

IN THE MATTER OF

FOOD FAIR STORES, INC., ET AL. D. 8786
H. C. BOHACK CO., INC., ET AL. D. 8787
JEWEL COMPANIES, INC., ET AL. D. 8788
BORMAN FOOD STORES, INC. D. 8789*
FIRST NATIONAL STORES, INC., ET AL. D. 8790

ORDER OF DISMISSAL, ETC., IN REGARD TO THE ALLEGED
VIOLATIONS OF SEC. 2(C) OF THE CLAYTON ACT

Complaints, July 10, 1969—Decisions, Jan. 22, 1974

Orders dismissing the complaints issued against 10 corporations and certain individual officers thereof, engaged in various aspects of the food industry for alleged violations of Sec. 2(c) of the Clayton Act on the basis that the evidence relied upon by complaint counsel would not support the charges that respondent had violated Sec. 2(c) of the Clayton Act, amended.

Appearances

For the Commission: *Francis C. Mayer, James C. Donoghue, Martin A. Rosen, Lewis F. Parker, Louis R. Sernoff and Eliot G. Disner.*

For respondents: *Shipley, Akerman, Stein & Kaps, Wash., D.C. and Stein & Rosen, New York, N.Y. for Food Fair Stores, Inc. and World-Wide Produce Co., Inc. Subin, Shams & Rosenbluth, Orlando, Fla. for Hallee-Boy Sales, Inc. and Ivin Arost. Collier, Shannon, Rill & Edwards, Wash., D.C. for John P. Storm, a corporation.*

COMPLAINT IN DOCKET NO. 8786

The Federal Trade Commission, having reason to believe that th

*For complaint in D. 8789 see 81 F.T.C. 201. By Commission decision dated Aug. 3, 1972, the complaint was dismissed as to respondents P & R Brokerage Co. and Frank V. Condello.

tingent claim for restitution which the Commission is requested to file must be filed by Jan. 24, 1974, if it is to be filed, the time by which respondents' answer to this request in the application must be filed shall be set at 9:00 a.m., Jan. 22, 1974. Respondents' answer to the request in the application that the complaint be amended shall, in view of the issues raised by the application, be due on Feb. 5, 1974. Therefore,

It is ordered, That respondents' request to strike the application of complaint counsel be, and it hereby is, denied.

It is further ordered, That respondents answer by 9:00 a.m., Jan. 22, 1974, complaint counsel's request that the aforementioned contingent claim be filed, and that respondents answer by Feb. 5, 1974, all other requests made in the application.

IN THE MATTER OF

FOOD FAIR STORES, INC., ET AL. D. 8786

H. C. BOHACK CO. INC. ET AL. D. 8787