

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 417-62-Civ-WAM

THE HOUSE OF SEAGRAM, INC.,

Defendant.

Entered: Sept. 23, 1965

FINAL JUDGMENT

Plaintiff filed its complaint in this cause on August 24, 1962, and its amendments to the complaint on September 14, 1962. Defendant timely filed its answer thereto. The issues thereby presented were tried by this Court and the Court entered its Findings of Fact and Conclusions of Law on March 25, 1965.

It is now, upon consideration

ORDERED AND ADJUDGED:

I

This Court has jurisdiction of the subject matter hereof and of the parties hereto. Defendant Seagram, as set forth in the Findings of Fact and Conclusions of Law has violated Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment

(a) "Seagram" shall mean the defendant, The House of Seagram, Inc., its parents and subsidiaries;

(b) "Alcoholic beverages" shall mean any and all distilled spirits produced or sold for human consumption and wines;

(c) "Seagram beverages" shall mean any, some or all alcoholic beverages manufactured or sold by Seagram;

(d) "Person" shall mean any individual, corporation, partnership, association or other business or legal entity;

(e) "Manufacturer" shall mean any person who operates a plant for distilling, rectifying, blending, fermenting or bottling any alcoholic beverage, or imports into the United States any alcoholic beverage, from outside the United States for resale therein, or is a distributor selling to a wholesaler for resale to a retailer or other purchasers for resale;

(f) "Wholesaler" shall mean any person engaged in the business of purchasing or acquiring alcoholic beverages from manufacturers for resale or distribution to retailers or other purchasers for resale;

(g) "Retailer" shall mean any person engaged in selling alcoholic beverages to consumers.

III

The provisions of this Final Judgment applicable to Seagram shall apply to each of Seagram's officers, directors, agents, servants, employees, successors and assigns.

IV

The United States has requested that this Final Judgment be made applicable throughout the United States, and in support of this position has urged that Seagram has been a persistent violator of the antitrust laws, and that such relief is required in the public interest. The Court is unwilling at this time to accede to this position. This Final Judgment shall accordingly apply only to the State of Florida and to all actions and activities of Seagram relating to its operations within the State of Florida.

V

Seagram is enjoined and restrained from entering into, adhering to, maintaining or claiming any rights under any contract, agreement, understanding, plan or program with any manufacturer, wholesaler or retailer or any group thereof:

- (a) To fix, establish, maintain or suggest prices or other terms or conditions for the sale of any alcoholic beverages to any third person;
- (b) To limit or restrict the promotion or advertisement of any alcoholic beverages by any retailer;
- (c) To boycott or otherwise refuse to do business with any person;
- (d) To police or otherwise investigate the prices at which any alcoholic beverages are sold.

VI

Seagram is enjoined and restrained from:

- (a) Selling or offering to sell any alcoholic beverages to any wholesaler on any condition or understanding that such wholesaler
 - (1) restrict or limit or attempt to restrict or limit any retailer as to the prices at which he may choose to resell any alcoholic beverages;
 - (2) suggest to any retailer the prices at which he should sell any alcoholic beverages;
 - (3) restrict or limit or attempt to restrict or limit any retailer in the promotion or advertisement of any alcoholic beverages;

(4) restrict or limit or attempt to restrict
or limit any retailer or class of re-
tailers to whom any alcoholic beverages
may be sold.

(b) Fixing or suggesting the price or prices at which any purchaser of any alcoholic beverages should resell such beverages to any third person;

(c) Preventing or restricting or attempting to prevent or restrict the resale of any alcoholic beverages by any wholesaler or retailer to any person or class of persons;

(d) Policing or otherwise investigating the prices at which any Seagram beverages are sold by any wholesaler or retailer;

(e) Selling alcoholic beverages to any wholesaler who refuses to sell any alcoholic beverages on its regular terms and conditions to any licensed retailer;

(f) Acquiring or holding any financial interest in or ownership of or operating or participating in the management of or extending any loans of monies, services of facilities to any wholesaler.

VII

For the purpose of determining or securing compliance with this Final Judgment and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Seagram made to its principal office, be permitted:

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

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

Seagram, on the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any matters contained in this Final Judgment as may be reasonably necessary for the purpose of the enforcement thereof.

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, except in the course of legal proceedings to which the United States of America 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 punishment of violations thereof.

DONE AND ORDERED at Jacksonville, Florida, this 23rd day of
September, 1965.

Original signed:
Wm. A. McRae, JR.
Judge

Copies to counsel