

b. Chains of retail stores, with stores in more than 1 State, only if (1) the individual store involved meets either of the tests for intra-state stores, or (2) the chain has gross annual sales totalling \$10,000,000 or more. Jurisdiction would not be exercised over public restaurants regardless of source and volume of materials and regardless of whether the restaurant is part of a multistate chain. With regard to this new category, I would in general adhere to the 1950 plan as to the retail stores and public restaurants.

WILLIAM T. WILSON AND MABEL J. WILSON, A PARTNERSHIP, D/B/A WILSON-OLDSMOBILE and LOCAL 985, INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW-CIO, PETITIONER. *Case No. 7-RC-2445. October 26, 1954*

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Emil C. Farkas, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

1. The labor organization involved claims to represent certain employees of the Employer.
2. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, for the following reasons:

At the hearing the Employer¹ moved to dismiss the petition on the ground that its operations do not affect commerce within the meaning of the Act and on the further ground that in any event it would not effectuate the purposes of the Act for the Board to exercise its jurisdiction over this operation.² The Petitioner opposed the motion, and the hearing officer referred it to the Board for decision.

The facts relative to the Employer's business are not in dispute. Wilson-Oldsmobile, a partnership, sells and services motor vehicles. Its sole place of business is located in Detroit, Michigan. In 1953, its purchases of new automobiles, parts, accessories, gas, etc., were valued in excess of \$1,300,000, all of which were purchased and received di-

¹ The Employer's name appears in the caption as amended at the hearing.

² At the hearing the Employer further moved to dismiss the instant petition on the grounds (1) that the hearing was not an open hearing to which the public had free access, and (2) that the petition and notice of hearing improperly list the Employer's name as Wilson-Oldsmobile, Inc., and that the Employer is not properly before the Board. We find it unnecessary to discuss these contentions because of our disposition of the question of jurisdiction.

rectly from points within the State of Michigan. All of the Employer's sales were made within the State. The sale of new automobiles, which is the major portion of the Employer's business, is carried out under the terms of a franchise agreement with the Oldsmobile division of General Motors Corporation. This contract is comparable to the usual automobile dealer agreement in the auto industry in that it requires the employer to adhere to detailed rules in merchandising, pricing, and servicing the new automobiles which it sells. It is clear, nonetheless, that Wilson-Oldsmobile is an independent commercial venture, in which the Employer's capital is invested and to which attaches the usual profit and loss element and exclusive responsibility over the hiring and control of all the employees.

It has been the consistent position of the Board that it better effectuates the purposes of the Act, and promotes the prompt handling of major cases, not to exercise its jurisdiction to the fullest extent possible under the authority delegated to it by Congress, but to limit that exercise to enterprises whose operations have, or at which labor disputes would have, a pronounced impact upon the flow of interstate commerce. In furtherance of that policy, the Board in October 1950 adopted certain standards to govern its assertion of jurisdiction. Those standards resulted from a study of the Board's experience up to that time.

Among the standards adopted in 1950 was the franchise yardstick, which required the Board to exercise its jurisdiction automatically over certain types of local businesses (principally automobile dealers and soft drink distributors) irrespective of their size or their possible effect upon interstate commerce.³ However, at the time that it extended its processes to automobile dealers and soft drink distributors on the basis of the franchise yardstick, the Board declined to assert jurisdiction over distributors in other fields despite their franchise arrangements with manufacturers or wholesalers.⁴

Early this year the Board undertook to study and reappraise the 1950 jurisdictional standards in the light of the Board's experience since their adoption and also in the light of changing economic conditions. Based upon that study and reappraisal it is our opinion that the franchise standard established as a part of that plan should be revised in order to better attain the Board's long-established policy of limiting the exercise of its jurisdiction to enterprises whose operations have, or at which labor disputes would have, a pronounced impact upon the flow of interstate commerce.

³ *Baxter Bros.*, 91 NLRB 1480; *Seven Up Bottling Company of Miami, Inc.*, 92 NLRB 1622

⁴ *P. R. McDowell*, 100 NLRB 770; *Lamco Electric*, 92 NLRB 191; *Reiley's Stores, Inc.*, 96 NLRB 516.

