

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

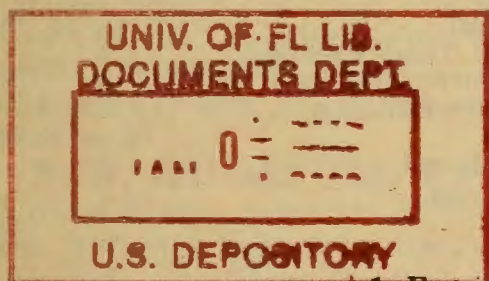
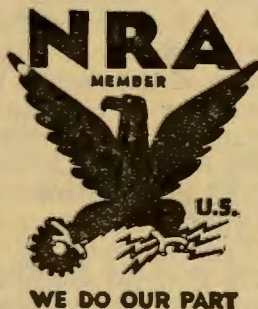
FURNITURE MANUFACTURING

INDUSTRY

AS APPROVED ON DECEMBER 7, 1933

BY

PRESIDENT ROOSEVELT



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

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Approved Code No. 145

CODE OF FAIR COMPETITION
FOR THE
FURNITURE MANUFACTURING INDUSTRY
AS APPROVED ON DECEMBER 7, 1933
BY
PRESIDENT ROOSEVELT

Executive Order

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 Furniture Manufacturing 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 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 the findings and approve the report and recommendations of the Administrator and do order that the said Code of Fair Competition be, and it is hereby, approved.

FRANKLIN D. ROOSEVELT.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 7, 1933.

(551)

NOVEMBER 18, 1933.

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Furniture Manufacturing Industry in the United States as revised after a hearing conducted in Washington, D.C., on October 9, 1933, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS OF THE CODE AS TO HOURS AND WAGES

The Code provides for an average forty-hour week and an eight-hour day. Though a maximum work week of forty-five (45) hours is established to provide for seasonal production requirements, all hours worked in excess of eight in any one day must be paid for at the rate of time and one half with certain exceptions. Hourly tolerances are provided for emergency repair crews, firemen, engineers, shipping crews, watchmen, truck drivers, designers, traveling salesmen, and persons engaged in executive or supervisory capacities, who earn \$35.00 a week or more.

A minimum hourly rate of 34 cents is provided for all employees except those in the southern states where the minimum rate is 30 cents an hour, and for employees in factories, the output of which consists of more than 90% of chairs with double woven cane seats, who shall be paid at the rate of not less than 30 cents an hour.

Apprentices for a period not to exceed four months shall be paid not less than 80% of the minimum rates, but the total number of apprentices is limited to 5% of the total number of factory employees in any establishment. Factory watchmen, gate watchmen, yard men, and yard lumber handlers may also be paid at the rate of not less than 80 percent of the minimum rates, but the total of such employees is limited to 5 percent of the total number of factory workers. The minimum rates are established regardless of whether the employee is compensated on a time rate, piecework, or other basis, and it is provided that no employee shall be paid a wage rate which shall yield a less wage for a week of forty hours than employees were receiving for the same class of work for the normal working week of forty-eight hours or more immediately preceding June 16, 1933.

The minimum wage rates apply only to employees engaged on the single daylight shift occurring between the hours of 7 A.M. and 5 P.M. Employees working on a shift, any part of which occurs after 5 P.M. or before 7 A.M. shall be paid at the rate of not less than one and one half times the rate paid employees engaged in the daylight shift for the same class of work. This provision does not become effective until thirty days after approval of this Code.

Employees shall not be reclassified for the purpose of defeating the provisions of the Act or of the Code.

No person under 16 shall be employed and no person under 18 shall be employed in hazardous occupations.

ECONOMIC EFFECTS OF THE CODE

The Furniture Industry is a highly competitive one and the return upon capital invested has been low even in the most prosperous times. In 1928, which probably could be called an average year, the profits were 3.42 percent of the sales and 4.07 percent on capital invested. Since 1928 there has been a steady decline in the industry, and the average operating loss in 1932, based on net sales, was 20 percent. However, the response of the industry to the President's Reemployment Agreement and its presentation of this Code has demonstrated a splendid spirit of cooperation with the purposes of the National Industrial Recovery Act.

Available statistical data indicate that because of the provisions of the Code reducing the number of hours that employees may be worked, the industry will absorb all of the workers normally employed in factories now in operation, and, in addition, a very large proportion of the furniture workers who have been unemployed as a result of the closing of several hundred plants in the past few years.

