
IN THE MATTER OF
EVERGREEN WAREHOUSE DISTRIBUTORS, INC., ET AL.
CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
SEC. 2 (f) OF THE CLAYTON ACT

Docket C-1070. Complaint, June 1, 1966—Decision, June 1, 1966

Consent order requiring fifty-five automotive parts jobbers and their buying organization of Seattle, Wash., to cease knowingly inducing and receiving discriminatory prices from their suppliers in violation of Section 2(f) of the Clayton Act.

Complaint

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COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondents named in the caption hereof, and hereinafter more particularly designated and described, have violated and are now violating the provisions of subsection (f) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Evergreen Warehouse Distributors, Inc., hereinafter sometimes referred to as respondent Evergreen, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1024 Sixth Avenue South, Seattle, Washington.

Respondent Evergreen, although utilizing corporate form, is a membership organization, organized, maintained, managed, controlled and operated by and for its members. The membership of respondent Evergreen is composed of corporations, partnerships and individuals whose business consists of the jobbing of automotive products and supplies.

Respondent Evergreen, as constituted and operated, is known and referred to in the trade as a buying group.

PAR. 2. The following respondent corporations and individuals, sometimes hereinafter referred to as respondent jobbers, constitute respondent Evergreen:

Respondent, Airport Machinery Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Alaska, with its principal office and place of business located at Anchorage, Alaska, P.O. Box 539.

Respondent Automotive Products, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, and doing business under the firm name and style of Allen Auto Electric, with its principal office and place of business located at 9810 14th Avenue, SW., Seattle, Washington.

Respondent Lyle's Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 15411 Ambaum Blvd., SW., Seattle, Washington.

Respondent Burns Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 303 North Main Street, Colfax, Washington.

Respondent Car Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its

principal office and place of business located at 3132—133rd Street, NE., Seattle, Washington.

Respondent Materiel, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, and doing business under the firm name and style of Ephrata Auto Parts, with its principal office and place of business located at 1050 Basin Street, SW., Ephrata, Washington.

Respondent Gardner Supply Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Idaho, with its principal office and place of business located at 501 Sherman Avenue, Coeur D'Alene, Idaho.

Respondent Gosney Motor Parts is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 220 "C" Street, NW., Auburn, Washington, P.O. Box 858.

Respondent Hill Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1539 Leary Way, NW., Seattle, Washington.

Respondent Jameson Machine Supply, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Idaho, with its principal office and place of business located at 12th and Idaho Streets, Lewiston, Idaho.

Respondent Kellogg Automotive Supply, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1340 Vandercook Way, Longview, Washington.

Respondent Lyle's Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 118—120 South Third Street, Yakima, Washington.

Respondent Marilley Auto Parts Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 919 East Pine Street, Seattle, Washington.

Respondent Middleton Motor Parts Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 123 South Peabody Street, Port Angeles, Washington.

Respondent Motor Car Supply Co. of Seattle, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1621—12th Avenue, Seattle, Washington.

Respondent Motor Parts & Equipment, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1745 Jefferson Avenue, Tacoma, Washington.

Respondent Motor Parts Machine Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of

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Washington, with its principal office and place of business located at 815 East Pike Street, Seattle, Washington.

Respondent Northwest Motor Parts & Mfg. Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 2930—6th Avenue South, Seattle, Washington.

Respondent Olympian Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 509 East Fourth Avenue, Olympia, Washington.

Respondent Pacific Wholesale, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 147 South Third Street, Raymond, Washington.

Respondent Piston Service, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 519 Sixth Avenue South, Seattle, Washington.

Respondent Piston Service of University, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 5339 Roosevelt Way, NE., Seattle, Washington.

Respondent Piston Service of Wenatchee, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 240 North Wenatchee Avenue, Wenatchee, Washington.

Respondent Piston Service of Westlake, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 315 Westlake North, Seattle, Washington.

Respondent Regalia Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1509 Broadway, Seattle, Washington.

Respondent Siler Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 606 Park Avenue, Bremerton, Washington.

Respondent Skaggs Automotive, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1110 West Second Street, Spokane, Washington.

Respondent Spoon Automotive Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 216 West Market Street, Aberdeen, Washington.

Respondent Sullivan Distributing Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1446 NW. 53rd Street, Seattle, Washington.

Respondent Ulins, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at Forks, Washington, P.O. Box 338.

Respondent Walla Walla Motor Supply, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 128 East Alder Street, Walla Walla, Washington.

