

Order

59 F.T.C.

IN THE MATTER OF
DIAMOND CRYSTAL SALT CO.

MODIFIED ORDER IN REGARD TO THE ALLEGED VIOLATION OF
SEC. 7 OF THE CLAYTON ACT

Docket 7323. Modified order, July 11, 1961

Order modifying divestment order of Feb. 4, 1960 (56 F.T.C. 818), by excluding from its prohibition of future acquisitions, the purchase of three affiliated companies engaged in the sale of salt in small packets designed for use as individual servings.

Before *Mr. Walter R. Johnson*, hearing examiner.

Mr. William J. Boyd, Jr. and *Mr. Arthur J. Hessburg* for the Commission.

Dickinson, Wright, Davis, McKean & Cudlip, by *Mr. Edward P. Wright*, of Detroit, Mich., for respondent.

ORDER RULING ON PETITION FILED JUNE 7, 1961, AND MODIFYING
PARAGRAPH 4 OF THE ORDER TO DIVEST AND TO CEASE AND DESIST

The respondent having filed a petition on June 7, 1961, which requests that the Commission approve the respondent's proposed purchase of certain package manufacturing machinery and patents attendant thereto, the land and building housing such machinery, and the existing inventory now owned by three affiliated companies known as Unit-Packet Corporation, Packet Products Corporation and Hoag-Russell Company, which concerns have been engaged in the sale of salt in small packets designed for use as individual servings; and

The Commission having issued its decision in this proceeding on February 4, 1960, containing its order to divest and to cease and desist, which order, among other things, prohibits the respondent from acquiring any time during the succeeding ten years the assets or share capital of any corporation in commerce and engaged in the business of producing and/or distributing salt; and the Commission having accordingly determined that respondent's petition should be treated as a request that the order be duly modified to exclude the above purchase from its purview; and

It appearing from the facts stated in the petition and in the answer filed by counsel supporting the complaint, which joins in the request that the petition be granted, that there is no reasonable probability that any of the anticompetitive effects proscribed by the relevant statute will result from the proposed purchase, and the

Commission having further determined that the public interest now requires that this proceeding be reopened solely for the purpose of altering and modifying the order so that it shall not prohibit the respondent from effectuating such acquisition:

It is ordered, That this proceeding be, and it hereby is, reopened and that paragraph 4 of the order to divest and to cease and desist be, and it hereby is, modified to read as follows:

(4) *It is further ordered*, That for a period of ten years from February 4, 1960, the respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, or purchase, the physical assets, stock, share capital of, or any other interest in any corporation, in commerce, engaged in the business of producing and/or distributing salt in any form, specifically including salt in a dry state produced by any dry mining method, or produced by any evaporation method, and salt in brine; provided, however, that the respondent shall not be prohibited hereby from effectuating the proposed purchase of the assets referred to in the first paragraph of the Commission's order ruling on the petition filed by the respondent on June 7, 1961.