

IN THE MATTER OF
PITTSBURGH PLATE GLASS COMPANY

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

Docket 6699. Complaint, Dec. 26, 1956—Decision, Apr. 19, 1957

Consent order requiring one of the leading manufacturers of automotive safety glass windshields and rear windows, to cease discriminating in price between competing purchasers by such practices as charging the Ford Motor Co. from 32% to 48% less for automotive safety glass than it charged glass distributors, and from about 59% to 67% less than it charged glass dealers.

Mr. William H. Smith for the Commission.

Cahill, Gordon, Reindel & Ohl, of New York, N.Y., and *Mr. Cyrus V. Anderson*, of Pittsburgh, Pa., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of subsection (a) of section 2 of the Clayton Act (15 U.S.C. 13) as amended by the Robinson-Patman Act, the Federal Trade Commission on December 26, 1956, issued and subsequently served its complaint in this proceeding against respondent Pittsburgh Plate Glass Company, a corporation existing and doing business under and by virtue of the laws of the Commonwealth of Pennsylvania, with its office and principal place of business located at 1 Gateway Center, Pittsburgh, Pennsylvania.

On March 5, 1957, there was submitted to the undersigned hearing examiner an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondent waives any further procedural steps before the hearing examiner and the Commission; waives the making of findings of fact and conclusions of law; and waives all of the rights it may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this proceeding as to all parties; that the record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and

this agreement; that the latter shall not become a part of the official record unless and until it becomes a part of the decision of the Commission; that the agreement is for settlement purposes only and does not constitute an admission by respondent that it has violated the law as alleged in the complaint; and that the following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondent, and, when so entered, it shall have the same force and effect as if entered after a full hearing, and may be altered, modified, or set aside in the manner provided for other orders; and that the complaint may be used in construing the terms of the order.

The hearing examiner having considered the agreement and proposed order, and being of the opinion that they provide an appropriate basis for settlement and disposition of this proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued.

1. Respondent Pittsburgh Plate Glass Company, is a corporation existing and doing business under the laws of the Commonwealth of Pennsylvania, with its office and principal place of business located at 1 Gateway Center, Pittsburgh, Pennsylvania.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That the respondent Pittsburgh Plate Glass Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale for replacement purposes of automotive safety glass, consisting of windshields, sidelights and backlights, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in the price of such products of like grade and quality:

By selling to the Ford Motor Company or any other manufacturer of automotive vehicles at net prices which are lower than the net prices paid by any other purchaser taking delivery from respondent's factories or service depots where such purchaser in fact competes with said manufacturer in the resale and distribution of such glass.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 19th day of

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April, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Decision

IN THE MATTER OF

SAMUEL BARTH DOING BUSINESS AS AMERICAN FURRIERS; BERNARD AXELORD DOING BUSINESS AS BERNARD AXELROD & COMPANY; AND MORRIS MILLER

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

Docket 6657. Complaint, Oct. 18, 1956—Decision, Apr. 20, 1957

Consent order requiring a furrier in New York City to cease violating the Fur Products Labeling Act by preticketing fur products with fictitious prices, deceptively naming the animal producing the fur in certain products, and otherwise failing to conform to labeling requirements; by invoicing products falsely; by advertising which failed to disclose the name of animals producing the fur and misrepresented prices, savings, and values; and by failing to maintain adequate records as a basis for such pricing claims.

The proceeding as to two other respondents named in the complaint was disposed of by consent order dated April 6, 1957, p. 811, herein.

Mr. S. F. House supporting the Complaint.

Mr. Jonas H. Bernstein, of New York City, for respondent Morris Miller.

INITIAL DECISION AS TO RESPONDENT MORRIS MILLER BY
JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the respondents named in the caption to this proceeding on October 18, 1956, charging them with violation of the Federal Trade Commission Act, the Fur Products Labeling Act and the Rules and Regulations promulgated under the last mentioned Act, as alleged in the complaint. After service of the complaint, respondents Bernard Axelrod and Morris Miller filed answer to the complaint. Subsequently respondents Bernard Axelrod and Samuel Barth entered into agreements with counsel supporting the complaint containing consent orders to cease and desist which agreements were the basis of an initial decision by the hearing examiner, filed February 25, 1957. That initial decision left the issues pending as to respondent Morris Miller.

On February 27, 1957, respondent Morris Miller and his attorney entered into an agreement with counsel supporting the complaint for a consent order to cease and desist from the practice complained of, which agreement purports to dispose of all the issues in this pro-