Respondent West Seattle Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its office and principal place of business located at 4505—38th Avenue, S.W., Seattle, Washington.

Respondent G & M Auto Supply, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its office and principal place of business located at West 36 Second Avenue, Spokane, Washington.

Respondent Gale Pfueller and Gladys Gooding are copartners doing business under the firm name and style of Automotive Parts Service, with their principal office and place of business located at 1322 State Street, Bellingham, Washington.

Respondent Albert C. Shields is a sole proprietor doing business under the firm name and style of Bert Shields Auto Supply, with his principal office and place of business located at North 4407 Evergreen Road, Spokane, Washington.

Respondent R. R. Caldwell is a sole proprietor doing business under the firm name and style of Caldwell Brg. & Parts Co., with his principal office and place of business located at 303 West Market Street, Aberdeen, Washington.

Respondent Conrad A. Charles is a sole proprietor doing business under the firm name and style of Con's Auto Parts, with his principal office and place of business located at 10619 NE. 8th Street, Bellevue, Washington.

Respondent Hercules Specialty Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 17325 East Sprague Avenue, Greenacres, Washington.

Respondent Charles Douglas Miller is a sole proprietor doing business under the firm name and style of Miller-Pybus Auto Parts, with his principal office and place of business located at 3 Orondo Avenue, Wenatchee, Washington.

Respondents Richard Lagerquist and Milton Lagerquist are copartners doing business under the firm name and style of Motor Specialty Company, with their principal office and place of business located at 620 East Pine Street, Seattle, Washington.

Respondents Robert D. Williams and Fred W. Robb are copartners doing business under the firm name and style of Mountain Auto Parts, with their principal office and place of business located at 112 West Railroad Street, Cle Elum, Washington.

Respondents Frank H. Van Valkenburg and J. Robert Van Valkenburg are copartners doing business under the firm name and style of Piston Service

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Co., with their principal office and place of business located at 418 Second Street, Mount Vernon, Washington.

Respondents Roland L. Huggins and Raymond E. Huggins are copartners doing business under the firm name and style of Sedro Woolley Auto Parts, with their principal office and place of business located at 916 Murdock, Sedro Woolley, Washington.

Respondent C. A. Solberg Company is a corporation organized, existing and doing business under and by virtue of the laws of the state of Washington, with its principal office and place of business located at 1122 East Pike Street, Seattle, Washington.

Respondents Glen M. Shearer and Allan Pedee are copartners doing business under the firm name and style of Valley Auto Parts, with their principal office and place of business located at 210 North Sixth Street, Sunnyside, Washington.

Respondent Fred L. Pease is a partner in the firm of Pease Brothers and also trustee of the estate of Arthur W. Pease, deceased. Prior to the death of Arthur W. Pease, Fred L. Pease and Arthur W. Pease were copartners doing business under the firm name and style of Pease Brothers, with their principal office and place of business located at 708 Broadway, Tacoma, Washington. Fred L. Pease continues to operate Pease Brothers as a partnership, acting as a partner in his own behalf, and also acting as trustee of the estate of Arthur W. Pease, the other partner.

Respondent Ernest V. Pitzer is a sole proprietor doing business under the firm name and style of Yakima Grinding Co., with his principal office and place of business located at 120 South Second Street, Yakima, Washington.

Respondent John R. Selland is a sole proprietor doing business under the firm name and style of Selland Motor Parts, with his principal office and place of business located at 1626 Cole Street, Enumclaw, Washington.

Respondent Ellsworth O. Sawyer is a sole proprietor doing business under the firm name and style of Sawyers Valley Parts, with his principal office and place of business located at 704 East Main Avenue, Puyallup, Washington.

Respondent Mario A. Bianchi is a sole proprietor doing business under the firm name and style of Rainier Auto Parts, with his principal office and place of business located at 4728 Rainier Avenue, Seattle, Washington.

Respondent Frank Padavich is a sole proprietor doing business under the firm name and style of North Bend Auto Parts, with his principal office and place of business located at Box 389, North Bend, Washington.

Respondent Jack Sheridan is a sole proprietor doing business under the firm name and style of Motor Parts Co., with his principal office and place of business located at North 2708 Division Street, Spokane, Washington.

Respondent Donald E. Cornell is a sole proprietor doing business under the firm name and style of Cornell Automotive Parts Co., with his principal office and place of business located at 221 West First Street, Port Angeles, Washington.

