

UNITED STATES OF AMERICA vs. EVANSVILLE
CONFECTIONERS' ASS'N ET AL., DEFENDANTS.

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF INDIANA.

In Equity No. 86.

UNITED STATES OF AMERICA, PETITIONER

VS.

EVANSVILLE CONFECTIONERS' ASSOCIATION ET AL.,
DEFENDANTS.

DECREE.

The United States of America having filed its petition herein on the 21st day of February, 1929, and the defendants, Evansville Confectioners' Association, A. Bromm & Co., Edward A. Bromm, Charles N. Bryant, Evansville Candy Manufacturing Co., August J. Goelzhauser, William Lappe, Henry Stadler, Andrew G. Sterm, Mary Gowdy, Arthur G. Schnabel, and John L. Walter, having duly appeared by Isador Kahn, their counsel:

Comes now the United States of America by Albert Ward, its attorney for the Southern District of Indiana,

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 all of the defendants through their said counsel now and here consenting to the rendition of the following decree:

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 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 officers, 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 selling such products in the City of Evansville, in the Southern District of Indiana, wherein defendants are engaged in the candy jobbing business, to persons, firms or corporations who are competitors of defendant jobbers and nonmembers of defendant 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 confectionery products or any other commodity among the several States, from shipping and selling such commodities freely in the open market and particularly in the State of Indiana;

(c) From threatening to boycott manufacturers or producers engaged in selling and shipping confectionery products among the several States who sell and ship or have sold and shipped said products to nonmembers 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 prices to be charged for candy products in Evansville, Indiana, or elsewhere.

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 the punishment of evasions thereof.

IV. That the United States shall recover its costs.

ROBERT C. BALTZELL,
United States District Judge.

FEBRUARY 21, 1929.
