

NATIONAL RECOVERY ADMINISTRATION

FAIR TRADE PRACTICES
FOR THE
FUNERAL
VEHICLE AND AMBULANCE

SUBDIVISION OF THE
AUTOMOBILE MANUFACTURING INDUSTRY

SUPPLEMENT TO
CODE OF FAIR COMPETITION
FOR THAT INDUSTRY

AS APPROVED ON NOVEMBER 8, 1933

BY
PRESIDENT ROOSEVELT



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

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(II)

EXECUTIVE ORDER

SUPPLEMENT TO CODE OF FAIR COMPETITION FOR THE AUTOMOBILE MANUFACTURING INDUSTRY COVERING FAIR TRADE PRACTICES FOR THE FUNERAL VEHICLE AND AMBULANCE SUBDIVISION

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 Supplement to the Code of Fair Competition for the Automobile Manufacturing Industry covering Fair Trade Practices for the Funeral Vehicle and Ambulance Subdivision, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the Supplement, together with his recommendations and findings with respect thereto, and the Administrator having found that the said Supplement 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 supplement be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
November 8, 1933.

Approval recommended:
HUGH S. JOHNSON,
Administrator.

(III)

NOVEMBER 2, 1933.

The PRESIDENT,
The White House.

SIR: The proposed supplement to the Code of Fair Competition of the Automobile Manufacturing Industry, covering fair trade practices for the Funeral Vehicle and Ambulances Subdivision of said Industry, was submitted by the Funeral Vehicle and Ambulance Manufacturers Association, representing 70% of the members of the Industry, and 85% of the Dollar Volume of the Industry. The hearing was conducted in Washington on October 16, 1933, and all persons requesting an appearance were publicly heard in accordance with the statutory and regulatory requirements.

This Subdivision of the Automobile Industry from its peak in 1929 to the beginning of 1933, has experienced a drop in sales of approximately 40%. The fair trade practices as set forth in the Supplement, we believe are essential to the industrial recovery of the Subdivision. The fair trade practices as contained in this Supplement, we believe are necessary to the rehabilitation of the Subdivision.

Article I. States the purposes of the Supplement.

Article II. Defines accurately specific references in the Subdivision of the Supplement.

Article III. Establishes Subdivision authority for Funeral Vehicle and Ambulance Subdivision to Automobile Manufacturing Industry.

Article IV. Determines method of cost and defines manner in which information shall be obtained.

Article V. Sets forth fair trade practices of the Subdivision.

Article VI. Contains the Mandatory Subdivisions of the National Recovery Act.

FINDINGS

The Administrator finds: A. This Supplement complies in all respects with the pertinent phrases of Title I of the Act, including without limitation Subsection (b) of Section 10 thereof; B. The Funeral Vehicle and Ambulance Manufacturers Association is truly representative of the Funeral Vehicle Manufacturing Subdivision of the Automobile Manufacturing Industry, and the articles of Association contain no inequitable restrictions on membership; C. The Supplement is not designed to promote monopolies or eliminate or oppress small enterprises, and will not operate to discriminate against them and will tend to effectuate the policies of Title I of the National Recovery Act.

It is recommended therefore, that this Supplement to the Code of the Automobile Manufacturing Industry be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

SUPPLEMENT TO CODE OF FAIR COMPETITION FOR THE AUTOMOBILE MANUFACTURING INDUSTRY COVERING FAIR TRADE PRACTICES FOR THE FUNERAL VEHICLE AND AMBULANCE SUBDIVISION OF THE SAID INDUSTRY

ARTICLE I—PURPOSE

Pursuant to Article X of the Code of Fair Competition for the Automobile Manufacturing Industry, duly approved by the President on August 26, 1933, the following provisions relating to fair trade practices for the Funeral Vehicle and Ambulance Subdivision of the Automobile Manufacturing Industry are submitted in behalf of said subdivision, and upon approval by the President shall be binding upon every member of said Subdivision.

ARTICLE II—DEFINITIONS

1. The term "Funeral Vehicles and Ambulances" and/or "Products" as used herein shall mean hearses, ambulances, combination hearses and ambulances, funeral service cars and special vehicles and/or bodies therefor.

2. The term "Hearse" shall mean a motor vehicle designed for transportation of the dead.

3. The term "Ambulance" shall mean a motor vehicle designed for the transportation of the sick or wounded.

4. The term "Service Car" shall mean a motor vehicle designed for the transportation of materials and equipment used in the funeral service and burial of the dead.

5. The term "Subdivision" as used herein shall mean the manufacturing and assembling within the United States of Funeral Vehicles and Ambulances as hereinabove defined, and of component and repair parts and accessories by manufacturers or assemblers of Funeral Vehicles and Ambulances.

6. The term "Association" as used herein shall mean the Funeral Vehicle and Ambulance Manufacturers Association, a Trade Association having its office at Cincinnati, Ohio.

7. The term "Member of the Subdivision" as used herein shall mean anyone engaged in the Subdivision as hereinabove defined, either as an employer or on his own behalf.

8. The term "Code Member of the Subdivision" shall mean any member of the Subdivision who signifies assent to the Code of Fair Competition for the Automobile Manufacturing Industry as approved by the President on August 26, 1933, and to this Supplement thereto.

