

IN THE MATTER OF
GOLD BULLION INTERNATIONAL, LTD., ET AL.

ORDER CLARIFYING AND MODIFYING OPINION IN REGARD TO
ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION AND
HOBBY PROTECTION ACTS

Docket 9094. Decision, July 25, 1978 — Modifying Order, Nov. 3, 1978

This order clarifying and modifying the opinion of the Commission, 92 F.T.C. 196, deletes any finding of liability with respect to the 10 Mark 1887 Kaiser Wilhelm I coin, and deletes the words "by respondents" at the appropriate places, to make clear that the only relationship of individual respondents to the importation of the offending coins was in their roles as owners, officers, and directors of the respondent corporation.

ORDER CLARIFYING AND MODIFYING OPINION OF THE
COMMISSION

By motion filed November 1, 1978, respondents have requested that the Commission modify its opinion in two respects, neither of which affects the final order previously entered. Complaint counsel have not objected to the requested modifications. The first requested modification would delete any finding of liability with respect to the German 10 Mark 1887 Kaiser Wilhelm I coin, on grounds that there is record proof of only one specimen of the coin having been imported. (In its opinion the Commission concluded that no liability should be found for another coin, the German 20 Mark 1887 Kaiser Wilhelm I, for the same reason; the change would, therefore, treat the two coins consistently.) The second modification relates to the role of the individual respondents, making clear that their only relationship to the importation of the offending coins was in their roles as owners, officers, and directors of Gold Bullion. The modifications appear warranted. Therefore,

It is ordered, That this matter be reopened, and that the opinion of the Commission be modified in the following two respects:

1. The conclusion at p. 15 of the Commission's opinion (first paragraph) is modified to delete reference to the 10 Mark Wilhelm I (1887) coin, and that coin is dropped from consideration as a basis for the Commission's finding of liability, for the same reasons noted with respect to the 20 Mark Wilhelm I (1887) coin discussed at p. 5, n. 5 of the Commission's Opinion.
2. On p. 23 of the initial decision, the words "by respondents" are deleted from findings 3-5 of the "Summary" of the administrative law judge, and Finding 2 on p. 23 is modified to read:

Clarifying and Modifying Order

92 F.T.C.

Gold Bullion International, Ltd. imported into the United States for sale and distribution in commerce, copies of gold coins that were manufactured after November 29, 1973, the effective date of the Hobby Protection Act. The individual respondents did not import coins into the United States in their individual capacities. Insofar as Messrs. Bogart, Costello and Thompson (along with Mr. Mayer) controlled the acts and practices of Gold Bullion or had the ability to exercise such control by virtue of their ownership of the respondent corporation and/or of their roles as officers and/or directors, they are responsible for the importation of coins by Gold Bullion for purposes of enforcement of the Hobby Protection Act by the Federal Trade Commission.

Commissioner Pitofsky did not participate.

Complaint

IN THE MATTER OF

BORDEN, INC.

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

Docket 8978. Complaint, July 2, 1974 — Decision, Nov. 7, 1978

This order, among other things, requires a New York City firm to cease attempting to hinder, restrain or eliminate competition in the processed lemon juice market by granting improper price reductions and promotional allowances to its customers; or by selling its product, ReaLemon, below cost or at unreasonably low prices.

Appearances

For the Commission: *W.M. Rice, K.H. Richman, John M. Peterson, Robert C. Goldberg and William J. Tabor.*

For the respondent: *Elroy H. Wolff, David J. Lewis, H. Blair White and Charles W. Douglas, Sidley & Austin, Chicago, Ill. and Washington, D.C.*

COMPLAINT

The Federal Trade Commission having reason to believe that Borden, Inc., hereinafter referred to as Borden or respondent, has violated 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, issues this complaint, stating its charges as follows:

I. DEFINITIONS

PARAGRAPH 1. For the purposes of this complaint the following definitions shall apply:

(a) "Reconstituted lemon juice" means a product manufactured by adding water to a lemon concentrate base, which product, either bottled or canned, can be stored without refrigeration for long periods of time.

(b) "ReaLemon" refers to the brand name of the reconstituted lemon juice product of ReaLemon Foods which is part of the Borden Foods Division of Borden, Inc.

II. RESPONDENT

PAR. 2. Borden is a corporation organized and existing under and