

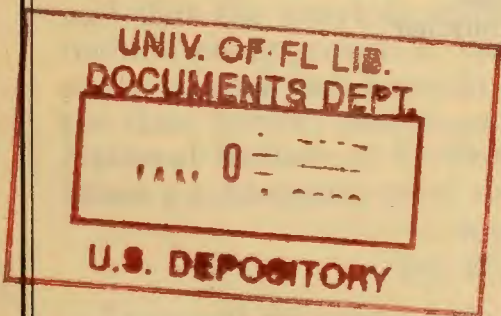
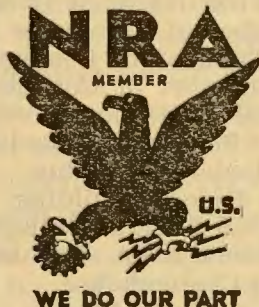
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

CORK INDUSTRY

AS APPROVED ON JANUARY 16, 1935



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Approved Code No. 199—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CORK INDUSTRY

As Approved on January 16, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE CORK 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 an amendment to a Code of Fair Competition for the Cork Industry, and opportunity to be heard having been given and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

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 No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect fourteen (14) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the Board issues a subsequent order to that effect.

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

Approval recommended:

WALTER G. HOOKE,
Acting Division Administrator.

WASHINGTON, D. C.,
January 16, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for amendment to the Code of Fair Competition for the Cork Industry, submitted by the Code Authority for said Industry.

The purposes and effects of the amendment are:

1. To rewrite the provision regarding filing of merchandising plans to require the filing of prices and to eliminate a waiting period between the filing date and the effective date of prices.

2. To prohibit sales at prices other than those filed.

3. To require members of the Industry to enter into agreements with their distributors under which the distributors will be required to file their prices and will be prohibited from selling at prices other than those so filed.

4. To define the words "price terms."

FINDINGS

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

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the 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 sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the 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) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

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

For these reasons, therefore, said amendment is hereby approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 16, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CORK INDUSTRY

ARTICLE VIII. Add a new Section as follows:

SECTION 8. The provisions of Sections 1, 5 and 7 of this Article shall apply to the entire Industry. The provisions of Sections 2, 3, 4 and 6 of this Article shall apply to all of the divisions of the Industry, except the Cork Insulation Manufacturers' Division, to which Division they shall not apply.

Add a new Article as follows:

ARTICLE VIII—A

SECTION 1. The provisions of this Article shall apply only to the Cork Insulation Manufacturers' Division.

SECTION 2. Within fifteen (15) days after the approval by the Code Authority and the National Industrial Recovery Board of the Executive Committees' recommendations and merchandising plans as provided for in Section 1 of Article VIII, each individual member of the Division concerned shall file with the Secretary his plan for merchandising and his price terms, effective on the fifteenth day after said approval, which plan shall supply the information required and shall be in the form so approved by the National Industrial Recovery Board. The member's merchandising plan and price terms so filed shall remain in force unless and until superseded by the filing with the Secretary by the member of a revision of his merchandising plan and price terms. Except said member's merchandising plan and price terms initially filed as above provided, revisions of such plan and price terms shall become effective immediately upon receipt thereof by the Secretary, who shall, by telegraph or other equally prompt means, immediately notify said member of the time of such receipt. The original merchandising plan and price terms and all revisions thereof, filed by each member of the division concerned, as well as the price terms of manufacturers' distributors, which may be filed with the Secretary pursuant to the provisions of Section 4 of this Article, shall be immediately and simultaneously distributed by the Secretary to all other members of the division and to those manufacturers' distributors who have price terms on file with the Secretary regarding similar products of the industry, and the same shall be made available to all customers affected thereby who have applied therefor and have agreed to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof, and the same shall also be available for inspection by any of the said customers at the office of the Secretary.

SECTION 3. No member shall sell or offer to sell any article at price terms other than those which such member has currently on file with the Secretary.

SECTION 4. No member of a division for which a merchandising plan shall have been approved by the National Industrial Recovery Board shall sell any product of said division to or through any distributor or distributors, after fifteen (15) days after the date of approval of said merchandising plan, unless and until said distributor and/or distributors shall have entered into a separate written agreement, which agreement shall contain the following provisions:

(a) That such manufacturers' distributor shall forthwith issue and file with the Secretary his or its price list or lists, including therein all prices, terms, rebates, discounts, allowances and conditions of sale and any revisions thereof which may be made from time to time, relating to or affecting the sale or offer to sell of any of the products of the division concerned, to all classes of customers.

(b) That said price list or lists, terms, rebates, discounts, allowances and conditions of sale, and any revisions thereof, shall become effective immediately upon receipt of same by the Secretary.

(c) That such manufacturers' distributor shall not sell or offer to sell any of said products at prices or terms other than those which he or it has currently on file with the Secretary.

Copies of all such separate agreements so executed shall be filed with the Secretary within five (5) days following the date of their execution. Immediately upon receipt of the price terms of such manufacturers' distributors, the Secretary by telegraph or telephone, or other equally prompt means, shall notify such manufacturers' distributor filing the same of the time of such receipt and all such price terms and revisions thereof shall be immediately and simultaneously distributed by the Secretary to all members of the division and to such manufacturers' distributors who have filed price terms or revisions thereof for the sale or offer to sell of similar products, and the same shall be made available to all customers affected thereby who have applied therefor and have agreed to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof, and the same shall also be available for inspection by any of the said customers at the office of the Secretary.

SECTION 5. The provisions of Section 4 of this Article shall cease to be effective sixty (60) days after the date of the approval of this Amendment, unless within that time manufacturers' distributors of the products of the Cork Insulation Manufacturers' Division, to the extent of 75% by number and 85% by volume of business, file with the National Industrial Recovery Board their assent to the provisions of said Section 4.

SECTION 6. Any Agreement made under the provisions of Section 4 of this article shall terminate if and when this Code, or said Section 4 of this Article, or said merchandising plan shall cease to be of effect.

Amend Article II by adding a new section as follows:

SECTION 13. Wherever used in this Code, the words "price terms" shall be understood to include all prices, terms, rebates, discounts, allowances or other conditions of sale. Whenever used in this Code the words "manufacturers' distributors" shall have the meaning within each Division as defined in the Merchandising Plan for that Division.

