

Set Aside Order

119 F.T.C.

IN THE MATTER OF

PITTSBURGH PLATE GLASS COMPANY

SET ASIDE ORDER IN REGARD TO ALLEGED VIOLATION OF
SEC. 2(a) OF THE CLAYTON ACT*Docket 6699. Consent Order, April 19, 1957 -- Set Aside Order, April 4, 1995*

This order reopens a 1957 consent order -- which prohibited the respondent from discriminating in price between competing purchasers by charging auto manufacturers less for automotive safety glass than it charged glass distributors and glass dealers -- and sets aside the consent order pursuant to the Commission's Sunset Policy Statement, under which the Commission presumes that the public interest requires terminating competition orders that are more than 20 years old.

ORDER REOPENING PROCEEDING
AND SETTING ASIDE ORDER

On December 9, 1994, PPG Industries, Inc., the successor to Pittsburgh Plate Glass Company, ("PPG"), filed a Petition to Reopen and Set Aside Consent Order ("Petition") in this matter. PPG requests that the Commission set aside the 1957 consent order in this matter pursuant to Rule 2.51 of the Commission's Rules of Practice, 16 CFR 2.51, and the Statement of Policy With Respect to Duration of Competition Orders and Statement of Intention to Solicit Public Comment With Respect to Duration of Consumer Protection Orders, issued July 22, 1994, published at 59 Fed. Reg. 45,286-92 (Sept. 1, 1994) ("Sunset Policy Statement"). In the Petition, PPG affirmatively states that it has not engaged in any conduct violating the terms of the order. The request was placed on the public record, and the thirty-day comment period expired on January 16, 1995. Two public comments were received.

The Commission in its July 22, 1994, Sunset Policy Statement said, in relevant part, that "effective immediately, the Commission will presume, in the context of petitions to reopen and modify existing orders, that the public interest requires setting aside orders in effect for more than twenty years."¹ The Commission's order in Docket No. 6699 was issued on April 19, 1957, and has been in effect for more than 37 years. Consistent with the Commission's July 22,

¹ See Sunset Policy Statement, 59 Fed. Reg. at 45,289.

1994, Sunset Policy Statement, the presumption is that the order should be terminated. Nothing to overcome the presumption having been presented, the Commission has determined to reopen the proceeding and set aside the order in Docket No. 6699.

Accordingly, *It is ordered*, That this matter be, and it hereby is, reopened;

It is further ordered, That the Commission's order in Docket No. 6699 be, and it hereby is, set aside, as of the effective date of this order.

Complaint

119 F.T.C.

IN THE MATTER OF

RECKITT & COLMAN PLC

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

Docket C-3571. Complaint, April 4, 1995--Decision, April 4, 1995

This consent order allows, among other things, Reckitt & Colman to acquire L&F Products Inc., with the required prior approval, on the condition that it sells its own rug cleaning assets, within six months, to a Commission approved acquirer. If the divestiture is not completed on time, the consent order permits the Commission to appoint a trustee to complete the transaction. In addition, the consent order requires the respondent to obtain Commission approval, for ten years, before acquiring any interest in the carpet-deodorizer business in the United States.

Appearances

For the Commission: *Ann Malester, Michael R. Moiseyev, David L. Inglefield and Elizabeth A. Jex.*

For the respondent: *Jeffrey Schmidt, Pillsbury, Madison & Sutro, Washington, D.C.*

COMPLAINT

The Federal Trade Commission ("Commission"), having reason to believe that respondent, Reckitt & Colman plc ("Reckitt & Colman"), a corporation subject to the jurisdiction of the Federal Trade Commission, has agreed to acquire substantially all of the assets and liabilities of the household products, professional products and personal products businesses of L&F Products Inc., a corporation subject to the jurisdiction of the Federal Trade Commission, 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 ("FTC Act"), 15 U.S.C. 45; and it appearing to the Commission that a proceeding in respect thereof would be in the public interest, hereby issues its complaint, stating its charges as follows: