

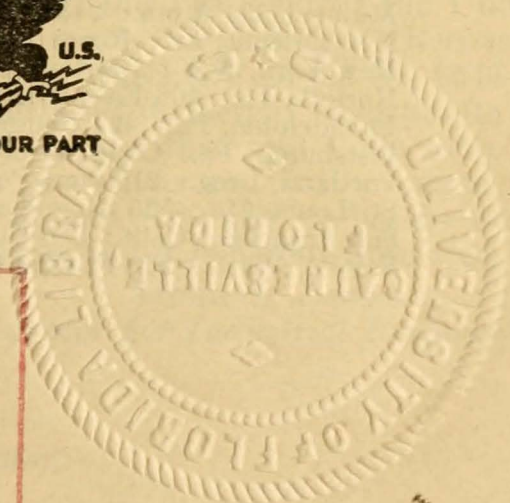
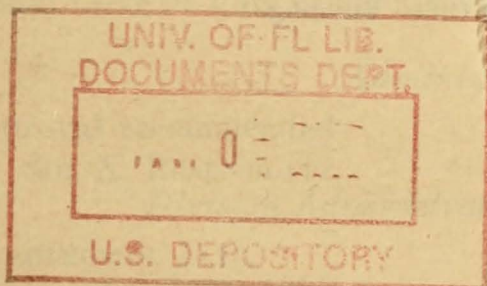
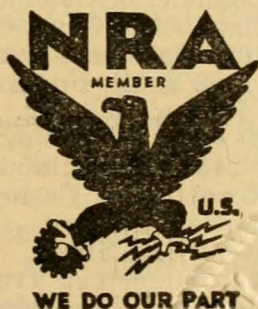
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

**CELLULOID BUTTON
BUCKLE AND NOVELTY
MANUFACTURING INDUSTRY**

AS APPROVED ON APRIL 20, 1934

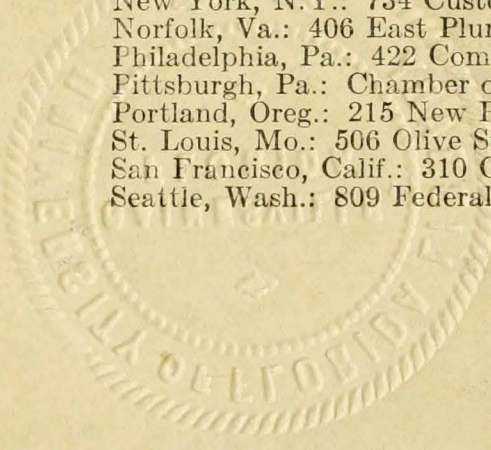


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Approved Code No. 400

CODE OF FAIR COMPETITION

FOR THE

**CELLULOID BUTTON, BUCKLE AND NOVELTY
MANUFACTURING INDUSTRY**

As Approved on April 20, 1934

ORDER

**CODE OF FAIR COMPETITION FOR THE CELLULOID BUTTON, BUCKLE,
AND NOVELTY MANUFACTURING 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 approval of a Code of Fair Competition for the Celluloid Button, Buckle and Novelty Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

WASHINGTON, D.C.,
April 20, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The Public Hearing on the Code of Fair Competition for the Celluloid Button, Buckle and Novelty Manufacturing Industry, as proposed by the Celluloid Button, Buckle and Novelty Manufacturers Association, was conducted in the Mayflower Hotel, Washington, D.C. on October 12, 1933.

Every person who requested an appearance was fairly heard in accordance with regulations of the National Recovery Administration. The Code has the approval of the Labor, Industrial and Consumers' Advisory Boards of the National Recovery Administration and of the Legal Division. The Chairman of the Code Committee, upon authorization of the Committee, has also given approval to the final draft of the Code on behalf of the Industry.

The Industry, as defined in the Code, includes the manufacture of buttons, buckles, and novelties made wholly of celluloid or with celluloid as the major raw material. The accessory materials are metal, wood and leather, and are used for backing or strengthening purposes. The products of the Industry are used primarily in the Ladies' Garment Trade and are put on dresses, cloaks and fur coats. The products are also used as novelties for the Millinery Trade. The Industry does not produce for stock. It works exclusively on orders. It is estimated that the whole ready stock amounts to less than 5,000.00, and this is an accumulation of stock produced in excess of orders.

