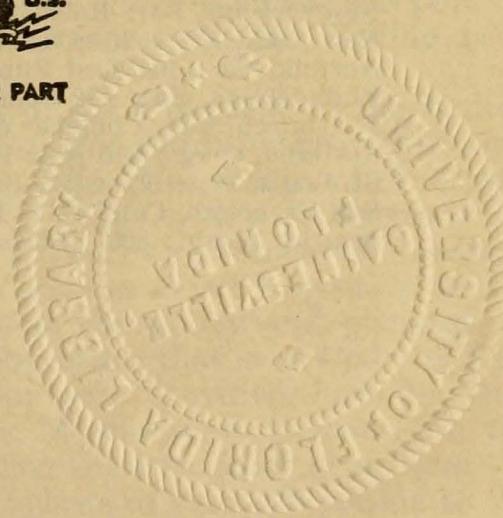
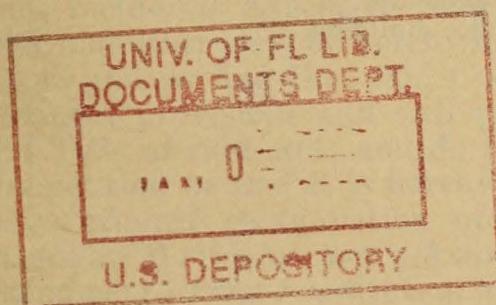
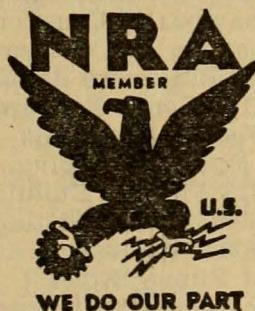


NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION
FOR THE
MERCHANDISE
WAREHOUSING TRADE

AS APPROVED ON JANUARY 27, 1934



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

This publication is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C., and by district offices of the Bureau of Foreign and Domestic Commerce.

DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE

Atlanta, Ga.: 504 Post Office Building.
Birmingham, Ala.: 257 Federal Building.
Boston, Mass.: 1801 Customhouse.
Buffalo, N.Y.: Chamber of Commerce Building.
Charleston, S.C.: Chamber of Commerce Building.
Chicago, Ill.: Suite 1706, 201 North Wells Street.
Cleveland, Ohio: Chamber of Commerce.
Dallas, Tex.: Chamber of Commerce Building.
Detroit, Mich.: 801 First National Bank Building.
Houston, Tex.: Chamber of Commerce Building.
Indianapolis, Ind.: Chamber of Commerce Building.
Jacksonville, Fla.: Chamber of Commerce Building.
Kansas City, Mo.: 1028 Baltimore Avenue.
Los Angeles, Calif.: 1163 South Broadway.
Louisville, Ky.: 408 Federal Building.
Memphis, Tenn.: 229 Federal Building.
Minneapolis, Minn.: 213 Federal Building.
New Orleans, La.: Room 225-A, Customhouse.
New York, N.Y.: 734 Customhouse.
Norfolk, Va.: 406 East Plume Street.
Philadelphia, Pa.: 422 Commercial Trust Building.
Pittsburgh, Pa.: Chamber of Commerce Building.
Portland, Oreg.: 215 New Post Office Building.
St. Louis, Mo.: 506 Olive Street.
San Francisco, Calif.: 310 Customhouse.
Seattle, Wash.: 809 Federal Office Building.

Approved Code No. 232

CODE OF FAIR COMPETITION

FOR THE

MERCHANDISE WAREHOUSING TRADE

As Approved on January 27, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION

FOR THE

MERCHANDISE WAREHOUSING TRADE

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 Merchandise Warehousing Trade, 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 Orders of the President, including 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; provided, however, that the continued participation of the Merchandise Division of the American Warehousemen's Association shall be contingent upon the amendment of the constitution and bylaws of such association to the satisfaction of the Administrator on or before February 15, 1934.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

A. D. WHITESIDE,
Division Administrator.

WASHINGTON, D.C.,
January 27, 1934.

