

UNITED STATES OF AMERICA vs. RICHMOND  
DISTRIBUTING CORPORATION ET AL.

IN THE DISTRICT COURT OF THE UNITED STATES FOR  
THE EASTERN DISTRICT OF VIRGINIA.

In Equity No. 162.

UNITED STATES OF AMERICA, PLAINTIFF

VS.

RICHMOND DISTRIBUTING CORPORATION ET AL., defendants.

DECREE.

The United States of America having filed its petition herein on the 13th day of April, 1927, and the defendants, Richmond Distributing Corporation, Charles D. McEwen, Sheldon H. Short, William T. Stuart, Elam C. Toone, Marion S. Rose, Earl C. Johnson, Joseph D. Berger, Irvin Scherr, A. Barbee Betts, Fred F. Braswell, and the following defendants, members of the Wholesale Confectioners Club of Richmond:

Charles E. Brauer Company (Inc.);  
Edwards Candy Company;  
Gunn-Ellis Company;  
W. H. Harris Grocery Company;  
Harris-Woodson Company;  
H. P. Harrison Company (Inc.);  
Piedmont Confectionery Company;  
Stuart & Betts;  
B. H. Tyler Confectionery Company;  
Woodville A. Page and Holt Page, Copartners, doing business as W. A. Page & Company;  
Robert B. Pruett and Thomas J. Pruett, Copartners, doing business as Pruett Bros.;  
Frederick K. Woodson;

having duly appeared by Robert H. Talley, their solicitor;

Comes now the United States of America by Paul W. Kear, its attorney for the Eastern District of Virginia, and by John G. Sargent, Attorney General, William J. Donovan, Assistant to the Attorney General, and Mary G. Connor, Special Assistant to the Attorney General, and come also the defendants named herein by their solicitor as aforesaid;

And it appearing to the court by admission of the parties consenting to this decree, that the petition herein states a cause of action; that the court has jurisdiction of the subject matters alleged in the petition; and that the petitioner has moved the court for an injunction and for other relief against the defendants as hereinafter decreed; and the court having duly considered the statements of counsel for the respective parties; and all of the defendants through their said solicitors now and here consenting to the rendition of the following decree:

Now, therefore, it is ordered, adjudged, and decreed as follows:

1. That the combination and conspiracy in restraint of interstate trade and commerce, and the acts, agreements, and understandings among the defendants in restraint of interstate trade and commerce, as described in the petition herein, are in violation of the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies," and acts amendatory thereof and supplemental or additional thereto.

2. That the defendants, their officers, agents, servants, or employees are perpetually enjoined and prohibited—

(a) From combining, conspiring, agreeing, or contracting together, or with one another, or with others, orally or in writing, expressly or impliedly, directly or indirectly, to withhold their patronage from any manufacturer or producer of the candy products dealt in by the defendants, for or on account of such manufacturer or producer having sold such products in the City of Richmond and in other places in the Eastern District of Virginia wherein members of the Wholesale Confectioners Club of Richmond are engaged in the candy jobbing business, to persons, firms, or corporations other than the members of said association;

(b) From combining, conspiring, agreeing, or contracting together, or with one another, or with others, orally or in writing, expressly or impliedly, directly or indirectly, to prevent manufacturers or producers, or

their agents, engaged in shipping and selling such commodities among the several States, from shipping and selling such commodities freely in the open market.

(c) From issuing or sending to manufacturers or producers, or their agents, engaged in selling or shipping such commodities among the several States, lists of the members of said association, for the purpose and with the intention of influencing the said manufacturers or producers, or their agents, to refrain from making sales in the said commodities in the territory embraced by said association to others than those named in said lists, or otherwise suggesting to said manufacturers or producers, or their agents, that they refrain from making sales in the City of Richmond, Virginia, or elsewhere in the Eastern District of Virginia, to others than those named in said lists of members of the association.

(d) From sending to manufacturers or producers, or their agents, engaged in selling or shipping said commodities among the several States, communications, oral or written, suggesting directly or indirectly that such manufacturers or producers, or their agents, shall refrain from selling such commodities directly to the consuming or retail trade, or to jobbers not members of said association.

3. That jurisdiction of this cause is hereby retained for the purpose of giving full effect to this decree, and for the purpose of making such other and further orders, decrees, amendments, or modifications, or taking such other action, if any, as may be necessary or appropriate to the carrying out and enforcement of said decree; and for the purpose of enabling any of the parties to this decree to make application to the court at any time for such further orders and directions as may be necessary or proper in relation to the execution of the provisions of this decree, and for the enforcement of strict compliance therewith and the punishment of evasions thereof.

4. That the United States shall recover its costs.

*United States District Judge.*

April 13, 1927.