

ingly:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

IN THE MATTER OF

W. B. STEVENS ET AL. DOING BUSINESS AS EASTERN
MARKETING SERVICE

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

Docket 8360. Complaint, Apr. 17, 1961—Decision, Sept. 15, 1961

Consent order requiring a broker-distributor of citrus fruit and produce in Bartow, Fla., to cease violating Sec. 2(c) of the Clayton Act by accepting unlawful brokerage payments from packers or sellers on purchases for its own account for resale, such as a discount usually at the rate of 10 cents per 1% bushel box, or equivalent, or a lower price reflecting brokerage.

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly 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, Section 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondents W. B. Stevens and H. Palmer Eastwood are individuals and are copartners trading and doing business as Eastern Marketing Service, with their office and principal place of business located at 120 East Davidson Street, Bartow, Florida, with

mailing address as Post Office Box 29, Bartow, Florida. Each of these respondents, individually and as copartners, are hereinafter referred to collectively as respondents.

PAR. 2. Respondents are now, and since January 1959 have been, engaged in business as brokers, selling agents, and distributors, buying, selling and distributing citrus fruit and produce. In the course and conduct of their business, as aforesaid, respondents have represented, and now represent, a number of citrus fruit packers located in the State of Florida in the sale and distribution of citrus fruit, for which respondents were and are paid for their services in connection therewith a brokerage or commission, usually at the rate of ten (10) cents per $1\frac{3}{5}$ bushel box, or equivalent. Respondents, on numerous occasions, act as buying brokers representing buyers in the purchase of citrus fruit and produce for said buyers. Also a substantial part of respondents' business is acting in the capacity of a buyer or distributor purchasing citrus fruit and produce for their own account for resale.

PAR. 3. In the course and conduct of their business in representing packer-principals and buyers as well as when purchasing for their own account, respondents have, directly or indirectly, caused citrus fruit and produce, when sold or purchased, to be shipped and transported from various packers' packing plants or places of business located in the State of Florida to purchasers thereof located in many States other than the State of Florida. Thus respondents have been, and now are, engaged in a continuous course of trade in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended.

PAR. 4. In the course and conduct of their business in commerce, as aforesaid, since January 1959, to the present time, respondents have made, and now are making, numerous and substantial purchases of citrus fruit and produce for their own account for resale from various packers or sellers on which purchases said respondents have received and accepted, and are now receiving and accepting, directly or indirectly, from said packers or sellers, something of value as a commission, brokerage, or other compensation, or an allowance or discount in lieu thereof, in connection therewith.

For example, respondents have made numerous and substantial purchases of citrus fruit for their own account from various packers or sellers located in the State of Florida and have received from said packers or sellers on such purchases, a brokerage or commission, or a discount in lieu thereof, usually at the rate of ten (10) cents per $1\frac{3}{5}$ bushel box, or equivalent. In many instances respondents receive a lower price from said packers or sellers which reflects said brokerage or commission.

Order

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PAR. 5. The acts and practices of respondents in receiving and accepting a brokerage or commission, or an allowance or discount in lieu thereof, on their own purchases, as hereinabove alleged and described, are in violation of subsection (c) of Section 2 of the Clayton Act, as amended (U.S.C. Title 15, Section 13).

DECISION AND ORDER

This matter having come on to be heard by the Commission upon a record consisting of the Commission's complaint charging the respondents named in the caption hereof with violation of subsection (c) of Section 2 of the Clayton Act, as amended, and an agreement by and between respondents and counsel supporting the complaint, which agreement contains an order to cease and desist, an admission by the respondents of all the jurisdictional facts alleged in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint, and waivers and provisions as required by the Commission's rules; and

The Commission having considered the agreement and order contained therein and being of the opinion that the agreement provides an adequate basis for appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings are made, and the following order is entered:

1. Respondents W. B. Stevens and H. Palmer Eastwood are individuals and are copartners doing business as Eastern Marketing Service under and by virtue of the laws of the State of Florida, with their office and principal place of business located at 120 East Davidson Street, in the City of Bartow, State of Florida, with mailing address as Post Office Box 29, Bartow, Florida.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents.

ORDER

It is ordered, That respondents W. B. Stevens and H. Palmer Eastwood, individually and as copartners doing business as Eastern Marketing Service, and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with

any purchase of citrus fruit or produce for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Com-