STANDARD MOTOR PRODUCTS, INC.

Docket 5721. Order, Feb. 1, 1963

Order directing appointment of hearing examiner to conduct public hearings on alleged violations of a cease and desist order of the Commission issued Dec. 27, 1957, 54 F.T.C. 814.

WHEREAS, the Federal Trade Commission adopted as its own on December 27, 1957 the findings and conclusions of the hearing examiner filed May 29, 1957 that certain acts and practices of Standard Motor Products, Inc., violated Section 2(a) of the Clayton Act, as amended (15 U.S.C. 13), and on December 27, 1957 ordered that

> "respondent Standard Motor Products, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale, for replacement purposes, of automotive products and supplies in commerce, as 'commerce' is defined in the Clayton Act, do forthwith cease and desist from:
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> Discriminating, directly or indirectly, in the price of such products and supplies of like grade and quality:
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> 1. By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products"; and

WHEREAS, such order was affirmed on April 15, 1959 by the United States Court of Appeals for the Second Circuit; and

WHEREAS, certiorari applied for by respondent Standard Motor Products, Inc., was denied on October 12, 1959 by the Supreme Court of the United States; and

WHEREAS, such order has continued in effect, not having been modified or set aside, and is in effect now; and

WHEREAS, the Commission has reason to believe that Standard Motor Products, Inc., may have violated the provisions of said order; and

WHEREAS, it is deemed by the Commission to be in the public interest to ascertain the extent to which such violation may have occurred:

Now, therefore, it is ordered, That public hearings be conducted in respect to compliance with the aforesaid order pursuant to § 1.34 and related provisions of the Commission's published Rules (16 CFR Chapter I, Subchapter A).

It is further ordered, That the Director of Hearing Examiners shall designate the hearing examiner to preside at and conduct such public hearings with all the powers and duties provided in the Com-

mission's Rules of Practice For Adjudicative Proceedings as though a formal complaint had been issued and an answer had been filed except that he shall certify the entire record to the Commission and shall not be required to make and file an initial decision; and that he shall grant respondent Standard Motor Products, Inc., all appropriate rights under the Commission's Rules such as, but not limited to, the following: due notice, pre-hearing conference, cross-examination and production of evidence in rebuttal.

It is further ordered, That the hearings shall be held at such times and places as may be necessary to be set by the hearing examiner, provided, however, that the initial hearing shall not be held sooner than the thirtieth (30th) day after service of this order upon respondent Standard Motor Products, Inc.

It is further ordered, That the Secretary shall cause service of this order to be made upon respondent Standard Motor Products, Inc.