In June 1933 more than 58 percent of the employees in northern factories and 68 percent of employees in southern factories, more than 54,000 workers in all, earned less than the minimum rates established by the Code. The increase in wages that these employees will receive in many cases amounts to more than twice the wages that they have heretofore been receiving. Adjustment of salaries of those receiving more than the prescribed minimum-wage rates will increase the salaries of approximately 36,000 workers.

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 Furniture Manufacturing 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

FURNITURE MANUFACTURING 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 Furniture Manufacturing Industry, and upon approval by the President, shall be the standard of fair competition for the Industry, and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "*Industry*", as used herein means the manufacture or production for sale of products, other than mattresses, pillows, and box springs, commonly known as "household furniture", whether used in the home or elsewhere; wood office chairs, wood office desks, and wood office tables, parlor frames, chairs in the white, furniture parts made of wood, and other unfinished household furniture; provided, however, that organizations or groups of manufacturers representing kinds or types of furniture or furniture parts not specifically named herein, may become parties to or be exempted from this Code upon approval by the Administrator.

The term "furniture parts made of wood" as used in the first paragraph of this article, means wood parts for furniture where the process of manufacture has advanced so far that the product can be used only in the production of furniture, but not including hardwood dimension stock nor plywood, as defined in the Code for the Lumber and Timber Products Industry, and for sale as such.

2. The terms "*President*", "*Act*", and "*Administrator*" as used herein shall mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator of Title I of said Act.

3. The term "*manufacturer*", as used herein, includes anyone engaged in the industry as above defined, either as an employer or on his own behalf.

4. The term "*employee*", as used herein, includes any person engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

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

6. The term "*furniture*", as used herein, means any product of the Industry.

ARTICLE III—HOURS

1. No employee in the industry shall be permitted to work in excess of an average of forty (40) hours per week during the period prior to April 1, 1934, and each six months' period thereafter, but not more than forty-five (45) hours in any one week, provided that all hours worked in excess of eight (8) in any day shall be paid for at one and one half times the regularly hourly rate, except as follows:

(a) No employee in the industry shall be permitted to work in excess of forty (40) hours per week during the period prior to January 1, 1934, except as otherwise provided in paragraphs (b), (c), (d), (e), and (f) of this Article.

(b) A tolerance of twenty-five percent in the hours specified above shall be permitted in any week for emergency maintenance and emergency repair crews, provided that no such employees shall be permitted to work in excess of an average of forty hours per week in each two weeks' period.

(c) A tolerance of ten percent in the hours specified above shall be permitted for firemen, engineers, and shipping crews.

(d) Designers and persons engaged in executive and/or supervisory capacity, who are earning \$35.00 or more per week, and traveling salesmen. Working foremen are not excepted from the minimum hours specified above.

(e) Watchmen and night firemen shall be permitted to work not to exceed an average of forty-eight hours per week in each two weeks' period.

(f) Truck drivers operating on trips normally requiring more than eight hours, except in cases of unavoidable delay due to breakdown or accident, shall be subject to hours of labor of a code hereafter to be adopted for the trucking industry.

2. No manufacturer availing himself of the averaging privilege may use the device of temporarily laying off of successive groups of workers for the purpose of operating his entire plant forty-five hours per week continuously through the full averaging period.

ARTICLE IV—WAGES

1. Except as provided in subsection (b) of this Section:

(a) No employee in the States of Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas, and that part of the State of Missouri south and west of an air line beginning at Thayer in Oregon County to Buffalo in Dallas County, thence directly west to the Kansas State line; and no employee in any factory, the output of which consists of more than 90% of chairs with double woven cane seats, shall be paid at less than the rate of 30 cents per hour.

(b) No other employee shall be paid at less than the rate of 34 cents per hour.

2. *Exceptions.*—No employee covered in paragraphs (a) and (b) of this Section shall be paid at less than 80% of the minimum wage rates prescribed in Section 1 of this Article, provided that in no case shall the weekly wage of factory watchmen be less than \$12.00 per week of forty (40) hours or more.

(a) Apprentices for a period of four months which shall be served not more than once in a lifetime of each apprentice; provided, that the total number of apprentices shall not exceed five percent of the total number of factory workers employed by any employer.

(b) Factory watchmen, gate watchmen, yardmen, and yard lumber handlers; provided, that the total number of such employees shall not exceed five percent of the total number of factory workers employed by any employer.

3. No employee shall be paid a wage rate which will yield a less wage for a week of forty hours than employees were receiving for the same class of work for the normal working week of 48 hours or over immediately preceding June 16, 1933.

4. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time-rate, piecework, or other basis.