Respondent Wayne T. McCann is a sole proprietor doing business under the firm name and style of Wayne's Auto Parts, with his principal office and place of business located at 207 Kirkland Avenue, Kirkland, Washington.

Respondent Woodrow C. Wilson is a sole proprietor doing business under

the firm name and style of Woody's Auto Parts, with his principal office and place of business located at 2715 N.E. Blakely, Seattle, Washington.

PAR. 3. The respondent jobbers set forth in Paragraph Two have purchased and now purchase in commerce from suppliers engaged in commerce numerous automotive products and supplies for use, consumption or resale within the United States. Respondent jobbers and said suppliers cause the products and supplies so purchased to be shipped and transported among and between the several States of the United States from the respective State or States of location of said suppliers to the respective different State or States of location of the said respondent jobbers.

PAR. 4. In the purchase and the resale of said automotive products and supplies, respondent jobbers are in active competition with independent jobbers not affiliated with respondent Evergreen; and the suppliers selling to respondent jobbers and to their independent jobber competitors are in active competition with other suppliers of similar automotive products and supplies.

PAR. 5. Respondent Evergreen, since its formation in 1953, has been, and is now maintained, managed, controlled, and operated by and for its members the respondent jobbers set forth in Paragraph Two, and each said respondent has participated in, approved, furthered, and cooperated with the other respondents in the carrying out of the procedures and activities hereinafter described.

In practice and effect, respondent Evergreen has been and is now serving as the medium or instrumentality by, through, or in conjunction with which, said members and/or respondent jobbers exert the influence of their combined bargaining power on the competitive suppliers hereinbefore described. As a part of their operating procedure, said respondent jobbers direct the attention of said suppliers to their aggregate purchasing power as a buying group and, by reason of such, have knowingly demanded and received, upon their individual purchases, discriminatory prices, discounts, allowances, rebates, and terms and conditions of sale. Suppliers not acceding to such demands are usually replaced as sources of supply for the commodities concerned and such market is closed to them in favor of such suppliers as can be, and are, induced to afford the discriminatory prices, discounts, allowances, rebates, and terms and conditions of sale so demanded.

Respondent jobbers demand that those suppliers who sell their products pursuant to a quantity discount schedule shall consider their several purchases in the aggregate as if made by one pur-

chaser and grant quantity discounts, allowances, or rebates on the resultant combined purchase volume in accordance with said suppliers' schedule. This procedure effects a discrimination in price on goods of like grade and quality between respondent jobbers and competing independent jobbers whose quantity discounts, allowances, or rebates from such suppliers are based upon only their individual purchase volumes. From other suppliers the respondent jobbers demand the payment or allowance of trade discounts, allowances, or rebates which such suppliers do not ordinarily pay or allow to jobber customers. This procedure effects a discrimination in price on goods of like grade and quality between respondent jobbers and competing independent jobbers who are not afforded such trade discounts, allowances, or rebates.

When and if a demand is acceded to by a particular supplier, the subsequent purchase transactions between said supplier and the individual jobber respondents have been and are billed to, and paid for through, the aforesaid organizational device of respondent Evergreen. Said corporate organization thus purports to be the purchaser when in truth and in fact it has been, and is now, serving only as agent for the several respondent jobbers and as a means for facilitating the inducement and receipt by the afore-described respondent jobbers of the price discriminations concerned.

PAR. 6. Respondents have induced or received from their suppliers, in the manner afore-described, favorable prices, discounts, allowances, rebates, terms and conditions of sale which they knew or should have known constituted discriminations in price prohibited by subsection (a) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act.

PAR. 7. The effect of knowing inducement or receipt by respondents of the discriminations in price, as above alleged, has been, and may be, substantially to lessen, injure, destroy or prevent competition between suppliers of automotive products and suppliers granting such discriminations and other suppliers of such products and supplies who do not grant or allow such discriminations, and also between respondent jobbers and competing independent jobbers not receiving or securing such discriminations.

PAR. 8. The foregoing alleged acts and practices of respondents in knowingly inducing or receiving discriminations in price prohibited by subsection (a) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, are in violation of subsection (f) of Section 2 of said Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of subsection (f) 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 having thereafter signed an "Agreement Containing Consent Order to Cease and Desist" which agreement contemplates that, if it is accepted by the Commission, the Commission may, without further notice to respondents, issue (1) its complaint consistent in form and substance with the copy attached to said agreement, and (2) its decision containing the order to cease and desist as attached to said complaint; and further, which agreement contains, *inter alia*, 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 Evergreen Warehouse Distributors, Inc., hereinafter sometimes referred to as respondent Evergreen, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1024 Sixth Avenue South, Seattle, Washington.

