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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE DISTRICT OF ALASKA  
12 AT ANCHORAGE

13 UNITED STATES OF AMERICA,  
14 Plaintiff,

15 v.

16 ODOM COMPANY;  
17 ANCHORAGE COLD STORAGE CO., INC.;  
18 and ALASKA DISTRIBUTORS COMPANY,

19 Defendants.

CIVIL ACTION NO. A-13-72

Filed: January 28, 1972

Antitrust

20 COMPLAINT

21 The United States of America, plaintiff, by its  
22 attorneys, acting under the direction of the Attorney  
23 General of the United States, brings this civil action to  
24 obtain equitable relief against the above-named defendants,  
25 and complains and alleges as follows:

26 I

27 JURISDICTION AND VENUE

28 1. This complaint is filed and this action is  
29 instituted under Section 4 of the Act of Congress of  
30 July 2, 1890, entitled "An Act to protect trade and  
31 commerce against unlawful restraints and monopoly," as  
32 amended (15 U.S.C. § 4), commonly known as the Sherman  
Act, in order to prevent and restrain the continuing

1 violation by the defendants, as hereinafter alleged,  
2 Section 1 of said Act (15 U.S.C. § 1).

3 2. Each of the defendants transacts business  
4 found within the District of Alaska.

5 II

6 THE DEFENDANTS

7 3. Odom Company is named a defendant herein.  
8 Company is a corporation organized and existing under  
9 laws of the State of Washington with its principal office  
10 located in Seattle, Washington.

11 4. Anchorage Cold Storage Co., Inc. is named a  
12 defendant herein. Anchorage Cold Storage Co., Inc. is a  
13 corporation organized and existing under the laws of the  
14 State of Alaska with its principal office located in  
15 Anchorage, Alaska. It is an affiliate of defendant  
16 Odom Company and distributes and sells products to retail  
17 stores located in the Anchorage, Alaska area for defendant  
18 Odom Company.

19 5. Alaska Distributors Company is named a defendant  
20 herein. Alaska Distributors Company is a corporation  
21 organized and existing under the laws of the State of  
22 Washington with its principal office located in Seattle,  
23 Washington.

24 III

25 CO-CONSPIRATORS

26 6. Various individuals not made defendants in  
27 this complaint participated as co-conspirators in the violation  
28 hereinafter alleged, and have performed acts and made  
29 statements in furtherance thereof.  
30  
31  
32

IV

DEFINITIONS

7. As used herein:

(a) "Seagram's products" means the following brand name alcoholic beverages:

Seagram's V.O., Seagram's Crown Royal, Seagram's Seven Crown, Seagram's Benchmark Bourbon, Seagram's gins and Seagram's 100 Pipers Scotch;

(b) "Canadian Club" means Hiram Walker's whiskey, sold in Alaska under the brand name of Canadian Club;

(c) "free goods" means that quantity of alcoholic beverages received without charge by a retailer in excess of the amount actually purchased by such retailer; and

(d) "retailer" means a person, partnership, corporation, state or federal installation engaged, in whole or in part, in the business of selling alcoholic beverages to consumers at retail either by the bottle, can or by the drink, including retail package stores, cocktail bars, taverns and clubs.

V

TRADE AND COMMERCE

8. The defendant wholesalers purchase alcoholic beverages, including Seagram's products and Canadian Club, from sources of supply located in Canada, other foreign countries and in states other than the State of Alaska. All alcoholic beverages purchased by said defendants are

1 shipped either in foreign or in interstate and foreign  
2 commerce into the State of Alaska for sale to retailers  
3 located in that state. . In 1968 and 1969, defendant whole-  
4 salers sold approximately \$6,000,000 annually of Seagram's  
5 products and Canadian Club to retailers located in the State  
6 of Alaska.

7 9. During the period of time covered by this  
8 complaint, defendants Odom Company, Anchorage Cold Storage  
9 Co., Inc. and Alaska Distributors Company have been the  
10 exclusive wholesale distributors of Seagram's products and  
11 Alaska Distributors Company has been the exclusive  
12 wholesale distributor of Canadian Club to retailers in the  
13 State of Alaska.

14 .VI

15 VIOLATION ALLEGED

16 10. Beginning in or about October 1968, the exact date  
17 being to the plaintiff unknown, and continuing thereafter  
18 up to and including the date of the filing of this complaint,  
19 the defendants and co-conspirators have engaged in a  
20 combination and conspiracy in unreasonable restraint of the  
21 aforesaid interstate and foreign trade and commerce in  
22 alcoholic beverages, in violation of Section 1 of the  
23 Sherman Act (15 U.S.C. § 1). Said offense will continue  
24 unless the relief hereinafter prayed for is granted.

