

Order

86 F.T.C.

IN THE MATTER OF

PORTER & DIETSCH, INC., ET AL.

Docket 9047. Order, Dec. 19, 1975

Denial of motion for issuance of supplementary corrective news release.

Appearances

For the Commission: *Dean A. Fournier, Alan H. Melnicoe and William H. Patton.*

For the respondents: *Albert A. Carretta, Browne, Beveridge, DeGrandi and Kline, Wash., D.C. for Porter & Dietsch. For Pay N'Save Corporation, pro se.*

ORDER DENYING MOTION FOR ISSUANCE OF SUPPLEMENTARY
CORRECTIVE NEWS RELEASE

This matter is before us on the motion of respondents Porter & Dietsch, Inc., William H. Fraser, Kelly Ketting Furth, Inc., and Joseph Furth, requesting the issuance of a "supplementary corrective news release." The administrative law judge certified the motion to the Commission on Dec. 4, 1975, together with his recommendation that the motion be denied.

The news release published by the Office of Public Information on Aug. 27, 1975, failed to include the usual caveat that the Commission issues a complaint when it "has reason to believe" that the law has been violated and a proceeding is in the public interest, and that the issuance of a complaint simply marks the beginning of a formal proceeding in which the allegations will be ruled upon after a public hearing. On Oct. 7, 1975, the Commission issued an order [86 F.T.C. 896] granting respondents' prior motion seeking the issuance of a corrective news release. The corrective release issued on Oct. 14, 1975.

Respondents now claim that the corrective release was insufficient and that still another release should issue. They ask that the supplementary release include, *inter alia*, a more elaborate caveat and state that the news release issued by the Seattle Regional Office on Aug. 27, 1975, improperly listed the names of eight drug chains other than respondent Pay N' Save selling the "X-11 Reducing Plan."

Respondents' rights were not violated by the press releases issued on Aug. 27, 1975 and Oct. 14, 1975. Accordingly,

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

IN THE MATTER OF
STANDARD OIL COMPANY (INDIANA), ET AL.
CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT AND SEC. 7, OF THE
CLAYTON ACT

Docket C-2770. Complaint, Dec. 19, 1975—Decision, Dec. 19, 1975

Consent order requiring a Chicago, Ill., petroleum refiner, among other things to guarantee access for at least 20 years by independent refiners to crude oil reserves that respondent is purchasing from Pasco, Inc., in Wyoming. The order further requires Pasco and Studebaker-Worthington which owns over 55 percent of Pasco, to seek Commission approval prior to selling any of the remaining Pasco assets including its Sinclair, Wyo. refinery.

Appearances

For the Commission: *Steven A. Newborn* and *James W. Olson*.

For the respondents: *William R. Jentes, Kirkland & Ellis*, Chicago, Ill. for Standard Oil Company (Indiana) and Amoco Production Company, *John B. Hartigan*, New York City for Studebaker-Worthington, Inc. and *R. Bruce MacWhorter, Shearman & Sterling*, New York City for Pasco, Inc.

COMPLAINT

The Federal Trade Commission having reason to believe that Standard Oil Company (Indiana), a corporation subject to the jurisdiction of the Commission, acting through its subsidiary, Amoco Production Company, a corporation subject to the jurisdiction of the Commission, has acquired assets of Pasco, Inc., a corporation, in violation of Section 7 of the Clayton Act, as amended (15 U.S.C. §18), and has, with Studebaker-Worthington, Inc., and Pasco, Inc., corporations subject to the jurisdiction of the Commission, violated Section 5 of the Federal Trade Commission Act, as amended (15 U.S.C. §45), and that a proceeding by it in respect thereof would be in the public interest, hereby issues this complaint, pursuant to Section 11 of the Clayton Act (15 U.S.C. §21) and Section 5 of the Federal Trade Commission Act (15 U.S.C. §45), stating its charges as follows:

I. *Respondents*

A. Respondent, Standard Oil Company (Indiana) (hereinafter "Standard"), is a corporation chartered, existing, and doing business under and by virtue of the laws of the State of Indiana, with its corporate offices located at 200 E. Randolph Dr., Chicago, Ill.