

IN THE MATTER OF
SCOTT PAPER COMPANY

VACATING ORDER IN REGARD TO ALLEGED VIOLATION OF THE FEDERAL
TRADE COMMISSION ACT AND SEC. 7 OF THE CLAYTON ACT

Docket 6559. Modified Order, May 8, 1964—Vacating Order, June 22, 1983*

This order reopens the proceeding and vacates in its entirety the Commission's order issued on May 8, 1964 (65 F.T.C. 638). The Commission has determined that order provisions requiring prior Commission approval of future acquisitions generally should not have terms exceeding 10 years.

ORDER VACATING CEASE AND DESIST ORDER ISSUED ON MAY 8, 1964

By a petition filed on February 24, 1983, Scott Paper Company ("Scott") requests that the Commission reopen the proceeding in Docket No. 6559 and vacate the order issued by the Commission on May 8, 1964 [65 F.T.C. 638]. Pursuant to Section 2.51 of the Commission's Rules of Practice, the petition was placed on the public record for comments. No comments were received.

Upon consideration of Scott's petition and supporting materials, and other relevant information, the Commission finds that the public interest warrants reopening and vacating the order.

In *Columbian Rope Company*, Docket No. C-1794 [100 F.T.C. 531], the Commission determined that order provisions requiring prior Commission approval of future acquisitions generally should not have terms exceeding ten years. In most cases, the Commission believes that such prior approval provisions will have served their remedial and deterrent purposes after ten years and that the findings upon which such provisions are based should not be presumed to continue to exist for a longer period of time. The perpetual prior approval provision in this case has been outstanding for 18 years. No particular circumstances warrant an exception from this general policy. Therefore, the Commission, in the exercise of its discretion, finds that it is appropriate to vacate the order.

Accordingly, *it is ordered*, that this matter be, and it hereby is reopened and that the order in Docket No. 6559, issued by the Commission on May 8, 1964, be and it is hereby vacated.

* Original Commission Order issued Dec. 16, 1960 (57 F.T.C. 1415).

IN THE MATTER OF

BORG-WARNER CORPORATION, ET AL.

FINAL ORDER, OPINION, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 8 OF THE FEDERAL TRADE COMMISSION ACT*Docket 9120. Complaint, Nov. 7, 1978—Final Order, June 23, 1983*

This order requires Borg-Warner, an automotive replacement parts manufacturer and its competitors, Bosch GmbH and Bosch U.S., among other things, to cease having interlocking directorates for a period of 10 years. The companies are also prohibited from having on their boards any person who is a board member of a competing company whose revenues derived from the relevant product or service market exceeds 5 million dollars; or any individual who fails to provide the statement required by the order. The order further prohibits Hans L. Merkle from serving as director of both Borg-Warner and any Bosch company that is a competitor of Borg-Warner and requires that the companies institute a monitoring program designed to detect unlawful interlocks.

Appearances

For the Commission: *Ann B. Malester, K. Keith Thurman and Sandra G. Wilkof.*

For the respondents: *James M. Johnstone, John B. Wyss and Tom W. Kirby, Kirkland & Ellis, Washington, D.C. and Charles Houchins, in-house counsel, Chicago, Ill., for respondent Borg-Warner Corp. Joseph A. McManus, Susan Rothschild and Allen Russell, Coudert Brothers, New York City, for respondent Robert Bosch Corp. Werner L. Polak, William M. Kelly and Thomas A. Dieterich, Shearman & Sterling, New York City, for respondents Robert Bosch GmbH, Hans L. Merkle and Hans Bacher.*

COMPLAINT

The Federal Trade Commission, having reason to believe that the above named Respondents have been, and are, in violation of the provisions of Section 8 of the Clayton Act, as amended, 15 U.S.C. 19, 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, issues its complaint, stating its charges as follows:

1. Respondent Robert Bosch GmbH (hereinafter "Bosch GmbH") is a limited liability company organized under the laws of the Federal Republic of Germany and has its principal office at Robert-Bosch-Platz 1, D-7016 Gerlingen/Schillerhohe, Federal Republic of Germa-