

It is further ordered, That the motions of complaint counsel to amend the present complaints be, and they hereby are, dismissed as moot.

IN THE MATTER OF
THE QUAKER OATS COMPANY

ORDER, OPINION, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT AND SEC. 2 (a) OF THE CLAYTON ACT

Docket 8112. Complaint, Sept. 14, 1960—Decision, Nov. 18, 1964

Order setting aside initial decision and dismissing for lack of showing of injury to competition and for failure of proof, respectively, charges of price discrimination and selling below cost on the part of a major producer of oat flour, among other food products.

AMENDED AND SUPPLEMENTAL COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and more particularly designated and described hereinafter, has violated and is now violating the provisions of Section 2(a) of the Clayton Act (U.S.C., Title 15, Section 13), as amended, and Section 5 of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its amended and supplemental complaint, stating its charges with respect thereto as follows:

COUNT I

Alleging violation of Section 2(a) of the Clayton Act, as amended:

PARAGRAPH 1. Respondent, The Quaker Oats Company, sometimes hereinafter referred to as respondent Quaker, is a corporation orga-

1124

Complaint

even though the complaints were issued more than two years ago, the Commission deems the latter procedure, that of withdrawing the complaints rather than issuing amended complaints, more appropriate. In view of the posture of these matters before the hearing examiners, issuance of amended complaints would, in practical effect, be tantamount to issuance of completely new complaints. In these circumstances the more orderly procedure is to withdraw the original complaints, without prejudice to the issuance of new, expanded complaints if found to be warranted. Accordingly,

It is ordered, That the complaints in the above-captioned proceedings be, and they hereby are, withdrawn.

It is further ordered, That the motions of complaint counsel to amend the present complaints be, and they hereby are, dismissed as moot.