Respondent Evergreen, although utilizing corporate form, is a membership organization, organized, maintained, managed, controlled and operated by and for its members. The membership of respondent Evergreen is composed of corporations, partnerships and individuals whose business consists of the jobbing of automotive products and supplies.

The following respondent corporations and individuals constitute respondent Evergreen:

Respondent Airport Machinery Co., Inc., is a corporation organized, exist-

ing and doing business under and by virtue of the laws of the State of Alaska, with its principal office and place of business located at Anchorage, Alaska, P.O. Box 539.

Respondent Automotive Products, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, and doing business under the firm name and style of Allen Auto Electric, with its principal office and place of business located at 9810 14th Avenue, SW., Seattle, Washington.

Respondent Burien Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 15411 Ambaum Blvd., SW., Seattle, Washington.

Respondent Burns Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 303 North Main Street, Colfax, Washington.

Respondent Car Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 3132—133rd Street, NE., Seattle, Washington.

Respondent Materiel, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, and doing business under the firm name and style of Ephrata Auto Parts, with its principal office and place of business located at 1050 Basin Street, SW., Ephrata, Washington.

Respondent Gardner Supply Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Idaho, with its principal office and place of business located at 501 Sherman Avenue, Coeur D'Alene, Idaho.

Respondent Gosney Motor Parts is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 220 "C" Street, NW., Auburn, Washington, P.O. Box 858.

Respondent Hill Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1539 Leary Way, NW., Seattle, Washington.

Respondent Jameson Machine Supply, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Idaho, with its principal office and place of business located at 12th and Idaho Streets, Lewiston, Idaho.

Respondent Kellogg Automotive Supply, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1340 Vandercook Way, Longview, Washington.

Respondent Lyle's Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 118-120 South Third Street, Yakima, Washington.

Respondent Marilley Auto Parts Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 919 East Pine Street, Seattle, Washington.

Respondent Middleton Motor Parts Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 123 South Peabody Street, Port Angeles, Washington.

Respondent Motor Car Supply Co. of Seattle, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1621—12th Avenue, Seattle, Washington.

Respondent Motor Parts & Equipment, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1745 Jefferson Avenue, Tacoma, Washington.

Respondent Motor Parts Machine Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 815 East Pike Street, Seattle, Washington.

Respondent Northwest Motor Parts & Mfg. Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 2930—6th Avenue South, Seattle, Washington.

Respondent Olympian Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 509 East Fourth Avenue, Olympia, Washington.

Respondent Pacific Wholesale, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 147 South Third Street, Raymond, Washington.

Respondent Piston Service, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 519 Sixth Avenue South, Seattle, Washington.

Respondent Piston Service of University, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 5339 Roosevelt Way, NE., Seattle, Washington.

Respondent Piston Service of Wenatchee, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 240 North Wenatchee Avenue, Wenatchee, Washington.

Respondent Piston Service of Westlake, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 315 Westlake North, Seattle, Washington.

Respondent Regalia Auto Parts, Inc., is a corporation organized, existing

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and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1509 Broadway, Seattle, Washington.

Respondent Siler Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 606 Park Avenue, Bremerton, Washington.

Respondent Skaggs Automotive, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1110 West Second Street, Spokane, Washington.

Respondent Spoon Automotive Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 216 West Market Street, Aberdeen, Washington.

Respondent Sullivan Distributing Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1446 NW. 53rd Street, Seattle, Washington.

Respondent Ulins, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at Forks, Washington, P.O. Box 338.

Respondent Walla Walla Motor Supply, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 128 East Alder Street, Walla Walla, Washington.

Respondent West Seattle Auto Parts, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 4505—38th Avenue, SW., Seattle, Washington.

Respondent G & M Auto Supply, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at West 36 Second Avenue, Spokane, Washington.

Respondents Gale Pfueller and Gladys Gooding are copartners doing business under the firm name and style of Automotive Parts Service, with their principal office and place of business located at 1322 State Street, Bellingham, Washington.

Respondent Albert C. Shields is a sole proprietor doing business under the firm name and style of Bert Shields Auto Supply, with his principal office and place of business located at North 4407 Evergreen Road, Spokane, Washington.

