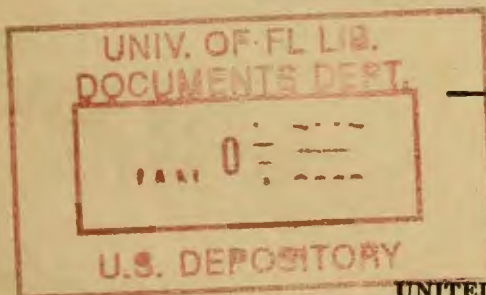
**NATIONAL RECOVERY ADMINISTRATION****CODE OF FAIR COMPETITION****FOR THE****GLASS CONTAINER  
INDUSTRY****AS APPROVED ON OCTOBER 8, 1933****BY****PRESIDENT ROOSEVELT**

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



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(II)





## EXECUTIVE ORDER

### CODE OF FAIR COMPETITION FOR THE GLASS CONTAINER 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 Glass Container 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 is hereby approved.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*September 1933.*

Approval recommended:

HUGH S. JOHNSON,  
*Administrator.*

(III)

SEPTEMBER 25, 1933.

The PRESIDENT,  
*The White House,*  
*Washington, D.C.*

My DEAR MR. PRESIDENT: I have the honor to submit and recommend for your approval, the Code of Fair Competition for the Glass Container Industry.

The following exhibits are included or attached:

1. Final Code submitted.
2. Notice of Hearing.
3. Statement of Procedure.
4. Transcript of Records.
5. Statistical Analysis of the Division of Economic Research and Planning.
6. Report of Deputy.

An analysis of the provisions of the Code has been made by the Administrator. I find that the Code complies with the requirements of the National Industrial Recovery Act.

I am, my dear Mr. President,

Very sincerely yours,

HUGH S. JOHNSON,  
*Administrator.*



# CODE OF FAIR COMPETITION FOR THE GLASS CONTAINER INDUSTRY

## ARTICLE I—PURPOSE

To effectuate the policy and purpose of the National Industrial Recovery Act the following provisions are established as a Code of Fair Competition for the Glass Container Industry.

## ARTICLE II—DEFINITIONS

SECTION 1. The term "the industry" means and includes the business of producing and selling glass bottles, glass jars, and glass accessories for glass bottles and glass jars.

SEC. 2. The term "member of the industry" means any employer engaged in the industry as herein defined.

SEC. 3. The term "the Association" means the Glass Container Association of America, a membership corporation including in its membership manufacturers of glass bottles and glass jars and manufacturers of allied articles.

SEC. 4. The term "the President" means the President of the United States of America.

SEC. 5. The term "administrator" means the duly appointed representative of the President of the United States to administer the National Industrial Recovery Act.

SEC. 6. The term "employer" means any enterprise engaged in the industry as herein defined.

SEC. 7. The term "employee" means any person employed by a member of the industry as herein defined.

SEC. 8. The term "plant" means a plant engaged in the industry as herein defined.

SEC. 9. The term "majority vote" shall be defined upon the following bases:

(a) A majority vote of the members of the Industry either present or by proxy; and

(b) A vote of the members of the industry, either present or by proxy, having at least seventy-five percent (75%) of the total registered productive capacity of all members of the Industry.

(c) At each meeting of the members of the Industry fifty-one percent (51%) of the members of the Industry shall constitute a quorum.

## ARTICLE III—LABOR PROVISIONS

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 employ-



ers 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.

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

SEC. 2. No member of the Industry shall employ a minor under the age of sixteen (16) years, and no person under 18 years of age shall be employed or allowed to work on or in connection with any hazardous manufacturing processes.

SEC. 3. (a) The maximum number of working hours for factory employees in the Industry shall not be in excess of forty (40) hours per week averaged over a six months' period, and not in excess of forty-eight (48) hours in any one week. For the purpose of this section the balance of the year 1933, from the effective date of this Code to December 31, 1933, inclusive, shall be considered the first period. Subsequent periods shall begin on January 1st and July 1st, to end on June 30 and December 31, respectively.

(b) The maximum number of working hours for office or branch employees in the Industry shall not be in excess of an average of forty (40) hours per week over any one month period, and not in excess of forty-eight (48) hours in any one week. Provided, however, that the provisions of this section shall not apply to executives and supervisors, outside salesmen, technical and laboratory staffs, watchmen, and those employed in emergency maintenance and emergency repair work.