Accordingly, we have determined that in future cases the Board will no longer use the "franchise yardstick" for purposes of asserting jurisdiction over automobile dealers or over distributors, wholesale or retail, in any other industry. We have further determined that where, as in the instant case, a local retail establishment has a franchise agreement with a multistate enterprise the Board will apply the same jurisdictional standards as are applied to other local retail establishments.⁵ In our recent decision in *Hogue and Knott Supermarkets*⁶ we stated that we would not assert jurisdiction over such an establishment unless it has direct out-of-State purchases of at least 1 million dollars per annum or indirect out-of-State purchases of at least 2 million dollars per annum or direct out-of-State sales of at least \$100,000 per annum. Since the Employer's operations do not meet any one of these standards, we shall dismiss the instant petition.⁷

[The Board dismissed the petition.]

MEMBER PETERSON, concurring:

I agree that we should not assert jurisdiction over this employer, who has no direct or indirect out-of-State purchases or sales, solely because he has a franchise from the Oldsmobile division of General Motors.

A year ago, Member Houston and I, as a majority of a panel, with Chairman Farmer dissenting, asserted jurisdiction over a similar though smaller enterprise on the ground that it was "an essential element in a Nation-wide system of automobile manufacture and distribution."⁸ Later, the Supreme Court in a different case sustained that view as a matter of law, saying "the Board was justified in finding" that an automobile franchise dealer's "repeated unfair labor practices tended to lead to disputes burdening or obstructing commerce among the States."⁹ While the Court upheld the legality of our action, I doubt that the opinion can be taken as underwriting its abiding wisdom.

In the *Klinka's Garage* case, Mr. Houston and I noted that of course the Board, in the exercise of what Chairman Farmer aptly termed a "matter of administrative self-restraint," could revise its yardsticks. But we stated, and I think rightly so, that we should alter our jurisdictional policy to exclude that type of employer "only as part of an over-all examination of our jurisdictional standards." That has now

⁵ To the extent that *Baxter Bros.*, 91 NLRB 1480, *Seven Up Bottling Co. of Miami, Inc.*, 92 NLRB 1622, and cases relying thereon are inconsistent with our decision herein, those cases are overruled.

⁶ 110 NLRB 543.

⁷ See also, the majority decision in *Breeding Transfer Co.*, 110 NLRB 493.

⁸ *Klinka's Garage*, 106 NLRB 969.

⁹ *Howell Chevrolet Co. v. N. L. R. B.*, 346 U. S. 482; see also *N. L. R. B. v. Bill Daniels, Inc.*, 346 U. S. 918.

been done, and I join, as part of that general reappraisal, in abandoning the franchise yardstick as the sole determinant of whether jurisdiction should be asserted.

Perhaps a word is in order about the likely impact of the decision here made, and why I do not altogether agree that the majority's new yardstick is in all respects correct.

Member Murdock refers to the fact that "retail franchised automobile dealers employ more than 520,000 workers and do more than \$16,000,000,000 of business a year." That is so, but I would point out that the very same source shows there were some 40,000 retail franchised automobile dealers in the country in 1948, and the average dealer has only about 13 employees.¹⁰ Indeed, it is common knowledge that a substantial number have fewer than 10 workers. I doubt that we can say that by asserting jurisdiction over these enterprises only if they meet the minimum standards applicable to retail stores and other enterprises generally, we have taken a step which may lead to such a rash of unfair labor practices as to bring the interstate transactions of a great industry "to a complete standstill."¹¹

As I have stated elsewhere,¹² I do not agree with the majority's monetary standards. The 1950 plan required \$500,000 in direct inflow and \$1,000,000,000 in indirect inflow. The majority now double these figures, but only as to retail establishments. While there would appear to be logic in maintaining a consistent ratio between direct and indirect inflow and outflow, the majority have departed therefrom by differentiating between retail and nonretail enterprises. Moreover, the majority have added the further qualification, applicable only to retail establishments: jurisdiction will be asserted if the store annually ships \$100,000 worth of goods outside the State (by contrast, nonretail establishments come under the new plan if they ship out of State \$50,000 or more annually). I fail to perceive the reason or logic in this additional requirement, and therefore would not adopt it. To me, there is no clear-cut line between retail and wholesale, for we all know that many businesses are mixed retail and wholesale. What is more, to the extent that the monetary volume of the inflow or outflow is the critical factor, the impact on commerce, generally speaking, is not increased or lessened by the type of business involved.

