

It is further ordered, That the respondents herein 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 this order.

IN THE MATTER OF
AMERICAN BRAKE SHOE COMPANY*

MODIFIED ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 7
OF THE CLAYTON ACT

Docket 8622. Complaint, May 12, 1964—Decision, Nov. 27, 1970

Order modifying a divestiture order dated April 10, 1968, 73 F.T.C. 610, pursuant to a decision of the Court of Appeals, Sixth Circuit, 420 2d 928 (8 S.&D. 1077), which required the omission of "or sale" of sintered metal friction material from the original order.

FINAL ORDER

The Commission issued its divestiture order in this matter on April 10, 1968 [73 F.T.C. 610]; the Court of Appeals for the Sixth Circuit modified and, as so modified, affirmed the divestiture order on January 8, 1970 [8 S.&D. 1077]; and the Supreme Court denied petition for writ of certiorari on October 19, 1970;

It is therefore ordered, That the divestiture order issued by the Commission be, and it hereby is, modified to read in full as follows:

It is ordered, That respondent, American Brake Shoe Company (now known as "Abex Corporation"), shall, within six months from the date of service upon it of this order, divest itself absolutely and in good faith to a purchaser or purchasers approved by the Federal Trade Commission, of all stock and of all right, title and interest in all assets, properties, rights and privileges, acquired by respondent as a result of its acquisition of the stock and assets of The S. K. Wellman Company, so as to restore that which formerly made up the Wellman Company as a viable competitive entity in the friction materials and sintered metal friction materials industries in the United States.

It is further ordered, That respondent shall not sell or transfer the aforesaid stock or assets, directly or indirectly, to anyone who at the time of divestiture is a stockholder, officer, director, employee, or agent of or otherwise directly or indirectly connected with or under the control or influence of respondent.

*Now known as Abex Corporation.

Order

77 F.T.C.

It is further ordered, That pending divestiture, respondent shall not make any changes nor permit any deterioration in any of the plants, machinery, buildings, equipment or other property or assets of the former Wellman Company which may impair present rated capacity or their market value, unless such capacity or value is restored prior to divestiture.

It is further ordered, That for a period of ten (10) years from the date of issuance of this order, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, or assets of any corporation engaged in commerce and in the production of sintered metal friction material.

It is further ordered, That the hearing examiner's initial decision, as modified and supplemented by the findings and conclusions embodied in the accompanying opinion, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That 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 it has complied with the provisions in the order set forth herein.

Chairman Kirkpatrick and Commissioner Dennison did not participate for the reason oral argument was heard and the opinion and original order were issued prior to their appointment to the Commission.

IN THE MATTER OF

HIRAOKA NEW YORK, INC.

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

Docket C-1822. Complaint, Nov. 27, 1970—Decision, Nov. 27, 1970

Consent order requiring a New York City importer and distributor of foreign transistorized radios to cease misrepresenting the number of transistors and "Solid State" devices in its radios.

COMPLAINT