

IN THE MATTER OF
JACOB C. SWIMMER TRADING AS
NATIONAL TITANIUM COMPANY

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

Docket 7046. Complaint, Jan. 16, 1958—Decision, Feb. 26, 1959

Order dismissing, due to the decease of the sole respondent, complaint charging a paint distributor in Vernon, Calif., with misrepresenting in advertising the quality, durability, composition, etc., of his "Genuine Exterior Paint."

Mr. Garland S. Ferguson and *Mr. John J. McNally* for the Commission.

Mr. G. V. Weikert, of Los Angeles, Calif., for respondent.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

Upon motion of counsel supporting the complaint, the sole respondent herein, Jacob C. Swimmer, having died December 31, 1958,

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

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 26th day of February 1959, become the decision of the Commission.

Complaint

IN THE MATTER

AMERICAN NATIONAL GROWERS CORPORATION, ET AL.

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

Docket 7240. Complaint, Aug. 28, 1958—Decision, Feb. 26, 1959

Consent order requiring a packer of fruits and vegetables under the "Blue Goose" and other labels with principal office in Los Angeles, Calif.—doing a net business in 1956 of over \$44,600,000—to cease violating Sec. 2(c) of the Clayton Act by paying the customary brokerage fee to brokers on direct sales for their own account for resale; and requiring three of its brokers to cease receiving or accepting such illegal payments.

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and herein-after more particularly designated and described, have been and are now violating the provisions of subsection (c) of Section 2 of the Clayton Act, as amended (U.S.C., Title 15, Sec. 13), hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent American National Growers Corporation, hereinafter sometimes referred to as seller respondent, or as respondent American, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office at 122 East Seventh Street, Los Angeles, Calif., and having three principal operating branches known as Texas Division at Weslaco, Tex., Western Division at Los Angeles, Calif., and Eastern Division at Fort Pierce, Fla. Respondent American was known as American National Foods, Inc. from January 1, 1954 to August 13, 1956, and is engaged in the growing, packing and marketing of fresh fruits and vegetables. Its Eastern Division with offices located in Fort Pierce, Fla., conducts growing, packing and marketing operations dealing principally with Florida citrus, vegetables and melons, and marketing operations with respect to peaches and apples.

Respondent Ballentine Produce, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Arkansas with its principal office and place of business located on Highway 71, North Alma, Ark. Respondent Ballentine Produce, Inc., hereinafter sometimes referred to as broker