

such purchaser is essentially a sale by such respondent, acting either as principal or agent.

It is further ordered, That the 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 this order.

IN THE MATTER OF

BY-LINE PUBLICATIONS, INC., ET AL.

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

Docket C-177. Complaint, July 18, 1962—Decision, July 18, 1962

Consent order requiring the New York City publishers of "Confidential" and "Whisper" magazines to cease discriminating in price in violation of Sec.

Complaint

2(d) of the Clayton Act by paying promotional allowances to certain retail customers—some of whom operated chain retail outlets in railroad, airport, and bus terminals, and outlets in hotels and office buildings, and others of whom furnished services in connection with the handling of respondents' publications such as taking purchase orders and distributing, billing, and collecting—while not making such payments available on proportionally equal terms to their competitors, including drug chains, grocery chains, and other newsstands.

COMPLAINT

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

PARAGRAPH 1. Respondent By-Line Publications, Inc., is a corporation organized and doing business under the laws of the State of New York, with its office and principal place of business located at 152 West 42nd Street, New York, N.Y. Said respondent, among other things, has been engaged and is presently engaged in the business of publishing and distributing various publications including magazines under copyrighted titles including "Confidential" and "Whisper". Respondent's sales of publications during the calendar year 1960 exceeded seven hundred fifty thousand dollars.

PAR. 2. Respondent Hy Steirman, an individual, is the president of respondent By-Line Publications, Inc. Respondent Hy Steirman formulates, controls and directs the acts, practices and policies of respondent By-Line Publications, Inc., and his address is the same as that of said corporation.

PAR. 3. Publications published by respondent By-Line Publications, Inc., are distributed by said respondent to customers through its national distributor, Publishers Distributing Corporation, hereinafter referred to as PDC.

PDC has acted and is now acting as national distributor for the publications of several independent publishers, including respondent publisher. PDC, as national distributor of publications published by respondent and other independent publishers, has performed and is now performing various services for these publishers. Among the services performed and still being performed by PDC for the benefit of these publishers are the taking of purchase orders and the distributing, billing and collecting for such publications from customers.

Complaint

61 F.T.C.

PDC has also negotiated promotional arrangements with the retail customers of the publishers it represents, on behalf of and with the knowledge and approval of said publishers, including respondent publisher.

PAR. 4. Respondent By-Line Publications, Inc., through its conduit or intermediary, PDC, has sold and distributed and now sells and distributes its publications in substantial quantities in commerce, as "commerce" is defined in the Clayton Act, as amended, to competing customers located throughout various States of the United States and in the District of Columbia.

PAR. 5. In the course and conduct of its business in commerce, respondent By-Line Publications, Inc., has paid or contracted for the payment of something of value to or for the benefit of some of its customers as compensation or in consideration for services or facilities furnished, or contracted to be furnished, by or through such customers in connection with the handling, sale, or offering for sale of publications sold to them by respondent. Such payments or allowances were not made available on proportionally equal terms to all other customers of respondent competing in the distribution of such publications.

PAR. 6. As an example of the practices alleged herein, respondent By-Line Publications, Inc., has made payments or allowances to certain retail customers who operate chain retail outlets in railroad, airport and bus terminals, as well as outlets located in hotels and office buildings. Such payments or allowances were not offered or otherwise made available on proportionally equal terms to all other customers (including drug chains, grocery chains and other newsstands) competing with the favored customers in the sale and distribution of the publications of respondent publisher. Among the favored customers receiving payments in 1960 which were not offered to other competing customers in connection with the purchase and sale of respondent's publications were:

Customer:	<i>Approximate Amount Received</i>
Union News Co., New York, N.Y.-----	\$8,103.20
Greyhound Post Houses, Forest Park, Ill.-----	2,187.12
ABC Vending Corp., Long Island City, N.Y.-----	483.96
Barkalow Bros., Omaha, Nebr-----	755.92
Fred Harvey, Chicago, Ill.-----	535.50

Respondent made said payments to its favored customers on the basis of individual negotiations. Among said favored customers such payments were not made on proportionally equal terms.

Decision and Order

PAR. 7. The acts and practices of respondents as alleged above are in violation of the provisions of subsection (d) of Section 2 of the Clayton Act, as amended.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of subsection (d) of Section 2 of the Clayton Act, as amended, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent By-Line Publications, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 152 West 42nd Street, in the city of New York, State of New York.

Respondent Hy Steirman is an officer of said corporation, and his address is the same as that of said corporation.

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

ORDER

It is ordered, That respondents By-Line Publications, Inc., a corporation, its officers, and Hy Steirman, individually and as an officer of said corporation, and respondents' employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications including magazines in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Complaint

61 F.T.C.

Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications including magazines published, sold or offered for sale by respondents, unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customer in the distribution of such publications including magazines.