In 1928 there were 20 concerns in the Industry with 725 employees. The aggregate production amounted to \$2,100,000.00. In 1933 there were 39 concerns, and 1,550 employees. The estimated production was \$2,800,000.00. This indicates that the number of employees has been more than doubled in five years.

It was attempted first by the Deputy Administrator to combine the various Button Codes into one Code for the entire Industry, but this was found to be impracticable inasmuch as no unanimity could be reached by the representatives of the different branches of the Industry. However, a provision has been incorporated in this Code which, if agreed upon by all branches of the Industry, may open the way for a cooperative administration of the several Codes.

The submitting Association represents 75% of the Celluloid Button, Buckle and Novelty Manufacturers in the United States, and 88% of the volume of business.

RÉSUMÉ OF THE CODE

Article I gives the purposes of the Code.

Article II sets forth certain definitions.

Article III contains the maximum hours' provisions of the Code.

Article IV establishes the minimum wage for all employees employed in the Industry.

Article V sets forth the general labor provisions.

Article VI provides the general organization of the Code Authority and defines its powers and duties.

Article VII defines trade practices which are unfair and shall be eliminated.

Article VIII provides for employers who may be partly engaged in this Industry and partly in another.

Article IX provides for the modification of this Code in accordance with Section 10 (b) of the National Industrial Recovery Act.

Article X states that this Code shall not permit monopolies.

Article XI deals with price increases.

Article XII specifies the effective date.

FINDINGS

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

I find 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 the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practice, by promoting the fullest possible utilization of the present production 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 me 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 the 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.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons the Code has been approved.

HUGH S. JOHNSON,
Administrator.

APRIL 20, 1934.

CODE OF FAIR COMPETITION FOR THE CELLULOID BUTTON, BUCKLE AND NOVELTY MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Celluloid Button, Buckle and Novelty Manufacturing Industry, and shall be the standard of fair competition for this Industry, and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

1. The term "Industry" as used herein, includes the manufacture of buttons, buckles and novelties made wholly of celluloid or with celluloid as a major raw material, and such other related products as may from time to time be included under the provisions of this Code by the Administrator after such notice and hearing as he may prescribe.

2. The term "member of the Industry" includes any individual, partnership, association, corporation or other person engaged in the Industry, either as an employer or on his own behalf.

3. The term "employee" as used herein includes any person engaged in any phase of the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation or his interest otherwise in said Industry.

4. The term "employer" as used herein includes any one for whose benefit such employee is so engaged.

5. The terms "President", "Act" and "Administrator" as used herein, shall mean, respectively, President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

ARTICLE III—HOURS

1. Except as hereinafter provided, no employee shall be permitted to work in excess of forty (40) hours in any one (1) week, nor more than eight (8) hours in any twenty-four (24) hour period.

2. No employee shall be permitted to work for more than five (5) days in any seven (7) day period.

3. No manufacturing operations shall be performed on any Saturday or Sunday, except that such operations may be performed on the Saturday of a week in which a legal or religious holiday occurs during the normal work week.

4. The Code Authority, subject to review by the Administrator, may determine the hour before which work shall not begin, and the

hour after which work shall cease, and may determine in which localities such regulations shall apply.

5. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours per week averaged over a one (1) month period.

6. No person employed as a shipping clerk shall be permitted to work in excess of forty (40) hours per week averaged over a three (3) month period.

7. Employees engaged in maintenance or in emergency repair work may be permitted to work more than forty (40) hours in any one week provided one and one-third ($1\frac{1}{3}$) times the regular hourly rate is paid such employees for such overtime. No watchmen shall be permitted to work more than forty-four (44) hours in any one week.

8. The provisions of this Article shall not apply to employees employed in managerial or executive capacities who earn Thirty-Five (35.00) Dollars per week or more, nor to outside salesmen.

9. No employer shall knowingly permit any employee to work for any time which, when totaled with that already performed with another employer or employers in this Industry, exceeds the maximum permitted herein.

10. Plant operations shall be limited to one (1) shift of forty (40) hours per week.

ARTICLE IV—WAGE RATES

1. No employee shall be paid at less than the rate of Fourteen (\$14.00) Dollars per week of forty (40) hours.

2. Learners may be paid at not less than the rate of eighty per cent (80%) of the minimum wage provided herein for a period not to exceed twelve (12) weeks; provided that in no case shall the total number of learners employed exceed ten per cent (10%) of the total number of employees. However, any employer shall be entitled to employ at least one learner.

3. This Article establishes a minimum rate of pay which shall apply irrespective of whether an employee is actually compensated on a time rate, piece rate, or other basis.

