

**UNITED STATES v. NATIONAL WHOLESALE  
JEWELERS' ASSOCIATION.**

IN THE DISTRICT COURT OF THE UNITED STATES FOR  
THE SOUTHERN DISTRICT OF NEW YORK.

Equity No. 10/384.

THE UNITED STATES OF AMERICA, PETITIONER,

VS.

THE NATIONAL WHOLESALE JEWELERS' ASSOCIATION, NA-  
TIONAL ASSOCIATION OF MANUFACTURING JEWELERS,  
AND OTHERS, DEFENDANTS.

**DECREE.**

The United States of America having filed its petition herein on the 18th day of November, 1913, and the defendants, National Association of Manufacturing Jewelers; Frederick D. Carr, individually and as president of the said National Association of Manufacturing Jewelers; Harold E. Sweet, individually and as vice president of said National Association of Manufacturing Jewelers; Ira Barrows, individually and as second vice president of said National Association of Manufacturing Jewelers; Everett L. Spencer, individually and as secretary and treasurer of said National Association of Manufacturing Jewelers; Woodward Booth, individually and as corresponding secretary of said National Association of Manufacturing Jewelers; Harvey E. Clapp, Jacob J. Sommer, H. G. Thresher, Charles A. Whiting, Frederick A. Ballou, S. M. Einstein, Edward B. Hough, and Fred C. Wilmarth,

individually and as members of the executive committee of said National Association of Manufacturing Jewelers, having duly appeared herein by William B. Greenough, their solicitor, and the defendants Brooks Jewellery & Optical Company and Alexander Sabsewitz, not having been served with a subpoena herein and not having appeared or answered, and the petition having been dismissed as to them, and all of the other defendants having appeared herein, and answered by Felix H. Levy, their solicitor, and said answer having been withdrawn by permission of the court, and this case coming on to be heard before Hon. William H. Hunt, United States judge;

Now comes the United States of America, by H. Snowden Marshall, United States attorney for the Southern District of New York, and by Claude A. Thompson, special assistant to the United States attorney, and come also the defendants, except the two defendants above named, as to whom the petition was dismissed, by their solicitors, Felix H. Levy and William B. Greenough, and the petitioner having moved this court for an injunction in accordance with the prayer of the petition, and all parties having consented thereto in open court;

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

I. That in the month of June, 1908, certain of the defendants who were then wholesalers and jobbers of jewelry and jewelry products, engaged in selling and shipping the same to retail dealers located in various States in the United States, organized and caused to be organized the defendants, The National Wholesale Jewelers' Association, hereinafter referred to as the Wholesalers' Association, for the purpose, among others, of preventing by joint and united effort and by cooperation among themselves, manufacturers of jewelry and jewelry products, engaged in interstate commerce from selling or shipping their products directly to retail merchants, department stores, mail-order houses, purchasing syndicates, and other organizations not recognized or classified by said association as legitimate wholesalers or jobbers of jewelry and jewelry products and caused

said association to adopt certain by-laws and prescribe certain standards of eligibility for membership, by virtue of which the membership in said association was confined to those persons, firms, corporations, and other organizations who were recognized and classified by the executive committee of said association as legitimate wholesalers or jobbers of jewelry and jewelry products.

II. In the month of April, 1910, certain other of the defendants who were then engaged in the manufacture of jewelry and jewelry products, and whose policy it was to market and distribute their products exclusively through the medium of the wholesaler or jobber, at the suggestion of the Wholesaler's Association and of the then members thereof, and for other reasons, organized the defendant, The National Association of Manufacturing Jewelers, hereinafter referred to as the Manufacturers' Association, for the purpose, among others, of cooperating with the Wholesalers' Association and the members thereof in preventing manufacturers of jewelry products engaged in interstate commerce from selling or shipping their products directly to retail dealers, department stores, mail-order houses, purchasing syndicates, and other organizations not recognized by said Wholesalers' Association as legitimate wholesalers or jobbers of jewelry and jewelry products, and caused said association to adopt certain by-laws and prescribe certain standards of eligibility for membership, by virtue of which the membership in said association was confined to those manufacturers of jewelry and jewelry products who agreed among themselves that they would market and distribute their product exclusively through the medium of the wholesaler or jobber and would not sell or distribute their product directly to retail dealers.

III. That thereafter and prior to the time of the filing of the petition herein all of the other defendants either became members of the Manufacturers' Association or the Wholesalers' Association, or became connected with one or the other of said associations or with firms or corporations which were members thereof, and became

parties to the unlawful combination and conspiracy adjudged illegal hereby.

