

IN THE MATTER OF

THE COCA-COLA COMPANY, ET AL.

Docket 8855. Interlocutory Order, April 1, 1981

Dismissing proceeding without prejudice to reopen under the standards of the Soft Drink Interbrand Competition Act.

ORDER

Respondents filed in the United States Court of Appeals for the District of Columbia Circuit a petition for review of the Commission's cease and desist order issued herein on April 7, 1978. Subsequently, Congress enacted the Soft Drink Interbrand Competition Act, Pub. Law No. 96-308, 94 Stat. 939 (1980), which established standards for judging the challenged restraints which differ from those under which the Commission tried and decided these proceedings. Therefore, in September 1980, the Commission requested the Court of Appeals to set aside the Commission's order and remand these proceedings to the Commission for dismissal, without prejudice to any future proceedings under the standards of the Soft Drink Interbrand Competition Act. By an opinion and judgment dated February 5, 1981, the Court of Appeals granted the Commission's request.

Now, therefore, *it is hereby ordered*, in accordance with the opinion and judgment of the Court of Appeals, that this proceeding be, and hereby is, dismissed, without prejudice to any future proceedings under the standards of the Soft Drink Interbrand Competition Act.

Commissioner Pertschuk did not participate.

Interlocutory Order 97 F.T.C.

IN THE MATTER OF

PEPSICO, INC.

Docket 8856. Interlocutory Order, April 1, 1981

Dismissing proceeding without prejudice to reopen under the standards of the Soft Drink Interbrand Competition Act.

ORDER

Respondents filed in the United States Court of Appeals for the District of Columbia Circuit a petition for review of the Commission's cease and desist order issued herein on April 7, 1978. Subsequently, Congress enacted the Soft Drink Interbrand Competition Act, Pub. Law No. 96-308, 94 Stat. 939 (1980), which established standards for judging the challenged restraints which differ from those under which the Commission tried and decided these proceedings. Therefore, in September 1980, the Commission requested the Court of Appeals to set aside the Commission's order and remand these proceedings to the Commission for dismissal, without prejudice to any future proceedings under the standards of the Soft Drink Interbrand Competition Act. By an opinion and judgment dated February 5, 1981, the Court of Appeals granted the Commission's request.

Now, Therefore, *it is hereby ordered*, in accordance with the opinion and judgment of the Court of Appeals, that this proceeding be, and hereby is, dismissed, without prejudice to any future proceedings under the standards of the Soft Drink Interbrand Competition Act.

Commissioner Pertschuk did not participate.