

IN THE MATTER OF
HOLLOW METAL DOOR AND BUCK ASSOCIATION, INC., ET
AL.

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

Docket C-2401. Complaint, May 15, 1973—Decision, May 15, 1973.

Consent order requiring a New York City based trade association of manufacturers of steel doors and frames, twenty member companies and thirteen individuals holding managerial positions either in the association or member companies, among other things to cease restraining competition in the steel door and construction industries.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, (15 U.S.C. Sec. 41, *et seq.*) and by virtue of the authority vested in it by said Act, the Federal Trade Commission having reason to believe that the parties captioned above, and hereinafter more particularly named, designated, described and referred to as respondents, have violated the provisions of the said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Hollow Metal Door and Buck Association, Inc., hereinafter referred to as H.M.D.B.A., is a non-profit trade association organized and existing as a corporation under the laws of the State of New York, with its principal office and place of business at 405 Lexington Avenue, New York, New York.

Among the stated purposes for which respondent H.M.D.B.A. was organized are those dealing with common management problems and common business interests of the steel door industry including economy and efficiency; employment relations policies; trade practices, customs and usages; study of credits, insurance, obsolescence and depreciation; relations with other industries and organizations and industry progress and public information.

Respondent H.M.D.B.A. is under the general control and management of an executive board, composed of officers of H.M.D.B.A. elected at its annual meetings. Said executive board during much of the time period relevant herein included:

Alfred Finkel, president, and also secretary and director of respondent Williamsburg Fireproof Products Corporation;

Bertram Teich, vice president, and also president and director of respondent Acme Steel Door Corporation;

Samuel Sklar, treasurer and also president and director of respondent F.H.A. Steel Products Corp.; and

Eliot Kalan, secretary and also officer of respondent, County Firedoor Corporation.

Respondent H.M.D.B.A. retains a general counsel and executive secretary, subject to approval of its members. Such position is held by Algernon Miller. The duties of such position involve labor relations matters, governmental agency matters,

collection of money owed to H.M.D.B.A. or any of its members and assistance to the secretary of H.M.D.B.A.

All of the foregoing, having participated in the various acts and practices alleged to be unlawful in this complaint, are named as respondents herein, individually, as officers of H.M.D.B.A., and as officers of the various respondent corporations with which each is affiliated.

PAR. 2. Respondent H.M.D.B.A. has twenty-two members, among which the following members are named hereinafter as corporate respondents.

Respondent Acme & Dorf Metal Door Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 1135 Bronx River Avenue, Bronx, New York.

Respondent Acme Steel Door Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 513 Porter Avenue, Brooklyn, New York.

Respondent American Steel Products Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 2110 Broad Hollow Road, Farmingdale, New York.

Respondent Aram Metal Products, Ltd. is a corporation organized and existing under the laws of the State of New Jersey, with its principal office and place of business at 3 West 18th Street, Weehawken, New Jersey.

Respondent Arch Opening Steel Buck Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 68 Lombardy Street, Brooklyn, New York.

Respondent Atlantic Metal Products, Inc. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 200 Ludlow Street, Yonkers, New York.

Respondent Bilt-Rite Steel Buck Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 95 Hopper Street, Westbury, New York.

Respondent City Steel Door Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 820 Whittier Street, Bronx, New York.

Respondent County Firedoor Corporation is a corporation

organized and existing under the laws of the State of New York, with its principal office and place of business at 1190 Longwood Avenue, Bronx, New York.

Respondent Elevator Doors, Inc. is a corporation organized and existing under the laws of the State of New Jersey, with its principal office and place of business at 59 Warren Street, Paterson, New Jersey.

Respondent F.H.A. Steel Products Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 116 Troutman Street, Brooklyn, New York.

Respondent Firedoor Corporation of America is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 444 Tiffany Street, Bronx, New York.

Respondent General Fire-Proof Door Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 900 Whittier Street, Bronx, New York.

