

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

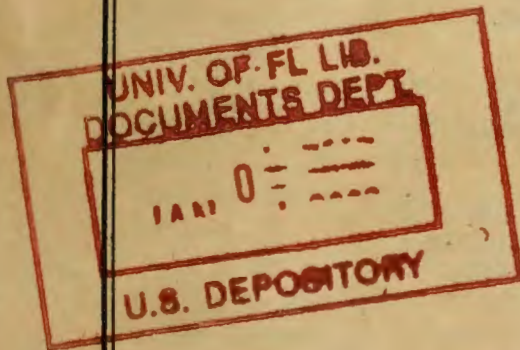
ADVERTISING SPECIALTY

MANUFACTURING INDUSTRY

AS APPROVED ON OCTOBER 31, 1933

BY

PRESIDENT ROOSEVELT



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

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EXECUTIVE ORDER

CODE OF FAIR COMPETITION ADVERTISING SPECIALTY 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 my approval of a Code of Fair Competition for the Advertising Specialty 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 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 is hereby approved, subject to the following conditions:

(1) As to all employees engaged in printing operations, the wage and hour provisions of this code shall be superseded by the wage and hour provisions of the Code of Fair Competition for the Printing Industry when the latter code becomes effective after approval by me.

(2) To effectuate further the policies of the act, an advertising specialty industry committee be created to cooperate with the Administrator as a planning and fair practice agency for the advertising specialty industry, which committee shall consist of five representatives of the advertising specialty industry elected by a fair method of selection, to be approved by the Administrator, and three members without vote appointed by the Administrator.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

October 31, 1933.

Approval recommended:

HUGH S. JOHNSON,

Administrator.

(III)

OCTOBER 23, 1933.

THE PRESIDENT,

The White House.

SIR: A Public Hearing on the Code of Fair Competition for the Advertising Specialty Manufacturing Industry in the United States, submitted by the Advertising Specialty National Association, Chicago, Illinois, was conducted in Washington on the 30th of August, 1933, in accordance with the provisions of the National Industrial Recovery Act. The Association claims to represent 72 percent of the industry.

PROVISIONS OF THIS CODE AS TO HOURS AND WAGES

III. HOURS

(1) The maximum hours of employment shall be forty (40) per week, except that owing to the seasonal nature of this industry it is permitted that employees may, by permission of the Executive Committee of the Code and with the approval of the Administrator, be employed during seasonal rush periods forty-eight (48) hours per week, provided that the rate of wages for all hours in excess of forty (40) per week shall be at least one and one third times the established rate for 40 hours, and further provided that such employees shall not be permitted to work more than 520 hours during any period of thirteen (13) consecutive weeks.

(2) Maximum hours as provided above shall not apply to any employee in a managerial or executive capacity who now receives thirty-five dollars (\$35.00) per week or more.

(3) No employee, except those hereinabove specifically exempted, who, during any one week period has worked for remuneration for the space of forty (40) hours, shall be employed to work during the same period or periods of time by any member of this industry.

IV. WAGES

(a) The minimum wage that shall be paid by any employer in the Advertising Specialty Manufacturing Industry to any employee shall be thirty-five cents (35¢) per hour or fourteen dollars (\$14.00) per week for male employees, and thirty cents (30¢) per hour or twelve dollars (\$12.00) per week for female employees, each for forty (40) hours of labor. The above wages are to be paid regardless of whether the employee is compensated on the basis of a time rate or a piece work performance.

(b) Female employees performing the same type of work as male employees shall receive the same wage per hour as paid to male employees.

(c) Apprentices and learners having no previous experience or employment in this industry shall, during the six-weeks' learning period, receive not less than 80 percent of the minimum rates prescribed above for forty (40) hours of labor per week. At no time shall the number of apprentices or learners exceed eight percent (8%) of the total number of employees in any single unit of the industry.

(d) On and after the effective date, no manufacturer shall permit any work to be done in the homes of workers, all work being done inside the factory.

(e) It is the policy of the members of this industry to refrain from reducing the compensation for employment which compensation was prior to June 16, 1933, in excess of the minimum wage herein set forth, notwithstanding that the hours of work in such employment may be reduced; and all members of this industry shall endeavor to increase the pay of all employees in excess of the minimum wage, as herein set forth, by an equitable adjustment of all pay schedules proportionate to the increase in compensation as determined by the minimum wage herein provided; Provided, however, that where a State law provides a higher minimum wage, no person employed within that State shall be paid a wage lower than that required by such State law.

V. CHILD LABOR

No person under the age of sixteen years shall be employed in this industry; Provided, however, that where a State law provides a higher minimum age no person below the age specified by such State law shall be employed within that State.

