EXECUTIVE COMMITTEE MEETING

New York, N. Y. March 14, 1934.

A meeting of the Executive Committee of the Lead Industries Association was held on Wednesday, March 14, 1934, at 2:30 P.M., at the Board Room of the National Lead Company, 111 Broadway, New York City.

Present	Representing
Clinton H. Crane, Chairman	St. Joseph Lead Company
H. Y. Walker	American Smelting & Refining Co.
W. C. Beschorman	National Lead Company
F. M. Carter	National Lead Company
F. F. Colcord	United States Smelting Refining and Mining Co. Inc.
F. E. Wormser, Secretary	

Mr. Clinton H. Crane occupied the chair.

The Chairman suggested that numerous changes proposed by the National Recovery Administration in the Lead Code be considered one by one. Accordingly, the Secretary read all the changes made in the Code, including the revised Section 5 of Article XI, as noted in the attached draft, dated March 14, 1934.

After discussion the changes were accepted by the Executive Committee. Thereupon, the following resolution was proposed:

> RESOLVED THAT the submission to the National Recovery Administration of the Proposed Code of Fair Competition for the Lead Industry by the Secretary on August 1, 1933, as authorized in the Minutes of the Executive Committee Meeting in New York City on July 28, 1933, and the successive submission of revised drafts of said Code, dated November 25, 1933 and December 8, 1933 respectively, together with the submission of the draft of said Code dated December 13, 1933, for presentation at a public hearing, together with the post-hearing revised drafts of January 6, February 6 and March 14, 1934, be hereby approved and
>
> BE IT FURTHER RESOLVED THAT the President, or Vice President, or the Secretary of this Association be and they are hereby authorized to treat with the Administration in the conduct of the negotiations with the National Recovery Administration and finally to approve the Code of Fair Competition for the Lead Industry, as written in draft of March 14, 1934

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Motion was carried, with a reservation by Mr. Colcord that he approved the Code but dissented to Section 5 of Article XI.

The Secretary was authorized to send the following letter of assent, with the transmittal of a new draft of the Lead Code, dated March 14, incorporating the approved changes, to the National Recovery Administration.

> "The undersigned, the duly elected, qualified and acting Secretary of the Lead Industries Association, acting pursuant to a resolution duly adopted at a meeting of the Executive Committee of said Association, held on March 14, 1934, hereby approves the draft of the Code of Fair Competition for the Lead Industry, dated March 14, 1934, a copy of which is attached hereto, and assent to the final approval and adoption of said Code in such form."

The meeting adjourned at 4:30 P.M.

F. A. Wormser

Secretary.

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PROPOSED CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRY

ARTICLE I

PURPOSES

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

ARTICLE II

DEFINITIONS

Wherever used in this code, or any supplement appertaining thereto, the terms enumerated in this Article shall have the meanings herein defined unless the contest shall otherwise clearly indicate.

Section 1. The terms "President", "Act", and "Administrator" shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act and any amendments thereto, and the Administrator for Industrial Recovery under Title I of said Act.

Section 2. The term "Member of Industry" includes all those engaged in the industry either as an employer or on his or its own behalf.

Section 3. The term "Employee" means and includes anyone engaged in the industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a member of the industry.

Section 4. The term "Employer" means and includes anyone by whom any such employee is compensated or employed.

Section 5. The term "Apprentice" as used herein means an individual (usually a minor), bound by indenture executed in compliance with the laws of the State where the service provided for therein is to be performed to serve an employer for a term of years at a predetermined wage for the period of the indenture in order to learn a trade, art or craft.

Section 6. The term "Industry" as used herein includes the mining of lead ore and/or the concentrating thereof, the smelting of lead ore and/or lead concentrates and/or lead bearing scrap, the refining of lead and/or lead bearing scrap and/or drosses, the manufacturing of pig lead, antimonial pig lead, lead pigments, metallic antimony, metallic lead products, allied products defined hereinafter as "metallic lead products" and/or "Metallic foil products", and the original sale of such products by the member of industry producing or manufacturing the same either directly or indirectly through subsidiary and/or affiliated companies.

(a) "Lead Ore and Lead Concentrates" as used herein is defined to mean ore and the concentrates thereof, containing lead as the principal commercially recoverable constituent.

