

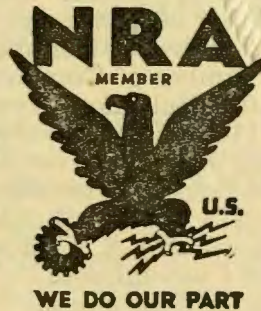
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION
FOR THE
ELECTRIC STORAGE
AND WET PRIMARY BATTERY
INDUSTRY

AS APPROVED ON OCTOBER 3, 1933

BY

PRESIDENT ROOSEVELT



UNIV. OF FL. LIB.
DOCUMENTS DEPT.

U.S. DEPOSITORY

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

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933

This publication is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C., and by district offices of the Bureau of Foreign and Domestic Commerce.

DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE

Atlanta, Ga.: 504 Post Office Building.
Birmingham, Ala.: 257 Federal Building.
Boston, Mass.: 1801 Customhouse.
Buffalo, N.Y.: Chamber of Commerce Building.
Charleston, S.C.: Chamber of Commerce Building.
Chicago, Ill.: Suite 1706, 201 North Wells Street.
Cleveland, Ohio: Chamber of Commerce.
Dallas, Tex.: Chamber of Commerce Building.
Detroit, Mich.: 2213 First National Bank Building.
Houston, Tex.: Chamber of Commerce Building.
Indianapolis, Ind.: Chamber of Commerce Building.
Jacksonville, Fla.: Chamber of Commerce Building.
Kansas City, Mo.: 1028 Baltimore Avenue.
Los Angeles, Calif.: 1163 South Broadway.
Louisville, Ky.: Room 405, 421 West Market Street.
Memphis, Tenn.: 266 South Water Street.
Minneapolis, Minn.: 213 Federal Building.
New Orleans, La.: Room 225-A, Customhouse.
New York, N.Y.: 734 Customhouse.
Norfolk, Va.: 406 East Plume Street.
Philadelphia, Pa.: Room 812, 20 South Fifteenth Street.
Pittsburgh, Pa.: Chamber of Commerce Building.
Portland, Oreg.: 215 New Post Office Building.
St. Louis, Mo.: 506 Olive Street.
San Francisco, Calif.: 310 Customhouse.
Seattle, Wash.: 1406 Vance Building.

EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE ELECTRIC STORAGE AND WET PRIMARY BATTERY 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 Electric Storage and Wet Primary Battery 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.

THE WHITE HOUSE,
October 3, 1933.

Approval recommended.
HUGH S. JOHNSON,
Administrator.

(III)

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I have the honor to submit and recommend for your approval, the Code of Fair Competition for the Electric Storage and Wet Primary Battery Industry. The Code has been approved by the Industrial Advisory Board, the Labor Advisory Board, and the Consumers' Advisory Board.

An analysis of the provisions of the Code has been made by the Administration, and a complete report is being transmitted to you.

I find that the Code complies with the requirements of clauses (1) and (2), subsection (a) of section 3 of the National Industrial Recovery Act.

I am, my dear Mr. President,
Very sincerely yours,

_____,
Administrator.

Enclosure.

CODE OF FAIR COMPETITION FOR THE ELECTRIC STORAGE AND WET PRIMARY BATTERY INDUSTRY

ARTICLE I—PURPOSE

I. 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 Electric Storage and Wet Primary Battery Industry, and upon approval by the President, shall be the standard of fair competition for this industry.

ARTICLE II—DEFINITIONS

1. The term Electric Storage and Wet Primary Battery Industry as used herein includes the manufacture of the following products:

(a) Automotive Storage Batteries for Starting and Lighting Service and Radio Receiving Storage Batteries and Parts and Accessories therefor.

(b) All Electric Storage Batteries not included in (a) and Parts and Accessories therefor.

(c) All Wet Primary Batteries and Parts and Accessories therefor.

2. The term "employee", as used herein, includes any person engaged in any phase of the industry in any capacity in the nature of employee irrespective of the method of payment of his compensation.

