EXECUTIVE COMMITTEE MEETING

New York, N.Y. January 15, 1934.

A meeting of the Executive Committee of the Lead Industries Association was held on Monday, January 15, 1934, at 10:00 A.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
Heath Steele	American Metal Co. Ltd.
Charles Earl	American Smelting & Refining Co.
H. Y. Walker	" " " " "
R. M. Roosevelt	Eagle-Picher Lead Company
E. L. Newhouse, Jr.	Federated Metals Corp.
F. Laist	International Smelting Co.
W. C. Beschorman	National Lead Company
F. M. Carter	" " "
W. Y. C. Hunt	Reynolds Metals Company
A. Fletcher	St. Joseph Lead Company
J. A. McCarthy	United Metals Selling Co.
F. S. Mulock	United States Smelting Refining & Mining Co. Inc.

F. E. Wormser, Secretary.

Mr. Clinton H. Crane occupied the chair.

The Chairman presented a new revision of the Proposed Code of Fair Competition for the Lead Industries, dated January 15, 1934, resulting from a conference with Deputy Administrator Janssen and his aides, Mr. McFarland and Dr. Gould, in Washington on Saturday, January 13. Each change in the draft, as compared with the preceding one of January 6, was read by the Chairman who noted the various objections and suggestions which were made to improve the draft.

Provisions which caused the most discussion were Article III, Section 1, which contained no provision for expansion of the 40 hour minimum under certain circumstances; Article VI, Section 6 (h), Industrial Relations Board; and Article VIII, Section 3, Trade Practices for the Lead Pigments Division, on the filing of price schedules.

When Article IV, Section 5, the equitable adjustment of wages section was read, it was moved by Mr. Newhouse that the definition of an equitable adjustment, included in Section 3, be eliminated.

The resolution was lost.

It was then moved and seconded that the President be extended a vote of thanks for the efforts he had made on behalf of the Lead Industries Association in the development of a Code of Fair Competition for the Lead Industries.

Unanimously carried.

F. Wormser

Secretary.

LIAC2490

Code "F"

January 6, 1934.

PROPOSED CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

ARTICLE I

PURPOSES

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

ARTICLE II

DEFINITIONS

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

1. The terms "President", "Act", and "Administrator" shall mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator of Tital I of said Act.

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

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.

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

5. The term "Apprentice" as used herein, means an individual (usually a minor), bound by indenture to serve an employer for a term of years at a predetermined wage for a period of the indenture in order to learn a trade, art or profession.

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 hereafter as "metallic lead products" and/or "metallic foil products", and the original sale of such products by the one producing or manufacturing the same either directly or indirectly through subsidiary and/or affiliated companies.

6. (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, 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 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.

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.

8. The term "Association" as used herein includes the "Lead Industries Association", and 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.

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

ARTICLE III

HOURS OF LABOR

MAXIMUM HOURS
Section 1.

On and and after the effective date of this Code employers in the several divisions of the lead industry shall not operate on a schedule of hours of labor for their employees exceeding the equivalent of the number of hours per week listed below when averaged over any of the thirteen-week periods ending respectively, December 31, 1933, April 1, 1934, and July 1, 1934, etc., nor a total of more than 520 hours in any of these thirteen-week periods.

1. Lead mining division	40 hours
2. Lead smelting and refining division	40 hours
3. Lead pigments division	40 hours
4. Metallic lead products division	40 hours
5. Metallic foil products division	40 hours

HOURS FOR CLERICAL AND OFFICE EMPLOYEES
Section 2.

No person employed in clerical or office work shall be permitted to work in excess of forty (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 forty-eight (48) hours in any such week. A normal day shall not exceed eight (8) hours.

EXCEPTIONS AS TO HOURS
Section 3.

The limitation as to hours of labor shall not apply:

(a) To employees engaged in emergency maintenance, or emergency repair work involving breakdown or protection of life or property.

(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 exceeed forty-eight (48) hours.

(c) Nor to any isolated prospecting and/or mining operation where the limitation as to hours would impose a hardship on those employees who have no other source of livelihood or steady employment, or where on account of isolation of operations, it would be difficult to procure the additional labor required in order to increase employment, or difficult to provide the necessary housing facilities. Request for exemption for the provision of Article III under this section (c) shall be submitted to the Code Authority and shall not become effective without the approval of such Code Authority.

