

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

INACTIVE

JEWELRY RECOMMENDATION TO COVER MORE WORKERS

Definitional changes recommended by the Jewelry Industry Committee now in session, which will bring the making of more products and more workers under any eventual wage order, were made today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor. (Federal Register, November 28, 1940.)

The changes bring the making of watch cases within the definition of the industry under investigation as to economic and competitive conditions preparatory to the recommendation of a minimum wage.

The change also brings within the definition the making of all cigar and cigarette cases, holders and lighters. The definition of the Jewelry Industry <sup>previously</sup> prepared by the Wage and Hour Division for the committee included these articles only when made from or embellished with precious metals; or precious, semi-precious, synthetic, or imitation stones.

The change also includes in the definition commercial compacts and vanity cases when these are made or embellished with precious metals, etc.

In the original definition, commercial compacts and vanity cases had been excluded completely.

The definition as amended reads:

"(a) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used herein includes, without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn as apparel or carried on or about the person, including, without limitation, cigar and cigarette cases, holders and lighters, watch cases, metal mesh bags and metal watch bracelets; and chain, mesh, and parts for use in the manufacture of any of the articles included in this definition. Jewelry as used herein does not include pocket knives, cigar cutters, badges, emblems, military and naval insignia, bolt buckles, and handbag and pocketbook frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semi-precious, synthetic or imitation stones; and the assaying, refining, and smelting of base or precious metals."

"(b) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semi-precious, synthetic, and imitation stones.

"(c) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry."

A letter from the committee to the Administrator gave these reasons for the recommended changes:

"1. It was felt by the Committee that 'cigar and cigarette cases, holders, and lighters' are in the practice definitely 'articles of ornament or adornment designed to be worn on apparel or carried on or about the person,' which, whatever the material, are commonly manufactured in establishments which are jewelry establishments, as the word is ordinarily understood, and for the most part are sold to the public in the same type of retail establishment as those in which other articles of jewelry are sold. As drawn, the definition included such articles when made or embellished with precious metals or stones, and it was felt by the Committee that the accident of embellishment did not alter the practical or competitive situation which attends the manufacture and sale of these articles. Therefore, there was in the judgment of the Committee no reason for excluding them from the general inclusion of articles of ornament, etc., with which the definition opens.

"2. There was a very strong feeling on the part of the labor members of the Committee, which was concurred in by four of the five employer representatives, that there was no legitimate reason for excluding watch cases from the definition of the industry. It is true that a certain type of watch case is made in large quantities in establishments which perhaps are not strictly to be defined as jewelry establishments, but watch cases in large numbers are also made in establishments which are definitely jewelry establishments. In the full Committee, 12 of the members agreed to this recommendation, the dissenters being one representative of the public and one manufacturer. The Chairman did not vote.

"3. It was felt that 'commercial compacts and vanity cases' should not be completely excluded from the operation of the decree. Under the Committee's recommendation they are, however, included only insofar as they are made from or embellished with precious metals, or precious, semi-precious, synthetic, or imitation stones. It was felt that these articles, when they are so manufactured or embellished, are clearly articles of jewelry. It is understood that the exclusion was intended to apply to a type of containers made for cosmetic manufacturers and used by them under their trademarks for the distribution of their goods. Where the container is expensive, its cost is undoubtedly reflected in the cost of the finished product, but whether that is true or not, if it is made from or embellished with precious metals, or precious, semi-precious, synthetic, or imitation stones, it was felt that it was clearly an article of jewelry."

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