The word "customer" as used above shall be deemed to mean anyone who purchases from a respondent, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

It is further ordered, That the 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 this order.

IN THE MATTER OF

STANLEY PUBLICATIONS, INC., ET AL.

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

Docket C-178. Complaint, July 18, 1962—Decision, July 18, 1962

Consent order requiring the New York City publishers of "All-Man", "Fresh and Salt Water Fishing", "Guns and Games", "Real Men", "Man's Adventure", "Picture Spotlight", "Popular Screen", "Popular TV", "Battle Cry", and "Conflict" magazines, to cease discriminating in price in violation of Sec. 2(d) of the Clayton Act by paying promotional allowances to certain retail customers—some of whom operated chain retail outlets in railroad, airport, and bus terminals, and outlets in hotels and office buildings, and others of whom furnished services in connection with the handling of respondents' publications such as taking purchase orders and distributing, billing, and collecting—while not making such payments available on proportionally equal terms to their competitors, including drug chains, grocery chains, and other newsstands.

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, have violated and are now vio-

lating the provisions of subsection (d) of Section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13), as amended by the Robinson-Patman Act, hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Stanley Publications, Inc., is a corporation organized and doing business under the laws of the State of New York, with its office and principal place of business located at 261 Fifth Avenue, New York, N.Y. Said respondent, among other things, has been engaged and is presently engaged in the business of publishing and distributing various publications including magazines under copyrighted titles including "All-Man", "Fresh and Salt Water Fishing", "Guns and Games", "Real Men", "Man's Adventure", "Picture Spotlight", "Popular Screen", "Popular TV", "Battle Cry", and "Conflict". Said respondent's sales of publications during the calendar year 1960 exceeded nine hundred thousand dollars.

PAR. 2. Respondents Stanley P. Morse and Michael Morse, both individuals, are president and secretary, respectively, of Stanley Publications, Inc. They formulate, direct and control the acts and practices of said corporate respondent and their address is the same as that of the corporate respondent.

PAR. 3. Publications published by respondent Stanley Publications, Inc., are distributed by said respondent to customers through its national distributors, Publishers Distributing Corporation, hereinafter referred to as PDC, and Kable News Company, hereinafter referred to as Kable.

PDC and Kable have acted and are now acting as national distributors for the publications of several independent publishers, including said respondent publisher. PDC and Kable, as national distributors of publications published by respondent and other independent publishers, have performed and are now performing various services for these publishers. Among the services performed and still being performed by PDC and Kable for the benefit of these publishers are the taking of purchase orders and the distributing, billing and collecting for such publications from customers. PDC and Kable also had participated in the negotiation of various promotional arrangements with the retail customers of said publishers, including said respondent.

In their capacity as national distributors for respondent, Stanley Publications, Inc., in dealing with the customers of said respondent, PDC and Kable served and are now serving as conduits or intermediaries for the sale, distribution and promotion of publications published by said respondent.

PAR. 4. Respondent, Stanley Publications, Inc., through its conduits or intermediaries, PDC and Kable, has sold and distributed and now sells and distributes its publications in substantial quantities in commerce, as "commerce" is defined in the Clayton Act, as amended, to competing customers located throughout various States of the United States and in the District of Columbia.

PAR. 5. In the course and conduct of its business in commerce, respondent, Stanley Publications, Inc., has paid or contracted for the payment of something of value to or for the benefit of some of its customers as compensation or in consideration for services or facilities furnished, or contracted to be furnished, by or through such customers in connection with the handling, sale, or offering for sale of publications sold to them by said respondent. Such payments or allowances were not made available on proportionally equal terms to all other customers of said respondent competing in the distribution of such publications.

PAR. 6. As an example of the practices alleged herein, respondent, Stanley Publications, Inc., has made payments or allowances to certain retail customers who operate chain retail outlets in railroad, airport and bus terminals, as well as outlets located in hotels and office buildings. Such payments or allowances were not offered or otherwise made available on proportionally equal terms to all other customers (including drug chains, grocery chains and other newsstands) competing with the favored customers in the sale and distribution of the publications of said respondent publisher. Among the favored customers receiving payments in 1960, which were not offered to other competing customers in connection with the purchase and sale of said respondent's publications were:

Customers:	<i>Approximate Amount Received</i>
Union News Co., New York, N.Y.-----	\$2,054.00
Greyhound Post Houses, Forest Park, Ill.-----	516.20
ABC Vending Corp., Long Island City, N.Y.-----	85.49

Respondent made said payments to its favored customers on the basis of individual negotiations. Among said favored customers such payments were not made on proportionally equal terms.