SEC. 4. Where skilled employees are not available, upon the approval of the Code Authority, the maximum hours for skilled employees may be in excess of the maximum hours herein specified for a period not to exceed three months after approval of this Code.

SEC. 5. No employee shall be permitted to work for two or more employers for a longer period in any week than is specified herein for a single employer.

SEC. 6. (a) On and after the effective date of this Code, the minimum wage shall be not less than forty (40¢) cents per hour, unless the hourly rate for the same class of work on July 15, 1929, was less than forty (40¢) cents per hour, in which case the minimum wage shall be not less than thirty (30¢) cents per hour.

(b) The minimum wage herein specified shall be applicable whether employees are compensated on the basis of a time rate or a piecework rate. Female employees employed during the same hours of the day and upon the same work as that performed by male employees shall receive compensation equal to that of such male employees.

(c) The provisions of this section shall not be applicable to apprentices and learners; provided, however, that the total number of such apprentices and learners shall not constitute more than five (5%) percent of the total number of employees subject to the provisions of this Code in any one plant; and provided further, that the



wages paid to such apprentices and learners shall not be less than eighty (80%) percent of the minimum rates of pay specified in this Code; and, provided further, that the period of apprenticeship or learning shall not exceed three months.

SEC. 7. The existing amounts by which wages in the higher-paid classes of employees, up to employees receiving thirty-five (\$35) dollars per week, exceed wages in the lower-paid classes of employees, shall be maintained. Provided, however, that where the foregoing provision results in rates that are inequitable as between plants, for the same work, revision of wage rates for higher-paid classes shall be adjusted in a reasonable manner, subject to the supervision of the Code Authority.

SEC. 8. Any employee other than executives and supervisors who receive more than thirty-five dollars (\$35) per week and outside salesmen, shall be paid overtime at the rate of time and a half for all hours in excess of 40 hours per week averaged over a six months' period.

SEC. 9. 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, welfare, or general working conditions, than are imposed by this Code.

SEC. 10. Employers shall not reclassify employees so as to defeat the purposes of the National Industrial Recovery Act.

#### ARTICLE IV—ADMINISTRATION

SECTION 1. To effectuate the policies of the National Industrial Recovery Administration and to provide for administration of this Code within the Industry, a Code Authority of five members shall be established by the Industry and upon request of the Administrator not more than three nonvoting representatives of the Administrator. All members of the Industry as herein defined shall be entitled to participate in the selection of such members of the Code Authority. Such election shall be by a majority vote as defined in Section 10 of Article II.

SEC. 2. In addition to the powers and duties herein specifically conferred upon the Code Authority it shall have the following powers and duties:

(a) The Code Authority shall be charged with the supervision, administration, and enforcement of this Code and may to the extent permitted by the National Industrial Recovery Act and subject to review by the Administrator, issue such rules, regulations, and interpretations, and impose upon the persons subject to the jurisdiction of this Code such restrictions as may be necessary to effectuate the purposes of this Code. The Code Authority shall have the right to establish its own rules for the conduct of its business.

(b) In order that the President may be informed of the extent of observance of the provisions of this Code and of the extent to which the declared policy of the National Industrial Act is being effectuated in the Industry as herein defined, the Code Authority shall make such reports as the Administrator may require, and each employer shall make such sworn or unsworn reports to the Code Authority periodi-



cally, as it may direct, on wages, hours of labor, conditions of employment, number of employees, production, shipments, sales, stocks, prices, and other matters pertinent to the purposes of this Code as the Code Authority may require. 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 National Industrial Recovery Act. Each employer subject to the jurisdiction of this Code and accepting the benefits of the activities of the Code Authority thereunder shall either become a member of the Association or pay to the Code Authority his proportionate share of the amounts necessary to defray the cost of the assembly, analysis, and publication of such reports and data, and of the maintenance of the said Code Authority and its activities. Said proportionate share shall be based upon value of net sales.

(c) Any and all information furnished to the Code Authority shall be deemed confidential and shall not be divulged to any member except in summary, but shall be available to the Administrator upon request.

(d) The Code Authority may designate the Glass Container Association or any other appropriate agency, to assist it in maintaining its accounts, determining such proportionate shares and in securing the collection thereof.

(e) The Code Authority may from time to time appoint such subcommittees or designate such agencies, and may delegate to any of them such of its powers and duties, as it shall deem necessary or proper in order to effectuate the provisions and purposes of this Code.

