

Order

IN THE MATTER OF

ISRAEL RETTINGER, ET AL. DOING BUSINESS AS
RETTINGER RAINCOAT MFG. CO., INC.

ORDER OF DISMISSAL IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL
TRADE COMMISSION ACT

Docket 6534. Complaint, March 22, 1956—Decision Oct. 19, 1971

Order and decision reopening the proceeding as to two respondents, rescinding an order to cease and desist (53 F.T.C. 132) as modified (75 F.T.C. 944), and dismissing the complaint.

ORDER AND DECISION REOPENING PROCEEDING, RESCINDING ORDER
AND DISMISSING COMPLAINT

The Commission having issued an order to cease and desist, as modified by its order of May 27, 1969 [75 F.T.C. 944], against the respondents David Rettinger and Rettinger Raincoat Mfg. Co., Inc., a corporation; and

The Commission having issued its order to show cause why this proceeding should not be reopened for the purpose of rescinding its said order to cease and desist and dismissing its complaint; and

The respondents not having responded to said Order To Show Cause within 30 days after service of said order on each of them; and

The Commission, for the reasons set forth in its Order to Show Cause, being of the opinion that the public interest will best be served by reopening the proceedings herein, rescinding its order to cease and desist, and dismissing its complaint, hereby issues its order as follows:

It is ordered, That this matter be, and it hereby is, reopened as to respondents named herein.

It is further ordered, That the Commission's Order to Cease and Desist as modified by the Commission's order of May 27, 1969, be, and it hereby is, rescinded as to the respondents Rettinger Raincoat Mfg. Co., Inc., a New York corporation, and David Rettinger, individually and as a former copartner in Rettinger Raincoat Mfg. Co., a partnership now dissolved, and as a former officer and active stockholder of Rettinger Raincoat Mfg. Co., Inc., a New York corporation, which corporation, is the successor and assign of said partnership, and that the complaint as to such respondents be, and it hereby is, dismissed without prejudice to the right of the Commission to take such further action as circumstances may warrant.

Complaint

79 F.T.C.

IN THE MATTER OF

THE KROGER COMPANY, ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 7 OF
THE CLAYTON ACT AND THE FEDERAL TRADE COMMISSION ACT

Docket C-2067. Complaint, Oct. 26, 1971—Decision, Oct. 26, 1971

Consent order requiring the Nation's third largest chain supermarket headquartered in Cincinnati, Ohio, to divest three of its food departments in stores located in Dayton, Ohio, and for a period of ten years not to acquire without prior Commission approval five or more stores with annual sales of more than \$5 million or more than 5 percent of the food store sales in any city or county in the United States; these prohibitions apply in sixteen states and certain portions of four others.

COMPLAINT

The Federal Trade Commission has reason to believe that the Kroger Company has made certain acquisitions from Federated Department Stores, Inc., as hereinafter described, in violation of Section 7 of the Clayton Act, as amended (15 U.S.C., Section 18), and in violation of Section 5 of the Federal Trade Commission Act, as amended, (15 U.S.C., Section 45). Accordingly the Commission hereby issues its complaint, stating its charges with respect thereto as follows:

DEFINITIONS

1. For the purposes of this complaint the following definitions shall apply:

(a) "Supermarket"—a food department in a nonfood store or a food store with annual sales of one million dollars or more.

(b) "Food Department in a Nonfood Store"—a department selling grocery and other food products (for preparation and consumption away from the premises), located in an establishment primarily engaged in selling other than food products.

(c) "Dayton Marketing Area"—the metropolitan Dayton area encompassing Greene, Miami, Montgomery, and Preble Counties in the State of Ohio.

(d) "Food Stores"—retail establishments primarily engaged in selling food for home preparation and consumption.

RESPONDENTS

2. Respondent, the Kroger Company ("Kroger"), is a corporation organized and existing under the laws of the State of Ohio, with its