3. The term "employer", as used herein, includes anyone for whose benefit such an employee is so engaged.

4. The term "member of the industry" includes any manufacturer who shall be subject to the Code.

5. The term "member of the Code" includes any member of the industry who shall expressly signify assent to this Code.

6. The term "effective date", as used herein means the second Monday after this Code shall have been approved by the President of the United States, except Schedules I and II of the Code, which shall become effective thirty days thereafter.

7. The term "expiration date", as used herein, means the termination of the National Industrial Recovery Act or the earliest date prior thereto on which the President shall by proclamation, or the Congress shall by joint resolution, declare that the emergency recognized by Section I of the National Industrial Recovery Act has ended.

8. The term "Association", as used herein, means National Battery Manufacturers Association, Inc., a trade association having its office in New York City.

9. The term "Code Authority", as used herein, means the Committee or its successors as provided for by Article VI.

10. The term "the President" means the President of the United States of America.

11. The term "the Act" means the National Industrial Recovery Act as approved by the President, June 16, 1933.

12. The term "the Administrator" means the Administrator appointed by the President under the Act and at the time in office.

ARTICLE III—HOURS

A. No factory employee engaged in processing and in labor incident thereto, except supervisors receiving not less than \$35.00 per week, shall work or be permitted to work in excess of an average of 40 hours per week in any calendar year; nor in excess of 48 hours in any one week; nor in excess of 8 hours in any one day except as hereinafter provided. When necessary to avoid economic waste in continuous processes, employees engaged in such processes (not to exceed 10% of the factory employees) will be permitted a tolerance of 10% over the maximum hours per day, except that such tolerance shall not be permitted to increase the maximum hours per week, nor the average hours per week in any calendar year.

B. No other employee, except managerial and executive staffs and technical engineers and outside salesmen, receiving not less than \$35.00 per week, shall work or be permitted to work in excess of an average of 40 hours per week in any calendar year.

C. The maximum hours fixed in the foregoing sections shall not apply to employees on emergency maintenance and repair work, but in any such special cases at least time and one third shall be paid for hours worked in excess of the maximum hours per week herein provided.

D. No employee shall work or be permitted to work for a total number of hours in excess of the number of hours prescribed for each week, whether employed by one or more employers.

ARTICLE IV—WAGES

A. No factory employee engaged in processing and in labor incident thereto, shall be paid at a rate less than 40¢ per hour; unless the rate per hour for the same class of labor on July 15, 1929, was less than 40¢, in which case the rate per hour shall be not less than the rate per hour paid on July 15, 1929, but in no event shall the rate per hour be less than 90% of the highest minimum rate per hour established in this paragraph; and provided further that learners may be paid not less than 80% of such rate but the total number of such learners shall not exceed 3% of the total number of factory employees.

B. No other employee shall be paid at a rate less than \$15.00 per week, provided, however, that office boys and girls may be paid not less than 80% of such minimum rate but the total number of such office boys and girls receiving less than such minimum rate shall not exceed 3% of the total number of such other employees.

C. Equitable adjustments upward in all pay schedules of factory employees above the minimum shall be made on or before the effective date by any employers who have not heretofore made such adjustments and the first monthly reports of wages after said effective date required to be filed under this Code shall contain all wage increases made since February 1, 1933.

D. In determining his or her classification under this Code each employee shall be entitled to claim the benefit of the classification of occupation existing on June 16, 1933.

E. There shall be no discrimination in wages by reason of sex and where in any case women do substantially the same work or perform substantially the same duties as men they shall receive the same rates of wages.

ARTICLE V—CHILD AND FEMALE LABOR

A. No person under 16 years of age shall be employed in the industry and no person under 18 years of age shall be employed in factory work.

B. No female shall be employed in any department where due to the nature of the work or the location of the department such female would be exposed to an appreciable lead hazard.

ARTICLE VI—ADMINISTRATION

1. The Code Authority shall consist of five (5) members fairly representative of the industry and elected by the members of the Code at a meeting to be held between October 15 and November 15, 1933 and annually thereafter. During the period between the approval of the Code and the date of the meeting referred to above the Code Committee of the Industry shall serve as the Code Authority and cooperate with the Administrator to effectuate the purposes of the Code.

