



Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, JUNE 27, 1972

The Department of Justice today filed a civil antitrust suit against a California manufacturer of respirators and a New York firm which distributes them on charges of violating the Sherman Act by conspiring to fix resale prices, allocate territories and divide customers.

The companies are Bird Corporation of Palm Springs, California, which manufactures respirators, and Instrumentation Associates, Inc., of New York City, Bird's exclusive distributor in the greater New York area.

Attorney General Richard G. Kleindienst said the complaint and a proposed consent judgment, which will become final upon approval by the Court in 30 days, was filed in the U.S. District Court in Brooklyn.

The suit alleged that Bird and Instrumentation Associates have been engaged in a combination and conspiracy in violation of Section 1 of the Sherman Act to fix the prices for respirators sold by Instrumentation Associates.

The suit also charged that Bird and Instrumentation Associates had agreed with each other and with their respective dealers to divide and allocate market territories and customers.

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Respirators are electrically powered medical devices for introducing medicated and moistened air or oxygen into a patient's lungs.

Acting Assistant Attorney General Walker B. Comegys, in charge of the Antitrust Division, said that the judgment prohibits:

-- Bird and Instrumentation Associates from fixing the resale prices of respirators, and from allocating territories or customers;

-- each of the defendants from entering into any agreement which prevents Instrumentation Associates from selling any product other than Bird respirators; and,

-- each defendant from fair trading respirators for a period of five years from the date of entry of the judgment.

In addition, Bird and Instrumentation Associates are each required to send a copy of the final judgment to each of their respective distributors.

Comments to the Department of Justice and the Court regarding the proposed judgment are invited from the members of the public during the 30-day waiting period prior to the judgment becoming final.