(d) Nor to outside sales or sales service men, technicians (highly skilled workers are not to be classed as technicians) nor to persons in a managerial, executive or supervisory capacity, who receive more than $35.00 per week (foreman engaged in manual labor shall not be considered to be in such supervisory capacity.)

(e) Nor to watchmen who shall not be permitted to work more than eight (8) hours per day for a seven (7) day period.

(f) There shall be a tolerance of ten (10) per cent additional hours over the forty (40) hours per week, or over the eight (8) hours in any twenty-four (24) hour period, for employees engaged in the preparation, care and maintenance of plant machinery and production facilities, stock and shipping clerks and truck men engaged in outside delivery and pick-up service.

ARTICLE IV

MINIMUM WAGES

MINIMUM
Section 1.

The minimum wage for each division shall be as follows:

	Cents per Hour
1. Lead mining division	40
2. Lead smelting and refining division	35
3. Lead pigments division	40
4. Metallic lead products division	35
5. Metallic foil products division	40 Male - 35 Female

unless the hourly rate for the same class of work on July 15, 1929, was less than thirty-five cents (35¢) per hour, in which latter case, not to be less than the hourly rate of July 15, 1929, and in no event less than thirty cents (30¢) per hour. This provision shall apply only to the lead smelting and refining division and the metallic foil products division. Minimum wages in effect on July 1, 1933 which were above the minimum specified in the Code shall not be reduced.

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

PIECEWORK COMPENSATION - MINIMUM WAGES
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.

FEMALE EMPLOYEES
Section 3.

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

WAGES ABOVE MINIMUM
Section 4.

If an equitable adjustment of wages above the minimums fixed in this Code has not been made since June 16, 1933, there shall then be an equitable adjustment made within 90 days from date of the approval of this Code. Such equitable adjustment shall mean that the differentials existing prior to the formation of this Code shall be maintained for employees other than persons engaged in managerial, executive or supervisory capacity who receive more than $35.00 per week, provided, however, that in no event shall hourly rates of pay be reduced. The Code Authority shall submit for the approval of the Administrator a proposal for adjustment of wages above the minimum. Upon the approval by the Administrator, after such hearing as he may prescribe, such adjustments shall become effective.

HANDICAPPED PERSONS
Section 5.

A person whose earning capacity is limited because of age of physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his 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 U.S. Department of Labor in issuing such certificates. Each employer shall file with the Code Authority a list of all such persons employed by him.

APPRENTICES
Section 6.

This Article shall not apply to an employee apprenticed to an employer by an indenture made in pursuance to the laws of any State of the United States, or by a written contract under any apprentice system established and maintained by an employer, provided such agreements are filed with the Code Authority, and provided that this exception shall apply to such

ARTICLE V

GENERAL LABOR PROVISIONS

CHILD LABOR
Section 1.

On and after the effective date, no person under eighteen (18) years of age shall be employed in the Lead Industry except in clerical, office, sales, service, technical and engineering departments, and no person under sixteen (16) years of age shall be employed in any capacity.

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 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.

RECLASSIFICATION OF EMPLOYEES
Section 3.

No employer shall reclassify employees or duties of occupation 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 State shall be submitted to the Administrator 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 complete copies of this Code in conspicuous places accessible to employees.

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 been elected to such office in an equitable manner by such divisions and 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 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 sub-code authority selected in an equitable manner so as to be truly representative of such division of the industry subject to the approval of the Administrator, to administer the provisions of this Basic Code 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 sub-code authority to the code authority of this Basic Code.

Section 2. LIA02487

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 deemproper; and thereafter if he shall find that any 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 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.

POWERS AND DUTIES
Section 6.

The Code Authority shall have 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 a hearing, any action taken by the Code Authority. 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.

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

(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. To receive complaints of violations of this Code and disputes arising thereunder, make investigations thereof, 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 to the attention of the Administrator for prosecution, recommendation and other action relative to unadjusted violations or disputes.

(b) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such 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 to such administrative and/or government 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 industry who have assented to, and are complying with, this Code.