(f) The Code Authority shall receive, and if it shall approve, shall present for the approval of the President, any proposals for supplementary provisions or amendments of this Code or additional Codes, applicable to the industry defined herein or to any part thereof, with respect to wages, hours, trade practices or related matters or conditions in the Industry.

SEC. 3. (a) Any interested party shall have the right of complaint to the Code Authority and of a prompt hearing and decision thereon in respect to any decision, rule, regulation, or other course of action of such Code Authority. Such complaint must be filed in writing with the Code Authority within a reasonable period of time after said decision, rule, regulation, or course of action is issued or taken. The decision of the Code Authority may be appealed by any interested party to the Administrator.

(b) Any interested party shall have the right of appeal to the Administrator, under such rules and regulations as he may prescribe, in respect to any decision, rule, regulation, or other course of action, issued or taken by the Code Authority.

SEC. 4. Any decision, rule, regulation, order, or finding made or course of action followed pursuant to this Code, may be cancelled or modified by the Administrator whenever he shall determine such action necessary to effectuate the provisions of Title I of the National Industrial Recovery Act.



## ARTICLE V—COST ACCOUNTING

Each member of the Industry shall use an adequate cost accounting system. The Code Authority shall recommend for use in the Industry a uniform and adequate cost accounting plan which shall be adaptable to the cost accounting procedure of the Industry, and which shall be approved by the Administrator. Such plan shall specify the factors which shall be included in determining the delivered costs of each member of the Industry. Sales by any member of the Industry below such costs except to meet competition are hereby prohibited.

## ARTICLE VI—TRADE PROVISIONS

SECTION. 1. The rules of fair trade practice for the Glass Container Industry, as set forth in Schedules "A", "B", and "C" attached hereto, are specifically made a part of this Code.

SEC. 2. Any violation of the trade practice provisions set forth in Schedules "A", "B", and "C", hereof, or hereafter approved by the President shall constitute a violation of this Code.

SEC. 3. Where the costs to a member of the Industry of executing contracts entered into prior to approval of this Code by the President, are increased by the application of the provisions of this Code, it is equitable and promotive of the purposes of the National Industrial Recovery Act that appropriate adjustments of such contracts to reflect such increased costs be determined by arbitral proceedings or otherwise. The Code Authority shall assist in effecting such adjustments.

## ARTICLE VII—PRODUCTION AND CAPACITY

The present capacity of the Industry is far in excess of present or prospective needs. Therefore, each member of the Industry shall register with the Association the melting area in square feet of its present tank or furnace equipment. Prior to the installation of new melting areas or the enlargement of present melting areas by any member of the Industry, or persons engaging in the production of bottles or jars, except for the replacement of similar tank or furnace melting areas, such members or persons shall report to the Code Authority, and the Code Authority shall make such recommendations to the Administrator as may seem necessary to effectuate the policy of the National Industrial Recovery Act.

## ARTICLE VIII—GENERAL

SECTION 1. No provisions of this Code shall be construed, interpreted, or applied in such a manner as to—

- (a) Promote monopolies or monopolistic practices;
- (b) Promote or encourage unfair competition;
- (c) Eliminate or oppress small enterprises;
- (d) Discriminate against small enterprises.

SEC. 2. Any member of the Industry shall be eligible to membership in the Association and there shall be no inequitable restrictions imposed upon such membership.



SEC. 3. The President may from time to time cancel or modify any order, approval, license, rules, or regulations issued under Title I of the National Industrial Recovery Act, and specifically, without limitation, may cancel or modify his approval of this Code or any conditions imposed by him upon his approval hereof.

#### ARTICLE IX—VIOLATIONS

Violation by any person of any provision of this Code or of any rule or regulation issued thereunder, or any false statement or report made to the President or the Code Authority, after decision thereon by the Administrator pursuant to Article IV of this Code, shall constitute an unfair method of competition and the offender shall be subject to the penalties provided by the National Industrial Recovery Act.

#### ARTICLE X—EFFECTIVE DATE

This Code shall become effective ten (10) days after it is approved by the President.



## SCHEDULE "A"

### TRADE PRACTICES

SECTION 1. (a) It becomes necessary to conduct the industry in an orderly way and to maintain competitive conditions in order that the provisions and intent of the National Industrial Recovery Act may be effectuated. Therefore, so long as the industry is operating below 70% of yearly registered capacity for such period as the Administrator may approve, the principle of sharing available business equitably among the members of the industry shall be recognized, not to restrict production but to maintain a reasonable balance between production and consumption of glass containers and to assure adequate supplies thereof.