(b) "Lead Mining", as used herein is defined to mean the mining and concentrating of lead ore and any further beneficiation thereto prior to the shipment to the smelter.

(c) "Lead Smelting and Refining" as used herein is defined to mean metallurgical and/or chemical treatment of lead ore, lead concentrates, lead bearing scrap, and/or drosses and/or any other lead bearing material into "Pig Lead", and/or "Antimonial Pig Lead".

(d) "Antimonial Pig Lead" - Inasmuch as antimony is a common constituent of most lead ores and a by-product of Lead Mining and Smelting and Refining - metallic antimony and antimonial alloy products (antimonial pig lead) shall be included within the provisions of this Code.

(e) "Lead Pigments" as used herein is defined to mean basic carbonate white lead (dry or in oil), basic lead sulphate (dry or in oil), litharge, red lead (dry or in oil), orange mineral or any other lead oxides, with or without metallic lead content.

(f) "Metallic Lead Products" as used herein is defined to mean extruded, rolled, cast or otherwise fabricated lead or lead alloy products, (except storage battery plates and lead covered cable) kindred products of metallic tin and tin alloy or other metal or metal alloy products, which are produced by members of industry on the same type of machinery and under similar labor and fabricating conditions.

(g) "Metallic Foil Products" as used herein is defined to mean lead and/or tin and/or zinc or their alloys or combinations thereof rolled to a thickness of .006 of an inch or less, whether attached or affixed to other materials or not.

Section 7. The term "Division" as used herein includes respectively the several parts of the industry as enumerated below:

1. Lead mining division
2. Lead smelting and refining division
3. Lead pigments division
4. Metallic lead products division
5. Metallic foil products division

and such other and further divisions as may hereafter be created pursuant to the provisions of this Code.

Section 8. The term "Association as used herein includes the "Lead Industries Association", an unincorporated membership society organized under the laws of the State of New York and having its principal office at 420 Lexington Avenue, New York City, and such other trade associations as may hereafter participate in the activities under this code or in the selection of the code authority. LIA02580

Section 9. The term "Executive Committee" as used herein shall mean the Executive Committee of the Lead Industries Association.

Section 10. The term "Secretary" as used herein shall mean the Secretary of the Code Authority, who also shall be the Secretary of the Lead Industries Association.

Section 11. The term "Southern District" as used herein shall include the states of Texas, Mississippi, Alabama, Louisiana, and Florida.

ARTICLF III

HOURS OF LABOR

MAXIMUM HOURS - Section 1

Effective on and after the second Monday following the effective date of this Code, no employee shall be permitted to work in any division of the industry in excess of 40 hours in any one week or in excess of 8 hours in any 24 hour period except as herein otherwise provided.

HOURS FOR CLERICAL AND OFFICE EMPLOYEFS - Section 2

No person employed in clerical or office work shall be permitted to work in excess of 40 hours in any one week, except that during any one week in a one month period such employee shall be permitted to work a maximum of 48 hours in any such week. A normal work day shall not exceed 8 hours.

EXCEPTIONS AS TO HOURS - Section 3.

The limitation as to hours of labor as specified in Sections 1, 2 and 4 of this Article III shall not apply to the following:

(a) To employees engaged in emergency maintenance, or emergency repair work involving breakdown or protection of life or property; provided that in such special cases not less than one and on-half times the normal wage rate for any employee so employed shall be paid for all hours worked in excess of 40 hours in any one week; provided that this overtime provision shall not apply in case of catastrophes involving threatened and/or actual loss of life or property. Such special cases, however, shall be reported to the Code Authority.

(b) Nor in the case of the mining Division shall it apply to hoist men, power house men, or pump men, provided the total working hours of such employees shall not exceed 48 hours in any one week.

(c) Nor to outside sales or sales service men, nor to persons in a managerial, executive, or supervisory capacity or to technical staffs, who receive $35.00 per week or more.

(d) Watchmen may be permitted to work 56 hours in any one-week period, provided that such employees shall have at least one day's rest in each seven day period.

