

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

GEORGIA AUTOMATIC MERCHANDISING
COUNCIL, INC.;
ARA SERVICES, INC.;
CENTRAL VENDING SERVICE;
OLD FASHION FOODS, INC.;
SANDS AND COMPANY,
INCORPORATED;
SERVOMATION OF ATLANTA, INC.;
THE MACKIE COMPANY OF GEORGIA; and
SHAMROCK SYSTEM, INC.,
Defendants.

Civil No. 187-56

File No. 63-270-23

FILED: August 8, 1973

COMPLAINT

The United States of America, by its attorneys, acting under the direction of the Attorney General of the United States, brings this action against the defendants named herein and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed and this action is instituted under Section 4 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 4), commonly known as the Sherman Act, in order to prevent and restrain the continuing violation by the defendants, as hereinafter alleged, of Section 1 of said Act (15 U.S.C. § 1).

2. The defendants transact business and are found within the Northern District of Georgia, Atlanta Division.

II

THE DEFENDANTS

3. Georgia Automatic Merchandising Council, Inc., (hereafter, GAMC) a corporation organized and existing under the laws of the State of Georgia, with its principal place of business in Atlanta, Georgia, is hereby made a defendant herein. GAMC is a trade association whose membership includes, among others, persons engaged in operating vending machines in the Atlanta area.

4. Central Vending Service, a partnership existing under the laws of the State of Georgia, with its principal place of business in Atlanta, Georgia, is hereby made a defendant herein. Central Vending Service is engaged in operating vending machines in the Atlanta area.

5. The corporations named below are hereby made defendants herein. Each of these corporations is organized and exists under the laws of the state and has its principal place of business in the city indicated below. During the period covered by this complaint, each corporate defendant was engaged in operating vending machines in the Atlanta area.

<u>Name of Corporation</u>	<u>State of Incorporation</u>	<u>Principal Place of Business</u>
ARA Services, Inc.	Delaware	Philadelphia, Pa.
Old Fashion Foods, Inc.	Georgia	Austell, Ga.
Sands and Company, Incorporated	Virginia	Atlanta, Ga.
Servomation of Atlanta, Inc.	Georgia	Atlanta, Ga.
The Macke Company of Georgia	Georgia	Atlanta, Ga.
Shamrock System, Inc.	South Carolina	Atlanta, Ga.

III

CO-CONSPIRATORS

6. Various firms, corporations, partnerships and individuals not made defendants herein, have participated

as co-conspirators with the defendants in the violation hereinafter alleged, and have performed acts and made statements in furtherance thereof.

IV

DEFINITIONS

7. As used herein:

- (a) "Atlanta area" means the Counties of Fulton, DeKalb, Cobb, Douglas and Gwinnett in the State of Georgia;
- (b) "Vending machine" means a machine or device which, when appropriate coins are inserted therein, automatically dispenses hot or cold beverages contained in cups; and
- (c) "Operator" means any person owning vending machines which are in operation in locations other than the operator's place of business.

V

TRADE AND COMMERCE

8. In terms of dollar value, the majority of the ingredients necessary to make the hot and cold beverages sold by the defendants through vending machines, as well as the cups in which they are vended, are either grown, processed or manufactured outside the State of Georgia or produced from products which are grown, processed or manufactured outside the State of Georgia. During the period of time covered by this complaint, the defendants have purchased substantial amounts of ingredients and cups which were

shipped by suppliers from without the State of Georgia into the State of Georgia. Also, they have purchased substantial amounts of ingredients made from products which were shipped by suppliers from without the State of Georgia into the State of Georgia. There is a regular, continuous and substantial flow in interstate commerce of ingredients and cups utilized by the defendants in selling hot and cold beverages through vending machines in the Atlanta area.

9. During the period of time covered by this complaint, defendants have been among the largest vending machine operators doing business in the Atlanta area. During 1971, the defendants' annual revenues from the sale of hot and cold beverages through vending machines in the Atlanta area totaled approximately \$5.1 million.

VI

VIOLATION ALLEGED

10. Beginning at least as early as January 1970, the exact date being to the plaintiff unknown, and continuing to the date of the filing of this complaint, the defendants and co-conspirators have engaged in a combination and conspiracy in unreasonable restraint of the aforesaid interstate trade and commerce in hot and cold beverages sold through vending machines in the Atlanta area in violation of Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

11. The aforesaid combination and conspiracy has consisted of a continuing agreement, understanding and concert of action among the defendants and co-conspirators to raise,

fix, stabilize and maintain prices charged for hot and cold beverages sold through vending machines in the Atlanta area.

12. In furtherance of the aforesaid combination and conspiracy, the defendants and co-conspirators have done those things which they combined and conspired to do.

VII

EFFECTS

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

- (a) Price competition in the sale of hot and cold beverages through vending machines in the Atlanta area has been restrained and suppressed;
- (b) Prices of hot and cold beverages sold through vending machines in the Atlanta area have been artificially raised, fixed, stabilized and maintained at noncompetitive levels; and
- (c) Customers of the defendants and co-conspirators in the Atlanta area have been deprived of the opportunity of purchasing hot and cold beverages from vending machines in an open and competitive market.

PRAYER

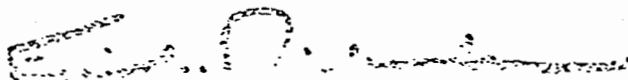
WHEREFORE, the plaintiff prays:

1. That the Court adjudge and decree that the defendants and co-conspirators have engaged in an unlawful combination and conspiracy in restraint of the aforesaid interstate trade and commerce in hot and cold vended beverages sold through vending machines in the Atlanta area in violation of Section 1 of the Sherman Act.

2. That the defendants, their partners, officers, directors, agents and employees, and all persons acting or claiming to act on their behalf, be perpetually enjoined and restrained from continuing, maintaining, reviving or renewing the aforesaid illegal combination and conspiracy, and from engaging in any other combination, contract, conspiracy, agreement, understanding or concert of action having a similar purpose or effect.

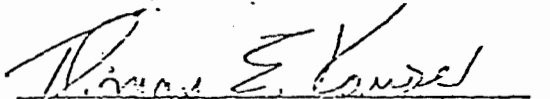
3. That the plaintiff have such other and further relief as the nature of the case may require and the Court may deem just and proper.

4. That the plaintiff recover its taxable costs.



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