The PRESIDENT,

The White House.

SIR: This is a report of the Hearing on the Code of Fair Competition for the Merchandising Warehousing Industry, conducted in the Willard Hotel, on October 27th, 1933. The Code which is attached was presented by duly qualified and authorized representatives of the Industry, complying with the statutory requirements, said to represent 80 percent of the space available for merchandise warehousing purposes.

THE INDUSTRY

The number of firms in this business aggregate 1,420. These firms utilize approximately 45,000,000 square feet out of a capacity of 75,000,000 square feet. Approximately 30,000 employees are affected by this Code.

It is estimated that employment of warehouse labor will be increased 14 percent by the establishment of the uniform 45 maximum hour week proposed by the Code. It is stated that the increase in weekly pay rolls under the proposed minimum wage will be 7 percent.

PROVISIONS OF THE CODE

The Code provides for a basic work week of 45 hours. The Code proposes wage rates with differentials established on the basis of size of city and region. The proposed minimum hourly wage rates vary from 27.5 to 40 cents. The minimum weekly wage rates proposed for clerical employees range from \$13.00 to \$15.00.

Under Article IV, Administration, the Code provides for a Code Authority of 12 members from the Trade and, at the discretion of the Administrator, three additional members from the government.

The Trade Practice Section of this Code is for the most part a codification of rules and regulations which have been well established by the association serving this Trade.

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 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 Trade 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 a trade association truly representative of the aforesaid Trade; 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.

(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.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JANUARY 27, 1934.

CODE OF FAIR COMPETITION
FOR THE
MERCHANTISE WAREHOUSING TRADE

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 Merchandise Warehousing Trade, and shall be the standard of Fair Competition for such trade, and shall be binding upon every member thereof.

ARTICLE II

The term "Merchandise Warehousing Trade", or "Trade", as used herein, includes the furnishing, for a consideration, of warehousing services for goods, wares and/or merchandise, except:

- (a) Grain in bulk (grain elevators).
- (b) Used household goods and/or used personal effects (household goods warehouses, parcel rooms, and safe deposit vaults).
- (c) Used vehicles (public garages).
- (d) Such goods, wares, and/or merchandise as require for their preservation artificial refrigeration below 45 degrees Fahrenheit (cold-storage warehouse).
- (e) Warehousing services performed by those who are engaged in warehousing only agricultural commodities that are grown in their immediate area.
- (f) Such warehousing services as may be required by the Interstate Commerce Act to be furnished by common carriers.

The term "employee" as used herein includes anyone engaged in the Merchandise Warehousing Trade in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

The terms "employer", "warehouseman", or "merchandise warehouseman", as used herein include anyone by whom any such employee is compensated or employed.

The term "member of the Trade" includes anyone engaged in the Merchandise Warehousing Trade as above defined, either as an employer or on his own behalf.

The term "Code Authority" as used herein means the Merchandise Warehousing Trade Code Authority, as provided for in Article VI of this Code.

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

Population for the purposes of this Code shall be determined by reference to the 1930 Federal Census.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty-five (45) hours in any one week or eight (8) hours in any twenty-four (24) hour period, except as otherwise provided in this Article.

SEC. 2. The maximum hours fixed in the foregoing section shall not apply to: (a) Any employee in a managerial or executive capacity who receives more than thirty-five dollars (\$35.00) per week; (b) any employee on emergency work, but in any such special case one and one half (1½) times his hourly rate shall be paid for each hour worked in excess of eight (8) hours per day or forty-five (45) hours per week; (c) watchmen, who shall not be permitted to work in excess of fifty-four (54) hours in any one week or more than six (6) days in any consecutive seven (7) days.