IV. That the said defendants, The National Wholesale Jewelers' Association; National Association of Manufacturing Jewelers; T. James Fernley, individually and as advisory secretary of said The National Wholesale Jewelers' Association; Thomas A. Fernley, individually and as secretary of said The National Wholesale Jewelers' Association; Fred G. Thearle, individually and as president of said The National Wholesale Jewelers' Association; A. V. Huyler, individually and as vice president of said The National Wholesale Jewelers' Association; Louis P. White, individually and as second vice president of said the National Wholesale Jewelers' Association; Louis Sickles, individually and as treasurer of said The National Wholesale Jewelers' Association; Max J. Averbeck, Albert H. Gerwig, Philip Present, Calvin B. Norton, Louis Cohn, Leonard Krower, Benjamin C. Allen, Simon Lindenberg, Edward Lehman, Henry W. Patterson, Edward A. Eisele, F. W. Hoyt, Max Ellbogen, J. E. Reagan, S. H. Clausin, and A. F. Smith, individually and as members of the executive committee of said The National Wholesale Jewelers' Association; Abraham G. Schwab, Edwin Massa, and George H. Edwards, individually and as members of the advisory board of said The National Wholesale Jewelers' Association; Frederick D. Carr, individually and as president of said National Association of Manufacturing Jewelers; Harold E. Sweet, individually and as vice president of said National Association of Manufacturing Jewelers; Ira Barrows, individually and as second vice president of said National Association of Manufacturing Jewelers; Everett L. Spencer, individually and as secretary and treasurer of said National Association of Manufacturing Jewelers; Woodward Booth, individually and as corresponding secretary of said National Association of Manufacturing Jewelers; Harvey E. Clapp, Jacob J. Sommer, H. G. Thresher, Charles A. Whiting, Frederick A. Ballou, S. M. Einstein, Edward B. Hough, and Fred C. Wilmarth, individually and as members of the executive committee of said National As-

sociation of Manufacturing Jewelers; Meyer, Cahn & Talbot, E. W. Reynolds Co., A. I. Hall & Son (Inc.), M. Schussler & Co., Morris Mayer, Sydney Weinshenk, Charles Weinshenk, David S. Maiman, The W. W. Hamilton Jewelry Co., Edward Lehman Jewelry Co., the Lewis Jewelers' Supply Co., Charles Wathen, Charles E. Everett, Benjamin Allen, A. C. Becken Co., Emil Braude, Paul Braude, Despress, Bridges & Noel, Moses S. Fleishman, Mrs. M. S. Fleishman, J. W. Forsinger, H. F. Hahn & Co., C. H. Knights-Thearle Co., Norris-Alister & Co., L. H. Schafer & Co., Bernard Schuette, Stein & Ellbogen Co., Otto Young & Co., Slade, Tenney & Weadley, Baldwin-Miller Co., Charles W. Lauer, Donnelly, Caliger & McLaughlin (Inc.), T. R. J. Ayers & Sons, Ehlerman Bros. Co., Jacob Engel, Thomas Long Co., E. A. Cowan-M. Myers, D. C. Percival & Co., E. H. Saxton Co., Smith Patterson Co., Charles A. Berkey Co., William C. Noack, Theodore Gorenflo, The E. H. Pudrith Co., Louis C. Gaus, F. L. Bosworth Co., S. H. Clausin & Co., H. E. Murdock Jewelry Co., J. Morgan Bennett, Albert L. Haman, Theophil Hummel, Edwards-Ludwig-Fuller Jewelry Co., Hoefer Jewelry Co., C. A. Kiger Co., C. B. Norton Jewelry Co., Dana B. Ward, Woodstock-Hoefer Watch & Jewelry Co., Aller-Wilmes Jewelry Co., Bauman-Massa Jewelry Co., A. R. Brooks Mercantile Co., Eisenstadt Manufacturing Co., Elliott Jewelry Co., Hoyt Jewelry Co., W. F. Kemper Supply Co., R. Lowenstein Jewelry Co., Sol Lowenstein Jewelry Co., St. Louis Clock & Silverware Co., Michael Stiffelman, Benjamin Stiffelman, Weidlich Jewelry Co., Solomon Bergman Jewelry Co., Boab R. Greenblatt, Harry J. Goodstein, A. F. Smith Co., King & Eisele Co., Richard J. Petersen, Joseph J. Max, George J. Petersen, Henry F. Vander Voort, Frank E. Vander Voort, John A. Vander Voort, J. Frank Gilbert, Morris Aisenstein, Morris Woronock, Charles Armsheimer, Henry M. Armsheimer, Louis Bernheim, David Beer, H. H. Butts, Louis Castagnetta, Cross & Beguelin, Moses Eliassof, Henry Eliassof, David Fisher, Henry Freund, Louis Freund, Louis Cohn, Morris Freudenheim, Harris W. Freudenheim, Marks G. Levy, Richard Friedlander, Louis