(g) To call meetings of any division of the Lead Industries 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 ninety (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 Regional Industrial Relations Boards for the industry, consisting of an equal number of representatives of employers and employees. Provision shall also be made for the appointment of an additional board member on each board to vote only where the board is unable to render a majority decision. This plan shall provide that the board shall have authority to hear and adjudicate all complaints and disputes in the application of Articles III, IV and V of the Code. The creation and functioning of these boards, including the selection of representatives of employees, shall be in accordance with Section 7 of the Act. Before any such plan is approved, it shall be submitted to the Labor Advisory Board of the National Recovery Administration for their approval and recommendations. Upon approval by the Administrator, such plan shall become effective as a part of this Code.

ARTICLE VII

GENERAL TRADE PRACTICE PROVISIONS

Section 1.

The Code Authority shall take all steps necessary to prevent any member of the industry engaging in any unfair trade practice; however, due to the nature of the industry, unfair trade practices have not constituted a problem in the past except as to certain divisions of the industry. Therefore, in Articles VIII, IX and X hereof, there are established trade practice rules for the Lead Pigments Division, Metallic Lead Products Division and Metallic Foil Products Division respectively, and it is contemplated that trade practice rules applicable to the industry as a whole and separate rules for other divisions of the industry will later be published as provided for in Section 2 of this Article.

Section 2.

In order to facilitate the operation of the provisions of this Code and prevent the imposition of undue hardships upon any member of the industry, any such member or group thereof, or the Code Authority on its own initiative, may make application for relief from conditions in the industry by way of adoption of additional trade practice rules, either applicable to the industry as a whole and/or to one or more particular divisions thereof. Such application shall be made to the Administrator or to his duly authorized agent, and the Administrator, or his agent may, after such public notice and hearing as he may deem necessary, grant such relief by the approval of such additional trade practice rules as a modification to the provisions of this Code as may be required to effectuate the purpose of the National Industrial Recovery Act.

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

ARTICLE VIII

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 party, without the knowledge of such employer, principal or party. Commercial bribery provisions 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 herein above defined.

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

(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 in price, 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.

RETURNED GOODS
Section 2.

No member of the Code shall permit the return of merchandise without first giving consent for its return. On such goods as are accepted for return, a reasonable charge shall be made and freight charges must be prepaid by the shipper returning the merchandise, except in the case of defective products or where in some way, the manufacturer may be responsible.

LIA02491

PRICE LISTS
Section 3.

Each member of the Code shall file with the Secretary within ten (10) days after the effective date of this Code, his price list, together with terms and conditions of sale. Any change in the said list or terms shall be reported to the Secretary in writing within twenty-four (24) hours after the effective date of such change. Any member making a sale or quotation at variance with his price list or terms on file at the time said sale or quotation is made, shall notify the Secretary concerning the variation by letter, mailed within twenty-four (24) hours. The information, as reported, shall be re-issued by the Secretary to the members at such time, and in such manner as may be determined by the members of the division.

UNIFORM BASES FOR SALE
Section 4.

Uniform bases for sale specifically designed for use in selling Dry White Lead and Lead Oxides shall be developed as soon as practicable, and thereafter used by all members after said bases shall have been adopted by a two-thirds vote of members manufacturing the products to which the uniform bases for sale apply and after the uniform bases for sale have received the approval of the Administrator. From time to time, changes in the uniform bases for sale may be made by a two-thirds vote of members manufacturing such products, subject to the approval of the Administrator. All sales shall conform to the conditions set forth in the uniform bases for sale as submitted in Schedule A attached to this Code.

REPORTS
Section 5.

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 not to disclose separately the confidential information furnished by any member.

(a) Monthly reports of total production.

(b) Stocks on hand of finished merchandise at the beginning of each month.

(c) Monthly reports of total shipments.

ARTICLE IX

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:

LIA024C2

(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 rep-

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resented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be sonstrued 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 herein above defined.

(b) Giving excessive entertainment or making allowance for sales promotion and advertising in excess of actual amount expended.

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

(d) Giving of secret rebates or refunds of any kind.

(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) Entering of blanket orders 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 of effectuating 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 X

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 membeer 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 to 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 XI

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.

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 sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation 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 upon the approval of the President.

Section 3.

Additions or amendments to this Code, or supplemental codes affecting or pertaining to the several divisions of the lead industries, may be initiated by any interested party and shall be referred to the Division affected or interested and then shall be submitted by said Division to the Executive Committee of the Lead Industries Association, and, upon approval by the Committee, after two weeks notice to the members, shall be submitted to the Administrator and will become a part of this Code and have the same force and effect as any other provision of this Code when approved by the President. Nothing in this section shall be construed to prevent the right of any interested party to appeal directly to the President for a modification of this Code.