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(e) There may be a tolerance of 10% additional hours over the 40 hours in any one week for employees engaged in the preparation, care and maintenance of machinery and production facilities, stock and shipping clerks and truck men engaged in outside delivery and pick-up service; provided, however, that at leastone and one half times the normal wage rate for any employee so employed shall be paid for all hours worked in excess of 40 hours in any one week, or 8 hours in any one day

(f) The limitation as to maximum hours of work shall not apply to very special cases where restriction of hours of labor of skilled workers in continuous processes would unavoidably reduce or interrupt production because of demands inherent and peculiar within the process itself, provided, however, that such employees in such special cases shall not work more than forty-eight (48) hours in any one week, and provided that in such special cases at least one and one half times the normal wage rate shall be paid to any employee so employed for hours worked above 40 hours per week. Such special cases, however, shall be reported to the Code Authority. The limitation of hours does not apply where one employee is acting in temporary relief for a fellow employee in continuous processes.

(g) During any period in which a concentrated demand upon any division of the industry, except mining, shall place an unusual and temporary burden for production work upon its facilities or to meet seasonal peak requirements or emergencies, an employee of any such division may be permitted to work not more than forty-eight (48) hours per week and not more than eight (8) hours in any one day in not more than six (6) weeks in six (6) months of any calendar year, provided that not less than time and one-half the normal rate shall be paid to any employee so employed for hours worked above forty (40) hours per week or eight (8) hours per day. All such overtime worked shall be reported to the Code Authority.

STANDARD WEEK - Section 4.

No employee shall be permitted to work more than six days in any seven day period.

EMPLOYMENT BY SEVERAL EMPLOYERS - Section 5.

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

ARTICLE IV

WAGES

MINIMUM - Section 1.

The minimum wage for each division of this industry shall be as follows:

		Cents per hour
1.	Lead mining division	Underground 45, Surface 40
2.	Lead smelting and refining division	35
3.	Lead pigments division	40
4.	Metallic lead products division	35
5.	Metallic foil products division	35

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provided that, as to the Smelting and Refining Division, in the Southern District, the minimum hourly rate shall be 30¢ per hour. Minimum wages in all divisions of the industry in effect on July 1, 1933, which were above the minimum specified shall in no case be reduced.

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The minimum rates provided for hereinabove shall be considered as hiring rates applying to totally unskilled labor or common labor above ground in the Mining Division and totally unskilled labor or common labor in the other divisions of the industry. In the Mining Division, the minimum hiring rate for underground common labor shall be not less than 45¢ per hour. Other classes of labor shall be compensated at rates above such minimums.

CLERICAL AND OFFICE EMPLOYEES - Section 2.

No accounting, clerical, office, sales, or service employees working on a weekly basis in any office shall be paid less than at the rate of $15.00 per week; provided, however, that office boys and girls and messengers may be paid at a rate not less than 80% of such minimum, and provided further that the number of such boys and girls and messengers so paid shall constitute not more than 5% of the total number of such employees of any one office of any one employer, but in any case each employer shall be entitled to at least one such employee.

PIECEWORK COMPENSATION - MINIMUM WAGES - Section 3.

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

FEMALE EMPLOYEES - Section 4.

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

WAGES ABOVE THE MINIMUM - Section 5.

Equitable adjustments above the minimum in all pay schedules of 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. In no event, however, shall hourly rates be reduced. Within sixty (60) days after the effective date of this Code, each member of this Industry shall make a report of such adjustment whether made prior to or subsequent to date of approval of this Code to the Code Authority.

HANDICAPPED PERSONS - Section 6.

A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by a Code, if the employer obtains from the State Authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

APPRENTICES - Section 7.

Employment of apprentices at rates of compensation below the minimum provided herein shall be permitted where they are apprenticed to an employer by an indenture made pursuant to the laws of the state in which such service is to be performed, under any apprentice system established and maintained by such employer, provided such indenture agreements are filed with the Code Authority. Employers shall not be allowed to have apprentices in number exceeding 5% of the total number of skilled craftsmen of their special class, except that each employer shall be entitled to employ at least one such employee. In no case shall an apprentice be paid less than the minimum wage provided in Section 1 of Article IV in States which do not have laws governing apprentices.

PAYMENT OF WAGES - Section 8.

An employer shall make payment of all wages 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 the State Laws. Pay periods for wages shall be at least semi-monthly and for salaries at least once per month. Employers shall agree not to withhold wages except as otherwise provided by law.