ECONOMIC EFFECT OF THE CODE

There are approximately 300 advertising specialty manufacturers of which 47 do the bulk of the business and employ approximately one third of the 7,000 employees in the industry.

A sample analysis of the work week of the 43 companies under consideration (May 1933) showed an average number of hours worked per week of 40. All companies being considered from which reports could be obtained showed the much higher average of 48 hours per week per employee.

The industry in general now reports that they are working employees 40 hours per week as a result of the Reemployment Program and it is estimated that there has been an increase in employment of approximately 15 percent. It is probable that no immediate increase in employment will be effected but it is estimated that there will be an increase of about 20 percent in the total payrolls.

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 Advertising Specialty National Association, the applicant group herein, imposes no inequitable restrictions on admission to membership and is truly representative of the Advertising Specialty 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 immediately adopted.

Respectfully,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION FOR THE ADVERTISING SPECIALTY MANUFACTURING INDUSTRY

I. PURPOSES

To effectuate the policy of Title I of the National Industrial Recovery Act by reducing unemployment, improving the standards of labor, establishing a reduction in working hours, eliminating practices inimical to the interests of the public, employers and employees, removing from this Industry any existing obstructions to the free flow of interstate and foreign commerce—and thereby increasing the consumption of industrial and agricultural products by increasing purchasing power, to bring wages paid in the industry to such levels as are necessary for the highest standards of living attainable, to revise wage scales from time to time, to reflect changes in living costs, to restore to the members of this industry their income on a level which makes possible the payment of such wages, and to promote the general welfare, the following provisions are established as a Code of Fair Competition for the Advertising Specialty Industry.

II. DEFINITIONS

(a) The Advertising Specialty Manufacturing Industry as used herein is defined to mean the manufacture of articles of utility, ornament, or beauty, bearing the advertising imprint of a firm, corporation, bank, or individual, or designed for distribution as good-will, reminder, or novelty advertising.

(b) The term "manufacture" as used herein is defined to mean not only the manufacture of parts, but the assembling of such parts into the finished article, and also the imprinting of an advertisement on such article. Any firm, partnership, corporation, or individual engaged in any or all of the above mentioned activities as a staple line shall be considered a "manufacturer" in the Advertising Specialty Manufacturing Industry.

(c) The term "employees" as used herein shall include all persons employed in any phase of the manufacture, assembly, or imprinting of advertising specialties, or in the operation and maintenance of plants, and all persons employed in office work connected with the business.

(d) The term "association" as used herein shall be understood to mean the Advertising Specialty National Association, or any trade association that may be organized as successor thereto.

(e) The term "member or members" as used herein shall be defined as any person, partnership, association, or corporation engaged in the manufacture of advertising specialties, who engage in their business any employees as defined above.

(f) The term "effective date" as used herein is defined to be the second Monday after this Code shall have been approved by the President.

III. HOURS

(1) The maximum hours of employment shall be forty (40) per week, except that owing to the seasonal nature of this industry it is permitted that employees may, by permission of the Executive Committee of the Code and with the approval of the Administrator, be employed during seasonal rush periods forty-eight (48) hours per week, provided that the rate of wages for all hours in excess of forty (40) per week shall be at least one and one third times the established rate for 40 hours, and further provided that such employees shall not be permitted to work more than 520 hours during any period of thirteen (13) consecutive weeks.

(2) Maximum hours as provided above shall not apply to any employee in a managerial or executive capacity who now receives thirty-five dollars (\$35.00) per week or more.

(3) No employee, except those hereinabove specifically exempted, who, during any one week period has worked for remuneration for the space of forty (40) hours, shall be employed to work during the same period or periods of time by any member of this industry.

IV. WAGES

(a) The minimum wage that shall be paid by any employer in the Advertising Specialty Manufacturing Industry to any employee shall be thirty-five cents (35¢) per hour or fourteen dollars (\$14.00) per week for male employees, and thirty cents (30¢) per hour or twelve dollars (\$12.00) per week for female employees, each for forty (40) hours of labor. The above wages are to be paid regardless of whether the employee is compensated on the basis of a time rate or a piece work performance.

(b) Female employees performing the same type of work as male employees shall receive the same wage per hour as paid to male employees.

(c) Apprentices and learners having no previous experience or employment in this industry shall, during the six-weeks' learning period, receive not less than 80 percent of the minimum rates prescribed above for forty (40) hours of labor per week. At no time shall the number of apprentices or learners exceed eight percent (8%) of the total number of employees in any single unit of the industry.

(d) On and after the effective date, no manufacturer shall permit any work to be done in the homes of workers, all work being done inside the factory.

