



Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, DECEMBER 28, 1973

AT

The Department of Justice filed a civil antitrust suit today charging the Amateur Softball Association of America and two sporting goods manufacturers with combining and conspiring to restrain the production and sale of top grade softballs in violation of the Sherman Act.

Acting Attorney General Robert H. Bork said that the complaint and a proposed consent judgment, which will become final in 30 days upon approval by the Court, were filed in U.S. District Court in Oklahoma City, Oklahoma.

The sporting good manufacturers named as defendants were Athlone Industries, Inc., of Parsippany, New Jersey and H. Harwood & Sons, Inc., Natick, Massachusetts.

H. Harwood & Sons and Athlone Industries, through its Dudley Sports Company Division, are two of the largest manufacturers of top grade softballs used by organized teams, adult organizations, and colleges and universities in official league and tournament play.

Top grade softballs are considered the highest quality softballs available, generally selling for more than \$16 a dozen. Total industry sales in the country exceeded \$5 million in 1971.

OVER

The Amateur Softball Association of America, located in Oklahoma City, Oklahoma, is one of the largest amateur sports associations in the country. In 1971, about 35,000 adult softball teams and approximately 16,600 youth softball teams were registered.

Acting Assistant Attorney General Bruce B. Wilson, in charge of the Antitrust Division, said that the suit alleged that the three defendants had agreed among themselves:

- to limit the number of top grade softball manufacturers licensed to use the Association's trademark to include only Harwood and Dudley;

- to designate only Harwood and Dudley softballs as the approved balls for tournament play; and

- to encourage, reprimand, and coerce Association commissioners and member teams to use and promote only Harwood and Dudley softballs for both regular season and tournament play.

The complaint charged that the conspiracy has foreclosed purchasers from a large segment of the top grade softball market and forced these purchasers to pay non-competitive prices for the equipment .

Further results of the conspiracy, according to the complaint, have been to restrain competition generally in the sale of top grade softballs in the United States and to foreclose manufacturers from a substantial segment of the market.

The proposed consent judgment orders the parties to cancel the licensing agreements challenged in the complaint and prohibits agreements having a similar effect.

OVER

The terms of the proposed consent decree would enjoin the Association from entering into, adhering to, or enforcing any agreement, plan, or program with any person which would:

- exclude any manufacturer or supplier of top grade softballs from supplying top grade softballs for use in ASA play; and
- restrict the use of top grade softballs by its member teams to those products of manufacturers who have entered into a trademark licensing agreement with the ASA.
- prescribe any rules, regulations, or standards which discriminate among manufacturers of top grade softballs;
- conditioning the use of any top grade softball in ASA play upon the fact that such softball's manufacturer has or does not have a license to use the ASA Trademark; or
- refusing to license the ASA Trademark to any manufacturer upon the same terms and conditions as it may license any other such manufacturer.

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