¹⁰ Statistical Abstract of the United States, 1953, p. 854.

¹¹ Our staff study analyzed the effect of various proposals on the 413 cases pending before us on May 1, 1954. This sample represents approximately 18 percent of the Board's average annual output of cases, and in its distribution closely parallels that of previous years. Of these 413 cases, 21 involved franchise dealers—7 in the dairy or soft drink business and 14 automobile dealers. Applying the majority's criteria here, 2 automobile dealer cases would be processed, 13 would definitely be dismissed, and 6 are doubtful because of insufficient commerce data. At most, therefore, about 5 percent of our annual case output is affected. To my mind, having regard for the nature of the business, this can scarcely be labelled catastrophic.

¹² See my separate opinion in *Breeding Transfer*, 110 NLRB 493.

If I and my colleagues in the majority are wrong in our appraisal of the impact of our action on the Nation's economy, I for one am prepared to admit my error and correct it. Do not say the lines we now draw are not susceptible of change if change is needed. To borrow a phrase from the late Justice Cardozo, the inn that we think gives adequate shelter for the night is not the journey's end; we must and do recognize that the law here, like the weary traveler, needs to be ready for the morrow.

MEMBER MURDOCK, dissenting:

I cannot accept the decision of my colleagues in this case. The instant decision reflects and effectuates the announcement by the Board majority, by press releases dated July 1 and 15, that they would no longer assert jurisdiction over franchised dealers who comprise integral units of nationwide distributing systems.

In my dissenting opinion in the *Breeding Transfer*¹³ case, I stated the broad and basic objections which I find to the new jurisdictional standards taken as a whole, as conflicting with the Act and the Board's legal responsibilities thereunder, involving the exercise of legislative power to reallocate authority between the Federal Government and the States, and without justification in budgetary or other administrative necessities. I shall not reiterate those objections herein except to note that they apply in full to the specific recision of jurisdiction accomplished by this decision. The new standard laid down in the instant case, however, illustrates simply and clearly how great a deviation these standards are from the legal and policy considerations which should govern this Board in the exercise of its jurisdiction.

This Employer sells and services motor vehicles in Detroit, Michigan. During the past year its purchases alone amounted to more than \$1,300,000. Its sales during the same period amounted, of course, to an appreciably greater sum. The Employer, as a retail car dealer, is one unit in a nationwide distributing system through which all sales are made of this particular brand of automobile. The system is controlled by General Motors, the manufacturer of Oldsmobiles, for which the Employer acts as a sales outlet; the control being exercised through a franchise system whereby the manufacturer determines the merchandising, pricing, servicing, and advertising methods to be used by this Employer and the rest of the units in the system. The manufacturer is completely dependent upon these dealers for the sale of its product. The retail dealer, in turn, is dependent upon the manufacturer for the continuation of the franchise, and, through that, its entire business. The public is dependent upon both for its source of new cars.

¹³ *Supra*

The majority decision holds that the policies of the Act are best effectuated by no longer asserting jurisdiction over employers operating under such franchises. The only basis for that conclusion advanced by the majority is a vague and generalized reference to a supposed lack of "pronounced" impact upon commerce stemming from labor disputes in such enterprises. But the grounds for this finding, if it may be termed that, are either lost, strayed, or stolen. Indeed, no attention other than a passing comment to the effect that these are "independent commercial ventures," is paid by the majority decision to the essential role that these retail franchised outlets play in the manufacture and distribution of automobiles. It is important to examine the majority conclusion in some detail, for, as will appear hereinafter, it is directly and uncompromisingly in conflict with the facts and with the findings of the Board and the courts in the past.

The position of the majority seems to be that these franchised dealers are but local retail enterprises with practically no individual effect upon commerce. Even if this assertion were necessarily true, however, it does not settle the jurisdictional question. Precisely this point was considered by the Tenth Circuit Court, which held: ¹⁴

The fact that these [franchised auto] dealers are only one of many and that the repercussions of a work stoppage in their business would have relatively little impact on the total flow of the manufacturers' interstate activities is not fatal to jurisdiction. "Appropriate for judgment is the fact that the immediate situation is representative of many others throughout the country, the total incidence of which if left unchecked *may well become far reaching in its harm to commerce.*" [Emphasis supplied.]

