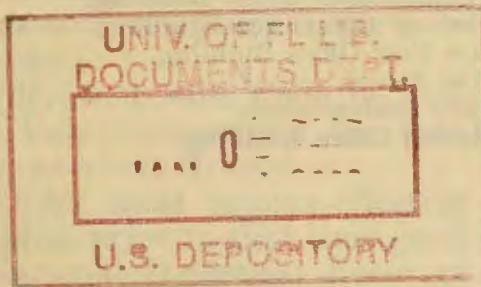
**NATIONAL RECOVERY ADMINISTRATION****CODE OF FAIR COMPETITION**

FOR THE

**BRATTICE CLOTH
MANUFACTURING INDUSTRY**

AS APPROVED ON NOVEMBER 26, 1934



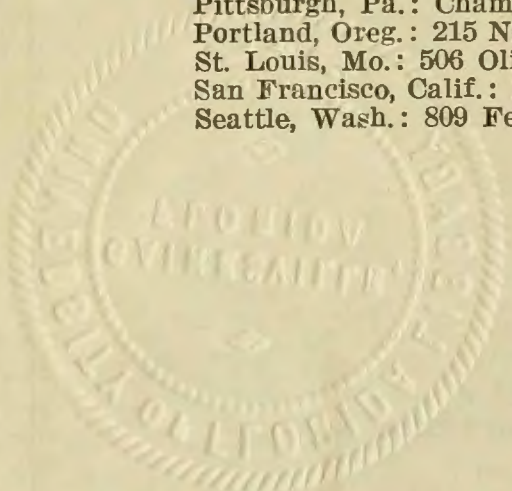
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Approved Code No. 535

CODE OF FAIR COMPETITION

FOR THE

BRATTICE CLOTH MANUFACTURING INDUSTRY

As Approved on November 26, 1934

ORDER

APPROVING THE BASIC CODE AS THE CODE OF FAIR COMPETITION FOR THE BRATTICE CLOTH MANUFACTURING INDUSTRY

An application having been made pursuant to Administrative Order No. X-61, dated July 10, 1934, for the approval of the Basic Code, as amended and attached to the annexed report as Exhibit "A", as the Code of Fair Competition for the Brattice Cloth Manufacturing Industry, defined for the purposes of this Order as follows:

The term "Industry" as used herein means the manufacture of brattice cloth and the sale thereof by the manufacturer and such branches thereof as may from time to time be included under the provisions of this Code.

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 #6559, dated September 27, 1934 and otherwise; does hereby:

(a) incorporate by reference said annexed report and said Code, as attached thereto marked Exhibit "A",

(b) find that said Code complies in all respects with the pertinent provisions and will promote the policy and purpose of said Title of said Act, and

(c) order that said Code be and it hereby is approved as the Code of Fair Competition for the Brattice Cloth Manufacturing Industry, as above defined.

This Order shall become effective ten (10) days from the date hereof unless prior to that time good cause to the contrary is shown to the National Industrial Recovery Board and it, by its further order, otherwise directs.

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

Approval recommended:

PRENTISS L. COONLEY,
Acting Division Administrator.

WASHINGTON, D. C.,
November 26, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Basic Code of Fair Competition for the Brattice Cloth Manufacturing Industry, which was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, said to represent 100 percent in volume of sales of the Industry which could be included in this Code.

GENERAL STATEMENT

The Brattice Cloth Manufacturing Association, being duly representative of the Brattice Cloth Manufacturing Industry, has elected to avail itself of the option of submitting a Basic Code of Fair Competition, as provided in Administrative Order X-61, dated July 10, 1934.

This Industry manufactures and sells brattice cloth to be used in Mines to conduct and regulate air currents.

THE INDUSTRY

According to statistics furnished by members of the Brattice Cloth Manufacturing Association, there are five concerns engaged in the Industry, with aggregate annual sales of approximately \$275,000.00. The Industry employs about 69 persons.

