

FEDERAL TRADE COMMISSION DECISIONS

FINDINGS, OPINIONS, AND ORDERS, JULY 1, 1968,
TO DECEMBER 31, 1968

IN THE MATTER OF

DEAN MILK COMPANY ET AL.

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

Docket 8032. Complaint, June 30, 1960—Decision, July 2, 1968

Order modifying, pursuant to a decree dated June 18, 1968, of the Court of Appeals, Seventh Circuit, a cease and desist order dated October 22, 1965, 68 F.T.C. 710, which charged an Illinois milk company and its subsidiary with price discrimination, by narrowing the effective territory of the order from "any city or market area" to Louisville and its suburbs in Jefferson County, Kentucky, and the cities of New Albany, Jeffersonville, Clarksville, and Terre Haute, Indiana.

MODIFIED ORDER

Dean Milk Company and Dean Milk Co., Inc., having filed in the United States Court of Appeals for the Seventh Circuit on December 15, 1965, a petition to review and set aside a final order issued against them on October 22, 1965, by the Commission; and the Court on April 1, 1968, having issued its judgment denying enforcement of the Commission's order with respect to the primary-level violations and remanding the proceeding to the Commission solely for the purpose of modifying its order with respect to the secondary-level violations in conformity with the views set forth in an opinion of the Court rendered on the same date [395 F. 2d 696(1968)]; and the Commission having submitted to the Court a proposed modification of its order, which conforms to said opinion; and the Court on June 18, 1968, having entered a final decree which embodies the proposed modification;

Now, therefore, it is hereby ordered, That the order of October 22, 1965, be, and it hereby is, modified in accordance with the final decree of the Court to read as follows:

Order

74 F.T.C.

It is ordered, That the respondents, Dean Milk Company and Dean Milk Co., Inc., corporations, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale or distribution in commerce of fluid milk and milk products in the Falls Cities market (comprising the city of Louisville and its suburbs in Jefferson County, Kentucky, and the cities of New Albany, Jeffersonville and Clarksville in Indiana) and in the city of Terre Haute, Indiana, do forthwith cease and desist from discriminating, directly or indirectly, in the price of fluid milk and milk products of like grade and quality by selling any of these products to any purchaser at a price which is lower than the price for products of like grade and quality charged any other purchaser who competes in the resale of such products with the purchaser paying the lower price.

It is further ordered, That the respondents, Dean Milk Company and Dean Milk Co., Inc., 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 the order to cease and desist.
