

U. S. v. CONF'TRS CLUB OF BALTIMORE, MD. 1389
IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF MARYLAND.

In Equity No. 1424.

UNITED STATES OF AMERICA, PETITIONER,

VS.

CONFECTIONERS CLUB OF BALTIMORE, MARYLAND, ET AL.,
DEFENDANTS.

DECREE.

The United States of America having filed its petition herein on the 14th day of September, 1928, and the defendants, Confectioners Club of Baltimore, Maryland, Morton P. Allen, doing business as Allen, Son & Co., Atlas Candy Co., John L. Astwood, Jacob Abbott, Baltimore Candy & Tobacco Corporation, John F. Birkmeyer, John F. Birkmeyer, Jr., doing business as John Birkmeyer & Sons, William S. Bunchez, Louis Bagan, doing business as L. Bagan Candy Co., Anthony M. Bernard, doing business as Bernard & Bernard, Crescent Candy Company, James I. Cook, David Davison and Henry Davison, doing business as the Davison Candy Co., A. Maurice Dawson, doing business as Dawson & Co., John H. Dockman & Son, Federal Candy Company, Edward A. Gyskiewicz, doing business as the Eastern Candy Co., Edgar K. Edwards, Jr., doing business as E. K. Edwards, Jr., & Co., Cornelius B. Falter, Edward B. Falter, Geo. J. Falter Co., Francis B. Flynn, Aloysius H. Goedeke and Edw. Horton, doing business as Goedeke & Horton, Leo Guberman, John W. Hayes, Geo. A. Henneke, Wm. J. C. Kumlehn, Arthur B. League, Henry W. Loock, Paul Loughran, Lucy Candy Co., McDowell, Pyle & Co., Max M. Margolis, John Meyer, Ernest F. Meile, Louis Morris, Wm. Omansky, doing business as Wm. Omansky & Sons, Edwin H. Perkins, Dominick J. Pessagno, Jr., doing business as D. J. Pessagno, Jr., & Co., C. Alvin Riebling, Edward L. Ringer, Albert A. Ring, doing business as the Ring Candy Co., Jacob L. Rose and Arthur L. Rose, doing business as A. L. Rose & Co., George J. Schreiber,

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Benj. Schloss, doing business as the Standard Candy Co., Emil R. Schomberg, W. J. Vanous, H. Fabius Weisman, doing business as H. Weisman Candy Co., Geo. H. Weitzel, Thomas J. Kennard, doing business as Thomas J. Kennard & Co., John H. Welsh, John Miles, J. Menard Weber, doing business as the Menard Candy Co., Matthew W. Wolpert, doing business as the Standard Merchandise Co., and Harrison M. Sandrock, doing business as E. A. Roessler & Co., having duly appeared by Robert R. Carman, their counsel:

Comes now the United States of America by Amos W. W. Woodcock, its attorney for the District of Maryland, and by Mary G. Connor, Special Assistant to the Attorney General, and come also the defendants named herein by their counsel 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 the foregoing defendants through their said counsel now and here consenting to the rendition of such decree as is prayed by the petitioner:

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

I. That the combination and conspiracy in restraint of interstate trade and commerce, the acts, agreements, and understandings among the defendants in restraint of interstate trade and commerce, as described in the petition herein, and the restraint of such trade and commerce thereby achieved as described in the petition herein are violative of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," known as the Sherman Antitrust Act.

II. That the defendants, their agents, servants, and 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 State of Maryland, wherein members of the Confectioners Club of Baltimore are engaged in the candy jobbing business, to persons, firms, or corporations other than the members of the 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 candy products among the several States, from shipping and selling such commodities freely;

(c) From threatening to boycott manufacturers or producers engaged in selling and shipping candy products among the several States who sell and ship or have sold and shipped said products to non-members of defendant association who are competitors of defendant jobbers;

(d) From combining, conspiring, or agreeing together, or with one another, or with others, to fix, establish, and maintain wholesale and/or retail prices to be charged for candy products.

III. 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 for the punishment of evasions thereof.

IV. That the petition be, and it is hereby, dismissed as to defendants Mrs. Matilda Bernard, Peter Gryskiewicz, Harry and Samuel Omansky, I. Cordish and Son, Aaron Folb, Harry Heyman, George Kennerly, James J. Wheatley, George W. F. Webster, Wachter Brothers, Thomas Whelan, John J. Ryan, John J. Langen, Dave Ramosciotti, Joseph W. Bailey, Branch H. Phillips, David C. Bailey, Percy White, and John W. White.

V. That the United States shall recover its costs.

MORRIS A. SOPER,
United States District Judge.

JANUARY 3, 1930.