2. For the purpose of supplying the President and the Administrator with requisite data as to the observance and effectiveness of this Code and the administration thereof the Code Authority is hereby designated:

(a) To collect from the members of the industry through an impartial agent with full protection to each member as to the confidential nature of the material all data and statistics required by the Administrator or reasonably pertinent to the effectuation of Title I of the National Industrial Recovery Act and said agent shall compile the data and statistics and furnish the Code Authority summaries thereof, which shall be furnished to the National Recovery Administration and to the members of the industry all in such form and manner as the Code Authority shall reasonably prescribe subject to the approval of the Administrator.

(b) To represent the industry in conference with the Administrator with respect to the application of this Code and of said Act, and any regulations issued thereunder; provided, however, that as regards all matters mentioned in this paragraph (b) the Code Authority shall have no power to bind the industry. The President or the Administrator may designate a representative to participate in such conferences, who shall have access to all data and statistics collected by said agent as above provided. The Code Authority or its authorized committee or agent shall hold itself in readiness to assist and keep the Administrator fully advised, and to meet with the Administrator's representative from time to time as required to consider and study any suggestion or proposals presented upon behalf of the Administrator or any member of the industry regarding the operation, observance, and administration, or otherwise, of this Code.

(c) Every employer engaged in the industry shall furnish to the said agent as hereinbefore provided, approximately every four weeks,

duly certified reports in such form as may hereafter be prescribed by the Code Authority, subject to the approval of the Administrator, showing actual hours worked by the occupational groups of employees and wages paid.

ARTICLE VII—GENERAL

1. (A) Employers in the Industry shall comply with the National Industrial Recovery Act, as follows:

(1) 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.

(2) 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

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

(B) This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of Subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule of 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.

(C) Within each State, members of the 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.

(D) This Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them.

ARTICLE VIII

1. The Code Authority is designated as the agency to make recommendations from time to time as to changes in this Code and its schedules and to submit the same to the Administrator.

ARTICLE IX

1. Any member of the industry may become a member of the Code and receive the benefits of the activities of the Code Authority, by paying the proper pro-rata share of the costs of administering the Code or by becoming a member of the Association.

SCHEDULE I

UNFAIR TRADE PRACTICES

1. *Merchandising*—(A) *Branding*.—Failure either actually to mark or brand each battery, or to refer by type or number or other designation marked on the battery to published specifications, with respect to the capacity and quality of the battery is an unfair trade practice.

(B) *Seconds and Discontinued Lines*.—The manufacture of batteries as seconds or discontinued lines, or the marking of first-quality batteries as seconds, for the purpose of selling them as such is an unfair trade practice. Seconds and discontinued lines incidental to normal production and sale, and not purposely made as such, may be sold provided each battery is sold with the word "second" or words "discontinued line" as the case may be, plainly and permanently marked on the battery. The guaranteeing and/or adjusting of seconds or discontinued lines for a period longer than 90 days are unfair trade practices.

(C) *Fictitious Guarantees*.—The giving or permitting to be given or published of a specific time or mileage guarantee of life, by guarantee or adjustment policy in excess of a reasonable life expectancy of the battery in average normal service; or the use of such terms as "unconditional guarantee" when conditions are in fact imposed on replacement, are unfair trade practices. To describe or advertise or refer to an adjustment policy as a guarantee or warranty, is an unfair trade practice.

(D) *Rebuilt or Repaired Batteries, For Resale*.—(1) The use of branded parts in connection with "rebuilt" batteries, where the plates are of a brand other than that shown on the branded parts, or (2) the branding and/or marketing of batteries as "rebuilt" when in fact all used positive plates, negative plates, and separators have not been replaced with new ones, or (3) failure to mark and identify plainly and permanently "rebuilt" or "repaired" batteries in such a manner as to clearly distinguish them from new batteries, or (4) the guaranteeing or adjusting of "rebuilt" or "repaired" batteries for a period longer than 90 days; are unfair trade practices.

2. *Transportation*.—The making of transportation allowances in excess of the amount of the actual transportation cost is an unfair trade practice.

