

Order

82 F.T.C.

the manner and form in which they have complied with this order.

IN THE MATTER OF
THE BENDIX CORPORATION, ET AL.

Docket 8739. Interlocutory Order, March 12, 1973.

Subpoena issued by the administrative law judge directed to the Secretary of the Commission placed on the Commission's own docket for review with the determination that filing of briefs is not appropriate, the review to be limited to whether subpoenaed memorandum constitutes part of the decision-making process of the Commission and whether disclosure of the document will inhibit free expression of opinion within the Commission.

ORDER PLACING SUBPOENA ISSUED BY ADMINISTRATIVE
LAW JUDGE TO COMMISSION SECRETARY ON THE
COMMISSION'S DOCKET FOR REVIEW

On its own motion, the Commission, pursuant to Section 3.23(a) of the Commission's Rules of Practice, has determined to place on its docket for review the subpoena issued by the administrative law judge in the above matter on February 15, 1973, directing Charles A. Tobin, Commission's Secretary, to produce a "staff memorandum * * * asking for permission to conduct or recommending the 'investigation into the Acts and Practices of Companies Manufacturing Automotive Parts, Accessories and Equipment.'" The Commission has further determined that the filing of briefs is not appropriate; therefore

It is ordered, That the subpoena issued by the administrative law judge on February 15, 1973, be, and it hereby is, placed on the Commission's docket for review; and

The scope of the review is limited to whether the subpoenaed memorandum constitutes part of the decision making process of the Commission and whether disclosure of the document will inhibit the free expression of opinion within the Commission.

Complaint

IN THE MATTER OF
MISSOURI PORTLAND CEMENT COMPANY
CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
CLAYTON ACT, SEC. 7

Docket 8783. Complaint, June 10, 1969—Decision, March 12, 1973.

Consent order requiring a St. Louis, Missouri, producer of portland cement, among other things to divest itself of the stocks and assets of Botsford Ready Mix Company. The order further prohibits respondent from making any acquisitions not falling within certain Federal Trade Commission guidelines in the ready mix concrete or concrete products industry for a period of ten years without prior Federal Trade Commission approval.

COMPLAINT

The Federal Trade Commission, having reason to believe that the above-named respondent has violated the provisions of Section 7 of the Clayton Act, as amended, 15 U.S.C. Sec. 18, and that a proceeding in respect thereof would be in the public interest, issues this complaint, stating its charges as follows:

I. DEFINITIONS

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

a. "Portland cement" includes Types I through V of portland cement as specified by the American Society for Testing Materials. Neither masonry nor white cement is included.

b. "Ready mixed concrete" includes all portland cement concrete which is manufactured and delivered to a purchaser in a plastic and unhardened state. Ready mixed concrete includes central-mixed concrete, shrink-mixed concrete and transit-mixed concrete.

c. "Kansas City area" consists of the counties of Cass, Clay, Jackson and Platte, Missouri and the counties of Johnson and Wyandotte, Kansas.

II. MISSOURI PORTLAND CEMENT COMPANY

2. Missouri Portland Cement Company (hereinafter Missouri Portland), is a corporation organized and existing under the laws of the State of Missouri with its principal office located at 7751 Carondelet Avenue, St. Louis, Missouri.