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

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.

ARTICLE XIV

TERMINATION

This Code and all supplementary provisions thereto shall expire on June 30, 1934, or on the earliest date prior thereto on which the President shall, by proclamation, or the Congress shall, by Joint Resolution, declare that the emergency recognized by Title I of the Act has ended; provided, that in the absence of such proclamation or declaration, the Executive Committee may prescribe that the Code and any or all supplementary provisions thereto may be continued in effect beyond June 30, 1934, but not later than June 16, 1935.

ARTICLE XV

EFFECTIVE DATE

This Code shall be in effect beginning ten days after its approval by the President.

SCHEDULE "A" January 8, 1934.

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

Outline of Basis for Sale of Lead Oxides

A. "Sale" or "Order" as used herein refers to any transaction whereby a member of the industry quotes 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.

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

(a) 1/2¢ per pound for minimum shipment of 5 tons at one time to one destination.

(b) 3/4¢ per pound for minimum shipment of 20 tons to one destination by
(1) Rail in one carload
(2) Truck within a period of three days.

Protection against decline in Seller's price may be given on less than 5 ton deliveries only, and shall not extend beyond the date of shipment.

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 1/8¢ and 3/8¢ 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 - The actual freight paid by Buyer. No cartage allowance shall be made to Buyer for use of his own truck.

If shipment is made by Buyer's boat, Seller may allow actual amount he would have paid for like transportation at published rates in effect on date of shipment except that such allowance shall not exceed 40¢ per 100 pounds.

(7) Shipment - Within thirty days from date order is received.

(8) Terms - Net 30 days, less 1 per cent for cash in 10 days from date of invoice.

(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 Buyer on any transaction to which such charge is applicable.

January 6, 1934.

CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

SCHEDULE "A"

Outline of Basis for Sale of Basic Lead Carbonate

A. "Sale" or "Order" as used herein refers to any transaction whereby a member of the industry quotes 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 of order.

(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 to one destination, shipped by rail in one carload, or delivered by truck within a period of three days, shall be 1/4¢ per pound less than that charged for smaller quantities.

(c) Emergency shipments 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.

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

(6) Transportation Allowance - The actual freight paid by Buyer. No cartage allowance shall be made to Buyer for use of his own truck.

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(7) Shipment -
(a) Spot Sales - Within thirty days from date of order.

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

SCHEDULE "A" January 6, 1934.

Outline of Basis for Sale of Basic Lead Carbonate

(Continued)

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

(9) The following clause shall be included in all contracts:

The Seller may add to the price or prices stated herein any increase in Seller's cost of the commodities sold hereunder (including increased cost of materials used in the manufacture thereof) caused by (a) taxes or other charges imposed by governmental authority upon the production, sale or transportation of said commodities or materials, (b) compliance with agreements, codes or licenses made or issued pursuant to Federal or State legislation, or (c) increases (other than as covered above) in cost of raw materials or transportation. If Buyer is unwilling to accept any such increase as computed by Seller, Buyer shall have the right to terminate this contract by giving Seller written notice within ten days after receipt of Seller's notice of increase in price.

Code "G"

January 15, 1934.

PROPOSED CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

ARTICLE I

PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Lead Industries and upon approval by the President, its provisions shall be the standards of fair competition for such Industry and shall 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 context shall otherwise clearly indicate.

Section 1. The terms "President", "Act", and "Administrator" shall mean respectively the President of the United States, the National Industrial Recovery Act, and the Administrator of 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 executived 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 profession.

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 - 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 and 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 LIA02500
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.

PROPOSED CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

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.

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

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.

ARTICLE 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 EMPLOYEES

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 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 at least one 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; provided that this overtime provision shall not apply in case of catastrophies involving loss of life. 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 service men, nor to persons in a managerial, executive or supervisory capacity, who receive more than $35.00 per week.

(d) Watchmen, according to the nature of their responsibilities, may be permitted to work either 84 hours in any two-week period, or 48 hours in any one-week period, provided that such employees shall have at least one day's rest in each seven day period.

(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 least one 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.

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	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. Provided, however, that minimum wages in effect on July 1, 1933, which were above the minimum specified, shall in no case be reduced.

