

In the Matter of MAURICE FREEMAN, HARRY WELSH AND MILTON MANDELL DOING BUSINESS AS ACE VENETIAN BLIND MFG. CO., EMPLOYER and BAKERY & CONFECTIONERY WORKERS INTERNATIONAL UNION, LOCAL #348, AFL, PETITIONER

*Case No. 1-RC-1217.—Decided December 7, 1949*

## DECISION

AND

## ORDER

Upon a petition duly filed, a hearing was held before Leo J. Halioran, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Reynolds, and Murdock].

Upon the entire record in this case, the Board finds:

1. The business of the Employer:

The Employer, a copartnership having its plant and offices at Cambridge, Massachusetts, is engaged in the manufacture of venetian blinds. During the first 6 months in 1949, the Employer purchased supplies and raw materials valued at approximately \$62,000, of which 85 percent was shipped to it from points outside the Commonwealth of Massachusetts. During the same period, the Employer's sales totaled approximately \$137,000, of which not in excess of one-half of 1 percent was shipped to points outside the Commonwealth.<sup>1</sup> The Employer distributes its venetian blinds to small retailers who sell and install them in private residences. Of the Employer's total output, approximately 80 percent consisted of blinds custom made to individual specifications supplied by the retailer, and the remaining 20 percent was produced for stock purposes.

The Employer contends that it is not engaged in commerce within the meaning of the Act. We find that while the Employer's operations are not wholly unrelated to commerce, they are essentially local

<sup>1</sup> It was testified on behalf of the Employer that the Employer's policy was not to make sales outside of the Commonwealth but that a negligible amount of such sales are made personally to accommodate the salesmen of its out-of-State suppliers.

in character and, consequently, it would not effectuate the policies of the Act to assert jurisdiction in this case.<sup>2</sup>

### ORDER

IT IS HEREBY ORDERED that the petition herein be, and it hereby is, dismissed.

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<sup>2</sup> *Tower Tool and Die Company*, 85 NLRB 127; *Gibson Paint Company*, 85 NLDB 160; *Asax Company*, 85 NLRB 1187; *Detroit Canvas Manufacturers Association*, 80 NLRB 267.

Member Reynolds believes that the assertion of jurisdiction in this case would be warranted by reason of the substantial inflow of materials from out-of-State sources during the course of the Employer's manufacturing operations. He deems himself bound, however, by the decision of the Board majority in the *Detroit Canvas* case.