

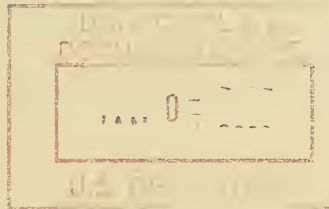
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

CORN COB PIPE INDUSTRY

AS APPROVED ON AUGUST 7, 1934



UNITED STATES
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Approved Code No. 498

CODE OF FAIR COMPETITION
FOR THE
CORN COB PIPE INDUSTRY

As Approved on August 7, 1934

ORDER

CODE OF FAIR COMPETITION FOR THE CORN COB PIPE 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 Corn Cob Pipe Industry, and hearing 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 a further study shall be made regarding the minimum rates of pay as provided in Article IV, Section 1 of the Code and that a report covering same shall be made to the Administrator within sixty (60) days from the effective date hereof, for the purpose of determining the advisability of increasing the said minimum wage rates.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

GEO. L. BERRY,
Division Administrator.

WASHINGTON, D.C.,
August 7, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The public hearing on the Code of Fair Competition for the Corn Cob Pipe Industry of the United States, submitted by a Code Committee of Corn Cob Pipe Manufacturers, was conducted in Washington, D.C., on the 17th of May, 1934, in accordance with the provisions of the National Industrial Recovery Act. The Code Committee claims to represent approximately 90 percent of the Industry.

The maximum hours established under this Code are 40 per week, with the exception of one period, not to exceed four weeks, in each six months, during which time employees may be permitted to work 48 hours per week provided they are paid at least time and one-half for all hours worked in excess of eight per day and forty per week.

Exceptions are allowed for managers and executives who receive \$35.00 or more per week, engineers, who may work 45 hours per week, and employees engaged in emergency maintenance and repair work, provided that such employees receive at least one and one-half times their normal rate of pay for all hours worked in excess of 40 per week.

In 1929 this Industry operated approximately 51 hours per week and the same hours prevailed in 1931.

The minimum wages established under this Code are 27½ cents per hour for males and 22½ cents per hour for females. While this wage appears to be low, it is pointed out that when compared with the wages prior to this Code, which were 19 cents per hour for males and 13.8 cents per hour for females, the wages under this Code represent a substantial increase to the employees. Protection of employees on piecework performance is guaranteed.

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 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 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 restrictions of production (except as may be temporarily required) by increasing the consumption of industrial and agricul-

tural 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 Committee is a trade group truly representative of the aforesaid Industry.

(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.

This Industry has cooperated in a most satisfactory manner with the Administration in the preparation of this Code. From the evidence adduced during this hearing and from recommendations and reports from the various Advisory Boards, it is believed that this Code as now proposed and revised represents an effective, practical, equitable solution for this Industry and for these reasons has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AUGUST 7, 1934.

CODE OF FAIR COMPETITION FOR THE CORN COB PIPE MANUFACTURING INDUSTRY

ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Corn Cob Pipe Manufacturing Industry, and, its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Corn Cob Pipe Manufacturing Industry" or "Industry" as used herein includes the manufacture of pipes, the bowls of which are made from corn cobs, and such related branches or subdivisions as may from time to time be included under the provisions of this Code by the President of the United States, and after such notice and hearings as he may prescribe.

SECTION 2. The term "Member of the Industry" or "Member" includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as employer or on his or its own behalf.

SECTION 3. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 4. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

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

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in one week or eight (8) hours in any twenty-four (24) hour period (beginning at midnight) except as herein otherwise provided. A normal work day shall not exceed eight (8) hours; provided, however, in case of peak or seasonal demands, that employees may work forty-eight (48) hours per week for a period not to exceed four (4) weeks in any six month's period; and provided further that at least time and one-half is paid for all hours worked in excess of forty (40) per week and eight (8) per day.

SECTION 2. The provisions of this Article shall not apply to:

(a) Persons employed in a managerial or executive capacity who receive thirty-five dollars (\$35.00) or more per week nor to outside salesmen.

(b) Employees engaged in emergency maintenance or emergency repair work, provided that such employees shall receive one and one-half times the normal rate of pay for all hours worked in excess of forty (40) per week.

(c) Watchmen who may be permitted to work a maximum of fifty-six (56) hours per week, provided, however, that they be given one day off in each seven day period.

(d) Engineers who may be permitted to work a maximum of forty-five (45) hours per week.

