

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

G. HEILEMAN BREWING CO., INC.
and ASSOCIATED BREWING CO.,
INC.,
Defendants.

FINAL JUDGMENT AND
DECREE

Case No. 38162

Filed: June 13, 1973

Entered: July 13, 1973

Plaintiff, United States of America, having filed its complaint herein on April 17, 1972, and defendants having appeared by their attorneys and filed their answers to such complaint, denying the substantive allegations thereof, and

Plaintiff and defendant Heileman having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without any admission by plaintiff or defendants in respect to any such issue,

NOW, THEREFORE, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter hereof and of the parties hereto pursuant to Section 15 of the Act of Congress of October 15, 1914, as amended,

entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes," commonly known as the Clayton Act, and the complaint states a claim upon which relief may be granted under Section 7 of said Act.

II

As used in this Final Judgment:

(A) "Heileman" shall mean defendant, G. Heileman Brewing Co., Inc., a corporation organized under the laws of the State of Wisconsin;

(B) "Eight state area" shall mean the states of Minnesota, Michigan, Wisconsin, Iowa, Illinois, Indiana, Ohio, and Kentucky.

III

The provisions of this Final Judgment applicable to Heileman shall apply to Heileman and to its officers, directors, agents, servants, employees, subsidiaries, successors and assigns, and to those persons in active concert or participation with Heileman who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Heileman is ordered and directed, on or before June 15, 1975, to divest to a purchaser or purchasers approved by plaintiff or, failing such approval, by the Court, all its right, title and interest in brands of beer owned or licensed by Heileman and/or to transfer to brewers approved by plaintiff or, failing such approval, by the Court, all production agreements relating

to brands of beer produced by Heileman accounting, in total, for at least 400,000 barrels of 1972 sales, at least 300,000 barrels of which shall have been sales within the eight state area. Such brands divested shall include a brand accounting for at least 100,000 barrels of 1972 sales.

V

Heileman is enjoined and restrained, for a period of ten years after the date of entry of this Final Judgment, from acquiring, without approval of plaintiff or, failing such approval, of the Court, any brewery brewing and selling beer in the eight state area.

VI

Heileman is ordered and directed, for a period of ten years after the date of entry of this Final Judgment, to notify plaintiff at least sixty days prior to its entry into any final agreement to acquire, directly or indirectly, the stock or assets or any brand of beer of any brewery outside the eight state area. Heileman is further ordered and directed to furnish whatever information plaintiff may reasonably request concerning any such acquisition and to refrain from closing any such acquisition until at least thirty days after receipt by plaintiff of such information.

VII

For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall, upon the written request of the Attorney General,

or the Assistant Attorney General in charge of the Antitrust Division, upon reasonable notice to Heileman, at its principal office, be permitted:

(A) access, during the office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of such defendant relating to any matters contained in this Final Judgment; and

(B) subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview the officers and employees of such defendant, who may have counsel present, regarding any such matters.

Heileman upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, made to its principal office, shall submit such written reports with respect to any of the matters contained in this Final Judgment as from time to time may be requested.

No information obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VIII

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment or for the modification of any of the provisions thereof and for the enforcement of compliance therewith and the punishment of violations thereof.

Dated this 13 day of July, 1973, at Detroit, Michigan.

/s/ Robert E. DeMascio
District Judge