

ROBERT WARREN CRUM
DOING BUSINESS AS BOB CRUM

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

Docket 8204. Complaint, Dec. 6, 1960—Decision, Sept. 29, 1961

Consent order requiring a Tampa, Fla., distributor and broker of citrus fruit
and produce to cease violating Sec. 2(c) of the Clayton Act by accepting

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from Florida suppliers unlawful brokerage on his own purchases for resale, such as a discount at the rate of 10 cents per 1 $\frac{3}{4}$ bushel box, or equivalent, or a lower price reflecting such commission.

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly described, has been and is 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. Respondent Robert Warren Crum is an individual and a copartner doing business as Bob Crum, under and by virtue of the laws of the State of Florida, with office and principal place of business located at Produce Station, Tampa 10, Florida, with mailing address as Post Office Box 11463, Tampa 10, Florida.

Rudolph Eddie Hobbs, of Lumpkin, Georgia, is a copartner with respondent Robert Warren Crum, trading and doing business as Bob Crum; however, said Rudolph Eddie Hobbs is a limited partner and is not active in the conduct of the partnership business hereinafter described. Said respondent Robert Warren Crum, at all times hereinafter mentioned, has directed and controlled the acts and practices of the partnership, including the acts and practices hereinafter described.

PAR. 2. Respondent is now and for some time past has been engaged in business as a distributor, purchasing citrus fruit and produce for his own account for resale, as well as a buying broker representing buyers in the purchase of citrus fruit and produce for said buyers. A substantial part of respondent's business is in the purchase, sale and distribution of citrus fruit and produce, hereinafter sometimes referred to as food products, purchased from packers or sellers located in the State of Florida.

PAR. 3. In the course and conduct of his business for some time past, but more particularly since January 1, 1959, in purchasing food products for his own account, or for the account of buyers represented by respondent, respondent has directly or indirectly caused such food products when purchased and sold to be shipped and transported from various packers' packing plants or places of business located in the State of Florida, as well as in other states, to respondent or to respondent's customers located in many states other than the state in which the shipment originated. Thus for some time past, respondent has been and is now 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 his business in commerce, as aforesaid, for some time past but more particularly since January 1, 1959, to the present time, respondent has made, and is now making, numerous and substantial purchases of citrus fruit and other food products for his own account, for resale, from various packers or sellers, on which purchases said respondent has received and accepted, and is 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 many instances respondent has received a lower net price which reflected the allowance of said commission or brokerage, or a discount in lieu thereof, in connection with said purchases.

Further, respondent has in numerous transactions represented the buyer as the buyer's agent in connection with the purchase of citrus fruit or other food products but received a brokerage or commission, or a discount in lieu thereof, from the seller on said purchase transactions.

PAR. 5. The acts and practices of respondent in receiving and accepting from the seller a brokerage or commission, or an allowance or discount in lieu thereof, on its own purchases, or on purchases for a buyer where respondent was acting for or on behalf of said buyer in said transaction, 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 respondent 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 respondent and counsel supporting the complaint, which agreement contains an order to cease and desist, an admission by the respondent 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 respondent that he has 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. Respondent Robert Warren Crum is an individual doing business as Bob Crum, under and by virtue of the laws of the State of Florida,

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with his office and principal place of business located at Produce Station, in the City of Tampa, State of Florida, with mailing address as Post Office Box 11463, Tampa, Florida.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent.

ORDER

It is ordered, That respondent Robert Warren Crum, an individual doing business as Bob Crum, and his 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 respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.