ARTICLE V

GENERAL LABOR PROVISIONS

CHILD LABOR - Section 1.

On and after the effective date of this Code, no person under 18 years of age shall be employed in the Lead Industry except in clerical, office, sale, service, technical and engineering departments, and no person under 16 years of age shall be employed in any capacity. In any State, an employer shall be deemed to have complied with this provision as to age of employees 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.

PROVISIONS FROM THE ACT - 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.

(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,

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RECLASSIFICATION OF EMPLOYEES - 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.

STANDARDS FOR SAFETY AND HEALTH - Section 4.

Every employer shall make reasonable provision for the safety and health of his employees at the place and during the hours of their employment. Standards of safety and health for each division of the industry shall be submitted to the Administrator by the Code Authority within six (6) months after approval of the Code.

STATE LAWS - 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, or insurance or fire protection, than are imposed by this Code.

POSTING - Section 6.

All employers shall post and keep posted complete copies of this Code and all amendments thereto in conspicuous places accessible to employees.

COMPANY TOWN AND STORES - Section 7.

Employees other than maintenance or supervisory men, or those necessary to protect property, shall not be required as a condition of employment, to live in homes rented from the employer. No employee shall be required as a condition of employment to trade at a store owned or specified by an employer.

DISMISSAL FOR COMPLAINT - Section 8.

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

ARTICLE VI

ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

ORGANIZATION AND CONSTITUTION - Section 1.

A Code Authority to administer this Code is hereby established and shall consist of the members of the Executive Committee of the Lead Industries Association, the Secretary of said Association, and such division chairmen who have respectively been elected to such office by such divisions in an equitable manner, approved by the Administrator, so as to be truly representative of such divisions respectively, and who are not members of the Executive Committee; in addition to membership as above provided there may be one to three members, without vote and without expense to the industry, to be appointed by the Administrator to serve for terms of six or twelve months from the date of appointment. On the effective date of this Code the voting members of the Code Authority shall consist of eleven members but such number is subject to variation due to the contents of the foregoing provision. It is contemplated that supplementary codes of fair competition not inconsistent with this Basic Code will be adopted for each division of the industry. When and if such supplementary codes are submitted and approved they shall contain provisions for a Divisional Code Authority selected in an equitable manner so as to be truly representative of such divisions of the industry subject to the approval of the Administrator, to administer the provisions of this Basic Code which relates to such division and the provisions of such supplementary code, and in addition this Basic Code Authority may delegate such of its powers and duties as it deems necessary to such division code authority of such supplementary code, provided, however, that any interested party shall have a right of appeal from any act or decision of such Divisional Code Authority to the code authority of this Basic Code.

Section 2. 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 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.

Section 3. 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 any basic Code Authority or Divisional 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 such Code Authority.

Section 4. Members of the Industry 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 administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review and approval by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

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 wilful misfeasance or non-feasance.

<u>POWERS AND DUTIES</u> - Section 6. LIAC2586

Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have, without limitation, the following further powers and duties, the exercise of which shall be reported to the Administrator and shall be subject to his right, on review, to disapprove, after such hearing as he may prescribe, any action taken by the Code Authority. If the Administrator shall determine at any time that any action of the 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 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.

(a) To insure the execution of the provisions of this Code and provide for the compliance of the industry with the provisions of the Act, subject to such rules and regulations as the Administrator may prescribe; and receive complaints of violations of this Code and disputes arising thereunder, except as otherwise hereinafter provided for in subdivision (h) of this section, make investigations thereof at their own instance, provide hearings thereon, adjust such complaints and make such decisions as are necessary thereon and to interpret the provisions of the Code and to bring violations of this Code to the attention of the Administrator for prosectuion, recommendation and other action.

(b) To adopt by-laws and rules and regulations for its procedure and for the Administration and enforcement of the Code. The Code Authority shall promptly furnish to the Administrator true copies of the by-laws, rules and regulations adopted pursuant to this paragraph.

(c) To obtain from members of the industry, through a confidential agency, such statistical information and reports as are required for the administration of the Code and to provide for submission by members of the industry of such statistical information and reports as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act, which information and reports shall be submitted by members of the industry to such Federal and/or State agencies as the Administrator 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 reports submitted to the Administrator and/or such Government agencies as the Administrator may designate, shall be disclosed to any other member of the industry or any other party except to such Government 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 the industry.

