



Department of Justice

July 6, 1993

**SUMMARY OF ANTITRUST ENFORCEMENT ACTIONS
FOR PUBLIC RELEASE
FOR MONDAY JUNE 21, 1993 THROUGH FRIDAY, JULY 2, 1993**

6/25/93

U.S. v. Florida Drum Company, Inc.
Criminal No.: 93CR294 (N.D. Ga.)

One-count information was filed in U.S. District Court in Atlanta, Georgia, charging Florida Drum Company, Inc. of Pensacola, Florida, with fixing prices, in violation of Section 1 of the Sherman Act, of new steel drums offered for sale to customers in Florida, Georgia and North Carolina, beginning as early as July 1, 1987 and continuing through July 20, 1989.

6/28/93

Justice Department Implements New Notice Provisions of
The National Cooperative Production Amendments of 1993

The Department of Justice announced amendments that extend the provisions of the National Cooperative Research Act of 1984 (NCRA) to include joint ventures for production and redesignate the NCRA as the National Cooperative Research and Production Act of 1993 (NCRPA). The NCRA permitted parties participating in joint research and development ventures to limit their possible antitrust damage exposure to actual--as opposed to treble--damages if they filed notifications with the Attorney General and the Federal Trade Commission (FTC). Under the NCRPA, parties to a joint venture for production also will be entitled to obtain the same

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protection by filing a notification with the Attorney General and the Commission. On June 10, 1993, President Clinton signed into law H.R. 1313, the National Cooperative Production Amendments of 1993 (Pub. L. No. 103-42). The NCRPA is intended to facilitate innovative and efficient joint ventures for production, as did the NCRA with respect to joint research and development ventures.

6/29/93 U.S. v. Maxfly Aviation, Inc.
Criminal No.: 93-308 (S.D. Fla.)

Two-count information was filed in U.S. District Court in Miami, Florida, charging Maxfly Aviation, Inc. of Naples, Florida, with rigging bids, in violation of Section 1 of the Sherman Act, on the sale of a Beechcraft King Air 300 jet aircraft at an auction conducted by the U.S. Bankruptcy Court in Miami. The company also was charged with bankruptcy fraud (18 U.S.C. § 152). The investigation, being conducted by the Antitrust Division with the assistance of the Inspector General for the Resolution Trust Corporation and the Office of the United States Trustee, is continuing.

6/30/93 U.S. v. Beverly Spinks
Criminal No.: 3:93-CR-227-R (N.D. Tex.)

Two-count indictment was filed in U.S. District Court in Dallas, Texas, charging Beverly Spinks, Wholesale Sales Manager/Branch Manager of Borden, Inc. in Abilene, Texas, with rigging bids, in violation of Section 1 of the Sherman Act, on contracts to supply fluid milk to public school districts in west central Texas and the Abilene State School. Spinks was also charged with conspiring to commit mail fraud (18 U.S.C. § 371) in connection with the bid rigging scheme.

6/30/93 Justice Threatens Challenge of Software
Acquisition and Parties Abandon Merger Plans

The Department of Justice announced that ChipSoft Inc. and MECA Software Inc. have terminated plans under which ChipSoft would have purchased MECA after the Department's Antitrust Division said it intended to file a civil suit

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challenging the acquisition. ChipSoft, based in San Diego, sells TurboTax, the leading brand of consumer tax preparation software, while MECA, headquartered in Fairfield, Connecticut, is its principal competitor through its TaxCut software. TurboTax and TaxCut account for about 75% of all consumer tax preparations software sold in the United States. "The proposed combination of ChipSoft and MECA would have given ChipSoft control over the two most popular brands of consumer tax preparation software," said Anne K. Bingaman, Assistant Attorney General in charge of the Antitrust Division. The merger would have substantially reduced competition and caused consumers to pay higher prices for popular and useful computer software. Accordingly, it would have violated Section 7 of the Clayton Act. Consumer tax preparation software enables an individual to prepare an income tax return with the assistance of a personal computer. Only two other firms are significant competitors in this market.

Copies of legal filings are available from the Legal Procedure Unit, Antitrust Division, Room 3233, Telephone No.: 514-2481.