

firmatively offered or otherwise made available by such supplier on proportionally equal terms to all of its other customers competing with respondent in the sale and distribution of such supplier's products.

IN THE MATTER OF

THE GRAND UNION COMPANY

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL
TRADE COMMISSION ACT

Docket 6973. Complaint, Dec. 5, 1957—Decision, Apr. 13, 1964.

Order modifying, pursuant to a decision of the Court of Appeals, Second Circuit, of Feb. 7, 1962, 300 F. 2d 92, 7 S.&D. 329, a cease and desist order of Aug. 12, 1960, 57 F.T.C. 382, requiring a large supermarket chain to cease inducing and receiving advertising and promotional services from some of its suppliers which discriminated against its nonfavored competitors, by limiting the language of the order to the particular practice found to violate the statute.

MODIFIED ORDER TO CEASE AND DESIST

Respondent having filed in the United States Court of Appeals for the Second Circuit its petition to review and set aside the order to cease and desist issued herein on August 12, 1960; and the court on February 7, 1962, having filed its opinion and on April 27, 1962, having entered its final decree modifying and, as modified, affirming and enforcing said order to cease and desist; and the time allowed for filing a petition for certiorari having expired and no such petition having been filed;

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified, in accordance with the said final decree of the Court of Appeals, to read as follows:

It is ordered, That respondent The Grand Union Company, a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in connection with the purchase in commerce (as "commerce" is defined in the Federal Trade Commission Act) of grocery products or related merchandise, do forthwith cease and desist from:

Receiving, or inducing and receiving, the benefit of anything of value from any of its suppliers through any third person (but not directly from said supplier), as compensation or in consideration for any advertising or promotional display services or facilities furnished by or through respondent in connection with