4. Equitable adjustments in pay schedules of all employees shall be made within thirty (30) days after the effective date of this Code by any employer who has not heretofore made such adjustments under the National Industrial Recovery Act. Within sixty (60) days after the effective date all such adjustments made under the Act shall be reported to the Code Authority and the Administrator. In no case shall rates be reduced.

5. No employee now employed at a rate of pay in excess of the minimum herein provided shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

6. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall

be employed at operations or occupations which are hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before May 1, 1934, a list of such operations or occupations. In any State an employer shall be deemed to have complied with these provisions as to age if he shall have on file a certificate or permit duly issued by the authority in such State empowered to issue employment or age certificates or permits showing the employee is of the required age.

2. Employees shall have the right to organize and bargain collectively, through representatives of their own choosing, and shall be free from the 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.

3. 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.

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

5. No employer shall reclassify employees or duties of occupation performed or engage in any subterfuge so as to defeat the provisions of the Act or of this Code.

6. Every employer shall provide 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 Administrator within six (6) months after the effective date of this Code.

7. No provision in this Code shall supersede any Federal or State law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, or sanitary regulations, or insurance, or fire protection, or general working conditions, than are imposed by this Code.

8. Each member of the Industry shall be furnished, by the Code Authority, with official copies of the provisions of this Code relating to hours of labor, rates of pay, and other conditions of employment. Such official copies of such provisions shall contain directions for filing complaints of violations of such provisions, and shall be kept conspicuously posted at all times by such members of the industry in each shop, establishment, or separate unit, to the extent necessary to make them freely accessible to all employees. Whenever any modifications of, or exemption or exception from this Code permits any person to pay lower wages, or work his employees longer hours, or establish conditions of employment less favorable to his employees than those prescribed by the provisions contained in such official copy of the provisions of this Code, the Code Authority, on the request of such person, shall furnish him with certified copies of such modifications, exemption or exception in sufficient number for posting along side of such official copies of Code Provisions. No member of the industry shall display or furnish any incorrect copies of such provisions, directions, modifications, exemptions or exceptions.

9. No member of the Industry shall give out work to be performed in any home or dwelling place.

ARTICLE VI—ADMINISTRATION

1. Organization and Constitution of the Code Authority.

(a) The Code Authority, hereby established, shall consist of not more than nine (9) members. Six (6) members shall be elected by the Celluloid Button, Buckle and Novelty Manufacturing Association. In addition thereto, the Administrator may appoint not more than three (3) members who shall be without vote and together with the Administrator shall be given notice of and may sit at all meetings of the Code Authority.

(b) Each Trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on the membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations and any amendments when made thereto, together with such other information as to membership, organization and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(c) In order that the Code Authority shall at all times be truly representative of the industry and in other regards comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other regards comply with the provisions of the Act, he may require an appropriate modification in the method of selection of the Code Authority.

(d) Members of the industry shall be entitled to participate in and share the benefits of the activities of the Code Authority by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable and approved by the Administrator.

(e) Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority, nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder be liable to any one for any action or omission to act under the Code, except for his own willful misfeasance or non-feasance.

2. The Code Authority shall have the following powers and duties in addition to those elsewhere provided in this Code:

(a) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code, in accordance with the powers herein granted, and to submit same to the Administrator for his approval together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may deem necessary to effect the purposes of the Act.

(b) To obtain from members of the industry for use of the Code Authority and of the Administrator in the administration and enforcement of the Code, and for the information of the President, reports based on periods of two or four weeks, or multiples thereof,

as soon as the necessary readjustment within the Industry can be made, and to give assistance to members of the Industry in improving methods, and otherwise. All individual reports shall be kept confidential as to members of the industry and only general summaries thereof may be published.

(c) To receive complaints of violation of this Code, make investigations thereof and provide hearings thereof and adjust such complaints, and bring to the attention of the Administrator recommendations, and information relative to unadjusted violations, under such rules and regulations as may be prescribed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein and to pay such trade associations and agencies the cost thereof, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To coordinate the administration of this Code with such other codes, if any, as may be related to the industry, or any subdivision thereof, and to delegate to any other administrative authority, with the approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

(f) To provide ways and means for financing the operation of said Code Authority and to have the power and duty to determine an equitable method of apportioning in the industry the cost of administering this Code. Money raised in any manner shall not exceed in amount such reasonable cost.

