
IN THE MATTER OF

NATIONAL DAIRY PRODUCTS CORPORATION

ORDER, OPINIONS, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF SECS. 2(a) and 2(d) OF THE CLAYTON ACT

Docket 7018. Complaint, Dec. 31, 1957—Decision, July 28, 1966

Order requiring a company engaged in processing and distributing dairy and food products with headquarters in New York City, to cease discriminating in prices and promotional allowances between competing retailers handling the product line of its Sealtest Foods Division, in violation of Secs. 2(a) and 2(d) of the Clayton Act.

It is ordered, That the initial decision be modified by striking the last sentence of the fourth full paragraph on page 61 and the fifth full paragraph on page 61.

It is further ordered, That the initial decision be modified by striking the order on page 61 and substituting therefor the following:

It is ordered, That respondent Montgomery Ward & Co., Incorporated, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication that any of respondent's merchandise is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the hearing examiner's initial decision, as modified by this order and the accompanying opinion be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondent shall within sixty (60) days after service upon it 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 the order to cease and desist set forth herein.

Commissioners Elman and Reilly dissented and have filed dissenting opinions.