ARTICLE IV—WAGES

SECTION 1. (a) No warehouse labor shall be paid at less than the following hourly rates, regardless of whether an employee is compensated on a time rate, piecework or other basis:

Regions (as established in Article VI)

	In regions 3 and 7	In all other regions
In cities of more than 500,000 population	\$0.325	\$0.40
In cities of 50,000 to 500,000 population	.30	.375
In cities of less than 50,000 population	.275	.35

(b) No office or clerical employee shall be paid at less than the following weekly rates except office boys (16 to 18 years of age) who may be compensated at not less than 80% of that amount, provided that the total number of those so compensated shall not exceed 10% of the total number of office employees, with a minimum of one:

In cities of more than 500,000 population	\$15.00
In cities from 50,000 to 500,000 population	14.50
In cities of less than 50,000 population	13.50

(c) No office or clerical employee engaged on other than a weekly or longer employment basis shall be paid at less than forty (40) cents per hour in any of the Regions established in Article VI.

(d) No employee whose full-time weekly hours, as of July 1, 1933, are reduced, by reason of the provisions of Article III of this Code, by less than twenty percent (20%) shall have his full-time weekly earnings, as of July 1, 1933, reduced. No employee whose

full-time weekly hours, as of July 1, 1933, are reduced, by reason of the provisions of Article III of this Code, in excess of twenty percent (20%) shall have his said earnings as of July 1, 1933, reduced by more than fifty percent (50%) of the amount calculated by multiplying the reduction in hours by the Code hourly rate.

SEC. 2. Each member of the Trade shall, within thirty (30) days after the effective date of this Code, effect an equitable adjustment of all wages above the minimum herein prescribed.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. Each member of the Trade shall comply with the following requirements of the National Industrial Recovery Act:

(a) 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.

(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 the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SEC. 2. No employer shall employ any person under sixteen (16) years of age.

SEC. 3. Within each State this Code shall not supersede any laws of such State imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than under this Code.

SEC. 4. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act.

SEC. 5. Each employer shall post in conspicuous places full copies of this Code.

ARTICLE VI—ADMINISTRATION

To further effectuate the policies of the Act, a Merchandise Warehousing Trade Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

SECTION 1. Organization and Constitution of Code Authority.

(a) The Code Authority shall consist of twelve (12) individuals from the Trade, ten (10) of whom shall be elected by members of the Trade and two of whom shall be the President and Vice President of the American Warehouseman's Association, Merchandise Division, or such other number as may be approved from time to time by the Administrator, to be elected as hereinafter provided, and of such additional members without vote, not to exceed three (3), as the Administrator, in his discretion, may appoint to represent such groups or governmental agencies as he may designate.

The Executive Committee of the American Warehousemen's Association, Merchandise Division, shall arrange for the nomination and election of the Trade members of the Code Authority to be completed not later than sixty (60) days after the effective date of this code. Due and timely notice of such election shall be given to all members of the Trade who have complied with the terms of Section 3 of this Article. Each such member of the Trade shall be entitled to one vote in person or by proxy in the nomination and election of the member of the Code Authority for his region. Nominations and election for each region shall be made in open meeting by plurality vote of the members of the Trade from the region.¹

(b) The regions from which the ten (10) members of the Trade shall be elected are hereby established as follows:

Region No. 1.—Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

Region No. 2.—New York, Pennsylvania, New Jersey, Delaware, Maryland, and District of Columbia.

Region No. 3.—Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, and West Virginia.

Region No. 4.—Ohio, Indiana, Illinois, Wisconsin (excluding Superior), and Michigan.

Region No. 5.—Minnesota; Superior, Wisconsin; North Dakota; South Dakota; and Montana.

Region No. 6.—Missouri, Iowa, Nebraska, and Kansas.

Region No. 7.—Texas, Louisiana, Arkansas, Oklahoma, and New Mexico.

Region No. 8.—Colorado, Utah, and Wyoming.

Region No. 9.—Washington, Oregon, and Idaho.

Region No. 10.—California, Nevada, and Arizona.

The Chairman shall represent the territorial possessions of the United States.

