

EXECUTIVE COMMITTEE MEETING

New York, N. Y.

November 22, 1933.

A meeting of the Executive Committee of the Lead Industries Association was held on Wednesday, November 22, 1933 at 3:15 P.M. in the Board Room of the National Lead Company, 111 Broadway, New York City.

Present

Clinton H. Crane, Chairman
F. H. Brownell
R. M. Roosevelt
W. C. Beschorman
F. M. Carter
E. J. Cornish
W. Y. C. Hunt
I. H. Cornell
J. A. McCarthy
F. F. Colcord
G. W. Metcalfe

F. E. Wormser, Secretary.

Representing

St. Joseph Lead Co.
American Smelting & Refining Co.
Eagle-Picher Lead Co.
National Lead Co.
" " "
" " "
Reynolds Metals Co.
St. Joseph Lead Company
United Metals Selling Co.
United States Smelting Refining & Mining Co.

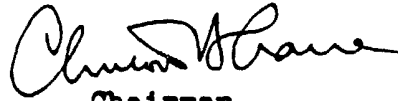
Mr. Clinton H. Crane occupied the chair.

The Chairman presented a draft of the Code of Fair Competition for the Lead Industry which the Secretary brought back with him from Washington after consultation with Deputy Administrator Janssen, who had recommended a great many changes and additions to the Basic Code. Copy of this Code is attached (Exhibit "A").

The Executive Committee agreed to proceed with a consideration of the Code for the purpose of revising it so as to retain the form in which the Administration desired the Code to be submitted, and so as to embody the combined views

of the Committee. Accordingly, the Code was considered paragraph by paragraph and finally drafted as Exhibit "B" attached hereto.

Meeting adjourned at 5:00 P.M.



Chairman



Secretary.

LIA02451

THE CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

ARTICLE I

Purposes

To effect 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

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

The term "Industry" means and includes the business of producing and selling in the United States any or all industry products.

The terms "Member" and/or "Member of the Industry" means and includes any person, firm association, or corporation engaged in the business of the Industry as defined herein.

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.

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

The term "Apprentice" means a person, usually a minor, who agrees to serve an employer for a certain stated period of time at predetermined wages for the period in order to learn the trade.

The term "Learner" means an employee without previous mechanical experience engaged to become competent on one or more machine operations but who shall not be so classified after ninety days' experience.

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The term "Industry Products" means and includes all products as hereinafter enumerated and defined under "Divisions", and such other products as may be enumerated and defined in divisional supplemental codes which are or may be attached to and made a part of this code.

(a) "Lead Industries" as used herein is defined to mean all those engaged in mining, smelting, and refining of lead and lead scrap, and in the manufacture and sale of lead pigments, metallic lead products, allied products defined under "Metal Lead Products", and "Metallic Foil Products".

(b) "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.

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

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

(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, or kindred products of metallic tin, 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 or their alloys or combinations thereof rolled to a thickness of .006 of an inch or less, whether attached or affixed to the materials or not.

(h) The term "Divisions" means and includes the several parts of the Industry which are (or may be) established, and are (or may be) defined in the divisional supplemental codes.

"Division" as used herein refers to the several sections of the lead industries 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.

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(i) The term "Lead Industries Association" as used herein shall mean an association of members of the Lead Industry who represent 90% of the active mining, 90% of the lead smelting and refining, 100% of the lead pigments and more than 85% of the metallic lead products and 90% of the metallic lead allied foil products industry by tonnage in the U. S.

(j) The term "Executive Committee" as used herein shall mean the Executive Committee of the Lead Industries Association, duly elected and qualified to serve under the by-laws of such association, organized in New York City, New York, Nov. 14, 1928.

ARTICLE III Hours of Labor

MAXIMUM HOURS Section 1.

On 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 the period from the effective date of this code until October 1, 1933 or over any of the successive 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 "
3. Lead pigments division	40 "
4. Metallic lead products division	40 "
5. Metallic foil products division	40 "

Such maximum working hours shall not apply in the case of accidents, or emergencies where the safety of the men or the preservation of the property necessitates temporarily longer hours; nor in the case of the mining division shall it apply to hoistmen, power-house men or pump men who are paid \$35.00 a week or more. It is also recognized that in various divisions there are individual circumstances which may call for special consideration and the working of a greater number of hours than herein specified which shall be permitted on approval by the National Recovery Administration.

HOURS FOR CLERICAL AND OFFICE EMPLOYEES Section 2.

