

Order

53 F.T.C.

IN THE MATTER OF
THE TEXAS COMPANY

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

Docket 4391. Complaint, Nov. 29, 1940—Order, Apr. 3, 1957

Order dismissing complaint—issued Nov. 29, 1940, and held in abeyance pending settlement of the *Standard Oil case*—charging a refiner with selling its gasoline in the Detroit area to two large buyers at lower prices than it charged its more than 80 other Detroit retailer customers.

Mr. Edward L. Creel, Jr. and *Mr. J. Wallace Adair* for the Commission.

Mr. Albert E. Van Dusen, Mr. Harry T. Klein and *Mr. James T. Nielsen*, of New York City, for respondent.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

It appearing that the complaint in this proceeding was issued November 29, 1940, and that the acts and practices alleged to have been unlawful all occurred more than sixteen years ago; and

It further appearing that trial of the case has been held in abeyance pending final disposition of the proceeding in the matter of *Standard Oil Company*, Docket No. 4389, which proceeding is now before the United States Supreme Court for the second time; and

The Commission being of the opinion that irrespective of the final outcome of said proceeding in the matter of *Standard Oil Company*, Docket No. 4389, it will not now be practicable to try the issues raised by the pleadings in this case; and, accordingly:

It is ordered, That the complaint herein be, and it hereby is, dismissed, it being understood, however, that no decision has been made on the merits of the case, and this action is without prejudice to the right of the Commission to conduct a further investigation into the respondent's business practices and to take such further action against the respondents at any time in the future as may be warranted by the then existing circumstances.

Order

IN THE MATTER OF
SHELL OIL COMPANY, INCORPORATEDORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(a) OF
THE CLAYTON ACT

Docket 4392. Complaint, Nov. 29, 1940—Order, Apr. 3, 1957

Order dismissing complaint—issued Nov. 29, 1940, and held in abeyance pending settlement of the *Standard Oil* case—charging a refiner with selling its gasoline in the Detroit area to a large buyer at lower prices than it sold to his retailer dealer competitors.

Mr. Edward L. Creel, Jr. and Mr. J. Wallace Adair for the Commission.

Mr. Cyrus S. Gentry and Mr. C. L. Harding, of New York City, for respondent.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

It appearing that the complaint in this proceeding was issued November 29, 1940, and that the acts and practices alleged to have been unlawful all occurred more than sixteen years ago; and

It further appearing that trial of the case has been held in abeyance pending final disposition of the proceeding in the matter of *Standard Oil Company*, Docket No. 4389, which proceeding is now before the United States Supreme Court for the second time; and

The Commission being of the opinion that irrespective of the final outcome of said proceeding in the matter of *Standard Oil Company*, Docket No. 4389, it will not now be practicable to try the issues raised by the pleadings in this case; and, accordingly:

It is ordered, That the complaint herein be, and it thereby is, dismissed, it being understood, however, that no decision has been made on the merits of the case, and this action is without prejudice to the right of the Commission to conduct a further investigation into the respondent's business practices and to take such further action against the respondent at any time in the future as may be warranted by the then existing circumstances.