

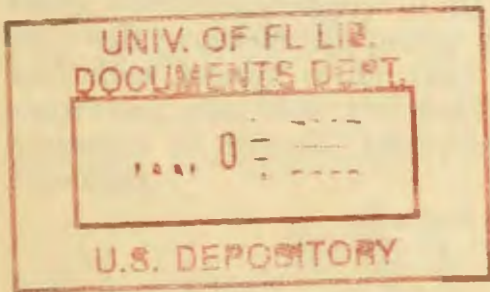
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO  
CODE OF FAIR COMPETITION

FOR THE

INDUSTRIAL SAFETY EQUIPMENT  
INDUSTRY AND INDUSTRIAL SAFETY  
EQUIPMENT TRADE

AS APPROVED ON FEBRUARY 21, 1935

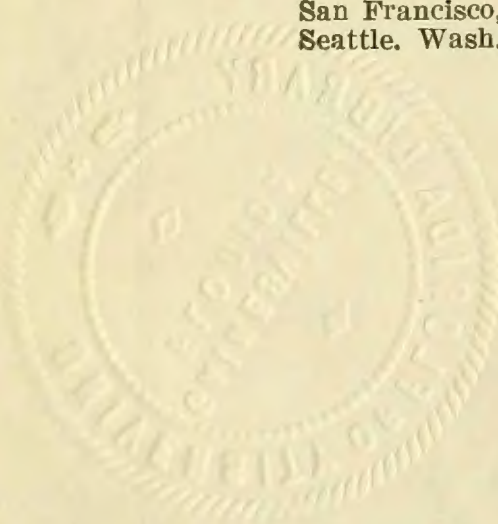


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Approved Code No. 315—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
INDUSTRIAL SAFETY EQUIPMENT INDUSTRY,  
AND INDUSTRIAL SAFETY EQUIPMENT TRADE

As Approved on February 21, 1935

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE INDUSTRIAL SAFETY EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY EQUIPMENT 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 the approval of an amendment to a Code of Fair Competition for the Industrial Safety Equipment Industry and Industrial Safety Equipment Trade, and opportunity to be heard having been noticed to all interested parties, 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 amended to include an approval of said Code in its entirety as amended.

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

Approval recommended

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*February 21, 1935.*



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an Amendment to the Code of Fair Competition for the Industrial Safety Equipment Industry and Industrial Safety Equipment Trade. In accordance with the requirements of the National Recovery Administration, due opportunity to be heard was afforded to all interested persons, and all objections received were given due consideration.

This Amendment is designed to effectuate an open price policy.

### FINDINGS

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

The National Industrial Recovery Board finds 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 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 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 Code empowers the Code Authority to present the aforesaid Amendment on behalf of the Industry as a whole.

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

(e) The Amendment and the Code as amended are 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 Amendment.

For these reasons, therefore, the Board has approved this Amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

FEBRUARY 21, 1935.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE INDUSTRIAL SAFETY EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY EQUIPMENT TRADE

Amend Article VII by deleting Section 6 (g) and substituting in lieu thereof, the following:

(g) *Open Price Policy*.—(1) When any group manufacturing and/or selling specified products of this Industry and/or Trade decide by majority vote of such group, that it is desirable to adhere to a policy of published prices for each individual member of the group, it shall be mandatory for each member of the group to adhere to this policy and each member of the product group shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Subsection referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the product group as are sold or offered for sale by said member and for such of said member's non-standard products of said product group as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within ten days after the date established by the product group as the effective date for such first price filing. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the product group and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the product group and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid ten day period after the date established by the product group as the effective date for such first price filing. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the National Industrial Recovery Board. Upon request the Code Authority shall furnish to the National Industrial Recovery Board or any duly designated agent of said Board copies of any such lists or revisions of price terms.

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

(3) No member of the product group shall sell or offer to sell any products of the product group, for which price terms have been filed

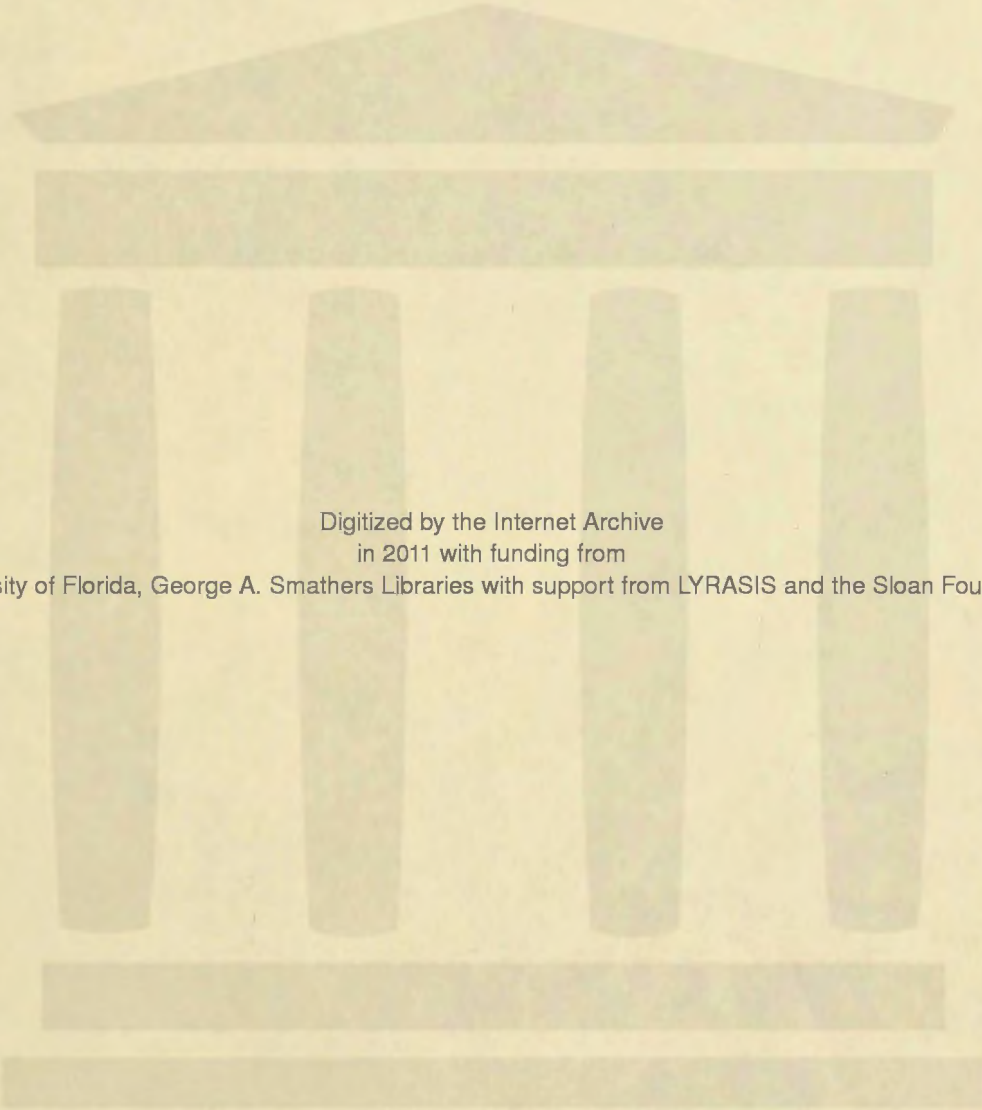
pursuant to the provisions of this Subsection, except in accordance with such price terms.

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

Approved Code No. 315—Amendment No. 2.  
Registry No. 1399-24.







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