3. *Misrepresentation*.—The making or causing or permitting to be made or published of any false preparation of any batteries, component parts, electrolyte or accessories is an unfair trade practice.

4. *Excessive Allowances to Customers*.—The granting or giving to any customer of an allowance for advertising or sales promotional work in excess of the actual amount expended by the customer for these purposes is an unfair trade practice.

5. *Subsidies*—(A) *Consignments*.—There shall be no consignment of goods made to any customer except to a wholly owned subsidiary of the consignor. The term "consignment", as used herein, means the supplying of goods to a consignee for sale by the consignee under an arrangement whereby title to the goods remains in the consignor until such time as they are withdrawn from the consigned stock and/or sold by the consignee, and no liability for the purchase price of the goods arises on the part of the consignee until such time as said goods have been withdrawn from the consigned stock and/or sold by him.

(B) *Renting Part of Customer's Premises*.—The payment by any manufacturer of more than a fair rental for any part of the premises of a customer for office or warehouse space or any other purpose is an unfair trade practice.

(C) *Excessive Allowance and Adjustments*.—The granting by a manufacturer of any excessive allowance to a customer for alleged defective merchandise, alleged shortages, or for adjusting complaints of any kind is an unfair trade practice.

6. *Selling Below Cost*.—The selling of batteries and battery parts below the manufacturer's cost, except seconds and discontinued lines and to fulfill obligations under guarantees or replacement agreements, is an unfair trade practice. In determining violation of this rule, the cost of the product, applicable to each division of the business or to each product, determined in basic principles as outlined in the uniform cost accounting procedure of the Association, subject to the approval of the Administrator, shall be considered to be the prime cost of

material and direct labor; plus factory burden including taxes, depreciation, and ordinary obsolescence; plus selling, advertising, administrative, warehousing, transportation, collection and all other costs and expenses. "Prime Cost" of material shall be understood to be the fair replacement cost of same.

7. *Indirect Violation*.—No member of the industry shall participate in or promote practices which are declared unfair trade practices in this Code, by selling batteries or parts to or through distributors or dealers which are not complying with the requirements of Section 1, Paragraphs A, B, and D (1), (2), and (3), hereof.

8. *Tying Contracts*.—It is an unfair trade practice to promote or induce the purchase of batteries by any distributor or dealer by refusing to supply to such distributor or dealer, goods other than batteries which such distributor or dealer may desire to purchase unless such distributor or dealer shall also purchase batteries from the seller.

9. *Bonus and Discounts*.—It shall be an unfair trade practice to increase the discount or bonus on battery purchases made by anyone because of their volume of other commodities purchased from the seller.

10. *Exports*.—Sections 1-B, 2, 5-A, 6, 7, 8, and 9 of this Schedule shall not apply to batteries exported to a foreign destination by the manufacturer or his customer.

11. *Marketing Standards*.—Any violation of, or failure to adhere to or comply with, any provision of the Domestic Marketing Standards in Schedule II of this Code in any transaction to which the same are applicable is an unfair trade practice.

12. *General*.—It is an unfair trade practice for any member of the industry to indulge in any subterfuge contrary to the provisions of this Code.

SCHEDULE II

DOMESTIC MARKETING STANDARDS FOR CLASS I PRODUCTS

The following marketing standards apply to automotive storage batteries for starting and lighting service and radio receiving storage batteries and parts and accessories therefor.

1. *Terms of Payments.*—Terms of payments shall be not more favorable than 2% 10th proxime, net 30 days, or 60 days trade acceptance with no cash discount. If cash discount privilege is exercised the discount must be figured on the balance due after all deductions are made for goods returned, discounts, allowances, or other credits.

Shipments made on the 25th or any later day of any month may for the purpose of allowing cash discount be considered as made on the first day of the following month.

2. *Guarantees and Adjustment Policy.*—Every storage battery shall be covered by the following standard guarantee and no battery shall be covered by an adjustment policy for periods longer than are provided for in the following standard Adjustment Policy.

