

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

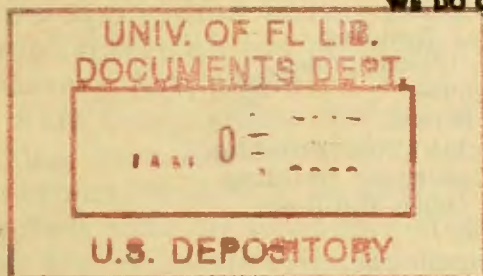
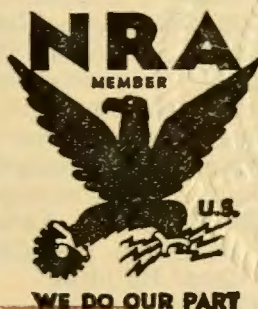
FOR THE

WAX PAPER INDUSTRY

AS APPROVED ON DECEMBER 18, 1933

BY

PRESIDENT ROOSEVELT



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Approved Code No. 166

CODE OF FAIR COMPETITION
FOR THE
WAXED PAPER INDUSTRY
As Approved on December 18, 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 Waxed Paper 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, 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.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

THE WHITE HOUSE,
December 18, 1933.

DECEMBER 12, 1933.

THE PRESIDENT,
The White House.

SIR: This is a report of the hearing on the Code of Fair Competition for the Waxed Paper Industry, conducted in Washington on October 21, 1933, in accordance with the provisions of Title I of the National Industrial Recovery Act.

HOURS AND WAGES

The Code provides for a standard forty-hour week with provision for averaging to meet peak demands and for overtime for hours worked in excess of eight per day. The usual exceptions are made in relation to incidental nonproducing employees.

The minimum wage rate is 40¢ per hour in the North and 35¢ per hour in the South with a female differential of 5¢ in both cases. Women doing the same work as men must receive the same pay. The minimum for office employees is \$16.00 per week in cities of 25,000 or more and \$15.00 in smaller places.

OTHER PROVISIONS

The Code contains the usual provisions for filing reports and an open price selling plan.

ECONOMIC EFFECT OF THE CODE

The business of this industry is the manufacture of waxed paper. The use of this material for food wrapping purposes has been steadily growing. Consequently there is no unemployment in the industry. There were about 1,900 employees in 1929, and this number will be increased to about 2,900 under the Code.

Total pay rolls have or will be increased by about one quarter million dollars.

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 Waxed Paper 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 submitted.

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION

FOR THE

WAXED PAPER INDUSTRY

To effectuate the policies of Title I of the National Industrial Recovery Act, the following is hereby established as a Code of Fair Competition for the above-named Industry and shall be binding on every member thereof.

ARTICLE I—DEFINITIONS

The following words are used in this Code with the meanings herein set forth.

“Industry”—Coating and/or impregnating paper (but not paper-board) with paraffin or mineral oil, but excluding the processing of paper for use as fruit wrappers and the processing of oiled-shredded paper for fruit packing.

“Member”—A natural person, partnership, corporation, association, trust, trustee, trustee in bankruptcy or receiver engaged in such Industry.

“Act”—Title I of the National Industrial Recovery Act.

“Administrator”—The National Industrial Recovery Administrator.

ARTICLE II—ORGANIZATION AND ADMINISTRATION

1. The members of the Executive Committee of the American Waxed Paper Association, together with such other person or persons as the Administrator may designate are hereby constituted the Code Authority of the Industry. The members of the Code Authority designated by the Administrator shall act in an advisory capacity and shall have no vote.

2. The said Association shall file with the Administrator certified copies of any amendments of its Bylaws relating to eligibility or admission to membership in such Association, or relating to the method of selection of the members of such Executive Committee, which such Association may hereafter adopt.

3. The Administrator may at any time prescribe a different method for selecting the Industry members of the Code Authority, and thereafter, such members shall be chosen in the manner so prescribed.

4. The Code Authority is charged generally with the duty of administering this Code under the sanction and with the approval of the Administrator. All acts of the Code Authority shall be subject to review by the Administrator and to suspension, modification, or cancellation by him in any case in which he shall determine that such act violates the purpose of the National Industrial Recovery Act.

5. The expenses of administering this Code shall be borne pro rata, in accordance with a formula to be adopted by the Code Authority, by all members of such Industry who accept the benefit of the services of the Code Authority or otherwise assent to this Code.

6. The Code Authority shall have power to investigate alleged violations of this Code and acts or courses of conduct by any member which are or appear to be contrary to the policy of the Act or which tend or may tend to render ineffective this Code and to report the same with recommendations to the Administrator.

