

Decision

IN THE MATTER OF

THE C. F. SAUER COMPANY

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

Docket 8312. Complaint, Mar. 13, 1961—Decision, July 7, 1961

Order dismissing without prejudice complaint charging a Richmond, Va., manufacturer of spices, extracts, mayonnaise, and other items, with making discriminatory advertising allowances to customers in violation of Sec. 2(d) of the Clayton Act.

R. E. Cabell, Jr., Esq., of *Moncure & Cabell*, of Richmond, Va., for respondent.

Robert Cutler, Esq., supporting the complaint. *

INITIAL DECISION BY LEON R. GROSS, HEARING EXAMINER

The complaint in this proceeding issued on March 13, 1961. It charges respondent with violating § 2(d) of the Clayton Act as amended by the Robinson-Patman Act. Respondent, The C. F. Sauer Company, is a Virginia corporation with its principal place of business at 2000 West Broad Street, Richmond, Virginia. Respondent now is, and has been, engaged for many years last past in the manufacture, sale and distribution of spices, extracts, food colors, flavorings, mayonnaise, relish, sandwich spread, salad dressing, edible vegetable oils, cough syrup and liniment. Respondent sells and distributes its products to wholesalers and retailers, including retail chain store organizations. Respondent has been and is now engaged in a continuing course of trade in said products in commerce as "commerce" is defined in the Clayton Act as amended. The Federal Trade Commission has jurisdiction over the parties and the subject matter of this proceeding.

At the time the instant complaint was issued, there was and now is in full force and effect a cease and desist order issued by this Commission against this identical respondent on July 31, 1941, and reported in Volume 33 *Federal Trade Commission Decisions*, pages 812; 828-829, inclusive. Counsel supporting the complaint has represented that said cease and desist order is substantially the same as he would seek in the event he should successfully go to hearing on the present complaint and win this case on the merits. It appears that the current complaint does not require an adjudication de novo.

It is ordered, That this complaint filed in this proceeding on March 13, 1961, against The C. F. Sauer Company of Richmond,

Virginia, a Virginia corporation, be and it hereby is dismissed, without prejudice to such further action as may be initiated by the Federal Trade Commssion.