Standard Guarantee.—The manufacturer agrees to repair or replace at his option, for the original user, f.o.b. factory, or at any authorized Service Station, without charge, except transportation, any battery of his manufacture which fails to give satisfactory service within a period of 90 days from date of sale to the original user.

Standard Adjustment Policy.—The manufacturer further agrees, after expiration of the 90 days' guarantee period, to replace with a new battery on a pro-rata basis for the original user, any battery which fails in normal service. Normal service is considered not to exceed the following:

Automobile Passenger Car Batteries.....	1,000 miles per month.
Passenger Car Batteries in Commercial or Truck Service.....	2,000 miles per month.
Heavy Plate Truck and Coach Batteries ($\frac{3}{32}$ inch or thicker Positive Plates).....	3,000 miles per month.
Motorcycle Batteries.....	2,000 miles per month.
Radio Receiving Batteries.....	One discharge per week.

The adjustment policy established by the manufacturer is to be based on the quality of the battery, but is in no case to exceed periods figured from the date of sale to the original user, for the various applications of batteries, as follows:

Automobile Passenger Car Batteries.....	Periods per Table.
Passenger Car Batteries in Commercial or truck service.....	12 months.
Heavy Plate Truck & Coach Batteries.....	8 "
Motorcycle Batteries.....	9 "
Radio Receiving Batteries.....	18 "

All adjustments are to be based on the current list prices, plus transportation charges.

EXAMPLE.—A battery carrying an eighteen months' adjustment period, listing at \$12.00, fails in service in nine months from date of purchase; the user receives a new battery of the same type and size for 9/18 of \$12.00, or \$6.00, plus transportation charges.

Table of Maximum Adjustment Periods for Automobile Batteries in Passenger Car Service

Minimum ampere-hour capacity, 20-hour rate at 80° F.	Minimum amperes for 20 minutes at 80° F.	Adjustment period	
		For wood insulation	For rubber or wood- and-rubber insulation
Group 1:		<i>Months</i>	<i>Months</i>
65-74.....	78	16	9
75-84.....		12	15
85-94.....		18	21
95-104.....		21	24
105-up.....		24	24
Group 2:			
80-89.....	96	6	9
90-98.....		12	15
99-107.....		18	21
108-117.....		21	24
118-up.....		24	24
Group 3:			
90-99.....	108	6	9
100-112.....		12	15
113-125.....		18	21
126-138.....		21	24
139-up.....		24	24
Group 4:			
105-114.....	126	6	9
115-127.....		12	15
128-143.....		18	21
144-156.....		21	24
157-up.....		24	24
Group 5:			
120-129.....	144	6	9
130-141.....		12	15
142-161.....		18	21
162-174.....		21	24
175-up.....		24	24

The ampere-hour capacity as given above shall be determined as provided in the standard specifications for lead-acid storage batteries for automotive equipment of the Society of Automotive Engineers. (Adopted January 1932.)

For passenger-car batteries in Commercial or Truck Service, the adjustment period shall be one half the above periods given for batteries in Passenger Car Service.

The sale or offering for sale of a battery in any group size, either new, rebuilt, or repaired, having a capacity in ampere-hours and a rating in amperes for twenty minutes of less than the minimum ratings of the group, is an unfair trade practice.

3. *Sales or Excise Tax.*—Any tax or excise imposed by any governmental authority on the manufacture and/or sale of any product included under these standards and where it is the Government's intention that this tax be paid by the buyer, shall be added to regular sales price and listed as a separate item on the manufacturer's invoice.

4. *Subsidiary Companies.*—No manufacturer shall use a subsidiary company or other agency wholly or partly controlled by such manufacturer, for the purpose of distributing such manufacturer's product on terms or conditions not in accordance with the Class I Marketing Standard of this Code.

DOMESTIC MARKETING STANDARDS FOR CLASS II PRODUCTS

The following marketing standards apply to all electric storage batteries not included in Class I and parts and accessories therefor.