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No employer shall work any accounting, clerical, office, inside sales, or other employee not provided for in this

Article III, who receives less than \$35.00 per week, more than an average of 40 hours per week during a six months' period, nor more than 48 hours per week in any one week.

EXCEPTIONS AS TO HOURS Section 3.

The limitation as to hours of labor in any 24 hours shall not apply to very special cases where restriction of hours of labor of highly skilled workers in continuous processes would unavoidably reduce production, provided, however, that employees in such cases shall not work more than 48 hours in any one week.

STANDARD WEEK Section 4.

The limitation as to hours of labor shall not apply (a) to outside sales or sales-service men, technicians (highly skilled factory workers are not to be classed as technicians), nor to persons in a managerial, executive, or supervisory capacity who receive more than \$35 per week (foremen regularly engaged in manual labor shall not be considered to be in such supervisory capacity), nor (b) to employees engaged in emergency maintenance or repair work necessary because of breakdowns or involving danger to life and property, providing that such emergency overtime work in excess of 48 hours in any one week shall be paid for at the rate of time and one third.

(To care for requirements peculiar to certain divisions of the lead industry, the code permits maximum hours to be averaged over a six months' period, also for an allowance (above 48 hours maximum) of not more than six hours per week in the time worked by the operating class of employees.

ARTICLE IV Wages

MINIMUM

The minimum wage for each division shall be as follows:

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

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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; except for cleaners, watchmen, and outside labor, whose minimum wage shall be at the rate of thirty cents (30¢) per hour, but in no case shall the number of cleaners, watchmen, and outside labor in the above classes exceed five per cent (5%) of the total number of employees.

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, piecework, or other basis.

MINIMUM WAGE RATES BY LOCALITY/OCCUPATION
Section 3.

After the approval of this Code, the Code authority may present for approval to the Administrator, after notice and hearing, recommendations as to upward adjustments in minimum wages for specified localities/or occupations, in order to effectuate the purposes of the Act.

WAGES ABOVE MINIMUM
Section 4.

There shall be an equitable adjustment of all wages above the minimum after the effective date, if such adjustment has not already been made, and to that end, within (____ days or months) from the approval of this Code, the Code Authority may review the existing wage rates and submit for the approval of the Administrator a proposal for adjustment in wages. Upon approval by the Administrator, after such hearing as he may prescribe, such proposal shall become binding as a part of this Code, provided, however, that in no event shall hourly rates of pay be reduced.

FEMALE EMPLOYEES
Section 5.

Female employees, if, as and when performing substantially the same work as male employees shall receive the same rate of pay as male employees.

HANDICAPPED PERSONS
Section 6.

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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. Each employer shall file with the Code Authority a list of all such persons employed by him.

ARTICLE V General Labor Provisions

CHILD LABOR

Section 1. No person under sixteen (16) years of age shall be employed in the Industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator before _____ (date) a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

PROVISIONS FROM THE ACT (Inclusion obligatory)

Section 2. In compliance with Section 7(a) of the Act it is provided:

(a) That 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) That 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) That 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

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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.

EXHIBIT "A"

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. (Provision may be inserted requiring the Code Authority to submit proposed minimum standards for safety and health of employees).

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

Lead Industries Association is hereby designated the agency for administering, supervising, and promoting the performance of the provisions of this Code by the members of the lead industries. The Association shall be divided into five divisions as defined in Article II. Each division is to function as a separate unit, and shall be self-governing, and may draft a supplementary code of fair competition not inconsistent with this agreement. The Executive Committee, together with each division chairman, The Secretary of the Lead Industries Association, and such representatives of the Administrator as he may care to appoint, are designated as code authority to cooperate with the Administrator in the administering of this code with respect to the several divisions.

Section 1. There shall be forthwith constituted a Code Authority consisting of ___ persons to be selected in the following manner:

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(Here shall be stated the manner in which the members of the Code Authority shall be elected. Provision should be made so that the Code Authority will be truly representative of the various majority, minority, and other interests in the industry. If, however, by reason of conditions peculiar to the industry, selection by the industry is impossible, it may be provided that appointment shall be by the Administrator.)

Section 2. In addition to membership as above provided, there may be ___ members, without vote, to be appointed by the Administrator, to serve for term of ___ months from the date of appointment.

Section 3. 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 4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

Section 5. 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 6. 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 or any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

POWERS AND DUTIES

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Section 7. 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 any action taken

EXHIBIT "A"

by the Code Authority.

(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.