(f) To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

(g) To call meetings of any division of the Lead Industry to consider control of production through voluntary agreement, and to recommend to the Administrator such measures as have been voluntarily agreed upon covering fair trade practices,industrial planning, and production control, including stabilization of employment and conservation of natural resources.

(h) Within 90 days after the effective date of this Code the Code Authority shall submit to the Administrator for his approval a plan for the establishment of a National Industrial Relations Board for the industry, consisting of an equal number of representatives of employers and employees. Provision shall be made in such plan for division of the country into districts and the creation of regional industrial relations boards to comprise an equal number of representatives of employers and employees truly representative of such districts. The creation and functioning of these boards, including the selection of representatives of employees, shall be in accordance with Section 7 of the Act. Provision shall also be made for the appointment of an impartial person on each board, national and regional, to vote only where such board is unable to render a majority decision. This plan shall provide that the regional boards shall have the authority to hear and adjudicate all complaints and disputes arising out of Articles III, IV, and V of the Code, and the National Industrial Relations Board shall pass on all appeals from the regional boards solely on the basis of the record as certified by the Regional Boards to the National Industrial Relations Board. Before any such plan is approved, it shall be submitted to the Labor Advisory Board of the National Recovery Administration for their consideration and recommendations. The Administrator shall have the right, after such notice and hearing as he may specify, to review, disapprove or modify such plan and the plan shall become effective as a part of this Code when and as approved by him.

ARTICLE VII

TRADE PRACTICE RULES FOR LEAD PIGMENTS DIVISION

Section 1. The following described acts shall be deemed unfair competition for Division 3 (Lead Pigments), and shall constitute a violation of this Code:

(a) Misbranding or misrepresentation of lead pigments.

(b) No member of the industry shall give, permit to be given, or directly 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 or the represented pary, without the knowledge of such employer, principal or party. This Commercial bribery 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.

(c) Inducing or in any manner attempting to induce a breach, default or cancellation of a contract between a competitor and his customer during the term of such contract.

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(d) Guaranteeing for a definite time the life and/or service of lead pigments.

(e) Making false or derogatory statements with respect to the prices, policies, products, practices, business or credit of any competitor.

(f) No merchandise shall be sold at a concession, or used as an inducement, to influence the sale of any lead products, nor shall any concession be given in the price or terms of sale of a lead product to influence the sale of any other merchandise.

Section 2. Each member of the industry engaged in the manufacture and sale of lead pigments shall file with the Secretary within ten (10) days after the effective date of this Code, a list of the prices at which his products will be sold and a memorandum of any of his conditions of sale at variance with those set forth in Schedule "A" which is attached hereto and hereby made a part hereof. Any change in prices or conditions of sale shall be reported to the Secretary in such manner as to reach his office within twenty-four (24) hours after the effective date of such change. Any member making a sale or quotation, which does not conform to the basis he then has on file, shall notify the Secretary in detail by letter mailed within twenty-four (24) hours. The information supplied the Secretary shall be re-issued immediately to the reporting members.

Section 3. Each member of the Lead Pigments Industry, as defined in Article II, shall submit promptly to the Secretary the following periodic reports for compilation and re-issuance in such manner as may be determined by the Division.

(a) Montly reports of total production
(b) Stocks on hand of finished merchandise at the beginning of each month.
(c) Monthly reports of total shipments

ARTICLE VIII

TRADE PRACTICE RULES FOR METALLIC LEAD PRODUCTS DIVISION

Section 1. The following described acts shall be deemed unfair competition for Division 4 (Metallic Lead Products), and shall constitute a violation of this Code:

(a) No member of the Industry shall give, permit to be given, or directly 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 or the represented party, without the knowledge of such employer, principal or party. This commercial bribery 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.

(b) Making allowance for sales promotion and advertising in excess of actual amount expended, or making excessive expenditures on behalf of or for the benefit of a customer.

(c) Misbranding or misrepresenting the percentage or quality of various metals in any products.

(d) No member of the Division 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.

(e) Accepting orders guaranteed against a decline in price.

(f) Making false or derogatory statements with respect to competitors' prices, policies, products, practices, business or credit.

