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December 20, 1940

R-1208

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

ADMINISTRATIVE ORDER NO. 77

APPOINTMENT OF INDUSTRY COMMITTEE NO. 19

FOR THE

DRUG, MEDICINE, AND TOILET PREPARATIONS INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the drug, medicine, and toilet preparations industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public:

Sumner H. Slichter, Chairman, Cambridge, Massachusetts
Joseph A. McClain, Jr., St. Louis, Missouri
Stuart F. Heinritz, New York, New York
Jonathan Daniels, Raleigh, North Carolina
Egbert Harold van Dalden, New York, New York
Charles O. Gregory, Chicago, Illinois

For the Employees:

Herman Edelsberg, Washington, D. C.
Irving Weiland, Brooklyn, New York
Louis Weiner, Chicago, Illinois
Leonard Johnston, Kansas City, Missouri
Boris Shishkin, Washington, D. C.
H. A. Bradley, Akron, Ohio

For the Employers:

James M. Buck, Jr., Memphis, Tennessee
Paul Vallee, New York, New York
M. C. Eaton, Norwich, New York
George R. Flint, Decatur, Illinois
Alvin G. Brush, New York, New York
Edward Beardsley, Elkhart, Indiana

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

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2. For the purpose of this order the term "drug, medicine, and toilet preparations industry" means:

a. The manufacture or packaging of any one or more of the following products:

(1) Drugs or medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals, or

(2) Dentrifices, cosmetics, perfume, or other preparations designed or intended for external application to the person for the purpose of cleansing, improving the appearance of, or refreshing the person,

(3) Provided that this definition shall not include the manufacture or packaging of shaving cream, shampoo, essential (volatile) oils, glycerine, and soap, or the milling or packaging without further processing of crude botanical drugs.

3. The definition of the drug, medicine, and toilet preparations industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations, provided, however, that there shall not be included (a) in establishments, the greater part of whose sales are sales of articles purchased for resale, employees other than those who are engaged directly in the manufacturing or the packaging in consumer packages of products covered by this definition, and (b) employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale, and provided further, that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records with respect to his employment in segregable occupations are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall meet at the call of its chairman and shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by virtue of the provisions of Section 13(a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 17th day of December, 1940.



Philip B. Fleming, Administrator
Wage and Hour Division
U. S. Department of Labor