

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

TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF
INDUSTRY COMMITTEE NO. 19 FOR A MINIMUM
WAGE RATE IN THE DRUG, MEDICINE, AND
TOILET PREPARATIONS INDUSTRY

WAGE ORDER

Effective July 7, 1941

PART 600 - Minimum Wage Rate in the Drug, Medicine, and Toilet Preparations Industry

WHEREAS, on December 20, 1940, pursuant to Section 5(b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 77, appointed Industry Committee No. 19 for the Drug, Medicine, and Toilet Preparations Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Drug, Medicine, and Toilet Preparations Industry in accordance with Section 8 of the Act; and

WHEREAS, the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Drug, Medicine, and Toilet Preparations Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Drug, Medicine, and Toilet Preparations Industry is carried on; and

WHEREAS, on January 31, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Drug, Medicine, and Toilet Preparations Industry; and

WHEREAS, after notice published in the Federal Register on February 11, 1941, Henry T. Hunt, Esquire, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on March 10 and 11, 1941, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

WHEREAS, by notice given at the hearing and by publication, all persons who appeared at the hearing were given leave to file briefs on or before April 8, 1941; and

WHEREAS, pursuant to notice published in the Federal Register on March 22, 1941, oral argument by persons who appeared at the hearing was heard by the Administrator on April 16, 1941; and

WHEREAS, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, has concluded that the Industry Committee's

recommendation for the Drug, Medicine, and Toilet Preparations Industry, as defined by Administrative Order No. 77, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

WHEREAS, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 19 for a Minimum Wage Rate in the Drug, Medicine, and Toilet Preparations Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

NOW, THEREFORE, it is ordered that:

Section 600.1 - Approval of Recommendation of Industry Committee

The Committee's recommendation is hereby approved, and, in accordance with such recommendation,

Section 600.2 - Wage Rate

Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Drug, Medicine, and Toilet Preparations Industry who is engaged in commerce or in the production of goods for commerce; and

Section 600.3 - Posting of Notices

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Drug, Medicine, and Toilet Preparations Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

Section 600.4 - Definition of the Drug, Medicine, and Toilet Preparations Industry

The drug, Medicine, and Toilet Preparations Industry, to which this Wage Order shall apply, is defined as follows:

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.

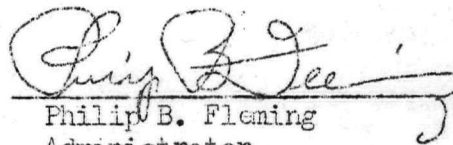
Section 600.5 - Scope of the Definition

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 or 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.

Section 600.6 - Effective Date

This Wage Order shall become effective July 7, 1941.

Signed at Washington, D. C. this 14th day of June, 1941. Sections 600.1 to 600.6, inclusive, issued under the authority contained in Section 8, 52 Stat. 1064; 29 U. S. C., Sup. IV, 208.



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

Published in Federal Register, June 20, 1941.

(8472)