(g) To recommend to the Administrator any action or measures 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; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(h) To investigate competitive articles imported in the United States on such terms and under such conditions as to render ineffective or seriously endanger the maintenance of this Code and to act as the agency for making complaints to the proper government agencies on behalf of this industry.

(i) To cause to be formulated an accounting system and methods of cost finding and/or estimating adaptable for use by all members of the industry. After such system and methods have been formulated, full details concerning them shall be made available to all members. Thereafter all members shall determine and/or estimate costs in accordance with the principles of such methods.

(j) To recommend to the Administrator appropriate provisions for the regulation of the disposal of distress merchandise.

(k) To coordinate the administration of this Code with such other codes as may be related to the Industry, the Code Authority may designate representatives for the purpose of meeting with like representatives designated by the Code Authorities of the related Codes referred to above. Such representatives shall be duly authorized to constitute a committee, which committee shall, as soon as practicable,

submit to the Administrator reports and recommendations with respect to:

(1) The establishment and method of selection of a General Button Manufacturers Coordinating Council.

(2) The jurisdiction, as well as the administrative powers and authority to be delegated to such Coordinating Council.

Upon approval by the Administrator, after such notice and hearing as he shall prescribe on recommendations of the Council, the Code Authority shall be subject to the jurisdiction, rules, regulations, and by-laws of the General Button Manufacturers Coordinating Council in the form and manner approved by the Administrator, any express or implied delegation of power or duty in this Code to the Code Authority notwithstanding.

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. Nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any government agency.

4. If the Administrator shall determine that any action of a code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such code authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VII—TRADE PRACTICES

1. No member of the Industry shall use advertising, whether printed, radio, display or of any other nature, or other representation which is inaccurate in any material particular, or in any way misrepresent any commodity, including its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation, or credit terms, values, policies, services, or the nature or form of the business conducted.

2. No member of the Industry shall use advertising or selling methods or credit terms which have the capacity or tendency to deceive or mislead the customer or prospective customer.

3. No member of the Industry shall withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

4. No member of the Industry shall brand or mark or pack any commodity in any manner which tends to deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, material content or preparation of such commodity.

5. No member of the Industry shall use advertising or other representation which refers inaccurately in any material particular to any competitors or their commodities, prices, values, credit terms, policies or services.

6. No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise for the purpose of influencing a sale, nor shall a member extend to any customer any special privilege not extended to all customers of the same class.

7. No merchandise shall be exchanged at any time nor shall it be consigned, nor in any method of selling to be engaged in which shall have the effect of selling on memorandum, or approval. No merchandise shall be accepted for return except for defects in manufacture, delay in delivery, or errors in shipment.

8. No member of the Industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee or the principal of such agent without the knowledge of such employer or principal. Commercial bribery provisions shall not be construed to prohibit a general distribution of articles commonly used for advertising, except so far as such articles are actually used for commercial bribery as hereinabove defined.

9. No member of the Industry shall attempt to induce the breach of an existing contract between a competitor and his customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

10. No member of the Industry shall require that the purchase or lease of any commodity be a prerequisite to the purchase or lease of any other commodity.

11. No member of the Industry shall give cash discounts in excess of the following: 2% ten days e.o.m., net 30 days; or 3% ten days.

12. No member of the Industry shall ship goods other than F.O.B. point of origin.

13. No member of the Industry shall sell any commodity at a price below his own individual cost. However, any member may meet the price of a competing member of the Industry whose cost under this provision is lower. Cost shall be determined in accordance with Section 2 (i) of Article VI of this Code. Distress merchandise may be sold below cost as hereinabove provided for until such time as the Code Authority in accordance with Article VI, Section 2 (j), shall recommend to the Administrator appropriate provisions for the regulation of the disposal of such merchandise.

(b) When the Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Code, it may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any product of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products. When it appears that conditions have changed, the Code Authority,

upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

ARTICLE VIII—GENERAL

Any employer who at any time, or times, shall manufacture any article or articles within the provisions of this Code, shall be bound by all the provisions of this Code as to all employees engaged in whole or in part, in such manufacture.

In case any employee shall be engaged partly in such manufacture and partly in the manufacture of goods of another character, this Code shall apply to such portion of such employee's time as is applied to the manufacture of such articles covered by this Code.

ARTICLE IX—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions 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 or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

ARTICLE X—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval.

Approved Code No. 400.

Registry No. 1009-05.

UNIVERSITY OF FLORIDA



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