(g) Giving any other product at a concession in price or giving it away free, in order to influence the sale of any lead product.

(h) Changing prices after the award of a contract.

(i) Contracting for unspecified quantities at a fixed price or giving options at fixed prices for unspecified quantities.

(j) Inducing or in any manner attempting to induce a breach, default or cancellation of a contract between a competitor and his customer during the term of such contract.

(k) Taking back obsolete or damaged material at any value other than its value as secondary material.

(l) To cancel any undelivered portion of a contract for the purpose ofeffectuating a new contract with the buyer.

Section 2. The following unfair trade practices apply to the Type Metal Business only:

(a) Attaching drum tags to competitors' dross drums without receiving authority to do so from the prospect or customer.

(b) Failing to return competitors' drums to their owner within a period not exceeding thirty days from time of their receipt.

ARTICLE IX

TRADE PRACTICE RULES FOR METALLIC FOIL PRODUCTS DIVISION

Section 1. The following described acts shall be deemed unfair competition for Division 5 (Metallic Foil Products) and shall constitute a violation of this Code:

(a) No member of the Division shall publish untruthful advertising nor shall any member in any way misrepresent any goods or credit terms.

(b) No member of the Division shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any particular.

(c) No member of the Division 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.

ARTICLE X

EXPORT TRADE

No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or transactions in the foreign commerce of the United States or sales or shipments for export trade.

ARTICLE XI

APPLICATION OF CODE TO OPERATIONS WHEREIN OTHER METALS ARE PRODUCED

Section 1. If any member of the industry is also a member of any other industry, provisions of this Code shall apply only to that portion of its business which is a part of the lead industry.

Section 2. Where there is any question as to whether lead is the major production from the operations which do or which might produce lead, zinc, copper, gold, silver or other materials, then in any and every such event the question as to which Code of Fair Competition shall govern such operations of any such member of this industry shall be referred to a Coordination Committee. This Coordination Committee shall be composed of two members to be appointed by each of the Code Authorities for such industries as may be involved in each particular question. In the event such Committee is unable to reach a majority conclusion, then either the Committee shall elect an additional impartial member or upon their failure so to agree on such additional impartial member, the Administrator then may appoint such additional impartial committee member. Any member of the industry, the operations of which may raise such a question, shall file a statement of fact with the Code Authority for its industry, and such statement shall contain a statement of its preference as to the Code it would prefer to havesuch operations be governed by, and such preference shall be granted unless such Coordination Committee shall find that the granting thereof would be unfair in view of the rights of others or that it would have a tendency contrary to the effectuation of the policies of the Act.

Section 3. Within ten (10) days after the effective date of this Code, any member of this industry may file such a statement of fact and preference as to being governed by any of such other Codes which may at that time be in effect. Thereafter upon any such other Code becoming effective, such statement may then be filed; provided, however, that until such statement is filed and decision is made thereon by such Coordination Committee, such operation of such member of this industry shall be governed by the provisions of this Code.

Section 4. From time to time thereafter if conditions change, members of this industry shall be entitled to file such statements of fact and preference as to change of a portion of their operations from the jurisdiction of one Code to the jurisdiction of another, and in such event they shall be handled in the same manner as provided for above.

Section 5. When any metal or material other than lead is produced in excess of fifty tons per month by any member of the Lead Industry as a by-product, such by-product shall not be sold or offered for sale by the primary producer in contravention of the fair trade practice and marketing provisions of the Code of Fair Competition for the industry which produces such metal or materials as its preponderant activity and any such by-product producer shall comply with such other requirements of such other codes as relate to statistical reports.

Section 6. The foregoing Sections 1 to 5 inclusive of this Article XI, shall not be effective until Codes of Fair Competition for the copper and zinc industries, containing an article substantially the same as this Article XI, have been approved and are in effect and certified copies of such approved codes have been filed with the Code Authority for this Industry.

ARTICLE XII

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, 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 hereof.

Section 2. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the Administrator, be amended is provided in Section 3 hereof in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience; all the provisions of this Code, unless so modified or eliminated, shall remain in effect until the expiration date of Title I of the Act.