PAR. 7. The acts and practices of respondents as alleged above are in violation of the provisions of subsection (d) of Section 2 of the Clayton Act, as amended.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of

subsection (d) of Section 2 of the Clayton Act, as amended, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Stanley Publications, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 261 Fifth Avenue, in the city of New York, State of New York.

Respondents Stanley P. Morse and Michael Morse are officers of said corporation, and their address is the same as that of said corporation.

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

ORDER

It is ordered, That the respondents Stanley Publications, Inc., a corporation, its officers, and Stanley P. Morse and Michael Morse, individually and as officers of Stanley Publications, Inc., and respondents' employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications including magazines in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications including magazines published, sold or offered for sale by respondents,

Complaint

61 F.T.C.

unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customers in the distribution of such publications including magazines.

The word "customer" as used above shall be deemed to mean anyone who purchases from a respondent, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

It is further ordered, That the 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 this order.

IN THE MATTER OF
PETERSEN PUBLISHING COMPANY ET AL.

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

Docket C-179. Complaint, July 18, 1962—Decision, July 18, 1962

Consent order requiring Los Angeles publishers of magazines and paperback books—including "Motor Trend", "Hot Rod", "Car Craft", "Guns and Ammo", "Pro-Football", "Custom Cars", "Model Railroad", "Sport Car Specials", "Motor Life", and "Teen"—to cease discriminating in price in violation of Sec. 2(d) of the Clayton Act by paying promotional allowances to certain retail customers—some of whom operated chain retail outlets in railroad, airport, and bus terminals, and outlets in hotels and office buildings, and others of whom furnished services in connection with the handling of respondents' publications such as taking purchase orders and distributing, billing, and collecting—while not making such payments available on proportionally equal terms to their competitors, including drug chains, grocery chains, and other newsstands.

COMPLAINT

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

PARAGRAPH 1. Respondent Petersen Publishing Company is a corporation organized and doing business under the laws of the State of California, with its office and principal place of business located at 5959 Hollywood Boulevard, Los Angeles, Calif. Said respondent, among other things, has been engaged and is presently engaged in the business of publishing and distributing various publications including magazines and paperback books under copyrighted titles including "Motor Trend", "Hot Rod", "Car Craft" and "Guns and Ammo".

PAR. 2. Respondent Trend Books, Inc., a corporation organized and doing business under the laws of the State of California, having its office and principal place of business located at 5959 Hollywood Boulevard, Los Angeles, California, is a subsidiary of respondent Petersen Publishing Company. Respondent Trend Books, Inc., among other things, has been engaged and is presently engaged in the business of publishing and distributing various publications including magazines and paperback books under copyrighted titles including "Pro-Football", "Custom Cars", "Model Railroad" and "Sport Car Specials".

PAR. 3. Respondent Quinn Publications, Inc., a corporation organized and doing business under the laws of the State of California, having its office and principal place of business located at 5959 Hollywood Boulevard, Los Angeles, Calif., is a subsidiary of respondent Petersen Publishing Company. Respondent Quinn Publications, Inc., among other things, has been engaged and is presently engaged in the business of publishing and distributing various publications including magazines under copyrighted titles including "Motor Life".

PAR. 4. Respondent Teen Publications, Inc., a corporation organized and doing business under the laws of the State of California, having its office and principal place of business located at 5959 Hollywood Boulevard, Los Angeles, Calif., is a subsidiary of respondent Petersen Publishing Company. Respondent Teen Publications, Inc., among other things, has been engaged and is presently engaged in the business of publishing and distributing various publications including magazines under copyrighted titles including "Teen".

PAR. 5. Respondent Robert E. Petersen, an individual, is the president of each of the corporations named as respondents herein. He formulates, directs and controls the acts and practices of each of said respondent corporations, and his address is the same as that of each of the respondent corporations.

PAR. 6. Publications including magazines and paperback books published by each of the corporations named as respondents herein are sold and distributed by said respondents to customers through their na-

tional distributor, Independent News Company, Inc., hereinafter referred to as Independent News.

Independent News has acted and is now acting as national distributor for the publications of several independent publishers, including each of the corporations named as respondents herein. Independent News, as national distributor of publications published by said respondents and other independent publishers, has performed and is now performing various services for these publishers. Among the services performed and still being performed by Independent News for the benefit of these publishers are the taking of purchase orders and the distributing, billing and collecting for such publications from customers. Independent News also had participated in the negotiation of various promotional arrangements with the retail customers of said publishers, including said respondents.