(e) It is the policy of the members of this industry to refrain from reducing the compensation for employment, which compensation was prior to June 16, 1933, in excess of the minimum wage herein set forth, notwithstanding that the hours of work in such employment may be reduced; and all members of this industry shall endeavor to increase the pay of all employees in excess of the minimum wage, as herein set forth, by an equitable adjustment of all pay schedules

proportionate to the increase in compensation as determined by the minimum wage herein provided; Provided, however, that where a State law provides a higher minimum wage, no person employed within that State shall be paid a wage lower than that required by such State law.

V. CHILD LABOR

No person under the age of sixteen years shall be employed in this industry; Provided, however, that where a State law provides a higher minimum age no person below the age specified by such State law shall be employed within that State.

VI. PARTICIPATION

(a) Any member of the Advertising Specialty Industry is eligible for membership in the Advertising Specialty National Association and is entitled to all the benefits thereof, upon the acceptance by such member of a reasonable share of the cost and responsibility of the Code development and administration. No inequitable restrictions on admission to membership shall be imposed by the said Advertising Specialty National Association or any association or group who are members of the Advertising Specialty Manufacturing Industry.

VII. ADMINISTRATION

(a) To effectuate further the policies of the Act, an Advertising Specialty Manufacturing Industry Committee is hereby designated to cooperate with the Administrator as a Planning and Fair Practice Agency for the Advertising Specialty Manufacturing Industry. This Committee shall consist of five representatives of the Advertising Specialty Manufacturing Industry elected by a fair method of selection, to be approved by the Administrator, and, at his discretion, not more than three members without vote appointed by the President of the United States. Such agency may from time to time present to the Administrator recommendations based on conditions in their industry as they may develop which will tend to effectuate the operation of the provisions of this Code and the policy of the National Industrial Recovery Act.

(b) The Code Authority shall have the following duties and powers to the extent permitted by this Code and subject to review by the Administrator.

(1) To receive duly certified returns every four weeks showing actual hours worked by employees, and

(2) Reports as to minimum weekly wages, and

(3) Such other reports as may be deemed necessary by the Executive Committee, subject to the approval of the Administrator, for the effective administration of this Code.

(4) Recommendations for setting up a service Bureau for engineering, accounting, credit and/or other purposes to aid all persons engaged in the Industry in meeting the requirements of this Code.

(5) Recommendations for requirements by the Administrator as to fair practices by persons engaged in the Advertising Specialty

Industry, in respect to methods and conditions for marketing their products.

(6) Recommendations for regulation of competitive bidding on special orders, defined to mean orders other than those offered in the regular lines issued by persons engaged in the Advertising Specialty Industry.

(7) Recommendations for dealing with any inequalities that may otherwise arise to endanger the stability of the Industry, and of production and employment.

Except as otherwise provided in the National Industrial Recovery Act all statistics, data and information filed in accordance with the provisions of Article III shall be confidential, and the statistics, data and other information of one employer shall not be revealed to any other employer except that for the purpose of administering or enforcing the provisions of this Code the Executive Committee of the Advertising Specialty Manufacturing Industry shall have access to any and all statistics, data, and information that may be furnished in accordance with these provisions.

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.

VIII. UNFAIR TRADE PRACTICES

The following shall be considered unfair trade practices for this Industry:

(a) It shall be an unfair practice to dispose of out-of-date or distress products, commonly known as last editions or job lots, in such a way as to affect adversely the soundness and stability of the Industry.

(b) It shall be an unfair trade practice to pirate original designs, drawings, sketches, dummies, or copy of any product that has been submitted to a prospective customer by a competitor.

(c) Price discrimination as between two or more buyers of the same quantity of the same article shall be unfair practice.

(d) It shall be an unfair trade practice for any member to sell any product at a price below his individual cost of production.

IX. GENERAL

SECTION 1. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from 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) 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) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 2. (a) This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of Sub-section (b) of Section 10 of the National Industrial Recovery 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 his approval thereof.

(b) Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional Codes will be submitted for the approval of the President to prevent unfair competition and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act.

(c) Any member of this industry who, prior to June 16, 1933, contracted to buy or sell any goods, wares, or merchandise at a price fixed as of the date of said contract, for future delivery, shall make a bona fide effort to arrive at an equitable adjustment on the price thereof as fixed by said contract, to meet any proper increase in the cost of such goods, wares, or merchandise imposed by virtue of any provision of the National Industrial Recovery Act; and in the event such effort fails to result in a mutually satisfactory adjustment, either party to said contract may refer the same for adjustment to the Planning and Fair Practice Agency of the Industry, which said Agency with the aid and assistance of the Administrator or his properly designated agent or agents, shall endeavor to arrive at an equitable adjustment thereof.

(d) Within each State members of the Advertising Specialty Manufacturing Industry shall comply with any laws of such State imposing more stringent requirements regulating the age of employees, wages, hours of work, or health, fire, or general working conditions, than under this Code.



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