, quality or quantity of products offered or sold, or substitute any material without clearly identifying the nature of such substitute material.

RULE 23. Nothing in this Code shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on complaint, finding, and order that any practice or method is unfair, provided that such adjudication or holding is not inconsistent with any provision of the Act.

ARTICLE VIII—EXPORT TRADE

1. 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.

2. Subject to the approval of the Code Authority, the exceptions established by this Article shall apply also to sales or shipments of materials actually used in manufacture for export trade.

ARTICLE IX—MODIFICATION

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.

2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application through the Code Authority to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

ARTICLE X—MONOPOLIES, ETC.

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

ARTICLE XI—APPEALS

1. An interested party shall have the right of complaint to the Code Authority and of a prompt hearing and decision under such rules of procedure and proper charges to cover cost of investigation and hearing as it may prescribe, in respect to any decision, rule, regulation, order or finding made by the Code Authority.

2. Any interested party shall have the right of appeal to the Administrator, under such rules and regulations as he may prescribe, in respect to any decision, rule, regulation, order or finding made by the Code Authority.

ARTICLE XII—REGISTRATION OF MEMBERS OF THE INDUSTRY

SECTION 1. Every person subject to this Code of Fair Competition shall comply with the rules and regulations of the Administrator as to registration with the Code Authority, or such other agency as the Administrator may direct and including, but without limitation, the number of shops, establishments or separate units thereof and their location, as well as each additional shop, establishment or separate unit opened after registration.

ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 415.

Registry No. 316-01.

UNIVERSITY OF FLORIDA



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