
IN THE MATTER OF
GENERAL MILLS, INC.

Docket C-1501. Order, Sept. 23, 1975

Denial of respondent's petition to reopen proceedings for purpose of setting aside the consent order.

Appearances

For the Commission: *Robert E. Liedquist.*

For the respondents: *Davis, Polk, Wardwell*, New York City and
Robert L. Fulgency, Minneapolis, Minn.

ORDER DENYING PETITION TO REOPEN PROCEEDINGS

On July 25, 1975, respondent petitioned, pursuant to Section 3.72(b) of the Commission's Rules of Practice, to reopen the proceedings in this matter for the purpose of setting aside the consent order entered on Mar. 11, 1969. That consent order attempted to remedy an alleged violation of Section 7 of the Clayton Act through General Mills' acquisition of Morton Foods and Tom Huston Peanut Company (Tom's). The Commission's charge was that those acquisitions substantially lessened competition in the "manufacture, distribution and sales of potato chips and corn chips."

The order required respondent, for a period of ten years, to secure Commission approval prior to acquiring any firm engaged in the manufacture or wholesale distribution of any consumer products of the type manufactured by General Mills as of the date of the order and its subsidiaries (including Morton Foods and Tom's).

Several months after the order was entered, General Mills sold Morton Foods. General Mills now claims this sale has changed the facts sufficiently to make the order an "undue hardship for General Mills to continue to be burdened with * * *."

The arguments in support of this proposition do not explain what hardship is being suffered by General Mills, nor is there described any change in facts sufficient to justify modifications of a Commission order.

On review, the order is found to continue to be reasonably related to the conduct complained of and fairly calculated to assist in the restoration of competitive conditions in the marketplace.

It is ordered, That the aforesaid petition be, and it hereby is, denied.