(b) When the industry is operating at 70% of average yearly registered capacity for such period as is approved by the Administrator, the principle of sharing available business shall be reconsidered by the industry and its recommendation transmitted to the Administrator for his approval.

(c) If at any time a majority of the industry as defined in Section 10, Article II, shall vote against the principle of sharing available business equitably among the members of the industry, this Code shall be amended as the members of the industry may determine and as the Administrator may approve.

(d) To make this principle effective, the Code Authority shall formulate a plan for equitable allocation of production to each member in the industry or who may hereafter enter the industry and shall submit such plan to the Administrator for his approval. Such plan shall give due consideration to productive capacity and past performance and shall recognize the greater difficulties to be met by the smaller producers in the industry in operating on a curtailed basis, and such other factors as the Administrator may direct. After the Administrator has approved such plan, the Code Authority shall from time to time, but not less frequently than each six months, prepare an estimate of expected consumption of glass containers. Upon the basis of such estimate the Code Authority shall make equitable allocations to each member in the Industry in accordance with the plan so approved. Each member of the Industry shall be entitled to be registered by the Code Authority and shall be assigned an allotment. The Code Authority shall take such steps as may be reasonably adapted to give notice to all persons operating that such allocation will be made. After such allotments have been assigned, no person shall produce glass containers in excess of his allotment.

(e) The Code Authority shall issue interpretations and promulgate rules and regulations necessary for the enforcement of this Schedule "A", to prevent evasion, and to secure the equitable application thereof.

(f) The Code Authority shall so administer the provisions of this Schedule "A" as to prevent loss of export business to the glass-container industry as the result of the operation of this Schedule "A."

(g) Any member of the industry unable for any reason to accept his allotment under this Schedule "A" shall file his reasons therefor with the Code Authority, who shall immediately organize a Board of Arbitration composed of one member appointed by the Code Authority, one member representing the complainant member of the industry, and one member selected by the two members so appointed. If the two members so appointed are unable to agree upon the selection of the third member, the Administrator shall appoint a disinterested third member. The decision of this Arbitration Board may be appealed as the Administrator, in accordance with law, may prescribe.



## **SCHEDULE "B"**

### **UNFAIR TRADE PRACTICES**

**SECTION 1.** Inducing or attempting to induce by any unfair means whatsoever any party to an existing contract with a member of the industry to violate such contract shall constitute an unfair trade practice.

**SEC. 2.** The defamation of a competitor by words or acts, imputing to his dishonorable conduct, inability to perform contracts, or questionable credit standing, or the false disparagement of the substance, grade, or quality of his goods, is an unfair trade practice.

**SEC. 3.** Imitation of a competitor's trade mark, trade name, or exclusive and established design of product or package intended to identify the maker or vendor of the product shall constitute an unfair trade practice.

**SEC. 4.** The sale or offer for sale of any product of the industry with intent to deceive customers or prospective customers as to quantity, quality, substance, or size of such product shall constitute an unfair trade practice.

**SEC. 5.** The marking or branding of products of the Industry for the purpose or with the effect of misleading or deceiving purchasers or consumers with respect to the quantity, quality, grade or substance of the goods purchased, shall constitute an unfair trade practice.

**SEC. 6.** The payment or allowance in connection with any sale of secret rebates, refunds, credits, or unearned discounts, whether in the form of money or otherwise, or extending to certain purchasers confidential prices, special services, or privileges not extended to all purchasers of the same class under like terms and conditions, shall constitute an unfair trade practice.

**SEC. 7.** Commercial bribery or the making of promises to any purchaser or prospective purchaser of any product, or to an officer, employee, agent, or representative, of any such purchaser or prospective purchaser, of any bribe, gratuity, gift, or other payment or remuneration, directly or indirectly, without the consent of the representatives' employer or principal, shall constitute an unfair trade practice.



## **SCHEDULE "O"**

### **SIX-DAY WEEK**

**SECTION 1. (a)** No plant shall operate more than six (6) days per week ; provided, however, that any member of the Industry may operate a plant or plants seven (7) days per week to meet emergency needs for containers required for seasonal products, where the limitation to six (6) days would result in curtailment of employment or loss of perishable commodities.

**(b)** Each instance of seven (7) days work per week shall be reported immediately to the Code Authority and the reason therefore shall be clearly specified. Any such operation, not required by the necessities as herein described but for the purpose of gaining a competitive advantage, shall constitute a violation of this Code.

**(9)**

**O**