Just how far reaching that "total incidence" could be is illustrated by the statistics which I set forth in the *Breeding Transfer* decision. Retail franchised automobile dealers employ more than 520,000 workers and do more than \$16,000,000,000 of business a year.¹⁵ It was with this in mind that the Tenth Circuit Court went on to conclude: ¹⁶

To deny jurisdiction of the Board would allow thousands of retailers of new automobiles to engage in unfair labor practices with impunity. *The "total incidence" of such unfair labor practices if left unchecked would not only substantially interfere with the free flow of commerce, but would conceivably bring to a complete standstill the interstate transactions of one of the Nation's greatest industries.* [Emphasis supplied.]

¹⁴ *N L R B v Conover Motor Co*, 192 F 2d 779 at 781.

¹⁵ Statistical Abstract of the United States 1953, U. S. Department of Commerce, Bureau of the Census, p 854. The figures cited are for the year 1948 and may reasonably be expected to have increased since then.

¹⁶ *N L R B v. Conover Motor Co*, *supra*.

Member Peterson, in his separate concurrence, deprecates the findings of the circuit court. I find nothing, however, in either the majority or concurring opinion, which alters or effectively refutes the factual findings and the legal reasoning upon which that opinion was based. Other judicial bodies, including the Supreme Court, as quoted hereinafter, sustain those findings and reasoning. If, indeed, the courts have not "underwritten the abiding wisdom" of past Board rulings in this field, they have nevertheless sustained and not reversed them, and their conclusions as recited herein seem to me to require more than a happy phrase in refutation. The concurring opinion also waves aside the statistics previously mentioned on the dual grounds that the average number of workers per shop is small and the number of cases to be dismissed under the new standard would be insignificant. The fact that these franchised dealers employ an average of 13 employees each, however, is in no way an indication that they can or should do without the protection of the Act. Indeed, as I noted in my *Breeding Transfer* opinion, the Congress which enacted the National Labor Relations Act specifically rejected a limitation of jurisdiction which would have excluded employers with less than 10 employees. Moreover, even the new standards of the majority do not presume to pose such a test. But such an approach completely misses the point; which is that it is not 13 employees of a single employer who are involved in this standard but some 520,000 workers in a few integrated systems. And while Member Peterson does not view the dismissal of cases involving these employees as "catastrophic" because they constitute only 5 percent of our case output, the fact that \$16,000,000,000 of goods in commerce and over half a million employees will be excluded almost entirely from our jurisdiction, in my opinion, might well rate that adjective. But it seems patent that whether or not individual Board Members rate a declination of jurisdiction as catastrophic or not is hardly controlling. The Congress has charged this Agency and its Members with the protection of the free flow of commerce and we cannot cancel that legislative determination simply by our own individual and undocumented view of what should be protected.

The basic fallacy, therefore, in the approach of the majority to the question of jurisdiction herein, is in the fact that my colleagues persist in viewing the operations of the individual dealer apart from the nationwide distributive system of which those dealers are essential units. The majority takes the position that the same jurisdictional standards must be applied to them as to any "local retail establishment"; in other words, that only the inflow and outflow of the individual dealer may be considered in determining the impact on commerce of unfair labor practices committed by or among the dealer's employees. They dismiss the franchise arrangement as one not disturbing the independ-

ence of the individual dealer as a separate commercial venture, and of no significance in linking him as an integral part of a nationwide distribution system.

This position, of course, has been repeatedly rejected by the Board prior to this day.¹⁷ The contention of the majority that the individual dealer constitutes an "independent commercial venture" not requiring the assertion of our jurisdiction did, at one time, receive support from a decision of the Sixth Circuit Court of Appeals.¹⁸ That decision and that position, however, was thereafter completely rejected by the Supreme Court, which held, in accord with the Board and a majority of the circuit courts, that such retail franchised dealers form "an integral part of a national system of distribution of new cars."¹⁹