ARTICLE III—HOURS OF LABOR

1. Employees in the Industry shall not be required or permitted to work hours in excess of the limits prescribed in the following schedule:

SCHEDULE OF WORKING HOURS

(a) Watchmen: Eight (8) hours in any one day and fifty-six (56) hours in any one week.

(b) Chauffeurs, truckmen, engineers, and firemen: One hundred sixty-eight (168) hours in any period of four (4) consecutive weeks, provided, however, that time worked in excess of nine (9) hours in one day shall be paid for as not less than time and one third.

(c) All other laborers, mechanical workers, or artisans employed in any plant, mill, or factory or on work connected with the operation of such plant, mill, or factory: An average of forty (40) hours per week in any period of twenty-six (26) consecutive weeks, but not more than forty-eight (48) hours in any one week, provided, however, that time worked in excess of eight (8) hours in any one day shall be paid for as not less than time and one third.

(d) Executives and their personal secretaries and other employees engaged in a supervisory capacity and chemists receiving \$35 or more per week and outside salesmen: No limitation.

(e) All other employees: An average of forty (40) hours per week in any period of thirteen (13) consecutive weeks, but not more than forty-eight (48) hours in any one week.

2. No limitation contained in said Schedule shall apply to employees of any class when engaged in emergency repairs or emergency maintenance work occasioned by break-downs or involving protection of life or property; provided, however, that time worked under this section in excess of eight (8) hours in any one day and forty (40) hours in any one week shall be paid for as not less than time and one third.

3. No employee shall be permitted to work for two or more members of the industry an aggregate number of hours in excess of the number prescribed in said Schedule.

4. No member shall operate his plant in excess of 144 hours per week.

ARTICLE IV—WAGES

1. The minimum rate of wage of any laborer, mechanical worker, or artisan employed in any plant, mill, or factory or on work con-

nected with the operation of any such plant, mill, or factory shall be as follows:

(a) Northern Zone, which shall consist of all of the territory of the United States except the States named in subdivision (b):

Male labor, 40 cents per hour

Female labor, 35 cents per hour

(b) Southern Zone, which shall consist of the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas:

Male labor, 35 cents per hour

Female labor, 30 cents per hour

2. Pieceworkers shall be paid at rates which will yield a worker for an hour's work not less than the minimum rate above prescribed.

3. The minimum rates of wages for all other employees except commission salesmen shall be as follows: Sixteen dollars (\$16) per week in any city of 25,000 population or over, and fifteen dollars (\$15) per week in any city or town of less than 25,000 population.

4. Female employees performing substantially the same work under the same conditions as male employees shall receive the same rate of pay as male employees. The Code Authority shall within 90 days after the effective date of this Code file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

5. The wage rates of all employees receiving more than the minimum rates herein prescribed shall be reviewed and such adjustments, if any, made therein as are equitable in the light of all the circumstances, and within sixty (60) days after the effective date hereof, the Code Authority shall report to the Administrator the action taken by all members of the Industry under this Section.

6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage of not less than 80% of the minimum prescribed by this Code, provided the State Authority designated by the United States Department of Labor shall have issued a certificate authorizing his employment on such basis. Each member shall file with the Code Authority a list of all such persons employed by him. The provision of this Section requiring a certificate of authority shall not become effective until sixty days after the effective date of this Code.

7. Office boys and girls under 18 years of age may be employed at a wage of not less than 80% of the minimum prescribed by Section 3 hereof, provided that not more than 5% of the employees of such class may be paid as office boys and girls.

ARTICLE V—GENERAL LABOR PROVISIONS

1. 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 an employer shall be deemed to have complied with this provision

as to age if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

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

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

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

5. All employers shall post copies of Articles III, IV, and V of this Code in conspicuous places accessible to employees.

6. Every employer shall make reasonable provisions for the safety and health of his employees 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.

7. No provision in this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific projects by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, where either the wages are higher or the hours of labor are shorter, or both than are those set forth in this Code.

8. The Code Authority shall make a study of conditions in the industry to determine the feasibility of the adoption of a shorter working week and shall, within three (3) months after the effective date of this Code, make a report of its findings to the Administrator. The Code Authority shall also submit to the Administrator within six (6) months after the effective date of this Code, a plan for the stabilization and regularization of employment.

ARTICLE VI—ACCOUNTING—SELLING

1. The Code Authority shall, as soon as practicable, formulate a standard method of accounting and costing for the industry and submit the same to the Administrator. Any such method shall provide means for determining the price at which paper shall be charged to the converting division of a combined paper manufacturing and

converting plant. When such method shall have been approved by the Administrator, every member shall use an accounting and costing system which conforms to the principles of, and is at least as detailed and complete as, such standard method.

