

Order

89 F.T.C.

IN THE MATTER OF
GENESCO INCORPORATED

Docket 9019. Interlocutory Order, Feb. 24, 1977

Parties to file brief memoranda in seven days as to whether they object to matter being withdrawn from adjudication while Commission considers their proposed order; respondent to advise whether it concurs in counsel supporting complaint's recommendation for adoption of administrative law judge's findings of fact, conclusions of law and order as modified by the parties.

Appearances

For the Commission: *Alan D. Reffkin, Justin Dingfelder and John F. LeFevre.*

For the respondent: *Sanford M. Litvack, Donovan, Leisure, Newton & Irvine, New York City.*

ORDER

On February 18, 1977, the Commission issued an order granting the parties' joint motion that their notices of intention to appeal from the initial decision be withdrawn and that further proceedings be stayed pending consideration by the Commission of the parties' proposed order. The Commission further indicated that the matter will not be withdrawn from adjudication unless and until the Commission so orders.

The Commission requests the parties to file brief memoranda, not later than seven days after the date of this order, indicating whether they object to this matter being withdrawn from adjudication while the Commission considers their proposed order.¹ In addition, respondent is requested to advise whether it concurs in complaint counsel's recommendation "that the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law and Order as modified by the parties."²

It is so ordered.

¹ If the case were withdrawn from adjudication, the Commission would be permitted to receive advice concerning the proposed order without regard to the requirements of Section 4.7 of the Rules of Practice.

² Motion to Support Withdrawal of Notices of Appeal, p. 3.

IN THE MATTER OF
BIC PEN CORPORATION, ET AL.

DISMISSAL ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT AND SEC. 7 OF
THE CLAYTON ACT

Docket 9095. Complaint, Feb. 9, 1977 — Final Order, Mar. 1, 1977

Order dismissing a complaint issued against a Milford, Conn., manufacturer and seller of disposable butane lighters, pantyhose, and disposable shavers and a New York City manufacturer and seller of cigarettes, beer, and razors and blades, alleging violation of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The complaint was dismissed as moot upon the termination of the proposed acquisition of American Safety Razor Division of Philip Morris, Inc. by BIC Pen Corporation.

Appearances

For the Commission: *Roger J. Leifer.*

For the respondents: *Neal Pollio, Phillip, Nizer, Benjamin, Krim & Ballan*, New York City; *Donald Fried, Arnold & Porter*, New York City and *Abe Krash, Arnold & Porter*, Washington, D.C.

COMPLAINT

The Federal Trade Commission, having reason to believe that the BIC Pen Corporation, a corporation subject to the jurisdiction of the Commission, has entered into an agreement to acquire the assets and business of the American Safety Razor Division of Philip Morris Incorporated, a corporation subject to the jurisdiction of the Commission, in violation of Section 5 of the Federal Trade Commission Act (15 U.S.C. 45), and which acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended (15 U.S.C. 18), and Section 5 of the Federal Trade Commission Act (15 U.S.C. 45), and that a proceeding in respect thereof would be in the public interest, hereby issues its complaint, pursuant to Section 11 of the Clayton Act (15 U.S.C. 21) and Section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b)), stating its charges as follows:

I. BIC PEN CORPORATION

1. Respondent, BIC Pen Corporation, (hereinafter "BIC") is a New York corporation with its principal office and place of business located at Wiley St., Milford, Connecticut.

2. BIC is a publicly held corporation listed on the American Stock Exchange. BIC is a subsidiary of Societe BIC, S.A., a publicly held