1. *Terms of Payments.*—Terms of payments shall be not more favorable than 2%, 10th proximo; net 30 days; or 60-day trade acceptance with no cash discount. If cash discount privilege is exercised, the discount must be figured on the balance due after all deductions are made for goods returned, discounts, allowances, or other credits. Shipments made on the 25th or any later day of any month may for the purpose of allowing cash discount be considered as made on the first day of the following month.

2. *Guarantees and Adjustment Policies.*—(A) All guarantees and Adjustment Policies shall specify a definite period of time or a definite cost for a definite period.

(B) The period shall not be greater than the average life for the type of battery and service concerned.

(C) An adjustment for unexpired adjustment period shall be prorated on the unexpired part of the period and the net sale price of an equivalent new battery or of parts thereof installed. The allowance for the old battery shall not exceed a fair scrap value.

(D) In no case shall a cash refund be allowed on a guarantee.

3. *Conditional Sales.*—The manufacturer may sell on the basis of any deferred-payment plan provided that the sum of all payments shall not be less than the outright purchase price plus average interest at 6%.

4. *Rental Service.*—No batteries are to be rented below cost of such rental service.

5. *Loan Batteries.*—The manufacturer may loan batteries to prospects or customers for the purpose of demonstrating the ability of a battery to do the prospect's or customer's work as an aid in making the sale, or to customers to enable them to keep their equipment in service while batteries which are giving trouble are tested or repaired. In no case shall a battery be loaned for a period longer than 60 days.

6. *Free Installation.*—Manufacturers who sell batteries for permanent installation shall be reimbursed in full for all expenses of installation.

7. *Used Batteries.*—When used batteries are sold by a manufacturer they shall be sold as such.

8. *Free Repairs.*—No free repairs or replacements shall be made by any manufacturer beyond a period of two years from date of installation. Under any other condition when the manufacturer repairs or replaces cells in a user's battery he shall furnish the user with an itemized account of the repairs and replacements made and shall bill the user for all the material supplied and for the expenses incurred.

9. *Disposition of Replaced Batteries.*—Where a manufacturer allows a credit on the purchase price of a new battery in return for the worn out battery, the worn out battery shall become the property of the manufacturer and the customer shall not be permitted to retain it.

10. *Sales or Excise Taxes.*—Any tax or excise imposed by any governmental authority on the manufacture and/or sale of any product included under these standards and where it is the Government's intention that this tax be paid by the buyer, shall be added to regular sales price and listed as a separate item on the manufacturer's invoice.

11. *Subsidiary Companies.*—No manufacturer shall use a subsidiary company or other agency wholly or partly controlled by such manufacturers for the purpose of distributing such manufacturer's product on terms or conditions not in accordance with Class II, Marketing Standards of this Code.

DOMESTIC MARKETING STANDARDS FOR CLASS III PRODUCTS

1. The following Marketing Standards apply to all Wet Primary Batteries and parts and accessories therefor:

1. *Terms of Payment.*—Terms of payment shall not be more favorable than 2% for cash in 20 days, net 45 days.

2. *Designating Capacity.*—All statements or guarantees of capacity must be based on American Railway Association, Signal Section, specifications for determining the capacity of the Wet Caustic Soda Primary Cells used in Railroad Signal Service. The stated or guaranteed ampere-hour capacity of cells, renewals, or parts thereof, must be marked on all shipping containers and shown on the invoice rendered to cover the shipment.

3. *Price Protection.*—No manufacturer shall accept an order protecting customer against price advance or price decline for any quantity of wet primary battery cells, renewals, or parts thereof, in excess of the average 60-day requirements of that customer.

4. *Contracts.*—No manufacturer shall accept orders from a customer under requirements contract with another manufacturer over a period of twelve months, for a quantity of primary battery cells, renewals, or parts thereof, to be used for test purposes in excess of a total of 2% of the normal requirements of that customer during the twelve months' period.

5. *Sales or Excise Taxes.*—Any tax or excise imposed by any governmental authority on the manufacture and/or sale of any product included under these standards, and where it is the Government's intention that this tax be paid by the buyer, shall be added to regular sales price and listed as a separate item on the manufacturer's invoice.

UNIVERSITY OF FLORIDA



3 1262 08850 4856