(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 shall be disclosed to any other member of the industry or any other party except to such governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator of the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

(f) To secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) 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.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, including stabilization of employment.

(i) "The Code Authority shall have power on its own initiative or on the complaint of any member of the Code to investigate any destructive price competition," and for the purpose of investigation thereof, to require such member to furnish such information concerning the cost of manufacturing such product as the Code Authority shall deem necessary or proper

for such purposes. If the Code Authority after such investigation shall determine that such price is an unfair price for such product and that the maintenance of such unfair price may result in unfair competition in the industry, the Code Authority may require that the member of the code file a new list showing a fair price for such product which fair price shall become immediately effective upon the filing thereof.

ARTICLE VII Trade Practices

For all purposes of this Code the following described acts as well as those elsewhere enumerated in this Code shall be deemed unfair competition and shall constitute a violation of this Code.

Rule 1. Inaccurate Advertising.

No member of the Industry shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods, (including but without limitation its use, trade-mark, grade-quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

Rule 2. False Billing.

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

Rule 3. Inaccurate Labelling.

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

Rule 4. Inaccurate References to Competitors, etc.

No member of the industry shall publish advertising which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services.

Rule 5. Selling Below Cost.

(Provisions may be inserted against selling below cost based upon principles of costing formulated by the Code Authority and approved by the Administrator. Such provisions

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should be applicable to the individual industry and should take into consideration the necessity of selling below cost to meet competition, to dispose of distress merchandise, etc.)

Rule 6. Threats of Law Suits.

No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers. Failure to prosecute in due course shall be evidence that any such threat is unwarranted or unjustified.

Rule 7. Secret Rebates.

No member of the industry shall secretly directly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer to extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

Rule 8. Selling on Consignment.

No member of the industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, where peculiar circumstances of the industry require the practice.

Rule 9. Bribing Employees

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.

Rule 10. Interference with Another's Contracts.

No member of the industry shall attempt to induce a breach of an existing contract between a competitor and his employee of customer or source of supply; nor shall any such member interfere with or obstruct the performance of such contractual duties or services.

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Rule 11. Coercion.

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

Rule 12. Blacklisting.

No member of the industry shall join or participate with other members of the industry who with such member constitute a substantial number of members of the industry or who together control a substantial percent of the business in any specific product or products of the industry, in any transaction known in law as a black list, including any practice or device (such as a white list), which accomplishes the purpose of a black list.

ARTICLE VIII

Trade Practice Rules for Lead Pigments Division

The trade practice rules outlined in Article VII in a general way are of particular application to divisions number 1, 2, 4 and 5 of the lead industries. Because of the very nature of the product of division 3 "Lead Pigments" of the lead industry, a separate set of trade practice rules for this division is noted in this Article VIII.

Unfair Trade Practices

The following shall be considered unfair trade practices and are violations of this code with particular reference to Division 3 (Lead Pigments).

- (a) Misbranding or misrepresentation of lead pigments.
- (b) Making or promising to any purchaser or prospective purchaser of lead pigments, or to any officer, employee, agent or representative of any such purchaser or prospective purchaser, any commission, gratuity, or other payment or remuneration, directly or indirectly, except in the case of payments made with the consent of the employer for a definite service rendered.
- (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) Exchanging the products of a member for those of another.
- (g) 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 a lead product to influence the sale of any other merchandise.

Returned Goods

No member of the Code shall accept the return of merchandise without first giving consent for its return.

EXHIBIT "A"

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.

Price Lists

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. After December 31, 1933, 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 reissued to the members at such time, and in such manner as may be determined by them.

Uniform Sales Contracts

Uniform sales contracts 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 contract forms shall have been adopted by a two-thirds vote of members manufacturing the products to which the contracts apply and after the uniform contract forms have received the approval of the Administrator. From time to time, changes in the uniform sales contracts can 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 contract forms.

ARTICLE IX
Export Trade

Section 1. No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade.

Section 2. Subject to the approval of the Code Authority, the exceptions established by this section shall apply also to sales or shipments of materials actually used in manufacture for export trade.

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A provision may be introduced into the administrative section of the Code providing that questions relating to production for export and sale for export, not enumerated in the above section, may be submitted by any member of the industry for the consideration of the Code Authority, and

that its decision thereon shall be submitted to the Administrator and shall not be effective unless and until approved by him.