5. The minimum wage rates provided for in Sections 1 and 2 of this Article apply only to employees engaged on the single daylight shift occurring between the hours of seven o'clock A.M. and five o'clock P.M.; any employee, with the exceptions specified, viz, subparagraphs (a), (b), (c), (d), and (e) of Section 1, Article III, working on a shift all or any part of which occurs after five o'clock P.M. or before seven o'clock A.M., shall be paid at the rate of not less than one and one half times the rate paid employees engaged in the daylight shift for the same class of work. The provisions of this Section shall not become effective until 30 days after approval of this Code by the President.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under 16 years of age shall be employed in the industry nor anyone under 18 years of age at operations or occupations, hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before January 15, 1934, a list of such occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly issued by the Authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

2. 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.

3. 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

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

5. Within each State this Code shall not supersede any laws of such States imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

6. No employer shall reclassify employees or duties of occupations performed for the purpose of defeating the provisions of the Act or of this Code.

7. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file with the Code Authority a list of all such persons employed by him.

8. Each employer shall post in conspicuous places accessible to employees full copies of this Code.

ARTICLE VI—ADMINISTRATION

1. To effectuate further the policies of the Act a Code Authority is hereby constituted to cooperate with the Administrator as the Administrative, Planning, and Fair Practice Agency for the Industry.

(a) The Code Authority shall consist of not less than twenty members, eleven to be selected by the National Association of Furniture Manufacturers, Incorporated, and seven to be selected by the Southern Furniture Manufacturers Association, together with the Managing Director of the National Association of Furniture Manufacturers, Incorporated, and the Secretary of the Southern Furniture Manufacturers Association, and such additional members as may be necessary to represent other groups as may come under this Code; all to be elected by a fair method of selection to be approved by the Administrator. The Government is to be represented on the Code Authority by two members without vote to be appointed by the Administrator for terms of from six months to one year arranged so that the terms do not expire at the same time.

(b) 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. The 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 to be taken into consideration.

(c) 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.

(d) 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, subject to the right of the Administrator on review to disapprove or modify any action taken by it:

(a) To present to the Administrator from time to time recommendations based on conditions in the furniture industry as they may develop which will tend to effectuate the operation of the provisions of this Code and the policy of the Act.

(b) To cooperate with the Administrator in making investigations as to the functioning and observance of any provisions of this Code at its own instance or on complaint by any person affected, and to report same to the Administrator.

(c) To issue rules, regulations, procedure, and interpretations as may be necessary to effectuate the provisions of this Code.

(d) In individual cases where the enforcement of this Code would create undue hardships, to modify, with the approval of the Administrator, the application of provisions of this Code except those which are mandatory under the Act and the provisions of Articles III, IV (except Section 5), and V hereof.

(e) To investigate and inform the Administrator as to the importation of competitive products into the United States in substantial quantities or in increasing ratio to domestic production on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code and as an agency for making complaint to the President on behalf of the furniture industry under the provisions of the Act, with respect thereto.

(f) To issue schedule of maximum trade discounts or allowances for volume purchases to govern the sales of furniture by furniture manufacturers, which, with the approval of the Administrator, after such notice and hearing as he shall prescribe, shall thereafter become a part of this Code.

(g) To designate an executive committee consisting of the Managing Director of the National Association of Furniture Manufacturers, Incorporated, and the Secretary of the Southern Furniture Manufacturers Association and two others from its membership, and such representation as may be designated by the President. The Code Authority may delegate to the Executive Committee such of its powers as it may deem necessary to effectuate the purposes of this Code and to represent the industry before the Administrator.

(h) To designate agencies or subcommittees for the various manufacturing areas or divisions, which agencies or subcommittees shall be representative of their respective areas or divisions, to assist it in making investigations as to the functioning and observance of the

provisions of this Code, under rules prescribed by the Code Authority and approved by the Administrator.

(i) From time to time to make to each association and/or division recognized or to be recognized as a part of the Industry under the provisions of this Code, such recommendations, including proposed amendments of the Code, as in their judgment will aid the effective administration of this Code or may be necessary to effectuate within the Industry the purpose of the Act.

3. Within sixty days after this Code goes into effect the Code Authority shall investigate and report to the Administrator concerning the question of home work.

