

IN THE MATTER OF
LIBBEY-OWENS-FORD GLASS COMPANY

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

Docket 6700. Complaint, Dec. 26, 1956—Decision, May 9, 1957

Consent order requiring one of the nation's two largest manufacturers of automotive safety glass to cease violating sec. 2(a) of the Clayton Act by selling its safety glass to General Motors at substantial discounts off the price it charged independent competitors.

Mr. William C. Smith for the Commission.

Mr. Stuart S. Wall, of Toledo, Ohio; *Mr. Carson M. Glass*, and *Hogan & Hartson*, by *Mr. Joseph J. Smith, Jr.*, of Washington, D.C., for the respondent.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondent with violation of the provisions of subsection (a) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, by price discrimination in the sale of automotive safety glass of like grade and quality to competing purchasers.

By answer respondent denied the charges of violation of the Clayton Act, and set forth affirmative defenses of cost justification, good-faith meeting of equally low prices of competitors, and abandonment. Thereafter, respondent, its counsel, and counsel supporting the complaint entered into an Agreement Containing Consent Order To Cease And Desist, which was approved by the Acting Director, Bureau of Litigation of the Commission, and thereafter transmitted to the Hearing Examiner for consideration. The answer of respondent may be disregarded, inasmuch as the agreement provides that the record on which the initial decision and the decision of the Commission will be based shall consist solely of the complaint and this agreement.

The agreement identifies respondent Libbey-Owens-Ford Glass Company as an Ohio corporation, with its office and principal place of business located at 608 Madison Avenue, Toledo, Ohio.

The agreement further provides that 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; that the agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission; that the complaint

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may be used in construing the terms of the order agreed upon, which may be altered, modified or set aside in the manner provided for other orders; 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 order set forth in the agreement and hereinafter included in this decision shall have the same force and effect as if entered after a full hearing.

Respondent waives any further procedural steps before the Hearing Examiner and the Commission, the makings of findings of fact or conclusions of law, and all of the rights it may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

The order agreed upon fully disposes of all the issues raised in the complaint, and adequately prohibits the acts and practices charged therein as being in violation of §2(a) of the Clayton Act as amended by the Robinson-Patman Act. Accordingly, the Hearing Examiner finds this proceeding to be in the public interest and accepts the Agreement Containing Consent Order To Cease and Desist as part of the record upon which this decision is based. Therefore,

It is ordered, That the respondent Libbey-Owens-Ford 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 windshields, sidelights and backlights made of safety class, 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 General Motors Corporation or any other manufacturer of automotive vehicles at net prices which are lower than the net prices charged by respondent to any other purchaser where such purchaser, or its customers, in fact compete with said manufacturer in the resale and distribution of said products sold by respondent as replacement parts for passenger automobiles, or for automotive trucks, busses or coaches.

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 did on the 9th day of May, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That respondent Libbey-Owens-Ford Glass Company, a corporation, shall, with sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

IN THE MATTER OF
NECCHI SEWING MACHINE SALES CORPORATION
ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 5903. Complaint, July 9, 1951—Decision, May 15, 1957

Consent order requiring sellers of Necchi sewing machines in New York City to cease making false representations in advertising of specialized sewing operations possible for their machines without attachments, unique features, comparative cost, and claimed long-time leadership in the precision-built sewing machine industry.

Mr. Daniel J. Murphy for the Commission.

Herbst & Herbst, by *Mr. Samuel B. Herbst*, of New York, N.Y., for respondents.

Mr. James W. Casedy and *Mr. Edward O. Poole*, of Washington, D.C., for respondent Necchi Sewing Machine Sales Corporation.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with violation of the Federal Trade Commission Act through the use of certain advertisements in connection with the sale of sewing machines. An agreement has now been entered into by the Commission's Bureau of Litigation and respondents Necchi Sewing Machine Sales Corporation, Leon Jolson and Ben Krisiloff (erroneously referred to in the complaint as Ben Krisloff) and their attorneys, which provides, among other things, that said respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint, an interlocutory decision of the Commission issued on June 28, 1955, and the agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, said respondents specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; that the complaint may be used in construing the terms of the order;