2. Each member shall, on or before 30 days after the effective date of this Code, file with the Code Authority complete schedules in such form as the Code Authority shall prescribe of prices and terms and conditions of sale for domestic consumption (including all differentials, discounts, trade allowances, and special charges), of all products offered for sale by such member, and shall so file all subsequent changes therein or revisions thereof at least five days prior to the effective time of any such changes or revisions. When any member shall file any such schedule or any revision thereof, any other member may also file a revision of his own schedule to become effective as of the same time as such first mentioned schedule. The Code Authority shall, upon request, furnish any person concerned, whether or not a member of the Industry, a copy of all such schedules and of all changes and revisions thereof.

3. No such schedule of prices and terms and conditions of sale filed by any member, or in effect, at any time shall be such as to permit the sale of any product at less than the lower of the following:

(a) The cost of such product to such member, which cost shall be determined pursuant to the method of accounting and costing prescribed by the Code Authority under this Article as soon as that method is prescribed and theretofore pursuant to the method employed by such member subject to such preliminary rules as the Code Authority shall from time to time prescribe.

(b) The lowest price scheduled for such product under the provisions of this Article by any other member and then in effect.

Each schedule filed under this Article shall state whether the prices, terms, and conditions therein specified are justified under subdivision (a) or under subdivision (b) of this Section, and in the case of justification under subdivision (b) shall identify the schedule or schedules of the other member or members of the industry justifying such prices, terms, and conditions. A schedule justified upon the basis of the schedule or schedules of another member or members shall become void forthwith upon the cancellation or revision upward of such justifying schedule or schedules.

4. The Code Authority shall have power on its own initiative, or on the complaint of any member, to investigate any price for any product shown in any Schedule filed hereunder, and for such purpose to require the member who filed such Schedule to furnish such information concerning the cost of manufacturing such product as the Code Authority shall deem necessary or proper for such purpose. If the Code Authority, after such investigation shall determine that such price violates the provisions hereof, the Code Authority shall so notify such member, and thereupon such price shall become void and of no effect. All such decisions by the Code Authority shall be filed with the Administrator.

5. Except in fulfillment of bona fide contracts existing on the effective date of this Code, no member shall sell any products of the Industry for domestic consumption at a price or prices lower than or upon terms or conditions more favorable than stated in his price

schedules then on file, provided, however, that discontinued lines or damaged goods or seconds or distress merchandise required to be sold to liquidate a defunct business, may be disposed of in such manner and on such terms and conditions as the Code Authority may approve.

6. The Code Authority may suspend for any period of time, and from time to time, all or any of the provisions of Sections 2, 3, 4, and 5 hereof as to any specified product or products of the Industry.

7. Selling of waxed paper on consignment is prohibited.

ARTICLE VII—REPORTS AND STATISTICS

1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory, both raw and finished, number of employees, wage rates, employee earnings, hours of work, and other matters as the Code Authority or the Administrator may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books and accounts and records of such member by any disinterested accountant or accountants or other qualified person or persons designated by the Code Authority.

2. Except as otherwise provided in the Act, or in this Code, all statistics, data, and information filed or required in accordance with the provisions of this Code shall be confidential and the statistics, data, and information of one member shall not be revealed to another member. No such data or information shall be published except in combination with other similar data and in such a manner as to avoid the disclosure of confidential information. The Code Authority shall arrange in such manner as it may determine for the publication currently to members totals of orders received, unfilled orders, shipments, stocks of finished goods on hand, and production.

3. The Code Authority shall make such reports to the Administrator as he may from time to time require.

4. 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 purposes recited in Section 3 (a) of the Act.

ARTICLE VIII—RECOMMENDATIONS

1. The Code Authority may from time to time present to the Administrator recommendations based on conditions in the Industry which will tend to effectuate the operation of this Code and the policy of the Act, and in particular along the following lines:

(a) For the establishment of rules of fair trade practice for the Industry and for the codification of its trade customs and the enforcement thereof.

(b) For restrictions on the creation of new facilities for the manufacture of any product of the industry or on the acquisition by any member of new equipment for such manufacture.

Such recommendations, when approved by the Administrator, shall have the same force and effect as the provisions of this Code.

ARTICLE IX—GENERAL PROVISIONS

1. If any member is also a member of another industry, the provisions of this Code shall apply to and affect only that part of his business which is included in this industry.

2. Any work or process incidental to and carried on by a member at his plant as a part of the manufacture of any product of the industry shall be regarded as a part of this industry.

3. 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 of the United States, be modified or eliminated as changes in circumstances or experience may indicate.

4. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) 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 such code or any conditions imposed by him upon his approval thereof.

5. This Code shall become effective on the second Monday after the date upon which it shall be approved by the President of the United States.

Approved Code. No. 166.
Registry No. 411-01.

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