Respondent R. R. Caldwell is a sole proprietor doing business under the firm name and style of Caldwell Brg. & Parts Co., with his principal office and place of business located at 303 West Market Street, Aberdeen, Washington.

Respondent Conrad A. Charles is a sole proprietor doing business under the firm name and style of Con's Auto Parts, with his principal office and place of business located at 10619 NE. 8th Street, Bellevue, Washington.

Respondent Hercules Specialty Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 17325 East Sprague Avenue, Greenacres, Washington.

Respondent Charles Douglas Miller is a sole proprietor doing business under the firm name and style of Miller-Pybus Auto Parts, with his principal office and place of business located at 3 Orondo Avenue, Wenatchee, Washington.

Respondents Richard Lagerquist and Milton Lagerquist are copartners doing business under the firm name and style of Motor Speciality Company, with their principal office and place of business located at 620 East Pine Street, Seattle, Washington.

Respondents Robert D. Williams and Fred W. Robb are copartners doing business under the firm name and style of Mountain Auto Parts, with their principal office and place of business located at 112 West Railroad Street, Cle Elum, Washington.

Respondents Frank H. Van Valkenburg and J. Robert Van Valkenburg are copartners doing business under the firm name and style of Piston Service Co., with their principal office and place of business located at 418 Second Street, Mount Vernon, Washington.

Respondents Roland L. Huggins and Raymond E. Huggins are copartners doing business under the firm name and style of Sedro Woolley Auto Parts, with their principal office and place of business located at 916 Murdock, Sedro Woolley, Washington.

Respondent C. A. Solberg Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington, with its principal office and place of business located at 1122 East Pike Street, Seattle, Washington.

Respondents Glen M. Shearer and Allan Pedee are copartners doing business under the firm name and style of Valley Auto Parts, with their principal office and place of business located at 201 North Sixth Street, Sunnyside, Washington.

Respondent Fred L. Pease is a partner in the firm of Pease Brothers and also trustee of the estate of Arthur W. Pease, deceased. Prior to the death of Arthur W. Pease, Fred L. Pease and Arthur W. Pease were copartners doing business under the firm name and style of Pease Brothers, with their principal office and place of business located at 708 Broadway, Tacoma, Washington. Fred L. Pease continues to operate Pease Brothers as a partnership, acting as a partner in his own behalf, and also acting as trustee of the estate of Arthur W. Pease, the other partner.

Respondent Ernest V. Pitzer is a sole proprietor doing business under the firm name and style of Yakima Grinding Co., with his principal office and place of business located at 120 South Second Street, Yakima, Washington.

Respondent John R. Selland is a sole proprietor doing business under the firm name and style of Selland Motor Parts, with his principal office and place of business located at 1626 Cole Street, Enumclaw, Washington.

Respondent Ellsworth O. Sawyer is a sole proprietor doing business under the firm name and style of Sawyers Valley Parts, with his principal office and place of business located at 704 East Main Avenue, Puyallup, Washington.

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Respondent Mario A. Bianchi is a sole proprietor doing business under the firm name and style of Rainier Auto Parts, with his principal office and place of business located at 4728 Rainier Avenue, Seattle, Washington.

Respondent Frank Padavich is a sole proprietor doing business under the firm name and style of North Bend Auto Parts, with his principal office and place of business located at Box 389, North Bend, Washington.

Respondent Jack Sheridan is a sole proprietor doing business under the firm name and style of Motor Parts Co., with his principal office and place of business located at North 2708 Division Street, Spokane, Washington.

Respondent Donald E. Cornell is a sole proprietor doing business under the firm name and style of Cornell Automotive Parts Co., with his principal office and place of business located at 221 West First Street, Port Angeles, Washington.

Respondent Wayne T. McCann is a sole proprietor doing business under the firm name and style of Wayne's Auto Parts, with his principal office and place of business located at 207 Kirkland Avenue, Kirkland, Washington.

Respondent Woodrow C. Wilson is a sole proprietor doing business under the firm name and style of Woody's Auto Parts, with his principal office and place of business located at 2715 NE. Blakely, Seattle, Washington.

