

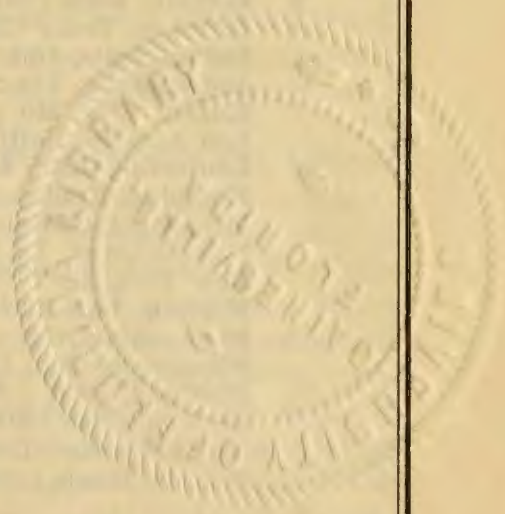
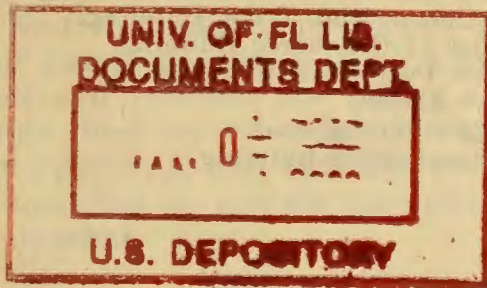
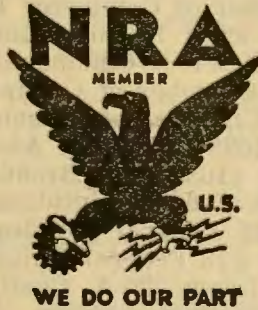
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO  
CODE OF FAIR COMPETITION

FOR THE

AIR TRANSPORT INDUSTRY

AS APPROVED ON FEBRUARY 26, 1935



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
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Approved Code No. 111—Amendment No. 3

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**AIR TRANSPORT INDUSTRY**

As Approved on February 26, 1935

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE AIR  
TRANSPORT INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to the Code of Fair Competition for the Air Transport Industry, and an opportunity to be heard having been duly afforded all interested parties and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

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

Approval recommended:

L. H. PEEBLES,  
*Division Administrator.*

WASHINGTON, D. C.,  
*February 26, 1935.*

117839°—1603-24—35

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## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the National Industrial Recovery Act for the amendment of Section 3 of Article II and for the amendment of Article VII of the Code of Fair Competition for the Air Transport Industry for the following purposes:

1. The inclusion of the territory of Hawaii in the territory covered by the definition of the term "Industry", thus applying the pertinent provisions of the Air Transport Code to the Air Transport Industry in Hawaii.

2. The addition of a new Section covering Publicity and Advertising Fair Trade Practices to Article VII as amended.

These amendments are submitted in the form as revised by the Code Authority, no objections, criticisms or suggestions having been received during the period provided in the Notice of Opportunity to be Heard published January 16, 1935.

### FINDINGS

The Deputy Administrator in his final report to us said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

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

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

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

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

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

(g) The territory of Hawaii properly belongs in the territory covered by the Code.

(h) Provisions of proposed amendment to Article VII dealing with false advertising and misrepresentation are reasonable and well adapted for the correction of certain unfair trade practices in this Industry.

For these reasons, these amendments have been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

FEBRUARY 26, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE AIR TRANSPORT INDUSTRY

Section 3 of Article II of the Code of Fair Competition for the Air Transport Industry shall be amended so as to include the territory of Hawaii in the territory included in the Section so that the said Section will read as follows:

“The term ‘Industry’ includes all public carriers for hire by aircraft for passengers, and/or mail, and/or cargo on scheduled operations and services incidental thereto within the several States of the United States, the District of Columbia, and the territories of Alaska and Hawaii, and such branches or subdivisions thereof as may, from time to time, be included by the President under the provisions of this Code, but does not include scheduled operations and/or services incidental thereto not within the several States of the United States, the District of Columbia, and the territories of Alaska and Hawaii.”

