

Decision

IN THE MATTER OF
HYSTER COMPANY

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2 (a)
OF THE CLAYTON ACT

Docket 6330. Complaint, Apr. 15, 1955—Decision, Sept. 8, 1956

Order dismissing, for lack of proof of the effect on competition required by the statute, complaint charging a manufacturer of industrial trucks, with factories at Portland, Ore., and Peoria and Danville, Ill., with discriminating in price in violation of Sec. 2(a) of the Clayton Act by means of a "Fleet Discount Plan" applying only to those ultimate purchasers who owned and maintained respondent's industrial trucks and equipment.

Mr. William H. Smith for the Commission.

McBride & Baker, of Chicago, Ill., for respondent.

INITIAL DECISION DISMISSING COMPLAINT BY FRANK HIER,
HEARING EXAMINER

Counsel in support of the complaint in this proceeding, having moved, before any evidence taken, to dismiss the complaint without prejudice, on the ground that he is unable to prove the effect on competition prescribed by the statute under which the complaint is brought, and nothing to the contrary appearing, and counsel for respondent obviously having no objection, said motion is granted, and, accordingly,

It is ordered, That the complaint herein be, and the same hereby is, dismissed without prejudice.

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 8th day of September, 1956, become the decision of the Commission.

Commissioners Gwynne and Mason not participating.

IN THE MATTER OF
EVANS FUR COMPANY ET AL.

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS

Docket 6439. Complaint, Nov. 8, 1955—Decision, Sept. 8, 1956

Consent order requiring two Chicago furriers to cease violating the Fur Products Labeling Act by labeling fur products falsely, failing to label them with the information required by the Act, invoicing them deceptively, and advertising them falsely in newspapers and radio and TV.

Mr. William A. Somers for the Commission.

Thompson, Raymond, Mayer, Jenner & Bloomstein, of Chicago, Ill., for respondents.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on November 8, 1955, charging them with violation of the Federal Trade Commission Act, and the Fur Products Labeling Act and the Rules and Regulations promulgated under the last mentioned Act as set forth in said complaint. After the issuance of the complaint and the filing of their answer thereto, respondents Evans Fur Company a corporation, Evans Apparel Company a corporation and Abraham L. Meltzer and Herman H. Meltzer individually and as officers of said corporate respondents on June 21, 1956, entered into an agreement for a consent order to cease and desist from the practices complained of, which agreement disposes of all of the issues in this proceeding as to said respondents without hearing. The agreement has been duly approved by the Director of the Bureau of Litigation and has been submitted to the undersigned, heretofore designated to act as hearing examiner herein, for his consideration in accordance with Rule 3.25 of the Rules of Practice of the Commission. In addition, counsel supporting the complaint has moved to dismiss as to the respondent Minerva M. Meltzer, individually and as an officer of both corporate respondents. The motion to dismiss sets forth that said respondent through her attorney states that she has had nothing to do with the formulation, direction or control of the policies, practices or acts of either of the corporate respondents, individually or officially, and counsel supporting the complaint admits in the motion that there is no available evidence to the contrary. Said motion was duly