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

ORDER

It is ordered, That, respondents Evergreen Warehouse Distributors, Inc., a corporation; Airport Machinery Co., Inc., a corporation; Automotive Products, Inc., a corporation, doing business under the firm name and style of Allen Auto Electric; Burien Auto Parts, Inc., a corporation; Burns Auto Parts, Inc., a corporation; Car Parts, Inc., a corporation; Materiel, Inc., a corporation, doing business under the firm name and style of Ephrata Auto Parts; Gardner Supply Co., a corporation; Gosney Motor Parts, a corporation; Hill Auto Parts, Inc., a corporation; Jameson Machine Supply, Inc., a corporation; Kellogg Automotive Supply, Inc., a corporation; Lyle's Auto Parts, Inc., a corporation; Marilley Auto Parts Co., a corporation; Middleton Motor Parts Co., a corporation; Motor Car Supply Co. of Seattle, Inc., a corporation; Motor Parts & Equipment, Inc., a corporation; Motor Parts Machine Co., Inc., a corporation; Northwest Motor Parts & Mfg. Co., a corporation; Olympian Auto Parts, Inc., a corporation; Pacific Wholesale, Inc., a corporation; Piston Service, Inc., a corporation; Piston Service of University, Inc., a corporation; Piston Service of Wenatchee, Inc., a corporation; Piston Service of Westlake, Inc., a corporation; Regalia Auto Parts, Inc., a corporation; Siler Auto Parts, Inc., a corporation; Skaggs Auto-

motive, Inc., a corporation; Spoon Automotive Parts, Inc., a corporation; Sullivan Distributing Co., a corporation; Ulins, Inc., a corporation; Walla Walla Motor Supply, Inc., a corporation; West Seattle Auto Parts, Inc., a corporation; G & M Auto Supply, Inc., a corporation; Gale Pfueller and Gladys Gooding, copartners doing business under the firm name and style of Automotive Parts Service; Albert C. Shields, doing business under the firm name and style of Bert Shields Auto Supply, a sole proprietorship; R. R. Caldwell, doing business under the firm name and style of Caldwell Brg. & Parts Co., a sole proprietorship; Conrad A. Charles, doing business under the firm name and style of Con's Auto Parts, a sole proprietorship; Hercules Specialty Co., a corporation; Charles Douglas Miller, doing business under the firm name and style of Miller-Pybus Auto Parts, a sole proprietorship; Richard Lagerquist and Milton Lagerquist, copartners doing business under the firm name and style of Motor Specialty Company; Robert D. Williams and Fred W. Robb, copartners doing business under the firm name and style of Mountain Auto Parts; Frank H. Van Valkenburg and J. Robert Van Valkenburg, copartners doing business under the firm name and style of Piston Service Co.; Roland L. Huggins and Raymond E. Huggins, copartners doing business under the firm name and style of Sedro Woolley Auto Parts; C. A. Solberg Company, a corporation; Glen M. Shearer and Allan Pedee, copartners doing business under the firm name and style of Valley Auto Parts; Fred L. Pease, individually and as controlling member of a partnership doing business under the firm name and style of Pease Brothers; Ernest V. Pitzer, doing business under the firm name and style of Yakima Grinding Co., a sole proprietorship; John R. Selland, doing business under the firm name and style of Selland Motor Parts, a sole proprietorship; Ellsworth O. Sawyer, doing business under the firm name and style of Sawyers Valley Parts, a sole proprietorship; Mario A. Bianchi, doing business under the firm name and style of Rainier Auto Parts, a sole proprietorship; Frank Padavich, doing business under the firm name and style of North Bend Auto Parts, a sole proprietorship; Jack Sheridan, doing business under the firm name and style of Motor Parts Co., a sole proprietorship; and Donald E. Cornell, doing business under the firm name and style of Cornell Automotive Parts Co., a sole proprietorship; Wayne T. McCann, doing business under the firm name and style of Wayne's Auto Parts, a sole proprietorship; Woodrow C. Wilson, doing business under the firm name and style of

Complaint

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Woody's Auto Parts, a sole proprietorship; and respondents' officers, agents, representatives, employees, and members directly or through any corporate or other device, in connection with the offering to purchase or purchase of any automotive products or supplies in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Knowingly inducing, or knowingly receiving or accepting, any discrimination in the price of such products and supplies by directly or indirectly inducing, receiving or accepting from any seller a net price known by respondents to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers, where the seller is competing with any other seller for respondents' business, or where respondents are competing with other customers of the seller.

For the purpose of determining "net price" under the terms of this order, there should be taken into account discounts, rebates, allowances, deductions, or other terms and conditions of sale by which net prices are effected.

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.