In its capacity as national distributor for each of the corporations named as respondents herein, Independent News has served and is now serving as a conduit or intermediary for the sale, distribution and promotion of publications by said respondents.

PAR. 7. Respondents Petersen Publishing Company, Trend Books, Inc., Quinn Publications, Inc., and 'Teen Publications, Inc., through their conduit or intermediary, Independent News, have sold and distributed and now sell and distribute their publications in substantial quantities in commerce, as "commerce" is defined in the Clayton Act, as amended, to competing customers located throughout various States of the United States and in the District of Columbia. Total sales of publications of the corporations named as respondents herein for the calendar year 1960 exceeded five million dollars.

PAR. 8. In the course and conduct of their business in commerce, respondents Petersen Publishing Company, Trend Books, Inc., Quinn Publications, Inc., and 'Teen Publications, Inc. have paid or contracted for the payment of something of value to or for the benefit of some of their customers as compensation or in consideration for services or facilities furnished, or contracted to be furnished, by or through such customers in connection with the handling, sale, or offering for sale of publications including magazines and paperback books sold to them by said respondents. Such payments or allowances were not made available on proportionally equal terms to all other customers of said respondents competing in the distribution of such publications.

PAR. 9. As an example of the practices alleged herein, respondents Petersen Publishing Company, Trend Books, Inc., Quinn Publications, Inc., and 'Teen Publications, Inc. have made payments or allow-

Decision and Order

ances to certain retail customers who operate chain retail outlets in railroad, airport and bus terminals, as well as outlets located in hotels and office buildings. Such payments or allowances were not offered or otherwise made available on proportionally equal terms to all other customers (including drug chains, grocery chains, and other newsstands) competing with the favored customers in the sale and distribution of the publications of said respondents. Among the favored customers receiving payments in 1960, and during the first six months of 1961, which were not offered to other competing customers in connection with the purchase and sale of publications from said respondent were:

Customer:	PETERSEN PUBLISHING COMPANY	<i>Approximate Amount Received</i>	
		1960	1961 (Jan.-June)
Greyhound Post Houses, Forest Park, Ill.-----		\$1,112.91	\$1,839.46
ABC Vending Corp., Long Island City, N.Y.-----		147.63	121.69
Fred Harvey, Chicago, Ill.-----		866.06	489.27
Union News Co., New York, N.Y.-----		13,434.40	7,488.51
TREND BOOKS, INC.			
Interstate Hosts, Los Angeles, Calif.-----		11.62	0
Fred Harvey, Chicago, Ill.-----		214.93	76.53
QUINN PUBLICATIONS, INC.			
Greyhound Post Houses, Forest Park, Ill.-----		594.15	494.75
Fred Harvey, Chicago, Ill.-----		186.60	95.50
Garfield News, New York, N.Y.-----		262.12	88.62
Union News Co., New York, N.Y.-----		3,837.91	1,756.05
TEEN PUBLICATIONS, INC.			
Greyhound Post Houses, Forest Park, Ill.-----		814.38	874.64
Garfield News, New York, N.Y.-----		430.28	170.96
Fred Harvey, Chicago, Ill.-----		223.36	138.76
Union News Co., New York, N.Y.-----		2,676.55	1,637.60

Said respondents made said payments to their favored customers on the basis of individual negotiations. Among said favored customers such payments were not made on proportionally equal terms.

PAR. 10. The acts and practices of respondents as alleged above are in violation of the provisions of subsection (d) of Section 2 of the Clayton Act, as amended.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of subsection (d) of Section 2 of the Clayton Act, as amended, and

the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent, Petersen Publishing Company, is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 5959 Hollywood Boulevard, in the city of Los Angeles, State of California.

Respondent, Trend Books, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 5959 Hollywood Boulevard, in the city of Los Angeles, State of California.

Respondent, Quinn Publications, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 5959 Hollywood Boulevard, in the city of Los Angeles, State of California.

Respondent, Teen Publications, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 5959 Hollywood Boulevard, in the city of Los Angeles, State of California.

Respondent, Robert E. Petersen, is an officer of each of said corporations, and his address is the same as that of said corporations.

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

ORDER

It is ordered, That respondents Petersen Publishing Company, Trend Books, Inc., Quinn Publications, Inc., and Teen Publications,

Inc., all corporations, their respective officers, and Robert E. Petersen, individually and as an officer of said corporations, and respondents' employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications including magazines and paperback books in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications including magazines and paperback books published, sold or offered for sale by respondents, unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of their other customers competing with such favored customer in the distribution of such publications including magazines and paperback books.

The word "customer" as used above shall be deemed to mean anyone who purchases from a respondent, acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

It is further ordered, That the 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