

IN THE MATTER OF
PACIFIC MOLASSES COMPANY ET AL.

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(a)
OF THE CLAYTON ACT

Docket 7462. Complaint, April 1, 1959—Decision, August 2, 1966

Order dismissing cease and desist order of May 21, 1964, 65 F.T.C. 675, pursuant to a decision and remand of the U.S. Court of Appeals, Fifth Circuit, dated Jan. 24, 1966, 356 F. 2d 386 (8 S.&D. 46), a complaint which charged an importer and distributor of molasses with price discrimination among its customers.

ORDER DISMISSING COMPLAINT

The Commission's order requiring respondent Pacific Molasses Company and certain of its officials to cease and desist discriminating in price against certain of its customers in violation of Section 2(a) of the amended Clayton Act, 15 U.S.C. 13, having been set aside by the United States Court of Appeals for the Fifth Circuit for procedural reasons and remanded to the Commission for further proceedings, if appropriate; and

The Commission having considered the relative staleness of the evidence in the record at this point and other relevant factors, and having determined that further proceedings, if any, should be directed to respondent's current pricing practices:

It is ordered, That the complaint in this matter be, and it hereby is, dismissed without prejudice.

Complaint

70 F.T.C.

IN THE MATTER OF

H. P. HOOD & SONS, INC.

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

Docket 7709. Complaint, December 30, 1959—Decision, August 2, 1966

Order removing case from suspense calendar where it was placed by order of Commission dated June 18, 1962, and dismissing complaint which charged a Boston, Mass., distributor of dairy products with price discriminations in violation of Sections 2(a) and 2(d) of the Clayton Act, in view of the lapse of time since the complaint was issued and relatively small amount of adjudication which has taken place.

COMPLAINT

The Federal Trade Commission, having reason to believe that the party named in the caption hereof, and hereinafter more particularly designated and described, has violated and is now violating the provisions of subsections (a) and (d) of Section 2 of the Clayton Act (U.S.C., Title 15, Section 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

COUNT I

PARAGRAPH 1. Respondent named herein is H. P. Hood & Sons, Inc. Respondent is a corporation organized and existing under the laws of the State of Massachusetts, with its principal office and place of business located at 500 Rutherford Avenue, Boston, Massachusetts.

PAR. 2. Respondent is extensively engaged in the business of purchasing, processing, manufacturing, and selling fluid milk and other dairy products through the six New England States of Maine, New Hampshire, Rhode Island, Connecticut, Vermont, and Massachusetts. Hood's annual net sales are in excess of \$125 million.

PAR. 3. Respondent sells fluid milk and other dairy products of like grade and quality to a large number of purchasers located throughout the States of Maine, New Hampshire, Rhode Island, Connecticut, Vermont, and Massachusetts for sale, consumption or resale therein.

Respondent owns, maintains and operates a large number of re-