(c) The President and Vice-President of the American Warehousemen's Association, Merchandise Division, shall be Chairman and Vice-Chairman respectively of the Code Authority. Pending election of the other members of the Code Authority as provided for in (a) of this Section, the President of the American Warehousemen's Association, Merchandise Division, shall appoint the other ten members of the Authority, with the approval of the majority of the members of the Executive Committee of the American Warehousemen's Association, Merchandise Division, and with due regard for representation of Warehousemen's Associations in each respective region.

The ten (10) members appointed from the Trade shall serve for not more than sixty (60) days from the effective date of this Code. The elected members shall serve for a period of one year. Election of such members shall be held annually.

(d) Each Trade association directly or indirectly participating in the selection or activities of the Code Authority shall:

1. Impose no inequitable restrictions on membership, and

¹ See paragraph 2 of order approving this Code.

2. Submit to the Administrator true copies of its articles of association, bylaws, 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.

(e) In order that the Code Authority shall at all times be truly representative of the Trade and in other respects comply with the provisions of the Act, the Administrator may provide 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 respects comply with the provisions of the Act, he may require an appropriate modification in the method of selection of the Code Authority.

(f) The Chairman, Vice Chairman, and Secretary of the Code Authority shall constitute the Administrative Committee, which shall exercise such authority and perform such duties as may be delegated to it by the Code Authority.

(g) The Treasurer of the American Warehousemen's Association, Merchandise Division, shall serve as the Treasurer of the Code Authority.

(h) The Executive Secretary of the American Warehousemen's Association, Merchandise Division, shall serve as the Secretary of the Code Authority.

SEC. 2. (a) The Code Authority shall have the following duties and powers to the extent permitted by the Act: to make such rules and regulations; procure such reports and other information; appoint such committees; and employ or designate such agents and delegate to them such duties and authority, as may be necessary.

(b) If the Administrator shall determine that any action of a code authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty days 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 be taken only upon approval by the Administrator.

(c) 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 anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

SEC. 3. Members of the Trade shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its formulation and administration. The Code Authority shall establish, assess and collect from each subscriber to this Code an initial annual fee, which shall become applicable and due upon the effective date of this Code, as follows: \$24.00, plus \$12.00 for each 10,000 square feet or fraction thereof, devoted to the conduct of the merchandise warehousing business as

defined in Article II, subject to a maximum annual fee of \$264.00 for any one merchandise warehouseman.

Due and timely notice shall be sent to every member of the Trade whose name can be ascertained after diligent search that the requirements of this section must be complied with before such member will be entitled to a vote in the nomination and election of his Trade member of the Code Authority.

Adjustments in the amount of fees may be made from time to time by the Code Authority, subject to review by the Administrator, on the basis of capacity, volume of business, and/or such other factors as may be equitable to be taken into consideration.

ARTICLE VII—CERTIFICATE OF PARTICIPATION

SECTION 1. Upon payment of the fee prescribed in Article VI, Section 3, each member of the Trade, shall receive from the Code Authority a Certificate of Participation, serially numbered, showing that he is a subscriber to this Code.

SEC. 2. Commencing thirty (30) days after the effective date of this Code, every warehouse receipt issued by each member of the Trade shall bear a notation showing his certificate number and reading: "Subscribed to Merchandise Warehousing Trade Code. Certificate No. —."

SEC. 3. To further the purposes of Title I of the Act, each member of the Trade may otherwise display similar evidence of his participation in this Code.

ARTICLE VIII—STANDARDIZATION OF WAREHOUSING TRADE PRACTICES

Each member of the Trade shall post in a conspicuous place, accessible to view, the following section:

SECTION 1. The following, the Standard Contract Terms and Conditions, are hereby made a part of this Code of Fair Competition:

"As adopted by unanimous vote by representatives of the shippers, bankers, railway men, and warehousemen at a general conference, April 30, 1926, at the Department of Commerce, Washington, D.C., and indorsed October 30, 1926, by the Department of Commerce.