Respondent J.G.L. Custom Metal Doors Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 95 Hopper Street, Westbury, New York.

Respondent SOS Consolidated, Inc., is a corporation organized and existing under the laws of the State of Nevada, with its principal place of business at 1141 North Woodward Avenue, Birmingham, Michigan and a division engaged in the steel door industry, such division having the name of Pioneer Industries and having a place of business at Carlstadt, New Jersey.

Respondent Reliable Fireproof Products Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 65 Mall Drive, Commack, New York.

Respondent Superior Fireproof Door and Sash Company, Inc., is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 1075 Central Park, Scarsdale, New York.

Respondent Superior Steel Door and Trim Co. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 15-03 126th Street, College Point, New York.

Respondent Triumph Metal Products, Inc., is a corporation organized and existing under the laws of the State of New York,

with its principal office and place of business at 1144 Park Avenue, Bronx, New York.

Respondent Williamsburg Fireproof Products Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 73 Paidge Avenue, Brooklyn, New York.

PAR. 3. The individual parties respondent, named hereinafter, personally participated in meetings of H.M.D.B.A. during which plans to carry out the acts and practices hereinafter described were formulated. They are:

Respondent Moe Brookmeyer, an individual, president and director of respondent Reliable Fireproof Products Corp.;

Respondent Arthur Graine, an individual, president of Pioneer Industries division of respondent SOS Consolidated, Inc.;

Respondent A. David Ross, an individual, vice president and secretary of respondent American Steel Products Corporation;

Respondent Sal Scuderi, an individual, president of respondent Triumph Metal Products Inc.;

Respondent Bernard Schechter, an individual, president of respondent Firedoor Corporation of America;

Respondent Seymour Schnittman, an individual, president of respondent Arch Opening Steel Buck Corp.;

Respondent Sam Shear, an individual, president of respondent City Steel Door Corp.; and

Respondent Aaron Szabo, an individual, secretary, treasurer and director of respondent General Fire-Proof Door Corporation.

PAR. 4. Respondent firms are engaged in the manufacture and sale of products in the steel door industry, including metal doors and frames, metal partitions, elevator doors and frames, elevator cabs and related products, hereinafter collectively referred to in this complaint as metal doors and frames. A major part of respondents' products are sold by means of a bidding process to various building contractors, for installation in public or commercial buildings under construction.

PAR. 5. Although several of respondent firms distribute on a national or regional basis, all of such firms make a significant, if not major, portion of their sales within metropolitan New York,

consisting of, when hereinafter referred to in this complaint, approximately, the area enclosed by a radius of 75 miles from the center of New York City. Within this market respondent firms account for substantially all of the sales of metal doors and frames made to building contractors.

PAR. 6. Each of respondent firms manufactures metal doors and frames at its own plant, located either in the State of New York or New Jersey, and each causes said products to be shipped to customers at various locations outside of the state wherein its plant is located. By virtue of the individual activities of each respondent firm and by virtue of its membership in H.M.D.B.A. and participation in the acts and practices alleged in this complaint, there has been, and is now, a pattern and course of interstate commerce in metal doors and frames by each of the respondents within the intent and meaning of the Federal Trade Commission Act.

PAR. 7. Except to the extent that competition has been hindered, frustrated, lessened and eliminated by acts and practices alleged in this complaint, respondents have been and continue to be in substantial competition with each other and with other firms in the manufacture and sale of metal doors and frames.

PAR. 8. In the course and conduct of their business in the manufacture and sale of metal doors and frames as above described, and beginning at least as early as May 1968, and continuing to the present, the respondents named in Paragraphs One through Three herein, acting collectively between and among themselves and/or through or by means of respondent H.M.D.B.A., have agreed, conspired or reached a common understanding to adopt and charge uniform terms and conditions of sale to customers in connection with sale of metal doors and frames.

