

IN THE MATTER OF CONTRA COSTA RETAIL DRUGGISTS ASSOCIATION,  
EMPLOYER-PETITIONER *and* RETAIL CLERKS INTERNATIONAL ASSOCIATION,  
LOCAL 1179, AFL, UNION

*Case No. 20-RM-47.—Decided August 15, 1950*

DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Clayton O. Rost, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. For the reasons stated below, the Union's motion to dismiss the petition is granted.

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

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

The business of the Employer

1. The Employer is an association of 29 retail druggists, all located in Contra Costa County, California. Total annual purchases made by the member stores are valued in excess of \$2,000,000, of which about \$400,000 represents purchases of goods shipped directly from outside the State of California. All sales are local.

The Employer asserts that it is engaged in commerce within the meaning of the National Labor Relations Act. The Union, on the other hand, contends that, even if the Employer's operations do affect commerce, it would not effectuate the policies of the Act to exercise jurisdiction in this case.

The operation of a retail drug store is essentially local in character. Therefore, although the Employer's operations affect commerce within the meaning of the Act, we do not believe that it would effectuate the policies of the Act to assert jurisdiction herein.<sup>1</sup> Accordingly, we shall dismiss the petition.

ORDER

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

<sup>1</sup> *Hook Drugs Inc.*, 90 NLRB No. 249; *Jacobs Pharmacy Co., Inc.*, 87 NLRB 309; *Waitresses and Cafeteria Women's Local No. 305 et al. (Haleston Drug Stores, Inc.)*, 88 NLRB 1166 and 82 NLRB 1264.

90 NLRB No. 280.