SECTION 1. *Tender for Storage.*—(a) All goods for storage shall be delivered at the warehouse properly marked and packed for handling. The storer shall furnish, at or prior to such delivery, a manifest showing marks, brands, or sizes to be kept and accounted for separately, and the class of storage desired; otherwise the goods may be stored in bulk or assorted lots, in freezer, cooler, or general storage, at the discretion of the warehousemen, and will be charged for accordingly.

(b) The word "lot" as used herein means the unit or units of goods for which a separate account is to be kept by the warehouseman. Delivery of all or any units of a lot shall be made without subsequent sorting except by special arrangement and subject to a charge.

(c) The warehouseman undertakes to store and deliver goods only in the packages in which they are originally received.

SEC. 2. Storage period.—(a) All goods are stored on a month-to-month basis, unless otherwise provided. A storage month shall extend from a date in one calendar month to, but not including, the same date of the next and all succeeding calendar months, but if there be no corresponding date in the next succeeding calendar month, it shall extend to and include the last day of that month. When the last day of a final storage month falls on Sunday or a legal holiday, the storage month shall be deemed to expire on the next succeeding business day.

(b) Except where other procedure is provided by the warehouse receipts act, the warehouseman may, upon written notice to the storer of record and to any other person known by the warehouseman to claim an interest in the goods, require the removal of any goods by the end of the next succeeding month. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified.

SEC. 3. Insurance, Storage Rates, Expiration, and Transfers.—(a) All charges for storage are on a month-to-month basis unless otherwise provided. Charges for any particular lot shall begin at the receipt of the first unit of that particular lot in store and shall continue and include the storage month during which the last unit of the particular lot is delivered. Charges shall be made on the basis of the maximum number of units in any particular lot in store during a storage month. All charges for storage are due on the first day of a storage month, and all other charges are due when incurred.

(b) Instructions to transfer goods on the books of the warehouseman are not effective until delivered to and accepted by him, and all charges up to the time transfer is made are chargeable to the storer of record. If a transfer involves rehandling the goods, it will be subject to a charge.

(c) The warehouseman reserves the right to move, at his own expense of transfer, and upon notice sent by registered mail to the storer of record and to the last known holder of the negotiable warehouse receipt, any goods in storage from any room of the warehouse in which they may be stored to any other of his rooms or warehouses, but if such storer or holder takes delivery of his goods in lieu of transfer, no storage charges shall be made for the current storage month.

(d) When rates are quoted by weight, they will, unless otherwise specified, be computed on gross weight, and 2,000 pounds shall constitute a ton.

(e) Goods are not insured nor do storage rates include insurance unless so specified in writing. (Adopted with the understanding that in any State requiring insurance by statute the words "or required by statute" would be considered a part of the standard terms and conditions.)

SEC. 4. Handling.—(a) Handling charges cover the ordinary labor and duties incidental to receiving goods at warehouse door, storing and delivering to warehouse door, but do not include unloading or loading of cars, vehicles, or vessels, unless so specified. Handling charges will be billed with the storage for the first month.

(b) Goods, at the request of a storers, received or delivered during other than usual business hours will be subject to an additional charge.

SEC. 5. *Car Loading and Unloading.*—(a) Charges for unloading or loading of cars include use of switch track, labor required to or from warehouse door, and billing of car.

(b) Dunnage and fastenings supplied by the warehouseman and used in loading out cars are chargeable to the storers.

(c) Any additional costs incurred by the warehouseman in unloading cars containing damaged goods are chargeable to the storers.

(d) The warehouseman, unless he has failed to exercise due care and diligence, shall not be responsible for demurrage, nor for delays in unloading inbound cars, nor for delays in obtaining cars for outbound shipments.

SEC. 6. *Delivery Requirements.*—(a) No goods shall be delivered or transferred except upon receipt by the warehouseman of complete instructions properly signed by the storers.

(b) When a negotiable receipt has been issued, no goods covered by that receipt shall be delivered or transferred on the books of the warehouseman unless the receipt, properly indorsed, is surrendered for cancellation or for indorsement of partial delivery thereon.