Pursuant to said conspiracy, agreement or common understanding to adopt and utilize uniform terms and conditions of sale respondents engaged in, among other things, the following acts or practices:

- a. Adopted resolutions requiring members of respondent H.M.D.B.A. to adhere to specified terms of sale concerning availability of credit, time of payment, disallowance of a retainer, applicability of prime contract conditions, insurance provisions and, after adoption of such resolutions, regularly urged adherence, and surveyed adherence thereto by members of H.M.D.B.A.;

- b. Discussed, evolved and adopted a standard bid proposal

form, containing a large number of standard selling terms and, after adoption, regularly urged members of H.M.D.B.A. to use said standard bid proposal form and to reject alternative terms proposed by customers; and

c. Adopted and agreed to employ various other terms or conditions of sale and after adoption, regularly urged members of H.M.D.B.A. to observe such other terms and conditions of sale and to reject differing terms of sale offered by customers.

PAR. 9. In the course and conduct of their business in the manufacture and sale of metal doors and frames and beginning at least as early as April 1969, and continuing to the present, the respondents named in Paragraphs One through Three herein, acting collectively between and among themselves and/or through or by means of respondent H.M.D.B.A., have agreed, conspired or reached a common understanding to formulate, adopt, place into effect and utilize unfair credit reporting methods and uniform terms and conditions of credit in connection with sale of metal doors and frames.

Pursuant to said conspiracy, agreement or common understanding to adopt and utilize unfair credit reporting and uniform terms and conditions of credit, respondents engaged in, among other things, the following acts or practices:

a. Instituted a credit information exchange and collection agency program through respondent H.M.D.B.A. for its members;

b. Established uniform terms and conditions in connection with the extension of credit to customers of members of H.M.D.B.A. and urged uniform treatment of the credit status of such customers by its members;

c. Required members of H.M.D.B.A. to submit information on the credit worthiness of their customers and to notify H.M.D.B.A. periodically of any customer who was delinquent or giving trouble in the payments of its debts;

d. Arbitrarily exchanged inaccurate information between and among themselves concerning the credit status of customers of H.M.D.B.A. members; and

e. Reached a common understanding to refuse to deal with or withhold shipments from, customers who were considered by any member of H.M.D.B.A. to be delinquent or in arrears in payments or considered by any such member to be a problem in connection with payment of accounts.

PAR. 10. In the course and conduct of their business in the manufacture and sale of metal doors and frames and beginning at least as early as May 1968, and continuing to the present, the

respondents named in Paragraphs One through Three herein, acting collectively between and among themselves and/or through or by means of respondent H.M.D.B.A., have agreed, conspired or reached a common understanding to adopt and utilize methods or devices to reserve or allocate specific potential customers for metal doors and frames amongst themselves.

Pursuant to said conspiracy, agreement or common understanding to reserve or allocate potential customers respondents, among other things, from time to time notified respondent H.M.D.B.A. that they were strongly interested in consummating a sale of metal doors and frames to a designated customer and requested respondent H.M.D.B.A. to notify all other members of respondent H.M.D.B.A. to abstain from making competing offers to sell to such customer. Respondent H.M.D.B.A. thereupon directed such request to all members.

PAR. 11. In the course and conduct of their business in the manufacture and sale of metal doors and frames and beginning at least as early as February 1969, and continuing to the present, the respondents named in Paragraphs One through Three herein, acting collectively between and among themselves and/or through or by means of respondent H.M.D.B.A., have agreed, conspired or reached a common understanding to employ harassment, intimidation and coercion, directed at certain members of H.M.D.B.A. and customers and suppliers of members, to effectuate association policies in connection with the sale by respondents of metal doors and frames.