PROVISIONS OF THE CODE

The hour and wage provisions of this Code establish a maximum 40 hour week, except for 8 weeks in any one year, any employee may be permitted not more than 48 hours per week. All hours in excess of 8 per day or 40 per week shall be paid at not less than one and one-half times the employee's regular rate. The minimum wages of this Code are 35¢ in the northern section of the United States and 30¢ per hour in the southern section of the United States. The remaining provisions of the Code are those of the Basic Code of Fair Competition, as provided in Administrative Order X-61, dated July 10, 1934.

FINDINGS

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

It finds that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including

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 sanctions 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) Said Industry normally employs not more than 50,000 employees; and is not classified by the National Industrial Recovery Board as a major industry.

(c) The Code as approved 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; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

For these reasons, this Code has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

NOVEMBER 26, 1934.

EXHIBIT "A"

CODE OF FAIR COMPETITION FOR THE BRATTICE CLOTH MANUFACTURING INDUSTRY

ARTICLE I

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a basic Code of Fair Competition which shall govern the Brattice Cloth Manufacturing Industry applying therefor in accordance with Administrative Order No. X-61, dated July 10, 1934.

The term "Industry" as used herein means the manufacture of brattice cloth and the sale thereof by the manufacturer and such branches thereof as may from time to time be included under the provisions of this Code.

The term "Brattice Cloth" as used herein means jute fabrics which have been chemically treated to make them fire-proof, for use in mines to conduct and regulate air currents.

ARTICLE II

SECTION 1. *Hours*.—No employee shall be permitted to work in excess of forty (40) hours in any one week, except that for eight (8) weeks in any one calendar year, any employee may be permitted to work not more than forty-eight (48) hours per week. All hours in excess of eight (8) per day or forty (40) per week shall be paid for at not less than one and one-half ($1\frac{1}{2}$) times the employee's regular rate.

SECTION 2. *Exceptions*.—The provisions of Section 1 shall not apply to employees engaged in emergency maintenance or emergency repair work involving breakdowns or the protection of life or property, nor to persons employed in a managerial or executive capacity who earn regularly Thirty-five Dollars (\$35.00) per week or more, nor to any other class of employees which the National Industrial Recovery Board shall find upon application of true representatives of the trade or industry should be subjected to an exemption or amendment in accordance with N. R. A. policy; provided, however, that employees engaged in such emergency maintenance and emergency repair work shall be paid at one and one-half ($1\frac{1}{2}$) times their normal rate for all hours worked in excess of forty (40) hours per week.

SECTION 3. *Minimum Wages*.—No employee shall be paid in any pay period less than at the rate of fourteen dollars (\$14) per week for forty (40) hours of labor, except in Southern Section in which region no employee shall be paid in any pay period less than at the rate of twelve (\$12) per week for forty (40) hours of labor.

The "Southern Section" shall include the states of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Texas and Florida.

The "Northern Section" is defined to mean the rest of the United States.

SECTION 4. *Wages in General*.—All wages shall be adjusted so as to maintain a differential at least as great in amount as that existing on June 16, 1933, between wages for such employment and the then minima. In no case shall there be any reduction in hourly rates; nor in weekly earnings for any reduction in hours of less than thirty percent.

ARTICLE III

SECTION 1. *Child Labor*.—No person under sixteen years of age shall be employed in the industry in any capacity. No person under eighteen years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the National Industrial Recovery Board for approval March 1, 1935, a list of such operations or occupations.

In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a valid certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 2. *Apprentices*.—The hours and wages of regularly indentured apprentices in skilled trades or occupations of the industry may depart from the standards hereinabove prescribed; provided that the terms of employment and the course of instruction of such apprentices shall conform to standards uniform throughout the trade or industry and approved by the National Industrial Recovery Board.

SECTION 3. *Handicapped Persons*.—A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him showing the wages paid to, and the maximum hours of work for such employee.

SECTION 4. *Safety and Health*.—Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board for approval within three months after the effective date of this Code. The standards approved shall thereafter be a part of this Code and enforceable as such.

SECTION 5. *Required Labor Clauses*.—The provisions of Section 7 (a) of said Act are hereby incorporated herein by this reference and shall be complied with.