As the courts and the past decisions of the Board have found, the relationship between the dealer and the manufacturer is a close and integrated one involving interdependent operations. The franchised dealers are an integral part of a nationwide sales program in which substantial control over merchandising, prices, service facilities, and advertising, among other things, is retained and exercised by the manufacturer. In affirming the assertion of jurisdiction over such dealers, the Supreme Court observed that: ²⁰

The [franchise] agreement required Howell [the retailer dealer] to make varied and detailed reports about his business affairs, to devote full time to Chevrolet sales, to keep his sales facilities at a location and conduct the business in a manner that satisfied General Motors, to permit General Motors to inspect Howell's books, accounts, facilities, stocks, and accessories and to keep such uniform accounting systems as General Motors might prescribe. Many other terms of the agency agreement also emphasized *the*

¹⁷ *A. E. Rogers Co., et al.*, 103 NLRB 1274; *Bishop, McCormick & Bishop*, 102 NLRB 1101; *Louis Rose Company*, 99 NLRB 690; *California Willys*, 98 NLRB 325; *Howell Chevrolet Company*, 95 NLRB 410; *Harbor Chevrolet Company*, 93 NLRB 1326; *Conover Motor Company*, 93 NLRB 867; *Baxter Bros.*, 91 NLRB 1480. With minor exceptions this was also true prior to the adoption of the 1950 jurisdictional plan. See *Sheeley Motor Sales Co.*, 89 NLRB 1876; *University Motors*, 89 NLRB 1224; *Howell Chevrolet Co.*, 89 NLRB 1189; *Bill Heath, Inc.*, 89 NLRB 67; *Masters Pontiac Company, Inc.*, 88 NLRB 932; *Bill Daniels, Inc.*, 88 NLRB 572; *Riesmeyer Motor Company*, 88 NLRB 814; *Grace Motor Sales, Inc.*, 88 NLRB 428; *Allbritten Motors, Inc.*, 87 NLRB 193; *Reslink and Wiggers Motors*, 87 NLRB 126; *L. C. Beauchamp*, 87 NLRB 23; *Harry Brown Motor Company*, 86 NLRB 652; *Angelus Chevrolet Co.*, 88 NLRB 929; *Bellingham Automobile Dealers Association*, 90 NLRB 374; *Nash San Diego, Inc.*, 90 NLRB 86; *Jos. W. Fournier, Rome Lincoln-Mercury Corp.*, 86 NLRB 397; *Granger Motor Company*, 86 NLRB 336; *Butte Motors*, 85 NLRB 1336; *B. B. Burns Co., Inc.*, 85 NLRB 1025; *Wm. J. Silva Company*, 85 NLRB 573; *Lundahl Motors, Inc.*, 85 NLRB 224; *Channel Motors, et al.*, 84 NLRB 353; *Scott Motor Company, et al.*, 84 NLRB 129; *Kalyan Chevrolet Company*, 82 NLRB 978; *M. L. Townsend*, 81 NLRB 739; *Harrys Cadillac-Pontiac Company*, 81 NLRB 1; *Midtown Motors, et al.*, 80 NLRB 1679; *Adams Motors, Inc.*, 80 NLRB 1518; *J. C. Lewis Motor Company, Inc.*, 80 NLRB 1134; *Lewiston Buick Company*, 77 NLRB 375; *Puritan Chevrolet, Inc.*, 76 NLRB 1243; *Liddon White Truck Company, Inc.*, 76 NLRB 1181; *Newton Chevrolet, Inc.*, 37 NLRB 334.

¹⁸ *N. L. R. B. v. Bill Daniels, Inc.*, 202 F. 2d 579 (C. A. 6), reversed 346 U. S. 918.

¹⁹ *N. L. R. B. v. Howell Chevrolet Co.*, 346 U. S. 482.

²⁰ *N. L. R. B. v. Howell Chevrolet Co.*, *supra*.

interdependence of Howell's local and General Motors' national activities. [Emphasis supplied.]

Accordingly, it is clear that the franchises bind the retail dealer into a "vast national network of an integrated distribution system which affects commerce" by shaping the individual dealer's activity into a "pattern which is found throughout the nation."²¹

It is clear that the integrated system wrought by the franchise method in the new car, soft drink, beer, and other industries does not occur in all industries where franchises are used. As the majority has noted, the Board, since 1950, has dismissed petitions among such retail groups as electrical appliance dealers upon a finding that the franchises used and the nature of the industry did not present the integrated system which we have here. I fail to see, however, how these illustrations of the Board's care, in the past, in exercising jurisdiction upon the franchise principle in any way deprecates rather than affirms the truth and weight of what I have set forth herein. The majority decision assumes so, only because it persists, unlike the previous Board, in treating all franchises alike without consideration of the presence of consolidated integrated control and operation where such exists.

