

IN THE MATTER OF
BROWN SHOE COMPANY

MODIFIED ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT

Docket 7606. Complaint, Oct. 13, 1959—Decision, Aug. 3, 1966

Order modifying cease and desist order of February 20, 1963, 62 F.T.C. 679, pursuant to a decision of the United States Supreme Court, 384 U.S. 316 (8 S.&D. 171), which reversed a decision of the Court of Appeals, Eighth Circuit, 339 F. 2d 45 (7 S.&D. 1047), by deleting language dealing with resale price maintenance but directing enforcement of the exclusive dealing prohibition of the original order.

MODIFIED ORDER TO CEASE AND DESIST

Respondent, having filed in the United States Court of Appeals for the Eighth Circuit a petition to review and set aside the order to cease and desist issued herein on February 20, 1963 [62 F.T.C. 679]; and that court on December 8, 1964 [7 S.&D. 1047], having issued its opinion and entered its judgment setting aside this order and dismissing the complaint; and the United States Supreme Court on June 6, 1966 [8 S.&D. 171], having issued its opinion reversing in part the judgment of the court of appeals; and the court of appeals on July 22, 1966, in accordance with the opinion and judgment of the Supreme Court, having issued its final decree modifying the Commission's order and directing enforcement of the order, as modified;

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:

Complaint

70 F.T.C.

It is ordered, That respondent Brown Shoe Company, Inc., its officers, representatives, agents, employees, subsidiaries, successors, and assigns, directly or through any corporate or other device, in or in connection with the offering for sale, sale and distribution of shoes, in interstate commerce, do forthwith cease and desist from:

Entering into, continuing in operation or effect, or enforcing any agreement or understanding with any customer or prospective customer or imposing any condition upon any customer or prospective customer, which has the purpose or effect of precluding such customer or prospective customer from independently determining whether shoes will be purchased by such customer or prospective customer from any competitor of respondent or from independently determining the volume of such shoes to be purchased.

It is further ordered, That respondent, Brown Shoe Company, Inc., a corporation, 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 it has complied with this modified order.