ARTICLE IV

(A) ADMINISTRATION

This Code shall be administered by the General NRA Code Authority which shall be selected pursuant to, have the powers specified in and function as follows; provided, however, that, on approval by the National Industrial Recovery Board, the Brattice Cloth Manufacturing Industry may elect its own Code Authority to have powers and to function in the manner prescribed for the General NRA Code Authority and under such rules and regulations as the National Industrial Recovery Board may prescribe.

(B) GENERAL NRA CODE AUTHORITY

(i) The General NRA Code Authority, provided for in Article IV of said Basic Code, shall be appointed by the National Industrial Recovery Board and shall serve without expense to the Industries subject to such Code.

(ii) Such Code Authority shall have the following powers and duties:

(aa) To insure the execution of the Code and to provide for the compliance of the industry with the provisions of the Act.

(ab) To adopt by-laws and rules and regulations for its procedure.

(ac) To obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to said Basic Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing in the Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Government agencies as may be directed by the National Industrial Recovery Board.

(ad) The General NRA Code Authority shall submit to the National Industrial Recovery Board within 90 days after the approval of this Basic Code a list of industries covered by the Basic Code, in which work on any part of the product is performed in the home and/or work is contracted out. The General NRA Code Authority may also submit a list of special problems affecting particular industries operating under the Basic Code, and recommendations pertaining thereto.

(ae) To make recommendations to the National Industrial Recovery Board for the coordination of the Administration of the Code and such other codes, if any, as may be related to or affect members of the industry.

(af) To recommend to the National Industrial Recovery Board any action or measure deemed advisable, including further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment.

ARTICLE V—TRADE PRACTICES

(A) It shall be an unfair method of competition for any member of any trade or industry subject hereto to violate any rule of fair trade practice for this industry even if not herein contained when approved by the National Industrial Recovery Board, or, in the case of trade practice provisions for trades or industries under the jurisdiction of the Secretary of Agriculture when approved by such Secretary, on application concurred in by seventy-five (75) percent of the members of such trades or industry.

(B) Prices, rebates, discounts, commissions and conditions of sale shall be filed as prescribed in Administrative Order No. X-62, dated July 10, 1934, and it shall be an unfair method of competition to violate or fail to comply with the terms of that Order. The terms of said Order are as follows:

(i) OPEN PRICE FILING

As provided for in Section (B) of Article V of said Basic Code, prices, rebates, discounts, commissions, and conditions of sale shall be filed in accordance with the following provisions:

(aa) Each member of the industry shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the industry as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within 30 days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid 30 day period after the approval of this code. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the National Industrial Recovery Board. Upon request the Code Authority shall

furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

(ab) When any member of the industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(ac) No member of the industry shall sell or offer to sell any product, services of the industry, for which price terms have been filed pursuant to the provisions of this article, except in accordance with such price terms.

(ad) No member of the industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

(ii) COSTS AND PRICE CUTTING

(aa) The standards of fair competition for the industry with reference to pricing practices are declared to be as follows:

(1) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N. R. A. which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(2) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(3) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

(ab) EMERGENCY PROVISIONS

(1) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to

investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(2) When the National Industrial Recovery Board shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonable calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

ARTICLE VI

(A) Section 10 (b) of said Act is hereby incorporated herein by reference and this Code is expressly made subject thereto.

(B) The following rules and regulations are hereby prescribed to supplement the Basic Code.

(i) The minimum rates of pay provided for in Article II of said Basic Code shall apply, irrespective of whether an employee is actually compensated on a time rate, piece-work, or other basis.

(ii) Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

(iii) No employer shall permit any employee to work for any time which, when totaled with that already performed for another employer or employers exceeds the maximum permitted herein.

(iv) No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of said Basic Code.

(v) No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any Code of Fair Competition.

(vi) Code Authorities selected by industry in accordance with Article IV of said Basic Code shall function at the expense of the industry in accordance with such further rules and regulations as the National Industrial Recovery Board may prescribe.

(vii) No provision hereof, or of said Basic Code, shall supersede any State or Federal law which imposed on employers more stringent requirements as to age of employees, wages, hours of work, safety, health and sanitary conditions, insurance, fire protection or general working conditions, than are imposed thereby.

(viii) No provision hereof, or of said Basic Code, shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