Pursuant to said conspiracy, agreement or common understanding to harass, intimidate and coerce, respondents engaged in, among other things, the following acts or practices:

a. Harassed, intimidated or coerced certain members of H.M.D.B.A. not conforming to association policies through threat of use of H.M.D.B.A.'s power over membership, including the power to expel members or reject resignations, or fine members and through its power to deprive members of union contract coverage; and

b. Harassed, intimidated or coerced customers, including credit delinquents, proponents of alternative terms and conditions of sale and those engaged in a dispute with a member, by bringing collection claims against them on behalf of individual members while at the same time purporting to act as industry spokesman and by indicating to customers that future availability of industry products would depend upon favorable settlement of individual collection claims or disagreements with H.M.D.B.A. members.

PAR. 12. In the course and conduct of their business in the manufacture and sale of metal doors and frames and beginning at least as early as May 1969, and continuing to the present, the respondents named in Paragraphs One through Three herein, acting collectively between and among themselves and/or through or by means of respondent H.M.D.B.A., have agreed, conspired or reached a common understanding to formulate, adopt, place into effect and utilize a plan to fix or stabilize maximum wages or terms of employment by foreclosing to employees of members the opportunity to seek a change of employment.

Pursuant to said conspiracy, agreement or common understanding to fix or stabilize maximum wages or terms of employment, respondents engaged in, among other things, the following acts or practices:

a. Instituted an employee information exchange through respondent H.M.D.B.A. for members, under which members notified H.M.D.B.A. of any employee who failed to report to work at the members' place of business, whereupon respondent H.M.D.B.A. circularized all other members to be on the lookout for the named employee and not to hire him without permission of his former employer; and

b. Regularly urged members not to hire, without such permission, any employee whose name appeared on such circulars, and adopted a resolution providing for expulsion from H.M.D.B.A. of any member who did so.

PAR. 13. In the course and conduct of their business in the manufacture and sale of metal doors and frames as above described, and beginning at least as early as June 1968, and continuing to the present, the respondents named in Paragraphs One through Three herein, acting collectively between and among themselves and/or through or by means of respondent H.M.D.B.A. have agreed, conspired or reached a common understanding to utilize labor union dealings to control or hinder competitive opportunity for the purpose of advancing commercial objectives of respondents.

Pursuant to said conspiracy, agreement or common understanding, respondents engaged in, among other things, the following acts or practices:

a. Asserted, in conjunction with a labor organization, control over the ability of firms to remain in the business of selling metal doors and frames in metropolitan New York, by tying up exclusively for the benefit of members of H.M.D.B.A., access to union workers and union labels required in the business; and

b. Hindered the ability of non-members of H.M.D.B.A. to enter the business of selling metal doors and frames in metropolitan New York, by requesting or demanding that a labor organization organize the workers of such potential entrants or initial entrants.

PAR. 14. The effect of respondents' acts, practices, methods of competition and course of conduct hereinabove alleged in Paragraphs Eight through Thirteen has been and may be substantially to restrain, lessen, injure, destroy and prevent competition in the sale of metal doors and frames and in the construction industry wherein such products are utilized. Said acts, practices, methods of competition and course of conduct engaged in by respondents have been and are to the prejudice of the public, and constitute unfair methods of competition and unfair acts or practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Competition proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in Section 2.34(b) of its rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Hollow Metal Door and Buck Corporation, Inc., hereinafter referred to as H.M.D.B.A., is a non-profit trade association organized and existing as a corporation under the laws of the State of New York, with its principal office and place of business at 405 Lexington Avenue, New York, New York;

Respondent Acme & Dorf Metal Door Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 1135 Bronx River Avenue, Bronx, New York and is a member of respondent H.M.D.B.A.;

Respondent Acme Steel Door Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 513 Porter Avenue, Brooklyn, New York and is a member of respondent H.M.D.B.A.;

Respondent American Steel Products Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 2110 Broad Hollow Road, Farmingdale, New York and is a member of respondent H.M.D.B.A.;

Respondent Aram Metal Products, Ltd. is a corporation organized and existing under the laws of the State of New Jersey, with its principal office and place of business at 3 West 18th Street, Weehawken, New Jersey and is a member of respondent H.M.D.B.A.;