Section 3. An amendment to this Code or any codes supplemental thereto affecting or pertaining to the several divisions of the Lead Industry may be proposed by any interested party either to the Divisional Code Authority, the Basic Code Authority, or directly by or to the Administrator. All such proposed amendments shall be referred to the Division affected or interested and then shall be submitted by said Division to the Basic Code Authority who shall give members of the Industry an opportunity to be heard thereon, and thereafter the Code Authority may make such recommendations thereon as are deemed proper; provided, however, that when approved by the Administrator as necessary to effectuate the policies of the Act, after such notice and hearing as he may prescribe, any proposed amendment shall thereupon become effective as a part of this Code.

Section 4. The Code Authority may make recommendations for modifications of this Code to the Administrator which shall become effective as part of this Code upon approval by the Administrator after such notice and hearing as he may prescribe.

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRY

ARTICLE XIII

MONOPOLIES

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

ARTICLE XIV

EFFECTIVE DATE

This Code shall be in effect beginning ten (10) days after its approval by the Administrator.

March 14, 1934. SCHEDULE "A"

ARTICLE I. CONDITIONS FOR SALE OF LEAD OXIDES IN LOTS OF LESS THAN TWENTY TONS

A. "Sale" or "Order" as used herein includes any transaction whereby a member of the industry makes a quotation on, or becomes obligated to sell and deliver material.

B. Whatever terminology may be used, the intent and meaning thereof shall conform to the following requirements of sale.

(1) Material - Dry Oxides of Lead, or mixtures consisting principally thereof, each grade of material to be specifically designated.

(2) Quantity - Any amount as agreed between buyer and seller.

(3) Packages - As agreed between buyer and seller. Special packages required by buyer shall be charged for according to cost.

(4) Price

(a) Seller's card or quoted price in effect on date order is received with allowance as follows:

(1) Not more than 1/2¢ per pound for minimum shipment of 5 tons for one buyer at one time to one destination.

(b) Emergency shipments of smaller quantities may be made at the 5-ton price only to a customer for whom the Seller has a 5-ton order on hand for the same material for immediate shipment, or five tons en route to the same destination.

(c) No protection against decline in Seller's price may be given.

(d) Red Lead containing 97 per cent or 98 per cent Pb_3O_4 shall be so marked on the package and shall be sold at not less than 1/4¢ and 1/2¢ per pound, respectively, over Seller's price for grades of lower Pb_3O_4 content.

(5) Delivery - F.O.B. cars Seller's shipping point, or by truck F.O.B. Buyer's premises.

(6) Transportation Allowance -

(a) Since transportation is included in the Seller's price, the actual freight paid by Buyer shall be allowed as deduction. No cartage allowance shall be made to Buyer for use of his own truck.

(b) If shipment is made by Buyer's boat, Seller may allow actual amount he would havepaid for like transportation at minimum published tariffs in effect on date of shipment.

(7) Shipment - Shall be made at least within thirty (30) days from date order is received.

ARTICLE I (Continued)

(8) Terms - Net thirty days, less 1 per cent for cash in ten days from date of shipment.

(9) Taxes - Any tax or other charge imposed by Federal Law upon the production and/or sale and/or shipment of lead oxides shall be added to the price to be paid by the Buyeron any transaction to which such charge is applicable.

ARTICLE II. CONDITIONS FOR SALE OF LEAD OXIDES IN LOTS OF AT LEAST TWENTY TONS

A. "Sale" or "Order" as used herein refers to any transaction whereby a Seller quotes on or becomes obligated to deliver material.

B. Whatever terminology may be used, the intent and meaning thereof shall conform to the following requirements of sale.

(1) Material - Dry oxides of lead, or mixtures consisting principally thereof, each grade of material to be specifically designated.

(2) Quantity - As agreed between Buyer and Seller, provided that each order or release shall be an amount not less than 20 tons to one destination and for account of not more than one Buyer.

(3) Period - As specified.

(4) Packages - As agreed between buyer and seller. Special packages required by Buyer shall be charged for according to cost.

