

Order

55 F.T.C.

IN THE MATTER OF
NATIONAL BANKERS LIFE INSURANCE COMPANY

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

Docket 6452. Complaint, Nov. 18, 1955—Order, Jan. 5, 1959

Dismissal, for lack of jurisdiction following decision of the Supreme Court of the United States in the combined cases of *Federal Trade Commission v. National Casualty Company* and *Federal Trade Commission v. The American Hospital and Life Insurance Company*, 357 U.S. 560 (1958), of complaint charging an insurance company in Dallas, Tex., with misrepresenting the benefits provided by its health and accident policies.

Before Mr. Everett F. Haycraft, hearing examiner.

Mr. Francis C. Mayer and Mr. Eugene Kaplan for the Commission.

Mr. Dwight E. Hill and Strasburger, Price, Kelton, Miller & Martin, of Dallas, Tex., for respondent.

FINAL ORDER

This matter having been heard upon cross-appeals from the initial decision of the hearing examiner filed by respondent and by counsel supporting the complaint and upon briefs in support of and in opposition thereto, and oral argument before the Commission; and

The Commission having considered the record and the ruling of the Supreme Court of the United States in its *per curiam* opinion of June 30, 1958, in the combined cases of *Federal Trade Commission v. National Casualty Company* and *The American Hospital and Life Insurance Company*, 357 U.S. 560 (1958), entered subsequent to the filing of the instant appeal, and having concluded that the complaint herein should be dismissed:

It is ordered, That the initial decision herein, filed January 23, 1957, be, and it hereby is, vacated and set aside.

It is further ordered, That the complaint herein be, and it hereby is, dismissed.

Decision

IN THE MATTER OF
SUN OIL COMPANY

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

Docket 6641. Complaint, Sept. 26, 1956—Decision, Jan. 5, 1959

Order requiring a gasoline supplier in Jacksonville, Fla., and adjacent territory to cease discriminating in price by selling gasoline to a favored service station customer at a lower price than it charged his competitors, entering into agreements with him to fix and maintain the resale price for its gasoline, and granting discounts or other considerations for that purpose.

Rufus E. Wilson, Esq., Ross D. Young, Jr., Esq., and John B. Clayton, Esq., for the Commission.

Leonard J. Emmerglick, Esq., of Washington, D.C.; Moffett, Frye & Leopold, by Henry A. Frye, Esq., of Philadelphia, Pa.; Rawle & Henderson, by Joseph W. Henderson, Esq., of Philadelphia, Pa.; and Osborne, Copp, Markham & Ehrlich, by Cyril C. Copp, Esq., of Jacksonville, Fla., for respondent.

INITIAL DECISION BY ROBERT L. PIPER, HEARING EXAMINER

STATEMENT OF THE CASE

On September 26, 1956, the Federal Trade Commission issued its complaint against Sun Oil Company, a corporation (hereinafter called respondent), charging it with price discrimination in violation of Section 2(a) of the Clayton Act (hereinafter called the Clayton Act), 15 U.S.C. 12, *et seq.*, as amended by the Robinson-Patman Act, and unfair methods of competition and unfair acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act (hereinafter called the Act), 15 U.S.C. 41, *et seq.* Copies of said complaint together with a notice of hearing were duly served on respondent.

The complaint alleges in substance that respondent discriminated in price by the sale of its gasoline to one dealer at prices substantially lower than the prices charged other dealers in the same market area, and that respondent entered into an agreement with such dealer to fix and maintain the retail price at which he sold said gasoline. Respondent appeared by counsel and filed an answer admitting the corporate, commerce, competition and certain other factual allegations of the complaint, but