SECTION 3. No employer shall permit any employee to work for any time, which, when totaled with that already performed for another employer or employers in this industry exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. No male employee shall be paid in any pay period less than at the rate of twenty-seven and one-half ($27\frac{1}{2}$) cents per hour, and no female employee shall be paid at any pay period less than at the rate of twenty-two and one-half ($22\frac{1}{2}$) cents per hour.¹

SECTION 2. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece work or other basis.

SECTION 3. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 4. Equitable and reasonable adjustments of pay schedules of employees receiving above the minimum shall be made within thirty (30) days after the effective date of this Code by any employer who has not heretofore made such adjustments. The first report of wages required to be filed under this Code shall contain all wage increases made since May 1, 1933.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the Corn Cob Pipe Manufacturing Industry. No person under eighteen (18) 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 Administrator before sixty (60) days after the effective date of this code, 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 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. (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.

¹ See paragraph 2 of order approving this Code.

(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, and

(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.

SECTION 3. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

SECTION 4. Every employer shall provide for the safety and health of employees during the hours and place of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three months after the effective date of this Code.

SECTION 5. No provision in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions than are imposed by this Code.

SECTION 6. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 7. An employer shall make payment of all wages due in lawful currency or by negotiable check, therefor, payable on demand. These wages shall be exempt from any payments for pensions, insurance, or sick benefits other than those voluntarily paid by the wage earners, or required by State laws. Wages shall be paid at least at the end of every two weeks period, and salaries at least at the end of every month. No employer shall withhold wages.

SECTION 8. No employee shall be dismissed by reason of making a complaint or giving evidence with respect to a violation of this code.

ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. A Code Authority is hereby established consisting of three (3) persons to be selected from the Corn Cob Pipe Manufacturing Industry by a fair method of selection approved by the Administrator.

SECTION 2. In addition to membership as above provided there may be three (3) members without vote to be known as Administration Members to be appointed by the Administrator to serve for such terms as he may specify.

SECTION 3. Each industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, to-

gether with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purpose of the Act.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects 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 respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 5. 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 malfeasance or nonfeasance.

SECTION 6. 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 (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 7. *Powers and Duties.*—Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

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

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

(c) 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 this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3(a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this 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 Governmental agencies as may be directed 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, 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 make recommendations to the Administrator for the coordination of the administration of this Code with such other Codes, if any, as may be related to or affect members of the industry.

(f) (1) It being found necessary in order to support the Administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided:

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary:

1. An itemized budget of its estimated expenses for the foregoing purposes, and

2. An equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contributions as above set forth by all members of the industry, and to that end, if necessary to institute legal proceedings therefor in its own name.

(2) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinbefore provided (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(3) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(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 appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between employers

under this code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

(i) To provide appropriate facilities for arbitration, and subject to the approval of the Administrator, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

ARTICLE VII—COST ACCOUNTING AND PRICES

SECTION 1. The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the industry. Thereafter, each member of the industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

SECTION 2. (a) 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 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 quoting 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 Administrator.

(b) 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.

(c) 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.

SECTION 3. (a) If the Administrator, 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 Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Recovery Act, he shall publish such price. Thereafter, during such stated period, no members 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 Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

ARTICLE VIII—TRADE PRACTICE RULES

SECTION 1. No member of the industry shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trade mark, grade, quality, 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.

SECTION 2. No member of the industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

SECTION 3. No member of the industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation of such goods.

SECTION 4. No member of the industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

SECTION 5. No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

SECTION 6. No member of the industry shall 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, nor shall a member of the industry offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

SECTION 7. No members 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, the principal of such agent of the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 8. No member of the industry shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties, or service by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

SECTION 9. No member of the industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

ARTICLE IX—EXPORT TRADE

SECTION 1. No provision of this Code relating to prices or terms of selling, shipping, or marketing shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

ARTICLE X—MODIFICATION

SECTION 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 Act from time to time to cancel or modify any order, approval license, rule or regulation issued under said Act.

SECTION 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 XI—MONOPOLIES

SECTION 1. No provision of this Code shall be so applied as to permit monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XII—PRICE INCREASES

SECTION 1. 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 cost.

ARTICLE XIII—EFFECTIVE DATE

SECTION 1. This Code shall become effective on the second Monday after its approval by the President.

Approved Code No. 498.
Registry No. 1651-04.

UNIVERSITY OF FLORIDA



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