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IN THE MATTER OF
THE UNIVERSAL CARPET DISTRIBUTING CO., INC.,
ET AL.

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

Docket 7645. Complaint, Nov. 2, 1959—Decision, Sept. 14, 1960

Order dismissing complaint charging Baltimore dealers—now out of business—
with using bait advertising, fictitious pricing, deceptive guarantee claims,
and other misrepresentations to sell floor carpeting.

Mr. DeWitt T. Puckett for the Commission.
No appearance for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

This matter is before the hearing examiner upon a motion of Commission counsel to dismiss the complaint. The complaint was issued on November 2, 1959. No answer has been filed by any of the respondents, nor has any appearance been entered for any respondent by counsel.

It appears that on July 20, 1959, the corporate respondent executed a deed of trust for the benefit of creditors, and that on July 23, 1959, the trustee named in the deed of trust petitioned the court for authority to sell the corporation's assets. This petition was granted and subsequently the corporate assets were sold at public auction. The corporation is no longer in business, and it seems reasonable to assume that none of the individual respondents are any longer engaged in the business operations which formed the subject of the Commission's complaint.

It also appears that none of the respondents has ever been served with a copy of the complaint. All mail addressed to the respondents at their former place of business, including copies of the complaint, has been delivered only to the trustee referred to above.

In the circumstances it appears that the view of Commission counsel that no useful purpose would be served by proceeding further in the case is well taken. The dismissal of the complaint should, however, in the hearing examiner's opinion, be without prejudice to the right of the Commission to take further action in the matter in the future should that course appear to be necessary.

ORDER

It is therefore ordered, That the complaint be, and it hereby is, dismissed, without prejudice to the right of the Commission to take any further action in the matter in the future which may be warranted by the then existing circumstances.

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 14th day of September 1960, become the decision of the Commission.

Complaint

IN THE MATTER OF

SOUTHWESTERN WAREHOUSE DISTRIBUTORS, INC.
ET AL.

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

Docket 7686. Complaint, Dec. 9, 1959—Decision, Sept. 14, 1960

Consent order requiring a corporate buying group and its 33 members, jobbers Kansas, Louisiana, New Mexico, Oklahoma, and Texas, to cease violating Sec. 2(f) of the Clayton Act by demanding and receiving from suppliers of automotive products and supplies in the States of Arkansas, Colorado, discriminatory prices on their individual purchases on the basis of their aggregate group purchasing power—in which connection they usually replaced suppliers not acceding to their demands by others who did.

COMPLAINT ¹

The Federal Trade Commission, having reason to believe that the party respondents named in the caption hereof, and hereinafter more particularly designated and described, have violated and are now violating the provisions of subsection (f) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., Title 15, Section 13), hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Southwestern Warehouse Distributors, Inc., hereinafter sometimes referred to as respondent SWDI, is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 9008 Sovereign Row, Dallas, Tex.

Respondent SWDI, although utilizing corporate form, is a membership organization, organized, maintained, managed, controlled, and operated by and for its members. The membership of respondent SWDI is composed of corporations, partnerships, and individuals whose business consists of the jobbing of automotive products and supplies.

Respondent SWDI, as constituted and operated, is known and referred to in the trade as a buying group.

PAR. 2. The following respondent corporations and individuals, sometimes hereinafter referred to as respondent jobbers, constitute respondent SWDI:

Respondent Aicklen Supply Company, Inc., is a corporation organized, existing, and doing business under and by virtue of the

¹ Complaint was dismissed against Beaumont Auto Parts, Inc., on May 26, 1960.