

IN THE MATTER OF
HARLEY BELT CO., INC., ET AL.

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

Docket 6861. Complaint, Aug. 13, 1957—Decision, Dec. 21, 1957

Consent order requiring a manufacturer in New York City to cease preticketing ladies', men's, and boys' belts with fictitious and exaggerated prices, thereby placing in the hands of retailers means of misleading the purchasing public as to the usual retail price.

Mr. Harry E. Middleton, Jr. for the Commission.

Mr. Louis N. Porter, of New York, N.Y., for respondents.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 13, 1957, issued and subsequently served its complaint in this proceeding against respondents Harley Belt Co., Inc., a corporation existing and doing business under and by virtue of the laws of the State of New York, Harry Liebovitz and Louis B. Fox, individually and as officers of the corporate respondent. The office and principal place of business of said respondents is at 102 Wooster Street, New York, N.Y.

On November 1, 1957, there was submitted to the undersigned hearing examiner an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondents admit all the jurisdictional facts alleged in the complaint and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondents waive any further procedural steps before the hearing examiner and the Commission; waive the making of findings of fact and conclusions of law; and waive all of the rights they 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

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respondents that they have 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 respondents, 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 Harley Belt Co., Inc., is a corporation existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 102 Wooster Street, New York, N.Y. Respondents Harry Liebovitz and Louis B. Fox, are officers of the corporate respondent and have their office and principal place of business at the same address as the corporate respondent.

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

ORDER

It is ordered, That respondents Harley Belt Co., Inc., a corporation, and its officers, and Harry Liebovitz and Louis B. Fox, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of belts or other products, do forthwith cease and desist from:

1. Representing, by preticketing or in any other manner, that certain amounts are the usual and regular retail prices for their products, when such amounts are in excess of the prices at which their products are usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail price of their products.

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 21st day of

December 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.

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IN THE MATTER OF
CROWN ZELLERBACH CORP.ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 7 OF
THE CLAYTON ACT

Docket 6180. Complaint, Feb. 15, 1954—Decision, Dec. 26, 1957

- Order requiring the nation's second largest producer of paper and paper products with headquarters in San Francisco, to divest itself of, and restore as a competitive entity in the paper trade, a major competitor it acquired in 1953 through exchange of common stock, in violation of section 7 of the Clayton Act as amended;
- Providing that no property to be divested be sold to anyone who at the time of divestiture was a stockholder or otherwise connected with respondent or its affiliates;
- Requiring it to refrain from cutting, removing, or selling any timber or forest residuals from lands acquired in the aforesaid acquisition; and
- Requiring it to submit within 60 days a plan for compliance with the order, specifying the time in which it could reasonably carry out the divestiture, whereupon the Commission would fix the date by which compliance must be effected.

Mr. L. E. Creel, Jr., Mr. Dwight L. Carhart, Mr. J. Wallace Adair, and William N. Early, for the Commission.

Mr. Philip S. Ehrlich, Mr. R. J. Hecht, and Mr. Philip S. Ehrlich, Jr., of San Francisco, Calif.; and Sullivan & Cromwell, by Mr. Arthur H. Dean, Mr. Howard T. Milman, Mr. Marvin Schwartz, and Mr. Jerome Gotkin, of New York, N.Y., for respondent.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

This proceeding is based upon a complaint charging the respondent Crown Zellerbach Corp., a corporation, with violation of section 7 of the Clayton Act, as amended, and approved December 29, 1950, by reason of its acquisition of St. Helens Pulp & Paper Co., a corporation. This proceeding is now before the undersigned hearing examiner for final consideration on the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions, together with briefs and reply briefs presented by counsel. The hearing examiner has given consideration to the proposed findings as to the facts and conclusions submitted by both parties and briefs in support thereof, and all findings of fact and conclusions of law proposed by the parties respectively, not hereinafter specifically found or concluded are herewith rejected, and the hearing examiner, having considered the record herein and being now fully advised in the premises, makes the