

**UNITED STATES OF AMERICA v. CANDY SUPPLY
COMPANY, ET AL., DEFENDANTS.**

**IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE WESTERN DISTRICT OF PENNSYLVANIA.**

In Equity No. 2162 (2189).

UNITED STATES OF AMERICA, PETITIONER

VS.

CANDY SUPPLY COMPANY ET AL.

DECREE.

The United States of America, having filed its petition herein on the 8th day of June 1928, and the defendants, Candy Supply Company and the following stockholders in said Candy Supply Company: Alva C. Anderson, Joseph H. Apter, Charles Apter, John W. Birch, Monroe Bolner, The Campbell & Hemphill Co. Inc., Charles O. Campbell, Capital Candy Company, David L. Clark, Frank I. Clements & Sons Company Inc., Samuel Cohen, Alexander Cohen, Antonio Colatch, Samuel Colatch, James B. Cook, Adam B. Cook, Joseph L. Cook, Nathan Daly, Harry Daly, Samuel E. Davis, Frank DeSimone, Concerttina DeSimone, Roy W. Dils, Harry N. Dippel, Brose C. Elliott, Floyd H. Elliott, John S. Elliott, The Gildisch Company Inc., Meyer Glass, Oscar Green, Louis Greenbarg, Martin Greenbarg, Oliver Greenbarg, Philip Greenbarg, Charles A. Hedges, The Hein Company Inc., Louis Huck, Frank J. Kocher, Samuel Kraus, Henry S. Lamp, jr., Jacob C.

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Lamp, Louis L. Lancaster, Abraham H. Landay, Maurice J. Samolsky, Benjamin D. Lazar, Josiah D. Lazar, Herbert Lechner, Edward A. Lechner, Sidney Lechner, Lloyd Company Inc., Benjamin Lipsitz, Charles C. Luehn, Robert A. Manns, Joseph Mandel, Joseph B. Lytle, Merle C. Maffei, Elick L. Marcus, Guisto E. Mariani, Sherman Mason, John O. Shannon, Samuel A. McAnlis, Leo T. Connair, J. K. McKee Company Inc., John L. Messer, Samuel Minsky, Joseph J. Minsky, Louis M. Minsky, Meyer E. Minsky, Max Mittleman, Model Candy Co. Inc., Morris Moidel, Max Mullen, Max M. Plesset, Milton J. Plesset, Louis M. Plesset, Charles T. Plesset, Marvin Plesset, John Rahn, Joseph H. Rossen, The Raubitschek Company Inc., James C. Reed, Reymer Brothers Inc., Nathan Rice, Harry Rice, Erastus C. Robertson, Hugh C. Robertson, Lynn B. Robertson, Frank S. Roderick, D. J. Roderick, Howard J. Wissner, Frank Rackley, J. Knox McConnell, Morris Rosen, George Rosenthal, Ernest H. Sackville, John Salisbury, Emery P. Sands, William W. Seaman, Nathan Silver, Isaac Silverblatt, Harry P. Sisser, Edward Smith, Joseph D. Snitger, Jacob E. Spanko, Julius P. Staiger, The Stallings Company, R. G. Stephens & Company, Samuel R. Tamburo, Uniontown Candy Company, Louis E. Walk, Meyer Walk, Waverly Candy Company, Weaver, Costello & Company Inc., Jacob C. Wedner, Harry Weisman, Samuel M. Weisman, Louis Whiteman, Israel Whiteman, Arthur J. Woodside, Frank Zasloff, Jacob B. Zasloff, and Wesley C. Zediker, having duly appeared by R. T. McCready, their solicitor;

Comes now the United States of America by John D. Meyer, its attorney for the Western District of Pennsylvania, and by John G. Sargent, the Attorney General, William J. Donovan the Assistant to the Attorney General, and Mary G. Connor, Special Assistant to the Attorney General, and comes 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 representatives 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 and confectionary products dealt in by the defendants, for or on account of such manufacturer or producer having sold such products in the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Mercer, Washington, and Westmoreland, in the Western District of Pennsylvania, wherein defendants are engaged in the candy jobbing business, to persons, firms, or corporations other than the above-named stockholders in defendant Candy Supply Company;

(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

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

(c) From sending to manufacturers or producers, or their agents, engaged in selling and shipping said commodities among the several States, communications, oral or written, suggesting directly or indirectly that such manufacturers or producers, or their agents, shall refuse to sell or refrain from selling such commodities directly to the consuming or retail trade, or to jobbers other than the defendants herein;

(d) From issuing and sending to manufacturers or producers, or their agents, engaged in selling and shipping candy products among the several States, lists of the names of jobbers who are stockholders in defendant Candy Supply Company, or members of any other association of candy jobbers, for the purpose and with the intent to coerce, intimidate, or influence said manufacturers, or their agents, to refuse to make or refrain from making sales of said commodities in the above-named nine counties, or elsewhere in the Western District of Pennsylvania, to jobbers or dealers in said products whose names do not appear upon such lists; and from issuing and sending to candy jobbers, who are stockholders in said Candy Supply Company, or members of any other association of candy jobbers, lists of names of manufacturers or producers of said commodities for the purpose and with the intent to coerce, intimidate, or influence said jobbers to boycott manufacturers whose names do not appear upon said list;

(e) From combining, conspiring, or agreeing together, or with one another, or with others, to fix, establish, or maintain among themselves the prices to be charged for said candy products.

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 to the carrying

out and enforcing 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.

June 8, 1928.

_____,
United States District Judge.