(5) Price -

(a) Shall be determined by adding a differential, as agreed upon by Buyer and Seller, to the price of common lead at New York, the lead price applying to each order to be specified by the Buyer at the time order is placed as:

(1) The American Smelting & Refining Company's quotation at the close of the market on the day the order is received by Seller

or

(2) The American Smelting & Refining Company's quotation at the close of the market on a future date definitely agreed upon by Buyer and seller when order is accepted

or

(3) The average quotation, as reported in one of the publications known as the American Metal Market and the Engineering & Mining Journal, for a future period definitely agreed upon by Buyer and Seller when the order is accepted. If the lead price is determined by the method herein outlined, Seller must require Buyer to specify before the beginning of the governing period the exact quantity of material to be priced in this manner. Deferred shipments shall be billed on the basis originally applicable thereto. Additional quantities required during the governing period shall be considered as new orders and shall be priced in accordance with (a) or (b) above.

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ARTICLE II. (Continued)

(b) Emergency shipments of smaller quantities may be made on the 20-ton price basis only to a customer for whom the Seller has a 20-ton order on hand for the same material for immediate shipment, or 20 tons en route, to the same destination.

(c) No protection against decline in Seller's price may be given.

(d) Red Lead containing 97 per cent or 98 per cent Pb_3O_4 shall be so marked on the package and shall be sold at not less than 1/4¢ and 1/2¢ per pound, respectively, over Seller's price for grades of lower Pb_3O_4 content.

(6) Delivery -
(a) F.O.B. cars Seller's shipping point
or
(b) By truck complete within three days, F.O.B. Buyer's premises.

(7) Transportation Allowance -
(a) Since transportation is included in the Seller's price, the actual freight paid by Buyer shall be allowed as a deduction. No cartage allowance shall be made to Buyer for use of his own truck.

(b) If shipment is made by Buyer's boat, Seller may allow actual amount he would have paid for like transportation at minimum published tariffs in effect on date of shipment.

(8) Shipment - Shall be made at least within sixty (60) days from
(a) The date on which the price of pig lead governs the sale
or
(b) The beginning of the period during which the average price of pig lead governs the sale.

(9) Terms - Net 30 days.

(10) Taxes - Any tax or other charge imposed by Federal Law upon the production and/or sale and/or shipment of lead oxides shall be added to the price to be paid by the Buyer on any transaction to which such charge is applicable.

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ARTICLE III. CONDITIONS FOR SALE OF BASIC LEAD CARBONATE (DRY WHITE LEAD)

A. "Sale" or "Order" as used herein includes any transaction whereby a member of the industry makes a quotation on or becomes obligated to sell and deliver material.

B. Whatever terminology may be used, the intent and meaning thereof shall conform to the following requirements of sale.

(1) Quantity - Any amount as agreed between buyer and seller.

(2) Period - As desired, to be specified.

(3) Packages - As agreed between buyer and seller.

(4) Price -

(a) Spot Sales - Seller's card or quoted price in effect on date order is received.

(b) Contract Sales -

(1) Seller's price on date contract is made with protection against advance or decline on the undelivered portion to the end of the current calendar quarter.

(2) On contracts extending beyond the current calendar quarter, the price applying to subsequent deliveries shall be seller's price in effect on the first day of the calendar quarter in which they are made, with protection against advance or decline on the undelivered portion to the end of each quarter.

(c) The price for minimum 20 ton lots for one buyer to one destination, shipped by rail in one carload, or delivered by truck within a period of three days, shall be not more than 1/4¢ per pound less than that charged for smaller quantities.

(d) Emergency shipments of smaller quantities may be made at the 20 ton price only to those customers for whom the Seller has a 20 ton order on hand for the same material for immediate shipment, or a carload (20 tons) enroute, to the same destination.

(5) Delivery - F.O.B. cars Seller's shipping point, or by truck F.O.B. Buyer's premises.

(6) Transportation Allowance - Since transportation is included in the Seller's price, the actual freight paid by Buyer shall be allowed as deduction. No cartage allowance shall be made to Buyer for use of his own truck.

ARTICLE III. (Continued)

(7) Shipment -

(a) Spot Sales - Within thirty days from date order is received.

(b) Contract Sales - Within the period covered by the contract.

(8) Terms - Net thirty days, less 1 per cent for cash in ten days from date of shipment.

(9) Taxes - Any tax or other charge imposed by Federal Law upon the production and/or sale and/or shipment of white lead shall be added to the price to be paid by the Buyer on any transaction to which such charge is applicable.

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