9. The term "Effective Date" as used herein means the 10th day after this Supplement shall have been approved by the President of the United States.

ARTICLE III—CODE AUTHORITY ORGANIZATION

Each Code Member of the Subdivision shall be entitled to participate in the Code activities of such committee as shall be designated by the National Automobile Chamber of Commerce, pursuant to paragraph (c) of Article VI of the Code of Fair Competition for the Automobile Manufacturing Industry approved August 26, 1933, to function as a "Subdivision Authority" under the supervision of the Chamber. (Such committee shall be hereinafter referred to as the Subdivision Authority.) Each Code Member of the Subdivision shall contribute his equitable and proportionate share toward defraying the expenses incurred in the administration of this Supplement. Such equitable and proportionate share shall be determined by the Subdivision Authority under the supervision of the Chamber and subject to the approval of the Administrator.

ARTICLE IV—POWERS AND DUTIES

1. (a) Within 10 days after the effective date of this Supplement all members of this Subdivision shall file with the Subdivision Authority schedules of their net prices to "Jobbers", "Distributors", and "Dealers." Each member of the Subdivision shall adhere to his own quoted prices so filed. If any member desires to change such prices, he shall first file a revised schedule of prices with the "Subdivision Authority."

(b) Each member of the Subdivision shall file, together with his schedule of prices, specifications, and a complete description of the model covered by each price.

(c) Each member of the Subdivision shall file with the Subdivision Authority in addition to the foregoing schedules, complete price lists for extra equipment which may be offered or sold over and above specification equipment.

(d) No member of the "Subdivision" shall sell or offer for sale any Funeral Vehicles or Ambulances at prices lower or on terms more favorable than those included in his own schedules filed as hereinabove provided.

(e) For the purpose of this Section 1, the following definitions shall apply:

The term "Jobber" or "Distributor" shall mean:

(v) anyone engaged in the business of selling funeral vehicles to the funeral trade, who has a place of business separate and distinct from the establishment of any Funeral Director; or

(z) anyone engaged in the business of selling ambulances.

The term "Dealer" shall mean anyone engaged in whole or in part in the business of Motor Vehicle Retailing who

(x) sells funeral vehicles to the funeral trade, and has a place of business separate and distinct from the establishment of any funeral director; or

(y) sells ambulances.

2. No member of the "Subdivision" shall sell funeral vehicles or ambulances at a net realized price less than the cost of such product to such member. Cost shall be computed on the basis of a uniform

formula or uniform formulæ of cost accounting prescribed by the Subdivision Authority, and subject to approval of the Administrator.

Each "Member" of the "Subdivision" shall from time to time on request of the "Subdivision Authority" submit his costs computed on the basis of such formula or formulæ.

3. In addition to the information required to be submitted to the Code Authority as set forth in 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 National Industrial Recovery Act.

ARTICLE V—TRADE PRACTICES

1. The following trade practices are hereby declared to be unfair and no member of the Subdivision shall engage in any such practice.

(a) Selling Funeral Vehicles and Ambulances to any buyer at a price or upon terms and conditions not available to all other buyers of the same class.

(b) The secret payment or allowance of rebate, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise.

(c) Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

(d) The offering or giving of prizes, commissions, or gifts in connection with the sale of products as an inducement to promote such sale.

(e) The selling or offering for sale of more than one article at an aggregate price less than the total of the regularly established unit prices of such member therefor.

(f) The giving or permitting to give or offer to give, directly or indirectly, of 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, to induce such agents, employees, or representatives 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.

(g) The false marking or pricing of any kind of products of the "Subdivision" in order to mislead or deceive customers or prospective customers.

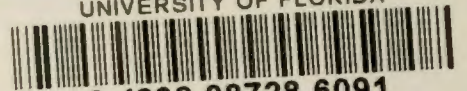
(h) The making or causing or knowingly permitting to be made or published of any false or deceptive statement by way of advertisement or otherwise, having the tendency to mislead or deceive customers or prospective customers.

(i) Imitation of competitors' trade-marks.

(j) False disparagement of competitors or their products.

(k) The malicious inducing of employees away from competitors.

2. Nothing in this Supplement shall limit the effect of any adjudication by the Courts or holding by the Federal Trade Commission on



complaint, finding, and order that any practice or method is unfair, provided that such adjudication or holding is not inconsistent with any provision of this Supplement or with the National Recovery Act.

ARTICLE VI—GENERAL

1. No provision of this Supplement shall be interpreted or applied in such manner as to

(a) permit monopolies or monopolistic practices.

(b) eliminate or oppress small enterprises or discriminate against small enterprises.

2. No inequitable restrictions upon membership in the Association shall at any time be imposed.

3. This Supplement is hereby made expressly subject to the right of the President pursuant to Section 10 (b) 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 the said Act, and specifically but without limitation to the right of the President to cancel or modify his approval of this code or of any conditions imposed upon him upon such approval.

4. By presenting this Supplement the members assenting hereto do not thereby consent to any modification thereof, and they reserve the right to object individually or jointly to any such modifications.

5. Such provisions of this Supplement as are not required to be included therein by the National Industrial Recovery Act may, upon the application of the Subdivision and with the approval of the President, be modified or eliminated.