(c) When goods are ordered out, a reasonable time shall be given the warehouseman to carry out instructions; and if he is unable, due to causes beyond his control, to effect delivery before expiring storage dates, the goods will be subject to charges for another storage month; except when the warehouseman has given notice in accordance with the provisions of section 2 (b), or because of fire, acts of God, war, public enemies, seizure under legal process, strikes or lockouts, riots and civil commotions, if he is unable, due to causes beyond his control, to effect delivery before the expiring storage date, the goods shall be subject to storage charges only for that part of the month during which the goods remain in store.

SEC. 7. *Bonded Stores.*—A charge in addition to regular rates will be made for merchandise in bond.

SEC. 8. *Minimum Charges.*—A minimum charge will be assessed for storage, handling, and other services.

SEC. 9. *Extra Service* (a) Extra services in the interest of the storers, such as special warehouse space, material, drayage, repairing, coopering, sampling, weighing, repiling, inspection, physical warehouse checking, compiling stock statements, collections, revenue stamps, reporting marked weights or numbers, handling railroad expense bills, etc., are chargeable to the storers.

(b) Stock statements submitted in duplicate by the storers will be checked with the books of the warehouseman without charge.

(c) Shipping includes marking, tagging, billing, procuring, and forwarding bills of lading, and is chargeable to the storers.

(d) Freight and other disbursements made on behalf of the storers are due and payable on demand and subject to interest from date billed by the warehouseman.

(e) Storers, including holders of negotiable receipts, may, subject to insurance regulations and reasonable limitations, have access to their goods in store when accompanied by a warehouse employee whose time is chargeable to the storers.

SEC. 10. *Liability.*—(a) The responsibility of a warehouseman, in the absence of written provisions, is the reasonable care and diligence required by law.

(b) Perishable goods, or goods which are susceptible to damage through temperature changes or other causes incident to general storage, are accepted in general storage only at owner's risk for such damages as might result from general storage conditions.

SEC. 11. *Schedule of Charges.*—Whenever provision is made in these standard contract terms and conditions for a charge or charges by the warehouseman, such charge or charges will conform to the warehousemen's tariff in effect at the time the charge accrues or the service is performed, except that no increase in charges within the direct control of the warehouseman will be made on goods that are in storage without a 30-day notice mailed to the storer of record or the last-known holder of a negotiable warehouse receipt.

SEC. 12. (a) The Standard Contract Terms and Conditions designate each of the following as a separate and distinct warehousing service:

- Handling
- Storage
- Providing special warehouse space
- Supplying material
- Repairing or coopering
- Sampling
- Weighing
- Repiling
- Inspection
- Special physical warehouse checking
- Compiling special stock statements
- Making collections of money in behalf of customer
- Furnishing revenue stamps
- Reporting marked weights or numbers
- Payment of freight charges in behalf of customer
- Shipping

(b) Other separate and distinct warehousing services are:

- Drayage
- Distribution of "pool" cars
- Providing office space
- Providing office service; special telephone service, invoicing for customers, etc.
- Providing extra labor

(c) Not to name an adequate and separate rate or charge for each of the services listed in subsection (a) of this Section 12 when making quotations, or not assess an adequate rate or charge (whether or not there is an existing rate or charge) for each of the services listed in subsections (a) and (b) of this Section 12 when performed, shall be deemed a violation of this code.

Such adequate rate or charge shall not be less than the lowest reasonable cost of the most efficient and lowest cost operator in the locality for the type of service for which the rate or charge is operative. Such reasonable cost shall comprehend fair and reasonable rates of pay to labor and include all other items of expense and overhead as determined by cost-accounting methods recognized in

the Trade and approved by the Code Authority, subject to the approval of the Administrator. Such reasonable cost may be approved or modified in conformity with the meaning of this Section by the Code Authority after due notice to and hearing for the members of the Trade in the locality, subject to review and modification by the Administrator.

