

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	Civil No. 67 Civil 4597 (ELP)
FIELD ENTERPRISES, INC. and	)	Filed: FEB 6 1973
GLOBE NEWSPAPER COMPANY,	)	
Defendants.	)	

AMENDED COMPLAINT

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, having brought this civil action to obtain equitable relief against defendant Field Enterprises, Inc. on November 21, 1967, hereby amends its complaint to include as a party defendant Globe Newspaper Company, and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This Complaint is filed and these proceedings are instituted under Section 4 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. Section 4), commonly known as the Sherman Act, in order to prevent and restrain continuing violations by the defendants of Section 1 of the Sherman Act (15 U.S.C. Section 1).

2. Defendant Field Enterprises, Inc. maintains offices, transacts business, and is found within the Southern District of New York.

3. Defendant Globe Newspaper Company maintains offices, transacts business and is found in Boston, Massachusetts. The ends of justice require that it be brought before this court as a party defendant.

## II

### THE DEFENDANTS

4. Field Enterprises, Inc., hereinafter referred to as Field, is made a defendant herein. Field is a corporation organized and existing under the laws of the State of Delaware and maintains an office in New York, New York. It furnishes features, as hereinafter defined, to newspapers throughout the United States through its Publishers - Hall Syndicate division, hereinafter referred to as Publishers.

5. Globe Newspaper Company is made a defendant herein. Globe Newspaper Company is a corporation organized and existing under the laws of the State of Massachusetts, and is the publisher of The Boston Globe, a newspaper published daily and Sunday in Boston, Massachusetts.

## III

### DEFINITIONS

6. "Features" means literary and/or artistic products prepared for publication in newspapers.

## IV

### NATURE OF TRADE AND COMMERCE

7. Features are a substantial part of the makeup of most daily newspapers published in the United States. Some, such as columns, afford information and advice on a variety of subjects from a diversity of viewpoints. Other features

such as comic strips and puzzles are available for the amusement of the newspaper's readers. Inability to supply popular features significantly limits a newspaper's capacity to provide a well-rounded service to its reading public.

8. Feature syndicates similar to Publishers were first formed around 1910 to service the needs of newspapers, authors and artists. Authors and artists may transfer all property rights in their creations to the syndicate with which they associate or, in some instances, the syndicate may receive from them only the right to distribute their creations. The syndicate in turn licenses the features to newspapers. It maintains the mechanical means of reproducing and transmitting the features and it distributes them in interstate commerce to licensee newspapers throughout the United States.

9. Syndicates such as Publishers constantly solicit business from newspapers through various channels of interstate commerce such as the mail, sales representatives and, in certain situations, branch offices in major cities. Newspapers evaluate the popularity of their features and often seek additions and/or substitutions. Popular features are rarely terminated by a subscribing newspaper and are constantly sought by other newspapers.

10. Agreement between newspapers and syndicates for specific feature service usually follows negotiation on price, release date, term of service and other matters. Price for a feature is usually determined by considerations such as the newspaper's circulation, whether one feature or a package of features is to be supplied by the syndicate,

and the type of service, such as daily, weekly or Sunday only. Sometimes involved in the determination of the price for a feature is the extent of an exclusive territory within which the syndicate agrees not to offer or distribute the feature to other newspapers.

11. Field is engaged in interstate trade and commerce in that it distributes, through Publishers, features in various forms to newspapers, including The Boston Globe, throughout the United States. Publishers is a major syndicate and furnishes and distributes one or more of the following features, among others, to a substantial number of the more than 1700 daily newspapers in the United States.

Comic Strips -

Apartment 3G  
B. C.  
Judge Parker  
Kerry Drake  
Mary Worth  
Penny  
Rex Morgan, M. D.  
Steve Canyon  
Steve Roper  
The Berrys

Columns -

Charles Bartlett  
Roscoe Drummond  
Evans and Novak  
Max Freedman  
David Lawrence  
Red Smith  
Hy Gardner  
Robert G. Spivak

Variety and Specialty Features -

Bill Mauldin (Editorial Cartoon)  
The Gallup Poll  
Joseph G. Molner, M. D. (Health)  
Ann Landers (Advice)  
Crossword Puzzle  
T. V. Previews  
Young Hobby Club  
Paddleford on Food  
Ernest Kahr - Stamp News  
Fashions by Eugenia Sheppard  
Grin and Bear It (Cartoon Panel)  
Brother Juniper (Cartoon Panel)

V

OFFENSES CHARGED

12. For many years past, and continuing up to and including the date of this Complaint, Field has been and is now a party to unlawful contracts, agreements and understandings between itself and various newspapers including The Boston Globe (hereinafter referred to as contracting newspapers), in unreasonable restraint of the aforesaid interstate trade and commerce in features, in violation of Section 1 of the Sherman Act. Said offenses will continue unless the relief hereinafter prayed for is granted.

13. The substantial terms of each of the aforesaid contracts, agreements and understandings between Field and the contracting newspapers, including The Boston Globe, are that Field, in licensing features to a contracting newspaper, agrees not to license the features to any other newspaper published within an arbitrary and unreasonably broad territory surrounding the contracting newspaper's city of publication.

14. Pursuant to and in effectuation of the aforesaid offenses, Field has done those things which, as hereinbefore alleged, it agreed to do.

VI

EFFECTS

15. The aforesaid offenses have had, among others, the following effects:

- (a) Many newspapers throughout the United States, including those newspapers within the exclusive territory of The Boston

Globe, have been deprived arbitrarily of the opportunity to obtain certain features;

(b) Substantial numbers of the public, including many located within the exclusive territory of The Boston Globe, have been denied reasonable access to certain features.

PRAYER

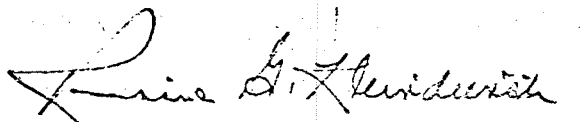
WHEREFORE, plaintiff prays:

1. That the Court adjudge and decree that Field has entered into contracts, agreements and understandings with The Boston Globe and with other newspapers in unreasonable restraint of interstate trade and commerce in features in violation of Section 1 of the Sherman Act.
2. That pursuant to Section 5 of the Sherman Act an order be made and entered herein requiring defendant Globe Newspaper Company to be brought before this Court in this proceeding and directing the United States Marshal of the District of Massachusetts to serve a summons upon it.
3. That defendants and their officers, directors, agents, representatives, successors, assignees and all other persons acting or claiming to act on their behalf, be perpetually enjoined and restrained from in any manner directly or indirectly continuing, maintaining or renewing the aforesaid contracts, agreements and understandings to which either is a party and from engaging in any practice having the purpose or effect of continuing, renewing or reviving the violations hereinbefore described.
4. That defendants be ordered and directed to terminate and cancel each of said contracts, agreements or understandings


to which either is a party or to cause the same to be modified and amended under such terms and conditions as the Court may deem just and proper so that such contracts, agreements or understandings shall not be in conflict with the antitrust laws.

5. That the plaintiff have such other and further relief as may be just and proper.

6. That the plaintiff recover the cost of this suit.

  
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CERTIFICATE OF SERVICE

I, Gerald A. Connell, counsel for plaintiff, United States of America, hereby certify that I have this day served the foregoing Amended Complaint upon Field Enterprises, Inc. by mailing a copy thereof, postage prepaid, to Jay Topkis, Esquire, Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 575 Madison Avenue, New York, New York 10022, its counsel.

Dated: February 8, 1973

  
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GERALD A. CONNELL  
Attorney, Department of Justice