25 11. The aforesaid combination and conspiracy has  
26 consisted of a continuing agreement, understanding and  
27 concert of action among the defendants and co-conspirators,  
28 the substantial terms of which have been to raise, fix and  
29 maintain the prices, terms and conditions of sale with  
30 respect to Seagram's products and Canadian Club sold to  
31 retailers in the State of Alaska by:  
32

1 (a) eliminating the giving of discounts  
2 in the form of free goods or otherwise  
3 except to the extent agreed upon and  
4 published by the defendants in advance;  
5 and

6 (b) eliminating all discounts in connection  
7 with the sale of Seagram's V.O., Seagram's  
8 Crown Royal, and Canadian Club.

9 12. For the purpose of forming and effectuating the  
10 aforesaid combination and conspiracy, the defendants and  
11 co-conspirators have performed the acts and done those  
12 things which, as hereinbefore alleged, they have combined  
13 and conspired to do.

14 VII

15 EFFECTS OF THE COMBINATION AND CONSPIRACY

16 13. The aforesaid combination and conspiracy has had  
17 the following effects, among others:

18 (a) retailers in the State of Alaska have been  
19 deprived of the opportunity to purchase Seagram's  
20 products and Canadian Club at competitive prices;

21 (b) competition in the sale of Seagram's products  
22 to retailers in the State of Alaska has been  
23 suppressed and eliminated; and

24 (c) the cost of Seagram's products and Canadian  
25 Club to retailers and consumers in the State of  
26 Alaska has been increased.

27 PRAYER

28 WHEREFORE the plaintiff prays:

29 1. That the aforesaid combination and conspiracy in  
30 restraint of interstate and foreign trade and commerce be  
31 adjudged and decreed to be unlawful and in violation of  
32 Section 1 of the Sherman Act.

1           2. That the defendants and their officers, directors,  
2 agents, employees, successors and assigns, and all persons  
3 acting on their behalf, be perpetually enjoined and  
4 restrained from, in any manner, directly or indirectly, con-  
5 tinuing, maintaining or renewing the aforesaid combination  
6 and conspiracy, and from engaging in practices having the  
7 purpose or effect of continuing, renewing or reviving the  
8 violation hereinbefore alleged.

9           3. That the defendants and their officers, directors,  
10 agents, employees, successors and assigns, and all persons  
11 acting on their behalf, be perpetually enjoined and restrained  
12 from, in any manner, directly or indirectly, engaging in any  
13 combination, conspiracy, agreement or understanding concerning  
14 the terms, prices or conditions of sale of any liquor products  
15 which they distribute.

16           4. That the defendants and their officers, directors,  
17 agents, employees, successors and assigns, and all persons  
18 acting on their behalf, be perpetually enjoined and restrained  
19 from, in any manner, directly or indirectly, exchanging with  
20 or divulging to any competitor information concerning prices,  
21 discount terms, pricing intentions, pricing methods or any  
22 term or condition affecting the price of any liquor products  
23 which they sell.

24           5. That the defendants be required within sixty days  
25 following entry of a final judgment in this action to:

26           (a) withdraw their then effective price lists  
27 for the sale of Seagram's products and Canadian  
28 Club in Alaska;

29           (b) individually review their prices, discount  
30 terms and other conditions relating to the sale  
31 of such products on the basis of their individual  
32 cost figures and individual assessments of

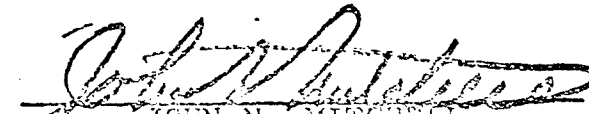
1 appropriate profit margins; and


2 (c) adopt new prices, discount terms and other  
3 conditions relating to the sale of such products  
4 on the basis of such independent review.

5 6. That the plaintiff have such other relief as the  
6 nature of the case may require and as the Court may deem  
7 just and proper in the premises.

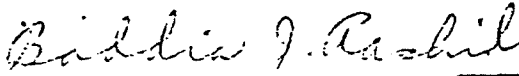
8 7. That the plaintiff recover the costs of this action.

9 Dated:

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11 \_\_\_\_\_  
12 JOHN N. MITCHELL  
13 Attorney General


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15 \_\_\_\_\_  
16 RICHARD W. McLAREN  
17 Assistant Attorney General

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34 G. KENT EDWARDS  
35 United States Attorney