4. In order to provide data necessary for the administration of the Act, as provided in paragraph (a) of Section 3 of the Act, members of the industry shall furnish certified statistical information with full protection to each member of the Industry as to the confidential nature of the data, such as reports dealing with wages, hours of labor, conditions of employment, number of employees, production, shipments, sales, and other data pertinent to the purposes of this Code and of the Act as may be required by the Administrator or by the Code Authority, subject to approval of the Administrator. The agencies collecting such statistics shall be the National Association of Furniture Manufacturers, Incorporated, the Southern Furniture Manufacturers Association, the National Association of Manufacturers of Wood Office Desks and Tables, and the Wood Office Chair Manufacturers Association, or any other agencies as may be designated by the Code Authority, subject to the approval of the Administrator. The Code Authority is hereby named as the agency for coordination of such statistics for the Administrator. All such information or copies thereof shall be furnished to the Administrator upon his request.

In addition to the information required to be submitted to agencies provided for in paragraph (1) of this Article, there shall be furnished to Government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act.

ARTICLE VII—COST PROTECTION

1. It is hereby declared to be the policy to be followed by all members of the industry to refrain from destructive price cutting. No furniture manufacturer, nor any partnership, corporation, firm, association, or institution owned or controlled by a furniture manufacturer, shall offer, sell, or exchange, or agree to sell or exchange, products of the furniture industry at a price or upon such terms or conditions that will result in the customer paying for such products less than their cost to the furniture manufacturer, except:

(a) To meet existing competition of lower cost producers on products of the same or equivalent design, character, quality, or specifications;

(b) As provided in Section (2) of this Article. In the case of orders for future delivery, the term "cost" shall be based upon the cost at the time of acceptance of the order.

2. Nothing in this section shall prevent any furniture manufacturer from selling at any price discontinued patterns (close-outs), which he shall not again manufacture: The Code Authority may require reports of all such sales, and, with the approval of the Administrator, may adopt rules to prevent the use of close-outs as an unfair trade practice.

3. The Code Authority is hereby empowered to establish uniform cost accounting methods for the Industry, subject to the approval of the Administrator.

4. For the purpose of encouraging accurate ascertainment of costs, furniture manufacturers may report costs of furniture to their trade associations to be summarized and which may be made available in consolidated form to those contributing to the summary provided that the name of those reporting shall not be divulged to any other furniture manufacturer.

ARTICLE VIII—TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the industry and are prohibited:

1. *Misrepresentation or False or Misleading Advertising.*—The making or causing or knowingly permitting to be made or published any false, materially inaccurate, or deceptive statement by way of advertisement or otherwise, whether concerning the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the industry, or the credit terms, values, policies, or services of any member of the industry, or otherwise, having the tendency or capacity to mislead or deceive customers or prospective customers.

2. *Secret Rebates.*—The secret payment or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or the secret extension to certain purchasers of special services or privileges not extended to all purchasers on like terms and conditions.

3. *Commercial Bribery.*—Directly or indirectly to give or permit to be given, or offer to give, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase from the makers of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors.

4. *Piracy of Design.*—The copying and/or reproducing of any exclusive design or pattern, original in design or treatment, owned by another furniture manufacturer, within two years of its introduction.

5. *Failure to Describe Products.*—The failure to furnish to the buyer on request a description of products, including the principal materials of which it is made and other important attributes.

6. *False Invoicing.*—The withholding from or insertion in any invoice of any statement making the invoice inaccurate in any mate-

rial particular, or which misrepresents the price or character of the material content of the merchandise billed.

7. *Terms of Sale.*—Selling on more favorable terms than net 60 days or 2% cash discount within 30 days from date of shipment; provided, that where it is the practice of a buyer to make monthly settlement of all invoices, the manufacturer may allow the deduction of the cash discount if payment is made not later than the 15th of the calendar month following dates of shipment.

Notes may be accepted at the option of the seller, but must carry interest at the rate of not less than 6 percent per annum to be paid by the maker, and the invoices of such cases shall not be subject to the cash discount. Anticipation of payment is permitted at the rate of one half of one (1) percent per month for the unexpired cash discount period. This provision shall not supersede any State law on the subject.

8. *Shipments.*—The making of sale other than on the basis of F.O.B. the factory, except where the buyer and seller are located in the same city or metropolitan trading area.

9. *Dating of Invoices.*—The pre-dating or post-dating of invoices except that the Code Authority may upon investigation issue such regulations as it finds necessary with respect to datings on seasonal items.

10. The provisions of paragraph seven, eight, and nine of this Article and the Provisions of Article VII shall not apply to sales for export outside of Continental United States.

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 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 approval thereof.

2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application 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 provision 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—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made impossible of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price in-

creases should be delayed, and that, when made, the same should, so far as reasonably possible, be limited to actual increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

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

Approved Code No. 145.
Registry No. 312-1-10.



