

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. San Pedro Fish Exchange, Anthony B. Jaconi, Yoshitur Kamiya, M. N. Blumenthal, Hugh Reves, A. H. Finch, Elmo C. Jack, and J. J. Camillo., U.S. District Court, S.D. California, 1940-1943 Trade Cases ¶56,158, (Sept. 15, 1941)

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United States v. San Pedro Fish Exchange, Anthony B. Jaconi, Yoshitur Kamiya, M. N. Blumenthal, Hugh Reves, A. H. Finch, Elmo C. Jack, and J. J. Camillo.

1940-1943 Trade Cases ¶56,158. U.S. District Court, S.D. California, Central Division Civil Action No. 1772-B. September 15, 1941.

Upon consent of all parties, a decree is entered in proceedings under the Sherman Anti-Trust Act, enjoining the defendants from combining and conspiring among them selves to restrain interstate trade and commerce in the sale and purchase of fish fishery products. Among the activities restrained by the decree are: fixing and maintaining prices for fish and fishery products; establishing conditions for the sale and purchase of such products, including brokers' commissions; purchasing from a common agency; restricting sales to and purchases from non-complying competitors; classifying buyers eligible to purchase on credit or other trade terms and limiting the sale of fish and fishery products to purchasers whose eligibility has been determined in accordance with agreed rules; allocating sales quotas; and promulgating rules and conducting meeting to formulate rules for the purpose of effecting the unlawful activities.

Wm. Fleet Palmer, U. S. Attorney, Los Angeles, Cal., Thurman Arnold, Assistant Attorney General, Tom C. Clark and Harold F. Collins, Special Assistant to the Attorney General, for plaintiff.

Clifton A. Hix, San Pedro, Cal., Vernon S. Gray, Wallace L. Ware, DeWitt Morgan Manning, all of Los Angeles, Cal., and P. A. Whitacre, San Diego, Cal., for defendants

Before Beaumont, District Judge.

Consent Decree

The Complainant, United States of America, having filed its Complaint herein on Sept. 15, 1941; all the defendants having appeared generally and waived service of process and all parties hereto by their respective attorneys herein having severally consented to the entry of this final decree herein without trial or adjudication of any issue of fact or law herein and without admission by any party in respect of any such issue; and the defendants having moved the Court for this Decree;

Now, THEREFORE, before any testimony has been taken herein, and without trial or adjudication of any issue of fact or law herein, and upon consent of all parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I

[*Jurisdiction*]

That the Court has jurisdiction of the subject matter and of all the parties hereto; that the Complaint states a cause of action against the defendants under the Act of Congress of July 2, 1890 entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" and the acts amendatory thereof and supplemental thereto.

II

[*Fishery Products Defined*]

The term “fishery products” as used in this Decree shall mean fish of all kinds, including fresh, frozen, processed, and shell fish, and the by-products of fish.

III

[*Activities Enjoined*]

Each of the defendants, their successors, subsidiaries, directors, officers, employees, agents, members, or stockholders, and all persons acting through, or for them, or any of them, be, and they hereby are enjoined from agreeing, combining, or conspiring among themselves, or with others, to do, or to attempt to do, or to induce others to do, the following things, or any of them:

[*Price Fixing*]

1. Raise, lower, fix, maintain, adhere to or stabilize the price of any fishery product or products, or fix, maintain, or adhere to any other term or condition for the sale or purchase of any fishery product or products, including the commissions to be paid to brokers;

[*Purchasing from Common Source*]

2. To purchase fishery products only through a common or designated agency or agencies, committee or committees, buyer or buyers;

[*Bales Restraint*]

3. Refrain from selling fishery products to, or from buying fishery products from, any person, group, or class;

[*Restraint on Buying*]

4. Refrain from buying fishery products from, or selling fishery products to, any person, group, or class which fails to abide by any published, suggested, or agreed terms and conditions for the sale or purchase of fishery products;

[*Classification of Buyers*]

5. Classify persons eligible to purchase fishery products on credit or other trade terms or refrain from selling on credit or other trade terms to any person, group, or class;

[*Promulgating Rules*]

6. Formulate, promulgate, or observe any rules, regulations, or conditions for the sale or purchase of fishery products with the purpose or effect of preventing any wholesaler, dealer, or retailer from purchasing fishery products through or selling fishery products to any person, group, or class;

[*Discrimination*]

7. Discriminate against any person, group, or class in the purchase, sale, handling, or marketing of fishery products;

[*Allocation of Sales Quotas*]

8. Allocate or divide among wholesalers, dealers, suppliers, or retailers the market for sales of or orders for fishery products on a basis of groups or classes of buyers or sellers or on a basis of individual buyers or sellers or on any geographical basis.

IV

[*Additional Activities Enjoined*]

Each of the defendants, their successors, subsidiaries, directors, officers, employees, agents, members, or stockholders, and all persons acting through or for them, or any of them, be, and they are hereby enjoined and restrained from doing, or attempting to do, or inducing others to do, the following things, or any of them:

[*Meetings*]

1. Sponsor call, endorse, hold, or participate in any meeting or conference for the purpose or with the effect of raising, lowering, fixing, maintaining, or stabilizing prices for the purchase or sale of fishery products, or for the purpose or with the effect of controlling or restricting the distribution of fishery products, or to further any other activity prohibited by this Decree;

[*Adoption of Plan to Allocate Quotas*]

2. Formulate sponsor, endorse, or participate in any plan to allocate or divide among wholesalers, dealers, suppliers, or retailers the market for sales of or orders for fishery products on a basis of groups or classes of buyers or sellers or on a basis of individual buyers or sellers or on any geographical basis;

[*Credit Restrictions*]

3. Limit the sale of fishery products on credit or other trade terms to purchasers whose eligibility and right thereto are determined in accordance with agreed, published, or suggested rules among any defendants, or by any agency, organization, or group maintained, supported, or used by any defendants.

V

[*Activities Permitted to Secure Compliance*]

For the purpose of securing compliance with this Decree, and for no other purpose, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General or an Assistant Attorney General, and on reasonable notice to the defendants made to the principal office of the defendants, be permitted, subject to any legally recognized privilege, (1) access, during the office hours of the defendants, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the defendants, relating to any matters contained in this decree, (2) subject to the reasonable convenience of the defendants and without restraint or interference from them, to interview officers or employees of the defendants, who may have counsel present, regarding any such matters, and (3) the defendants, on such request, shall submit such reports in respect of any such matters as may from time to time be reasonably necessary for the proper enforcement of this Decree; *provided, however*, that information obtained by the means permitted in this paragraph shall not be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice except in the course of legal proceedings for the purpose of securing compliance with this Decree in which the United States is a party or as otherwise required by law.

VI

[*Retention of Jurisdiction*]

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this Decree to apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Decree, for the modification or termination of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.