

Interlocutory Order

102 F.T.C.

IN THE MATTER OF
ITT CONTINENTAL BAKING COMPANY

Docket 7880. Interlocutory Order, Oct. 12, 1983

ORDER SETTING ASIDE ORDER REQUIRING FILING OF SPECIAL REPORT

By a petition filed on June 13, 1983, respondent ITT Continental Baking Company ("ITT Continental") requests that the Commission reopen this proceeding and set aside or in the alternative modify the November 26, 1974 Order Requiring Filing of Special Report, which requires ITT Continental to give sixty days prior notice before making any acquisition in the baking industry. *See ITT Continental Baking Co.*, 84 F.T.C. 1349 (1974). Pursuant to Section 2.51 of the Commission's Rules of Practice, the petition was placed on the public record for comment. No comments were received.

Upon consideration of ITT Continental's request and supporting materials, and other relevant information, the Commission finds that the public interest and changed conditions of law warrant reopening of the proceeding and setting aside of the order.

Since the Order to File Special Report was issued, the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. 18a, was passed. ITT Continental must now notify the Commission and the Assistant Attorney General in charge of the Antitrust Division of any acquisitions in the baking industry that are required to be reported by the statute and implementing rules. In view of this overlap between the Hart-Scott-Rodino premerger reporting requirements and the reporting requirements of the Order, the Commission believes that the Order is no longer necessary in order for the Commission to have the opportunity to scrutinize respondent's acquisitions in the baking industry that are subject to the Hart-Scott-Rodino premerger reporting requirements. As to other acquisitions, the Commission believes the costs of continuing to require reporting under the Order outweigh the benefits of the prior notice because such acquisitions, generally those that do not meet the Hart-Scott-Rodino dollar threshold, do not appear sufficiently likely to raise competitive concern.

Accordingly,

It is ordered, That this matter be, and it hereby is, reopened and that the Order Requiring Filing of Special Report be set aside as of the effective date of this order.

IN THE MATTER OF
DILLON COMPANIES, INC.

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

Docket C-3119. Complaint, Oct. 13, 1983—Decision, Oct. 13, 1983

This consent order requires a Hutchinson, Kansas operator of retail grocery stores, among other things, to cease engaging in any concerted action to impede the collection or dissemination of comparative price information. For a period of 5 years, the company is prohibited from requiring price checkers to purchase items to be priced, as a condition of allowing them to price check; denying price checkers the same access to its stores as is provided to customers; or coercing any price checker, publisher or broadcaster to refrain from collecting or reporting comparative price information. Additionally, respondent must offer to reimburse TeleCable up to \$1,000 for the broadcast of a comparative grocery price information program. Should the station elect to broadcast such a program, respondent must post signs and place newspaper ads notifying the public that such a program is being broadcast.

Appearances

For the Commission: *Patricia A. Bremer.*

For the respondent: *Norman Diamond, Arnold & Porter, Washington, D.C.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, as amended, 15 U.S.C. 41 *et seq.*, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Dillon Companies, Inc., has violated Section 5 of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues this complaint charging as follows:

1. Dillon Companies, Inc., (hereafter "respondent") is a Kansas corporation with its principal offices at 700 E. 30th Avenue, Hutchinson, Kansas.
2. At all times relevant to this complaint, respondent has been engaged in the operation of retail grocery stores in various areas in the United States including the city of Springfield, Missouri, and Greene or Christian counties, Missouri (hereafter "Springfield").
3. At all times relevant to this complaint, respondent has engaged