

Modified Order to Cease and Desist

65 F.T.C.

IN THE MATTER OF

AMERICAN NEWS COMPANY AND THE
UNION NEWS COMPANYORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL
TRADE COMMISSION ACT*Docket 7396. Complaint, Feb. 5, 1959—Decision, Apr. 13, 1964.*

Order modifying, pursuant to a decision of the Court of Appeals, Second Circuit on February 7, 1962, 300 F. 2d 104, 7 S.&D. 346, a cease and desist order dated January 10, 1961, 58 F.T.C. 10, requiring large newsstand operators to cease inducing and receiving discriminatory promotional allowances from magazine publishers, by eliminating paragraph 1 of the original order dealing with attempts to induce discriminatory allowances.

MODIFIED ORDER TO CEASE AND DESIST

Respondents having filed in the United States Court of Appeals for the Second Circuit a petition to review and set aside the order to cease and desist issued herein on January 10, 1961; and the court on February 7, 1962, having filed its decision, 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 United States Supreme Court having denied a petition for certiorari filed by respondents;

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 the respondents, The American News Company and The Union News Company, corporations, their officers, employees, agents or representatives, directly or through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale on newsstands operated by respondents, do forthwith cease and desist from:

Receiving, or inducing and receiving, or contracting for the receipt of, anything of value from any of their suppliers as compensation or in consideration for display or promotional services or facilities furnished by or through respondents in connection with the processing, handling, sale, or offering for sale of products purchased from any of their suppliers, when respondents know or should know that such compensation or consideration is not affirmatively offered or otherwise made available by such suppliers on proportionally equal terms to all their other customers