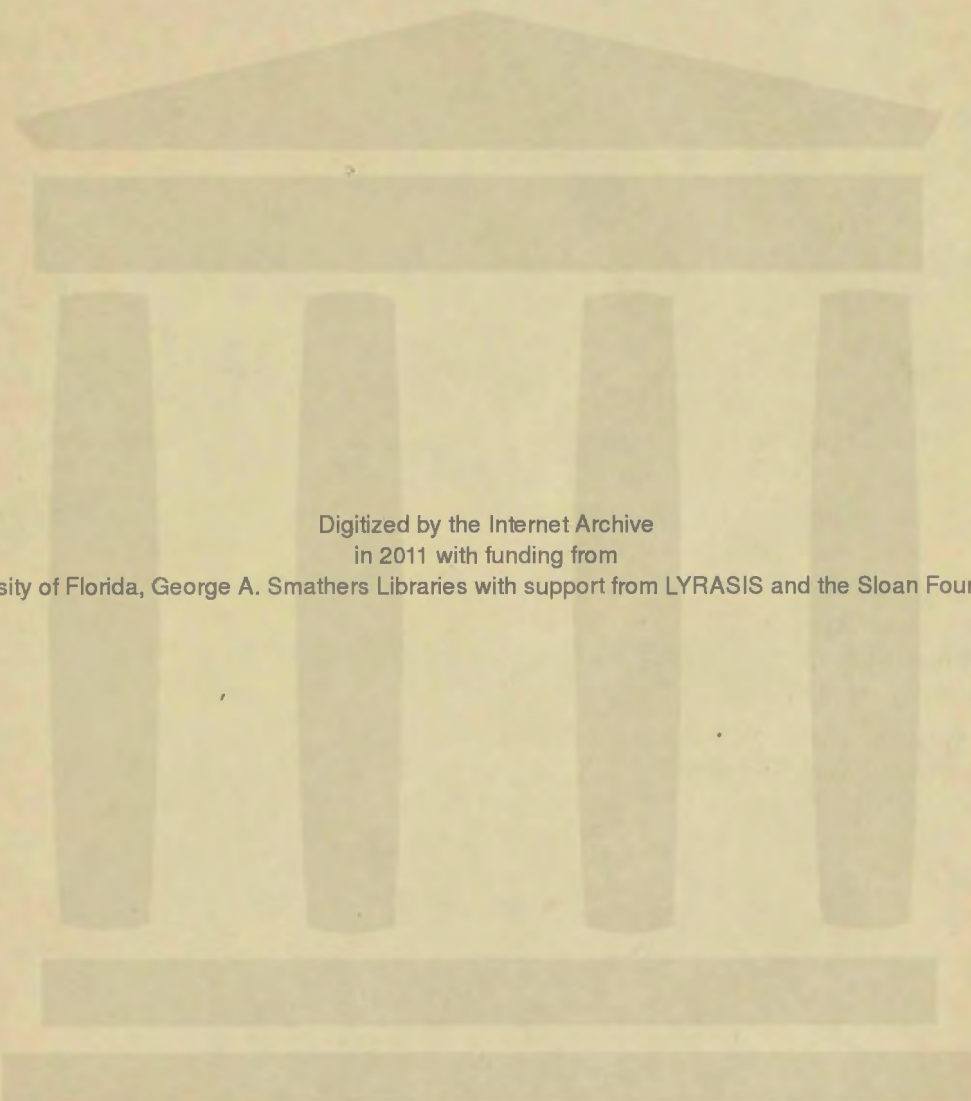
The Code of Fair Competition for the Air Transport Industry shall be amended by adding to Article VII a new Section, as follows:

“*Publicity and Advertising.*—No member of the Industry shall either directly or through an agent publish or contract for the publishing of advertising (whether printed, radio, display or of any other nature) which is misleading or inaccurate in any material particular; nor in any way misrepresent any values, policies or services, or the nature or form of the business conducted.”

Approved Code No. 111—Amendment No. 3.  
Registry No. 1741-2-04.

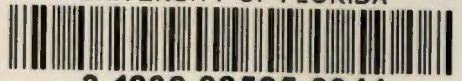
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## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE AIR TRANSPORT INDUSTRY

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The Code of Fair Competition for the Air Transport Industry shall be amended by adding to Article VII a new Section, as follows:

"*Prohibitions and Restrictions*—No member of the Industry shall cause directly or indirectly, or cause to be done, for the purpose of securing an unfair competitive advantage, or of any other nature, which is prohibited by law, any such act, or any other act in any way prohibited by law, or any such act, or any other act of the nature or form of the business prohibited."

Approved this 10th day of August, 1938.

By \_\_\_\_\_