ARTICLE X **Cancellation or Modification**

This code or any of its provisions shall be cancelled or modified and any approved rule issued thereunder shall be ineffective to the extent necessary to conform to any action by the President under Section 10 (b) of the National Industrial Recovery Act in cancellation or modification of any order, approval, license, rule, or regulation pertaining thereto.

ARTICLE XI **Monopolies**

- (a) This Code is not designed to promote monopolies and shall not be availed of for that purpose.
- (b) The provisions of this Code shall not be so interpreted or administered as to eliminate or oppress small enterprises or to discriminate against them.

ARTICLE XII **Additions or Amendments**

Additions or amendments to this Code, or supplemental codes affecting or pertaining to the several divisions of the lead industries may be submitted to the Executive Committee of the Lead Industries Association, and, upon approval by the Committee, after two weeks notice to the members, may be submitted to the Administrator of the National Industrial Recovery Act 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 Administrator.

ARTICLE XIII **Reports**

To inform the President as to the observance of the provisions of this Code by its subscribers and as to the steps the lead industries are taking to effectuate the declared policy of the National Industrial Recovery Act, each person engaged in the industry shall provide certified statements at the end of each period referred to under Article VI to the effect that the employer has complied with the maximum hours and minimum rates of wages prescribed herein.

EXHIBIT "A"

ARTICLE XIV

Fees

The Lead Industries Association having been constituted the agency to administer this Code, all persons in the lead industry covered by this Code, shall pay an equitable pro-rata share of the expenses of administration of said Association, as assessed by the Executive Committee.

ARTICLE XV

Effective Date

This Code shall be in effect beginning the second Monday after its approval by the President.

THE CODE OF FAIR COMPETITION FOR THE LEAD INDUSTRIES

ARTICLE I
Purposes

To effect 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.

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(b) "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.

(c) "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.

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

(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.

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(h) The term "Divisions" means and includes the several parts of the Industry which are (or may be) established, and are (or may be) defined in the divisional supplemental codes.

"Division" as used herein refers to the several sections of the lead industries 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

LIAC2468

(i) The term "Lead Industries Association" as used herein is an association of members of the Lead Industry who represent approximately 90% of the active mining, 90% of the lead smelting

and refining, 100% of the lead pigments and more than 85% of the metallic lead products and 90% of the metallic lead allied foil products industry by tonnage in the United States.

(j) The term "Executive Committee" as used herein shall mean the Executive Committee of the Lead Industries Association, duly elected and qualified to serve under the by-laws of such association, organized in New York City, November 14, 1928.

ARTICLE III Hours of Labor

MAXIMUM HOURS

Section 1. On 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 the period from the effective date of this code until October 1, 1933, or over any of the successive 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 "
3. Lead pigments division	40 "
4. Metallic lead products division	40 "
5. Metallic foil products division	40 "

Such maximum working hours shall not apply in the case of accidents, or emergencies where the safety of the men or the preservation of the property necessitates temporarily longer hours; nor in the case of the mining division shall it apply to hoistmen, power-house men or pump men. It is also recognized that in various divisions there are individual circumstances which may call for special consideration and the working of a greater number of hours than herein specified which shall be permitted on approval by the National Recovery Administration.

HOURS FOR CLERICAL AND OFFICE EMPLOYEES

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Section 2. No employer shall work any accounting, clerical, office, inside sales, or other employee not provided for otherwise in this Article III, who receives less than \$35.00 per week, more than an average of 40 hours per week during a six months' period, nor more than 48 hours per week in any one week.

EXCEPTIONS AS TO HOURS

Section 3. Any limitation as to hours of labor shall not apply to very special cases where restriction of hours of labor of highly skilled workers in continuous processes would unavoidably reduce production, provided, however, that employees in such cases shall not work more than 48 hours in any one week.

STANDARD WEEK

Section 4. The limitation as to hours of labor shall not apply (a) to outside sales or sales-service men, technicians (highly skilled factory workers are not to be classes as technicians), nor to persons in a managerial, executive, or supervisory capacity who receive more than \$35.00 per week, nor (b) to employees engaged in emergency maintenance or repair work necessary because of break-downs or involving danger to life and property, nor (c) shall it apply to truckmen.

To care for requirements peculiar to certain divisions of the lead industry, the code shall permit maximum hours to be averaged over a six months' period, also for an allowance (above 48 hour maximum) of not more than six hours per week in the time worked by the operating class of employees.

ARTICLE IV
Wages

MINIMUM

Section 1. The minimum wage for each division shall be as follows:

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

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; except for cleaners and watchmen, whose minimum wage shall be at the rate of thirty cents (30¢) per hour, but in no case shall the number of cleaners and watchmen in the above classes exceed five per cent (5%) of the total number of employees.

