

## IN THE MATTER OF

## ATLAS SUPPLY COMPANY

SET ASIDE ORDER IN REGARD TO ALLEGED VIOLATION OF  
SEC. 2 OF THE CLAYTON ACT AND SEC. 5 OF THE  
FEDERAL TRADE COMMISSION ACT*Docket 5794. Consent Order, July 19, 1951--Set Aside Order, Aug. 24, 1995*

This order reopens a 1951 consent order--which prohibited Atlas from receiving illegal allowances or knowingly accepting or inducing discriminatory prices in their purchase of automotive tires, tubes, batteries, accessories or other automobile products--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 May 23, 1995, Atlas Supply Company ("Atlas") and its shareholders Chevron U.S.A., Inc., and BP Exploration and Oil, Inc., as respondents and successors to four of the six respondents named in the order, filed their Petition To Reopen and Set Aside Order ("Petition") in this matter. Thereafter, Amoco Oil Holding Company and Exxon Corporation, as respondents and successors to the two remaining respondents named in the order, filed Statements in Support of the Petition in which they joined in the Petition. The respondents request that the Commission set aside the 1951 order, pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), Rule 2.51 of the Commission's Rules of Practice, 16 CFR 2.51, and the Commission's 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, and published at 59 Fed. Reg. 45,286-92 (Sept. 1, 1994) ("Sunset Policy Statement"). In the Petition and the Statements in Support of the Petition, each respondent affirmatively states that it has complied with the terms of the order. The Petition was placed on the public record for thirty days, and no comments were received.

The Commission in its 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."<sup>1</sup> The Commission's cease and desist order in Docket No. 5794, issued on July 19, 1951, and modified by the Commission on October 8, 1985, has been in effect for forty-four years. Consistent with the Commission's 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. 5794.

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. 5794 be, and it hereby is, set aside as of the effective date of this order.

---

<sup>1</sup> Sunset Policy Statement, 59 Fed. Reg. at 45, 289.

## IN THE MATTER OF

P. LORILLARD CO.

SET ASIDE ORDER IN REGARD TO ALLEGED VIOLATION  
OF SEC. 2 OF THE CLAYTON ACT*Docket 6600. Consent Order, May 7, 1958--Set Aside Order, Aug. 24, 1995*

This order reopens a 1958 consent order--which required Lorillard to offer compensation for promotional services on proportionally equal terms to all competing companies that distribute its tobacco and other products--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 AND PROCEEDING  
AND SETTING ASIDE ORDER

On May 5, 1995, Lorillard Tobacco Company ("Lorillard"), as respondent and successor to P. Lorillard Co., filed its Petition to Reopen and Set Aside Cease and Desist Order ("Petition") in this matter. Lorillard request that the Commission set aside the 1959 order in this matter pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), 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 on July 22, 1994, and published at 59 Fed. Reg. 45,286-92 (Sept. 1, 1994) ("Sunset Policy Statement"). In the Petition, Lorillard affirmatively states that it has not engaged in any conduct violating the terms of the order. The Petition was placed on the public record, and the thirty-day comment period expired on June 14, 1995. No comments were received.

The Commission in its 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."<sup>1</sup> The Commission's cease and desist order in Docket No. 6600, issued on May 7, 1958, and affirmed by the United States

---

<sup>1</sup> See Sunset Policy Statement, 59 Fed. Reg. at 45, 289.