Nor does the fact that this particular Employer is located in the same state as the manufacturer rather than in a different state make any essential difference. The Supreme Court has ruled upon this precise situation and has rejected such a distinction.²²

In summation, the Board is not deciding this problem *de novo*. We have examined this question over a number of years in a great number of cases. The findings of those cases as affirmed by the courts add up to the consistent conclusion that the assertion of jurisdiction over retail franchised dealers such as the Employer herein, was necessary to effectuate the policies of the Act. That conclusion has been accepted and affirmed by the highest tribunal in the Nation. The decision of the majority is, accordingly, not only in conflict in with administrative findings and experience of the Board in recent years, but relies upon the specific grounds rejected by the Supreme Court. The effect of this decision will be a considerable one. We are not dealing here with a few scattered "corner stores" but with a 16 billion dollar industry with hundreds of thousands of employees. Relatively few of the individual units of that integrated industry will be able to meet the jurisdictional standards for ordinary retail stores, henceforth most

²¹ *N L R B v. Ken Rose Motors, Inc.*, 193 F 2d 769 (C A 1) *N L R B v. Somerville Buick, Inc.*, 194 F. 2d 56 (C A 1) ; *N L R B v. Ray Brooks*, 204 F 2d 899 (C A 9) ; *N L R B v. Conover Motor Co.*, 192 F 2d 779 (C A 10) ; *N L R B v. Davis Motors, Inc.*, 192 F 2d 782 (C A 10).

²² *N L R B v. Bill Daniels, Inc.*, *supra*. Although I had earlier shared the contrary view of the Court of Appeals for the Sixth Circuit, the judgment of the Supreme Court definitely settles the question.

will not receive the protections and restraints of the Act.²³ In the face of all this, I cannot, as does the majority, decline to assert jurisdiction. To do so, in the words of the court, quoted above, is to "allow thousands of retailers of new automobiles to engage in unfair labor practices" which, unchecked, can "bring to a complete standstill the interstate transactions of one of the Nation's greatest industries."

²³ See the dissenting opinion in *Hogue and Knott Supermarkets*, *supra*, as to the difficulty of any of these franchised dealers, among others, meeting the extreme new standards now required for local retail establishments whether or not they are franchised dealers.

J. R. KNOTT AND HUGH H. HOGUE D/B/A HOGUE AND KNOTT SUPERMARKETS *and* RETAIL CLERKS INTERNATIONAL ASSOCIATION, LOCAL 1529, AFL, PETITIONER. *Case No. 32-RC-758. October 26, 1954*

Decision and Order

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before John E. Cienki, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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

1. The Employer,¹ a partnership, operates two supermarkets in Memphis, Tennessee, under the name of Hogue and Knott Supermarkets. The Petitioner seeks to represent the employees of both stores in a single unit. The Employer moves to dismiss on the grounds that it would not effectuate the policies of the Act for the Board to assert jurisdiction in this case. For the reasons set forth below, we grant the Employer's motion.

All the Employer's sales are made locally at its stores on a cash-and-carry basis. The Employer's total annual purchases are valued at approximately \$2,360,000, of which about \$224,000 represents shipments to the Employer directly from out-of-State, and not more than \$1,250,000 represents shipments to the Employer indirectly from out-of-State.² The record does not reflect the inflow figures for the separate stores.

It has been the consistent position of the Board that it better effectuates the purposes of the Act, and promotes the prompt handling of major cases, not to exercise its jurisdiction to the fullest extent

¹ The Employer's name appears in the caption as amended to conform with the evidence adduced at the hearing.

² Included in this class of purchases are goods valued at approximately \$300,000 which the Employer characterized as local because they were twice removed from interstate commerce. We find it unnecessary to decide whether these goods should be considered as part of local purchases or as indirect inflow inasmuch as under the jurisdictional standards set forth herein, the result would be unaffected by such a determination.