Respondent Arch Opening Steel Buck Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 68 Lombardy Street, Brooklyn, New York and is a member of respondent H.M.D.B.A.;

Respondent Atlantic Metal Products, Inc., is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 200 Ludlow Street, Yonkers, New York and is a member of respondent H.M.D.B.A.;

Respondent Bilt-Rite Steel Buck Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 95 Hopper Street, Westbury, New York and is a member of respondent H.M.D.B.A.;

Respondent City Steel Door Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 820 Whittier Street, Bronx, New York and is a member of respondent H.M.D.B.A.;

Respondent County Firedoor Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 1190 Longwood Avenue, Bronx, New York and is a member of respondent H.M.D.B.A.;

Respondent Elevator Doors, Inc., is a corporation organized and existing under the laws of the State of New Jersey, with its principal office and place of business at 59 Warren Street, Paterson, New Jersey and is a member of respondent H.M.D.B.A.;

Respondent F.H.A. Steel Products Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 116 Troutman Street, Brooklyn, New York and is a member of respondent H.M.D.B.A.;

Respondent Firedoor Corporation of America is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 444 Tiffany Street, Bronx, New York and is a member of respondent H.M.D.B.A.;

Respondent General Fire-Proof Door Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 900 Whittier Street, Bronx, New York and is a member of respondent H.M.D.B.A.;

Respondent J.G.L. Custom Metal Doors Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 95 Hopper Street, Westbury, New York and is a member of respondent H.M.D.B.A.;

Respondent SOS Consolidated, Inc., is a corporation organized and existing under the laws of the State of Nevada, with its principal place of business at 1141 North Woodward Avenue, Birmingham, Michigan and a division engaged in the steel door industry, such division having the name of Pioneer Industries and having a place of business at Carlstadt, New Jersey and is a member of respondent H.M.D.B.A.;

Respondent Reliable Fireproof Products Corp. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 65 Mall Drive, Commack, New York and is a member of respondent H.M.D.B.A.;

Respondent Superior Fireproof Door and Sash Company, Inc., is a corporation organized and existing under the laws of the

State of New York, with its principal office and place of business at 1075 Central Park, Scarsdale, New York and is a member of respondent H.M.D.B.A.;

Respondent Superior Steel Door and Trim Co. is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 15-03 126th Street, College Point, New York and is a member of respondent H.M.D.B.A.;

Respondent Triumph Metal Products, Inc., is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 1144 Park Avenue, Bronx, New York and is a member of respondent H.M.D.B.A.;

Respondent Williamsburg Fireproof Products Corporation is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business at 73 Paidge Avenue, Brooklyn, New York and is a member of respondent H.M.D.B.A.;

Respondent H.M.D.B.A. is under the general control and management of an executive board, composed of officers of H.M.D.B.A. elected at its annual meetings. Said executive board during much of the time period relevant herein included:

Alfred Finkel, president, and also secretary and director of respondent Williamsburg Fireproof Products Corporation;

Bertram Teich, vice president, and also president and director of respondent Acme Steel Door Corporation;

Samuel Sklar, treasurer and also president and director of respondent F.H.A. Steel Products Corp.; and

Eliot Kalan, secretary and also officer of respondent, County Firedoor Corporation;

Respondent H.M.D.B.A. retains a general counsel and executive secretary, subject to approval of its members. Such position is held by Algernon Miller;

Respondent Alfred Finkel, an individual, is an officer of corporate respondents H.M.D.B.A. and Williamsburg Fireproof Products Corporation and formulates, directs, and controls the policies, acts and practices of each of such corporate respondents;

Respondent Bertram Teich, an individual, is an officer of corporate respondents H.M.D.B.A. and Acme Steel Door

Corporation and formulates, directs and controls the policies, acts and practices of each of such corporate respondents;