PROPOSED CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

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 shall be paid at a rate not less than 80% of the minimum hereinabove specified, 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 such employer shall be entitled to 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 MINIMUM

Section 5. If an equitable adjustment of wages above the minimum fixed in this Code has not been made since July 1, 1933, there shall then be an equitable adjustment made within 60 days from date of the approval of this Code. Such equitable adjustment shall mean that the differentials existing prior to the formulation of this Code shall be maintained for employees other than persons engaged in managerial, executive or supervisory capacity who receive more than $35.00 per week, provided, however, that in no event shall hourly rates of pay be reduced. If such equitable adjustment has not been made, the Code Authority shall submit for the approval of the Administrator a proposal for adjustment of wages above the minimum. Upon the approval by the Administrator, after such hearing as he may prescribe, such adjustments shall become effective.

HANDICAPPED PERSONS

Section 6. A person whose earning capacity is limited because of age or physical or mental handicap may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his 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 such certificates; each employer shall file with the Code Authority a list of all such persons employed by him.

APPRENTICES

Section 7. The use of apprentices 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 and in no case shall they be paid less than the minimum wage provided in Section 1 of Article IV.

ARTICLE V

GENERAL LABOR PROVISIONS

CHILD LABOR

Section 1. On and after the effective date, no person under 18 years of age shall be employed in the Lead Industry except in clerical, office, sales, service, technical, and engineering departments, and no person under 16 years of age shall be employed in any capacity.

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.

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.

PROPOSED CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

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 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 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 the store owned or specified by an employer.

LABOR AGREEMENTS

Section 8. Labor agreements now in force between members of the Industry and their employees shall be affected only by such provisions in this Code as may prescribe higher wages and shorter hours than are provided for in such agreements.

ARTICLE VI

ORGANIZATION, POWERS AND DUTIES
OF THE CODE AUTHORITY

ORGANIZATION AND CONSTITUTION LIA02505

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 sub-code authority selected in an equitable manner so as to be truly representative of such division of the industry subject to the approval of the Administrator, to administer the provisions of this Basic Code 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 sub-code authority to the code authority of this Basic Code.

Section 2. Each trade or industrial association directly or indirectly particpating 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 Sub-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 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 nonfeasance.

PROPOSED CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

POWERS AND DUTIES

Section 6. The Code Authority shall have 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 or modify, after such hearing as he may prescribe, any action taken by the Code Authority. Subsequently, 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 (30) 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.

(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. To 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, 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.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code and to provide for submission by members of such 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 to such administrative and/or government 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 Industries 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 ninety 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 within 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, but that provision shall be made so that where there is no representative labor organization that the employee representatives may be appointed by the Labor Advisory Board of the National Recovery Administration. Provision shall also be made for the appointment of an impartial person on each board 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

GENERAL TRADE PRACTICE PROVISIONS

The Code Authority shall take all steps necessary to prevent any member of the industry engaging in any unfair trade practice; however, due to the nature of the industry, unfair trade practices have not constituted a problem in the past except as to certain divisions of the industry. Therefore, in Articles VIII, IX and X hereof, there are established trade practice rules for the Lead Pigments Division, Metallic Lead Products Division and Metallic Foil Products Divisions respectively, and it is contemplated that trade pratice rules applicable to the industry as a whole and separate rules for other divisions of the industry will later be established by amendement as hereinafter provided.

ARTICLE VIII

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 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 herein above 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.

(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.

RETURNED GOODS

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Section 2. No member of the industry shall permit the return of merchandise without first giving consent for its return. On such goods as are accepted for return, a reasonable charge shall be made and freight charges must be prepaid by the shipper returning the merchandise, except in the case of defective products or where in some other way, the manufacturer may be responsible.

SCHEDULES

Section 3. Each member of the industry, within ten days after the effective date of this Code, shall file with the Secretary of the Code Authority, the price or prices and terms and conditions of sale at which he is offering his products for sale; this original filing to become effective on the date of such filing. Any member of the industry desiring to change the price or prices of his products and terms and conditions of sale shall notify the Code Authority of such intention by filing his revised schedule, which shall become effective ten days thereafter. The revised schedule so filed with the Code Authority shall be immediately distributed among the members of industry. In the event that any member of industry shall not receive sufficient notice of the filing by any other member of revisions in such other member's price, or prices or terms and conditions of sale, as will enable him to meet such revisions of such other member on the effective date thereof, then if such member shall file with the Secretary of the Code Authority such revisions of his price or prices and terms and conditions of sale as may be required to meet the revisions filed by such other member, within 48 hours after the receipt of notice thereof, the revision so filed by such member shall become effective on the same date as the revisions of such other member, or if they be already effective shall become effective immediately.