ARTICLE IX—TARIFFS

Within thirty (30) days after the effective date of this Code, each member of the Trade shall publish, post in a conspicuous place open to public inspection, and file with the Code Authority a tariff containing all rates, charges, terms and conditions covering his warehousing facilities and services, which rates, charges, terms, or conditions shall not be changed except upon the publication, posting, and filing of a new or supplemental tariff, to become effective ten (10) days thereafter.

ARTICLE X—INFORMATION AND REPORTS

SECTION 1. Each member of Trade shall keep his records and books of account in such form as to facilitate furnishing the information that the Code Authority may require, subject to the approval of the Administrator.

SEC. 2. In addition to the 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 Act.

SEC. 3. Information determined by the Code Authority to be of a confidential nature shall be strictly treated as such by any member of the Code Authority to whose attention such information may come.

ARTICLE XI—UNFAIR TRADE PRACTICES

The following practices constitute unfair methods of competition for members of the Trade and are prohibited:

1. To describe the merchandise warehousing business, the method used, facilities furnished or services rendered, or to quote rates or charges, or to state terms or conditions, in a manner that is misrepresentative or that has a tendency or capacity to deceive customers or prospective customers as the true character thereof in any particular.

2. To offer or make confidential or secret rates, charges, terms, or conditions, or to offer or make in any manner or by any device whatever, more advantageous rates, charges, terms, or conditions, to certain favored customers or prospective customers than are offered or made to all customers or prospective customers.

3. To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their service.

4. To subsidize directly or indirectly, or offer to subsidize, customers, or prospective customers, or those representing them, by

contributions or subsidies of money, services, or other gratuities or things of value in the form of rebates, special concessions, payment of claims for loss or damage known to be fraudulent, or in any form, for the purpose or with the effect of inducing them to patronize or deal, or contract to patronize or deal, with the donor or of causing them to refrain from patronizing or dealing, or contracting to patronize or deal, with the donor's competitors.

5. To issue or aid in issuing a warehouse receipt when the products for which such receipt is issued have not been actually received by, or are not under the actual control of, the one issuing such receipt at the time of the issuance thereof.

6. To issue or aid in issuing a negotiable warehouse receipt for stored products of which the one issuing such receipt is owner, either solely or jointly or in common with others, without stating in said receipt the fact of such ownership.

7. To deliver part or all of any lot of stored products for which a negotiable warehouse receipt, the negotiation of which would transfer the right to the possession of such products, has been issued and is outstanding and uncanceled, without obtaining the possession of such receipt, or taking up and canceling the same, or placing a statement plainly upon it of what products have been delivered, at or before the time of the delivery of such products, except where delivery thereof is made pursuant to an order of a court of competent jurisdiction or in compliance with a sale made to satisfy a lien thereon.

8. To issue fraudulently or aid in fraudulently issuing a warehouse receipt for stored products which contains any false statement.

9. To quote or charge a rate that is a departure from his tariff as provided in Article IX.

10. To use any subterfuge to evade any provisions of this Code, such as (but without limitation) renting or offering to rent warehouse space under such terms or conditions as would defeat the purposes of this Code.

Nothing in this Code 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, providing that such adjudication or holding is not inconsistent with any provisions of the Act or of this Code.

ARTICLE XII—MODIFICATION OF THIS CODE

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of 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 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.

SEC. 2. It is contemplated that certain specialized branches of the Trade, by reason of their peculiar characteristics, may require separate subdivisions of this Code, or subsidiary codes, and that

such subdivisions or subsidiary codes not inconsistent with the general provisions and intent of this Code may, with the approval of the Code Authority and of the Administrator, be made a part of this Code.

SEC. 3. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification 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 Administrator.