Respondent Samuel Sklar, an individual, is an officer of corporate respondent H.M.D.B.A. and F.H.A. Steel Products Corporation and formulates, directs and controls the policies of each of such corporate respondents;

Respondent Eliot Kalan, an individual, is an officer of respondent H.M.D.B.A. and County Firedoor Corporation and formulates, directs and controls the policies, acts and practices of each of such corporate respondents;

Respondent Algernon Miller, an individual, is an officer of corporate respondent H.M.D.B.A. and formulates, directs and controls the policies, acts and practices of such corporate respondent;

Respondent Moe Brookmeyer, an individual, is an officer of corporate respondent Reliable Fireproof Products, Inc., and formulates, directs and controls the policies, acts and practices of such corporate respondent;

Respondent Arthur Graine, an individual, is an officer of Pioneer Industries division of respondent SOS Consolidated, Inc., and formulates, directs and controls the policies, acts, and practices of such corporate respondent;

Respondent A. David Ross, an individual, is an officer of respondent American Steel Products Corporation and formulates, directs and controls the policies, acts and practices of such corporate respondent;

Respondent Sal Scuderi, an individual, is an officer of respondent Triumph Metal Products Inc. and formulates directs and controls the policies, acts and practices of such corporate respondent;

Respondent Bernard Schechter, an individual, is an officer of respondent Firedoor Corporation of America and formulates, directs, and controls the policies, acts and practices of such corporate respondent;

Respondent Seymour Schnittman, an individual, is an officer of respondent Arch Opening Steel Buck Corp. and formulates, directs and controls the policies, acts and practices of such corporate respondent;

Respondent Sam Shear, an individual, is an officer of respondent City Steel Door Corp.; and formulates, directs and controls the policies, acts and practices of such corporate respondent; and

Respondent Aaron Szabo, an individual, is an officer of

respondent General Fire-Proof Door Corporation and formulates, directs and controls the policies, acts and practices of such corporate respondent.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

Definitions

1. *Metal doors and frames*, as used in this order, include metal doors, frames, partitions, trim, elevator doors, elevator cabs and any other products made in whole or part of fabricated metal, manufactured, sold or distributed now or in the future for installation or use in a construction project or job.

2. *Bid*, as used in this order, refers to any offer, solicitation, invitation, estimate or other communication, made to a buyer or prospective buyer, containing any term of sale or proposed term of sale.

It is ordered, That respondents:

Hollow Metal Door and Buck Association, Inc.,
Acme & Dorf Metal Door Corp.,
Acme Steel Door Corporation,
American Steel Products Corporation,
Aram Metal Products, Ltd.,
Arch Opening Steel Buck Corp.,
Atlantic Metal Products, Inc.,
Bilt-Rite Steel Buck Corporation,
City Steel Door Corp.,
County Firedoor Corporation,
Elevator Doors, Inc.,
F.H.A. Steel Products Corporation,
Firedoor Corporation of America,
General Fire-Proof Door Corporation,
J.G.L. Custom Metal Door Corporation,
SOS Consolidated, Inc.,
Reliable Fireproof Products Corp.,
Superior Fireproof Door and Sash Company, Inc.,
Superior Steel Door and Trim Co.,
Triumph Metal Products, Inc.,
Williamsburg Fireproof Products Corporation, corporations, and
Alfred Finkel, individually and as an officer of Hollow Metal

