

In the Matter of J. G. McDONALD CHOCOLATE COMPANY, A CORPORATION  
and CANDY WORKERS' LOCAL NO. 373

*Case No. R-527*

SUPPLEMENTAL DECISION

AND

ORDER

*April 11, 1938*

On February 21, 1938, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Election in the above-entitled case.<sup>1</sup> On March 11, 1938, the Board issued an amendment to the Direction of Election.<sup>2</sup> The Direction of Election, as amended, directed that an election by secret ballot be conducted within thirty (30) days from the date of the Direction among all plant employees of J. G. McDonald Chocolate Company, Salt Lake City, Utah, on its pay roll of November 9, 1937, including watchmen but excluding foremen, office and clerical help, employees of the box-making department and the shipping and delivery department, and those who since had quit or had been discharged for cause, to determine whether or not they desired to be represented by Candy Workers' Local No. 373, Bakery and Confectionery Workers' International Union of America, for the purposes of collective bargaining.

Pursuant to this Decision and Direction of Election, as amended, an election by secret ballot was conducted on March 18, 1938, at Salt Lake City, under the direction and supervision of Aaron W. Warner, the Regional Director for the Twenty-second Region (Denver, Colorado). Full opportunity was accorded to all of the parties to this investigation to participate in the conduct of the secret ballot and to make challenges. On March 21, 1938, the said Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued and duly served upon the parties his Intermediate Report on the ballot. No objections or exceptions to the Intermediate Report have been filed by any of the parties.

<sup>1</sup> 5 N. L. R. B. 547.

<sup>2</sup> 5 N. L. R. B. 552.

As to the balloting and its results, the Regional Director reported as follows:

Total employees eligible.....	91
Total number of ballots cast.....	65
Ballots cast for Candy Workers' Local No. 373.....	26
Ballots cast against Candy Workers' Local No. 373.....	39
Challenged ballots.....	0
Blank ballots.....	0
Void ballots.....	0

The results of the election show that no collective bargaining representative has been selected by a majority in the appropriate unit. We shall accordingly dismiss the petition for investigation and certification filed by the Union.

### ORDER

Pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, it is ordered that the petition filed by Candy Workers' Local No. 373; Bakery and Confectionery Workers' International Union of America, for investigation and certification of representatives of employees of J. G. McDonald Chocolate Company, Salt Lake City, Utah, be, and it hereby is, dismissed.