ARTICLE XIII—MONOPOLIES

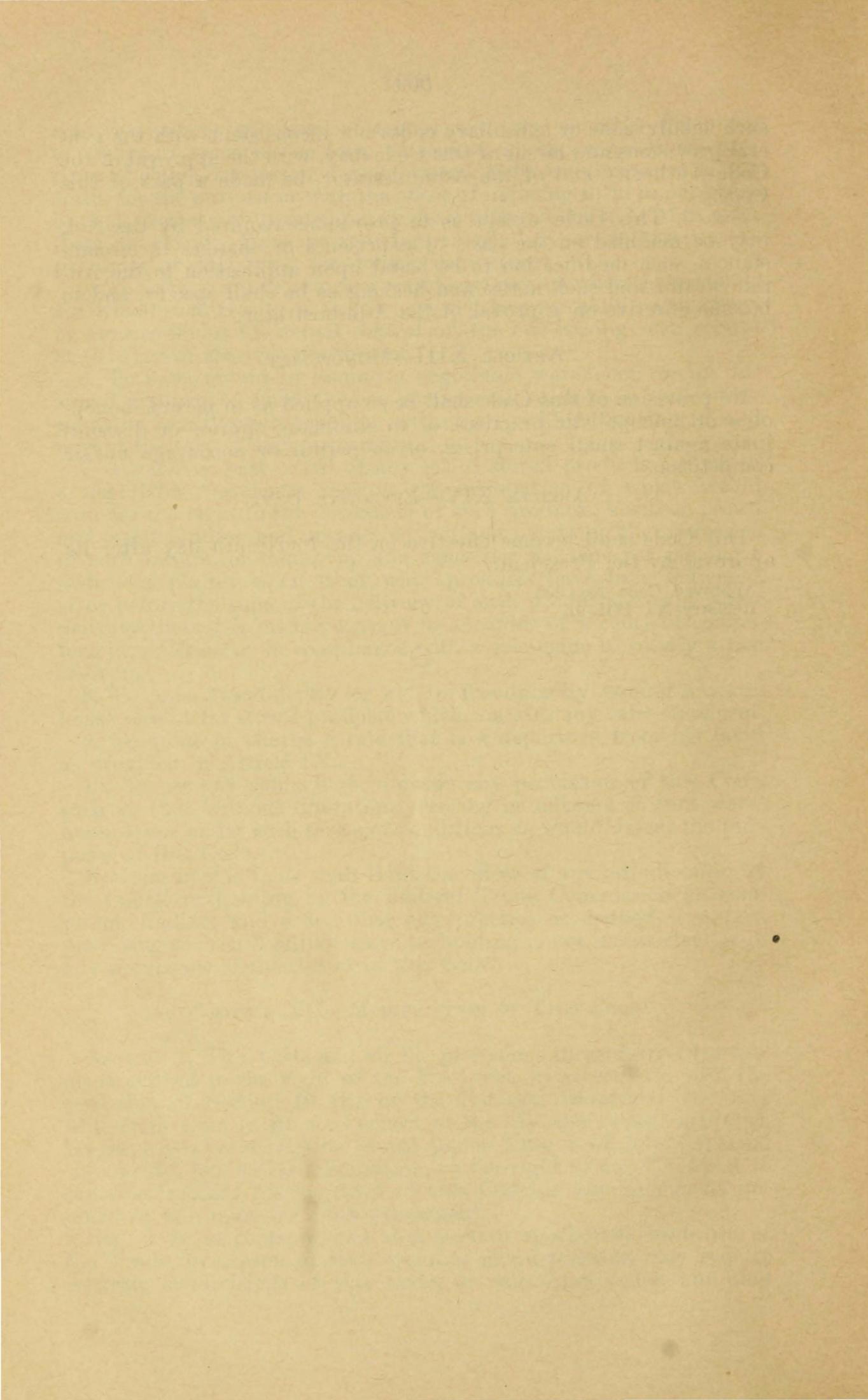
No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises, or to permit or encourage unfair competition.

ARTICLE XIV—EFFECTIVE DATE

This Code shall become effective on the fourteenth day after its approval by the President.

Approved Code No. 232.
Registry No. 1715-01.





UNIVERSITY OF FLORIDA



3 1262 08584 7712