Door and Buck Association, Inc., and Williamsburg Fireproof Products Corporation,
 Bertram Teich, individually and as an officer of Hollow Metal Door, and Buck Association, Inc., and Acme Steel Door, Corporation,
 Samuel Sklar, individually and as an officer of Hollow Metal Door, and Buck Association, Inc., and F.H.A. Steel Products Corporation,
 Eliot Kalan, individually and as an officer of Hollow Metal Door and Buck Association, Inc., and County Firedoor Corporation,
 Algernon Miller, individually and as Executive Secretary and General Counsel of Hollow Metal Door and Buck Association, Inc.,
 Moe Brookmeyer, individually and as an officer of Reliable Fireproof Products Corp.,
 Arthur Graine, individually and as an officer of Pioneer Industries Division of SOS Consolidated, Inc.,
 A. David Ross, individually and as an officer of American Steel Products Corporation,
 Sal Scuderi, individually and as an officer of Triumph Metal Products, Inc.,
 Bernard Schechter, individually and as an officer of Firedoor Corporation of America,
 Seymour Schnittman, individually and as an officer of Arch Opening Steel Buck Corporation,
 Sam Shear, individually and as an officer of City Steel Door Corporation,
 Aaron Szabo, individually and as an officer of General Fire-Proof Door Corporation,
 and respondents' officers, agents, representatives and employees, successors and assigns, directly or indirectly, through any corporate or other device, in or in connection with the manufacture, distribution or sale of metal doors and frames in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, individually, jointly or severally from any of the following:

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1. (A) Submitting any bid to any customer or prospective customer of metal doors and frames when any price, term or condition of sale contained in said bid was discussed with,

disclosed to or received from, directly or indirectly, any competitor, actual or potential.

(B) Using the present bid proposal form previously recommended by the H.M.D.B.A. and, after ceasing and desisting from such use, each respondent member of H.M.D.B.A. shall, in its independent judgment, arrive at a new bid proposal form containing the future terms or conditions of sale of such member, which future terms or conditions of sale shall not be the subject of any recommendation or suggestion of H.M.D.B.A.

(C) Entering into, performing, enforcing, furthering or adhering to any conspiracy, contract, agreement, understanding, or planned common course of action with any person, firm, or organization to establish, fix, control, stabilize or maintain prices, discounts or the terms or conditions of sale of metal doors and frames including, but not limited to, the terms or proposed terms of any bid.

2. (A) Furnishing, exchanging or circulating any credit information or engaging in any credit reporting plan unless:

(1) the information furnished is in response to a specific request for information concerning a named person, business, firm or transaction;

(2) no recommendation is made concerning the use of such information by the recipient;

(3) the subject of the requested credit information report is first provided with a copy of the report and afforded an opportunity to include comments or corrections; and

(4) the comments or corrections made by the subject of the requested credit information are included with or made a part of the report furnished to the requesting party.

(B) Entering into, performing, enforcing, furthering or adhering to any conspiracy, contract, agreement, understanding, or planned common course of action with any person, firm or organization to deny the availability of credit to any other person, firm or organization, or to adversely affect the credit standing of any such person, firm or organization, except as permitted hereinabove in subparagraph A of this paragraph.

3. (A) Publishing or disseminating, directly or indirectly, or causing to be published or disseminated to any competitor, the name of any customer or prospective customer of metal

doors and frames, for the purpose or with the effect of having that customer or potential customer boycotted or subjected to foreclosure or impediment in obtaining metal doors and frames, except as permitted hereinabove in subparagraph 2(A).

(B) Entering into, performing, enforcing, furthering, or adhering to any conspiracy, contract, agreement, understanding, or planned common course of action with any person, firm or organization to boycott or refuse to deal with any customer or potential customer of metal doors and frames, except as permitted hereinabove in subparagraph 2(A).

4. (A) Publishing or disseminating, directly or indirectly, or causing to be published or disseminated, through H.M.D.B.A. or otherwise, to any competitor any information which permits the identification of any present customer of metal doors and frames for the purpose or with the effect of foreclosing competition for the business of such customer or prospective customer, except as permitted hereinabove in subparagraph 2(A).

(B) Entering into, performing, enforcing, furthering, or adhering to any conspiracy, contract, agreement, understanding or planned common course of action with any person, firm or organization to allocate or divide the market among competitors, whether by customer, work site, geographically or otherwise.

