

Order

70 F.T.C.

IN THE MATTER OF

DAYCO CORPORATION

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

Docket 7604. Complaint, Oct. 1, 1959—Decision, Oct. 27, 1966

Order modifying a cease and desist order of August 5, 1964, 66 F.T.C. 423, against a Dayton, Ohio, automotive parts manufacturer by vacating the price discrimination provision, pursuant to a remand order of the Court of Appeals, Sixth Circuit, 362 F. 2d 180 (8 S.&D. 327), and enforcing the prohibition against resale price fixing.

ORDER MODIFYING ORDER TO CEASE AND DESIST

Respondent having filed in the United States Court of Appeals for the Sixth Circuit a petition to review and set aside the order to cease and desist issued herein on August 5, 1964 [66 F.T.C. 423]; and that court on June 17, 1966 [8 S.&D. 327], having issued its opinion and on July 5, 1966, having issued its order affirming and enforcing the portion of the order to cease and desist issued pursuant to Section 5 of the Federal Trade Commission Act; and vacating the portion of the order to cease and desist issued pursuant to Section 2(a) of the Clayton Act; and the court having remanded this matter to the Commission for further proceedings consistent with the court's opinion; and the Commission, having concluded after due consideration that no further proceedings are warranted:

It is ordered, That the order to cease and desist in this matter be, and it hereby is, modified to read as follows:

It is ordered, That respondent, Dayco Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device in, or in connection with, the sale or distribution of automotive parts and related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Putting into effect, continuing or maintaining any merchandising or distribution plan or policy under which agreements or understandings are entered into with resellers of such products which have the purpose

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or effect of fixing, establishing, or maintaining the prices at which such products may be resold.

It is further ordered, That Count I of the complaint be, and it hereby is, dismissed.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this modified order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.
