upon months before this petition was filed. Accordingly, we reject this contention.

[The Board directed that the Regional Director for the Twenty-first Region shall, within ten (10) days from the date of this Direction, open and count the ballot of Joseph DeYoung, and serve upon the parties a supplemental tally of ballots.]

CHAIRMAN LEEDOM took no part in the consideration of the above Supplemental Decision and Direction.

Chicopee Manufacturing Corporation, Petitioner *and* United Textile Workers of America, Local 444, AFL–CIO [1] and Textile Workers Union of America, AFL–CIO [2]

Chicopee Manufacturing Corporation *and* Textile Workers Union of America, AFL–CIO, Petitioner. *Cases Nos. 13–RM–256 and 13–RC–3767. July 12, 1956*

DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a stipulation for certification upon consent election, an election by secret ballot was conducted on March 1, 1956, under the supervision of the Regional Director for the Thirteenth Region among the employees in the stipulated unit. Upon completion of the election, the parties were furnished a tally of ballots which showed that all but 1 of the 60 eligible voters cast ballots, of which 32 were for TWUA, 26 for Local 444, and 1 against both participating organizations.

Timely objections were filed by Local 444 asserting that (1) TWUA purchased the votes of some of the employees; (2) TWUA distributed on the eve of the election a leaflet containing false statements which Local 444 had no opportunity to rebut; and (3) TWUA threatened certain employees with the loss of their jobs if they did not join and vote for that Union. The Regional Director investigated the objections and on April 23, 1956, issued his report on objections in which he found that the objections were without merit, recommended that the objections be overruled and that the TWUA be certified. Local 444 excepts only to the Regional Director's findings with respect to the second objection.

Upon the entire record in these cases, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

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[1] Herein called Local 444.
[2] Herein called TWUA.

2. The labor organizations involved claim to represent employees of the Employer.

3. A 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.

4. The parties stipulated and we find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act: All production and maintenance employees at the Employer's Bensenville, Illinois, plant, excluding office clerical employees, professional employees, guards, laboratory quality control employees and technicians, and supervisors as defined in the Act.

5. As Local 444 does not except to the Regional Director's findings that there was no merit in the first and third objections, we adopt the Regional Director's recommendation and overrule these objections.

Local 444 alleges in its second objection and exceptions that on or about February 29, 1956, the day before the election, TWUA distributed to all employees a leaflet falsely stating that Local 444 was guilty of a "double cross" and "sell out" by "sign[ing] an agreement in futuro which . . . deprived the employees of a wage increase and accordingly a vote for . . . [Local 444] would be tantamount to the employees denying themselves a wage increase in the future." Local 444 contends that under the rule of the *Gummed Products* case [3] this statement exceeded the limits of legitimate propaganda. Local 444 contends further that it had no opportunity for rebuttal because the leaflet was issued on the eve of the election.

The Regional Director found that the leaflet contained no claim concerning the signing of a new agreement by Local 444 and the Employer, but correctly referred to Local 444's declaration at a Board hearing held on January 16, 1956, that the existing contract had automatically renewed itself in the absence of notice to the contrary. The Regional Director therefore properly found that there was no material factual misrepresentation in the leaflet of the type proscribed by the Board in the *Gummed Products* case. We cannot reasonably conclude that any part of the challenged statement, including the TWUA's accusations of a "double cross" and "sell out" by Local 444, could have so affected the employees as to impair their ability to make a free, uncoerced, and uninhibited choice of a collective-bargaining representative in the election. We also find in agreement with the Regional Director that the circulation of the leaflet of February 29, 1956, on the eve of the election did not violate the rule established in the *Peerless Plywood* case [4] against campaign speeches made within 24 hours of the time scheduled for the election. The

[3] *Gummed Products, Inc.*, 112 NLRB 1092.
[4] 107 NLRB 427.

Board specifically exempted from this rule the circulation of campaign literature within the 24-hour period. Moreover, as the Regional Director points out, an earlier TWUA leaflet, dated January 18, 1956, containing statements similar to these in the disputed leaflet, remained unanswered by Local 444 although there was ample time to reply thereto during the approximately 6 weeks before the election. Accordingly, we find that the second objection is without merit and overrule it.

As we have overruled the objections to the election, and as the tally of ballots shows that TWUA received a majority of the valid ballots cast, we shall certify TWUA as the collective-bargaining representative of the employees in the appropriate unit.

[The Board certified Textile Workers Union of America, AFL–CIO, as the designated collective-bargaining representative of the employees of Chicopee Manufacturing Corporation, in the unit heretofore found to be appropriate.]

CHAIRMAN LEEDOM took no part in the consideration of the above Decision and Certification of Representatives.

Langenberg Hat Company[1] ***and*** **Katherine Kuehn and Adalia Reinhardt, Petitioners *and* United Hatters, Cap & Millinery Workers International Union, AFL–CIO.** *Case No. 14–RD–95. July 16, 1956*

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Henry L. Jalette, 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 is engaged in commerce within the meaning of the Act.

2. The Petitioners, employees of the Employer, assert that the Union is no longer the representative, as defined in Section 9 (a) of the Act, of the employees involved herein. The Union has been certified by the Board as such representative.

3. The Union contends that the petition should be dismissed on the grounds that (1) there is an outstanding court decree enforcing a Board decision ordering the Employer to bargain with the Union; (2) the Union has filed unfair labor practice charges against the Em-

[1] The Employer's name appears as corrected at the hearing.