5. (A) Harassing, threatening, coercing, or intimidating any member of the H.M.D.B.A., any purchaser of metal doors and frames, or any supplier of metal doors and frames including, but not limited to, making threats of punishment or of imposition of economic burdens on said members, customers or suppliers, or foreclosing or limiting in any way the opportunity of said members, customers or suppliers to engage in the sale or purchase of said products, or to cause them harm, financial, economic or otherwise, or from taking action to carry out such threats; *Provided, however,* The following may be done:

(1) H.M.D.B.A. may collect claims against members for non-payment of periodic dues and may suspend or expel members on account of one year delinquency of such dues; and

(2) members of H.M.D.B.A. may collect claims or may bring suit against customers for lawful debts, if such

action is taken on an independent basis or through a collection agency without participation or involvement of any competitor, or H.M.D.B.A., its officers and employees, or any other trade association.

(B) Entering into, performing, enforcing, furthering or adhering to any conspiracy, contract, agreement, understanding or planned common course of action with any person, firm, or organization to harass, threaten, intimidate or coerce any member of H.M.D.B.A., any purchaser of metal doors and frames, or any supplier of metal doors and frames.

6. (A) Furnishing, exchanging or circulating to any competitor or potential competitor in the manufacture, sale or distribution of metal doors and frames any information concerning any employee's employment record, background, qualifications or availability for employment unless:

(1) the information furnished is in response to a specific request from a prospective employer to a former employer for information concerning the employment qualifications of a named employee and only the requesting party is furnished such information;

(2) no recommendation is made concerning the use of such information by the recipient;

(3) the request contains or is accompanied by signed written consent of the employee to furnish such information; and

(4) the information furnished is a truthful and objective report on the employee.

(B) Failing to hire any prospective employee solely or primarily because of his employment with any member of H.M.D.B.A.

(C) Entering into, performing, enforcing, furthering, or adhering to any conspiracy, contract, agreement, understanding or planned common course of action with any person, firm or organization to prevent, restrain, control or limit employees from change of employment, except as permitted hereinabove in subparagraph A of this paragraph.

7. (A) Communicating to any person, firm or organization any information pertaining to the union or non-union status of any person, firm or organization engaged in manufacture, sale or distribution of metal doors and frames, or about the entry or potential entry by any firm into the business of manufacture, sale or distribution of metal doors and frames.

(B) Entering into, performing, enforcing, furthering or

adhering to any conspiracy, contract, agreement, understanding or planned common course of action with any person, firm or organization to exclude other firms from entering the business of manufacture, sale or distribution of metal doors and frames, or to deprive or impede any competitor or potential competitor engaged in the manufacture, sale or distribution of such products of access to union labor, or to impose union terms upon any such competitor or potential competitor.

II

It is further ordered, That respondent Hollow Metal Door and Buck Association, Inc.:

1. Hold election for association officers, disqualifying from candidacy for such office any officer or employee of respondents Williamsburg Fireproof Products Corporation, Firedoor Corporation of America, SOS Consolidated Inc. and County Firedoor Corporation, continuing such disqualification in effect for a period of five years from the date of this order.
2. Amend its by-laws to require that members, as a condition of membership, observe the provisions of this order and consent to be bound by the terms thereof.
3. Permit resignation of a member at any time.
4. Maintain minutes containing a complete record of all discussion and actions of the H.M.D.B.A. and all committees thereof.

III

It is further ordered, That the respondent members of H.M.D.B.A. shall not for a period of ten (10) years after the effective date of this order participate in any trade association or similar organization, other than the H.M.D.B.A., having activities in the Metropolitan New York area or whose members manufacture or sell products for the construction industry, *Provided, however*, That nothing herein shall prevent respondent members from joining such association or organization as non-voting members thereof.

IV

It is further ordered, That respondents, individually, notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor

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corporation, the creation or dissolution of subsidiaries, or any other change in any corporation which may affect compliance obligations arising out of the order.