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.

HANDICAPPED PERSONS

Section 3. 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. Each employer shall file with the Code Authority a list of all such persons employed by him.

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, or as outside labor, and no person under sixteen (16) years of age shall be employed in any capacity.

PROVISIONS FROM THE ACT

Section 2. In compliance with section 7 (a) of the Act, it is provided:

(a) That 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) That 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) That 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.

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.

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. Lead Industries Association is hereby designated the agency for administering, supervising, and promoting the performance of the provisions of this Code by the members of the lead industries. The Association shall be divided into five divisions as defined in Article II. Each division is to function as a separate unit, and shall be self-governing, and may draft a Supplementary Code of fair competition not inconsistent with this agreement.

Section 2. The Executive Committee, together with each division chairman, the Secretary of the Lead Industries Association, and such representatives of the Administrator as he may care to appoint, are designated as code authority to cooperate with the Administrator, without cost to the industry, in the administering of this code with respect to the several divisions.

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EXHIBIT "B"

Section 3. The Lead Industries Association shall

- (a) impose no inequitable restrictions on membership and
- (b) 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 4. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

Section 5. 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 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or non-feasance.

POWERS AND DUTIES

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Section 7. 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 any action taken by the Code Authority.

- (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.

(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.

(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 secure from members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

(g) 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.

(h) To recommend to the Administrator further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries and to recommend to the Administrator measures for industrial planning, production control, including stabilization of employment.

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) Making or promising to any purchaser or prospective purchaser of lead pigments, or to any officer, employee, agent or representative of any such purchaser or prospective purchaser, any commission, gratuity, or other payment

or remuneration, directly or indirectly, except in the case of payments made with the consent of the employer for a definite service rendered.

(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) Exchanging the products of a member for those of another.

(g) 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 accept 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.

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. After December 31, 1933, 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 reissued to the members at such time, and in such manner as may be determined by them.

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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.

ARTICLE VIII 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.

Section 2. Subject to the approval of the Code Authority, the exceptions established by this section shall apply also to sales or shipments of materials actually used in manufacture for export trade.

A provision may be introduced into the administrative section of the Code providing that questions relating to production for export and sale for export, not enumerated in the above section, may be submitted by any member of the industry to the consideration of the Code Authority, and that its decision thereon shall be submitted to the Administrator and shall not be effective unless and until approved by him.

ARTICLE IX Cancellation or Modification

This Code shall be subject to the provisions of Section 10 (b) of the Act, as follows:

"The President may, from time to time, cancel or modify any order, approval, license, rule or regulation issued under this title; and each agreement, code of fair competition, or license, approved, prescribed, or issued under this title, shall contain an express provision to that effect."

ARTICLE X Monopolies

(a) This Code is not designed to promote monopolies and shall not be availed of for that purpose.

(b) The provisions of this Code shall not be so interpreted or administered as to eliminate or oppress small enterprises or to discriminate against them.

EXHIBIT "B"**ARTICLE XI**
Additions or Amendments

Additions or amendments to this Code, or supplemental codes affecting or pertaining to the several divisions of the Lead Industries shall be initiated by the Division affected or interested and then may be submitted to the Executive Committee of the Lead Industries Association, and, upon approval by the Committee, after two weeks notice to the members, may be submitted to the Administrator of the National Industrial Recovery Act 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 Administrator.

ARTICLE XII
Reports

To inform the President as to the observance of the provisions of this Code by its subscribers and as to the steps the lead industries are taking to effectuate the declared policy of the National Industrial Recovery Act, each person engaged in the industry shall provide certified statements at the end of each period referring to under Article VI to the effect that the employer has complied with the maximum hours and minimum rates of wages prescribed herein.

ARTICLE XIII
Fees

The Lead Industries Association having been constituted the agency to administer this Code, all persons in the lead industry covered by this Code, shall pay an equitable pro-rata share of the expenses of administration of said Association, as assessed by the Executive Committee.

ARTICLE XIV
Constitutional Rights

Nothing contained in this Code shall be construed to be a waiver of constitutional rights by any of those assenting hereto.

ARTICLE XV
Modification

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By presenting this Code, those assenting hereto do not thereby consent to any modification thereof.

ARTICLE XVI
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 XVII
Effective Date

This Code shall be in effect beginning the second Monday after its approval by the President.

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