UNIFORM BASES FOR SALE

Section 4. Uniform bases for sale for use in selling dry white lead and lead oxides are provided in "Schedule A" which is attached to and hereby made a part hereof. From time to time, changes in the uniform bases for sale may be made by a two-thirds vote of members manufacturing such products, subject to the approval of the Administrator after such notice and hearing as he may prescribe. All sales shall conform to the conditions set forth in said Schedule A.

REPORTS

Section 5. 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 not to disclose separately the confidential information furnished by any member.

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

PROPOSED CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

ARTICLE IX

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 herein above defined.

(b) Giving excessive entertainment or making allowance for sale promotion and advertising in excess of actual amount expended.

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

(d) Giving of secret rebates or refunds of any kind.

(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 as a subterfuge for the purpose of effectuating 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 X

TRADE PRACTICE RULES FOR METALLIC FOIL PRODUCTS DIV.

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 XI

EXPORT TRADE

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.

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 sub-section (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 upon the approval of the Administrator.

Section 3. Additions or amendments to this Code, or supplemental codes affecting or pertaining to the several divisions of the lead industries, may be initiated by any interested party and shall be referred to the Division affected or interested and then shall be submitted by said Division to the Executive Committee of the Lead Industries Association, and, upon approval by the Committee, after two weeks notice to the members, shall be submitted to the Administrator and after such notice and hearing as the Administrator may prescribe and when approved by him such additions or amendments shall become a part of this Code and have the same force and effect as any other provision of this Code. Nothing in this section shall be construed to prevent the right of any interested party to appeal directly to the Administrator for amodification of this Code.

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.

ARTICLE XIV

EFFECTIVE DATE

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

January 15, 1934.

SCHEDULE "A"

ARTICLE I. OUTLINE OF BASIS FOR SALE OF LEAD OXIDES

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.

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

(a) 1/2¢ per pound for minimum shipment of 5 tons at one time to one destination.

(b) 3/4¢ per pound for minimum shipment of 20 tons to one destination by:
(1) Rail in one carload
(2) Truck within a period of three days.

Protection against decline in Seller's price may be given on less than five ton deliveries only, and shall not extend beyond the date of shipment.

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 1/8¢ and 3/8¢ 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 - 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.

If shipment is made by Buyer's boat, Seller may allow actual amount he would have paid for any other mode of transportation at published tariffs in effect on date of shipment except that such allowance shall not exceed 40¢ per 100 pounds.

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

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(CONTINUED) ARTICLE I. OUTLINE OF BASIS FOR SALE OF LEAD OXIDES

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

(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 Buyer on any transaction to which such charge is applicable.

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ARTICLE II. OUTLINE OF BASIS 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 of order.

(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 should 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 to one destination, shipped by rail in one carload, or delivered by truck within a period of three days, shall be 1/4¢ per pound less than that charged for smaller quantities.

(d) Emergency shipments 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

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

(6) <u>Transportation Allowance</u> - 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.

(7) <u>Shipment</u> -
(a) Spot Sales - Within thirty days from date of order
(b) Contract Sales - Within the period covered by the contract.

(8) <u>Terms</u> - Net thirty days, less 1 per cent for cash in ten days from date of invoice.

(9) Except as to contracts for purchases made to cover the use of such material in definite building or maintenance contracts, the following clause shall be included in all contracts:

"The Seller may add to the price or prices stated herein any increase in Seller's cost of the commodities sold hereunder (including increased cost of materials used in the manufacture thereof) caused by (a) Taxes or other charges imposed by governmental authority upon the production, sale or transportation of said commodities or materials, (b) compliance with agreements, codes or licenses made or issued pursuant to Federal or State legislation, or (c) increases (other than as covered above) in cost of raw materials or transportation. If Buyer is unwilling to accept any such increase as computed by Seller, Buyer shall have the right to terminate this contract by giving Seller written notice within ten days after receipt of Seller's notice of increase in price."

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