

IN THE MATTER OF

TRANS WORLD ACCOUNTS, INC., ET AL.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 9059. Order, Oct. 25, 1977—Modifying Order, September 2, 1980

In accordance with the mandate of the Court of Appeals for the Ninth Circuit, this order further modifies the Modified Order To Cease and Desist issued on July 25, 1979, 44 FR 49650, 94 F.T.C. 141, by inserting a new "Paragraph 3" which substitutes the term "lawsuit" for the phrase "legal action" as used in "Paragraph 3" of FTC's October 25, 1979 Order of Remand, 44 FR 66576, 94 F.T.C. 1051.

MODIFICATION OF MODIFIED ORDER TO CEASE AND DESIST

On July 25, 1979, the Commission entered a "Modified Order To Cease and Desist" in this matter, thereby effectuating those portions of its order of October 25, 1977 that had been affirmed and enforced by the Ninth Circuit Court of Appeals in *Trans World Accounts v. FTC*, 594 F.2d 212 (9th Cir. 1979). On October 25, 1979, the Commission entered an "Order on Remand", adding a new "Paragraph 3" to its order of July 25, 1979. Respondents appealed this order to the Ninth Circuit Court of Appeals, and, thereafter, respondents and the Commission entered into a stipulation before the court, which rendered its judgment modifying and enforcing as modified the order under appeal. Because both sides have waived any rights to seek further review of the court's order, it is now appropriate that the order of the Commission be rendered in accordance with the mandate of the court, 15 U.S.C. 45(i).

Therefore, it is ordered, That the Commission's "Modified Order To Cease and Desist" dated July 25, 1979, be further modified by the insertion of Paragraph 3 to read:

3. Misrepresenting directly or by implication, that a lawsuit with respect to an alleged delinquent debt has been or will be initiated, or misrepresenting in any manner the imminency of a lawsuit.

IN THE MATTER OF
PAY LESS DRUG STORES NORTHWEST, INC.

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

Docket C-3039. Complaint, Sept. 2, 1980—Decision, Sept. 2, 1980

This consent order requires, among other things, Pay Less Drug Stores Northwest, Inc. ("Northwest"), a Beaverton, Oregon, drug chain to refrain from acquiring Pay Less Drug Stores ("Pay Less"), located in the California communities of Lodi, Salinas and Livermore, because the acquisition eliminates the actual competition between Northwest and Pay Less "super drug stores." Further, the order requires that divestiture only be made to a person approved in advance by the Commission and the divested businesses continue as going concerns.

Appearances

For the Commission: *Laurence O. Masson.*

For the respondent: *Robert M. Heller, Kramer, Lowenstein, Nessen, Kamin & Soll, New York City.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Pay Less Drug Stores Northwest, Inc. ("Northwest"), a corporation subject to the jurisdiction of the Commission, has acquired the stock and will acquire additional stock of Pay Less Drug Stores ("Pay Less"), a corporation, or has entered into an agreement and plan of reorganization and merger with Pay Less in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 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. DEFINITIONS

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

(a) "Super drug store" means a retail establishment, as distinguished from a traditional neighborhood or corner drug store, which