Friedlander, Martin Friedlander, Henry Froehlich, Harry W. Frolichstein, Ludwig Gunzburger, Samuel Strauss, Henry Heyman, Samuel Kramer, Ilgen & Wakefield Co., Charles Kahn, Jonas Koch, David Korones, Karl Korones, Max Laubheim, Max S. Kallman, Marcel M. Mirabeau, Emilie Macher, Leopold S. Meyer, Frederick Meyer, Isaac M. Rubenstein, Jacob J. Schmukler, William C. Solomon, Noah Solomon, William J. Ward, Morris Weil, M. D. Mason, A. V. Huyler, W. L. Ward, Theo. Yankauer, Harry A. Platt, Morris Rosenbloom, William Levinson, Morris B. Rosenthal, Emanuel Present, Amos M. Present, David Present, W. P. Hitchcock Co., Andrew H. Pond, Henry C. Beadel, Julius L. Marks, Simon A. Liberman, Barney Abelson, Myron S. Liberman, The Arnstine Bros. Co., Webb C. Ball Watch Co., The H. W. Burdick Co., Jewelers' Manufacturing Co., the Sigler Bros. Co., the Scribner & Loehr Co., Wagner-Gilger-Cohn Co., Edward Albert, Louis H. Albert, the Clemens Oskamp Co., Jacob Frohman, Jonas Wise, Benoit S. Newman, David J. Gutmann, Eli Gutmann, Julius Hahn, Isidore Oppenheimer, Irvin Herman, Lee Loeb, D. Jacobs' Sons Co., Klien Bros. Co., Hugo A. Lindenberg, Edgar J. Fox, Simon Lindenberg, Sigmund Strauss, Miller Jewelry Co., Joseph Noterman, jr., William T. Eichelberger, Mrs. Jos. Goesling, Oskamp Nolting Co., Aaron Plaut, Michael H. Plaut, Godfrey M. Braham, Edward C. Poage, Clifford B. Poage, Earl M. Poage, Louis Rauch, Charles E. Richter, Ferdinand Phillips, Abraham G. Schwab, Louis Lange, Julian G. Schwab, Herbert G. Schwab, the E. & J. Swigart Co., Bowler & Burdick Co., Thoma Bros. Co., Louis A. Voss, E. C. Voss, Joseph S. Voss, Albert C. Wallenstein, Walter Mayer, H. S. Meiskey, W. F. Meiskey, F. A. Peters, the Non-Retailing Co., Jos. B. Betchel & Co. (Inc.), Frank H. Chapman, John S. S. Cooper, Frederick B. Hurlburt, William H. Hurlburt, G. S. Lovell Clock Co., Adolph Ritter, Max L. Kahn, Abraham Sickles, Edward Sickles, Louis Sickles, Solomon Sickles, B. F. Williams Co., George B. Barrett Co., Ben Biggard, M. Bonn Co., S. Davis Co., Jacob Grafner, Emanuel Grafner, William Heeren, Otto Heeren, W. F. Hofmann, the W. J. Johnston Co., Samuel

E. Hall, Chester G. Hall, Morris Kingsbacher, Aaron Kingsbacher, Henry J. Thier, John Kraus, William R. Beam, Samuel Weinhaus Co., George L. West, George W. White, Nathan B. Levy, Kalman Levy, George Phillips, the Albert Walker Co., Horace L. Manchester, Allan Jewelry Co., Shuttles Bros. & Lewis, Leopold Block, and Theo. Leubusher, individually and as members of said The National Wholesale Jewelers' Association, at and within the Southern District of New York at the time of the filing of the petition herein and prior thereto, had been and were engaged in a combination and conspiracy to restrain trade and commerce among the several States of the United States in jewelry and jewelry products, and that said combination and conspiracy is such as the act of Congress approved July 2, 1890 (26 Stat., 209), entitled "An act to protect trade and commerce against unlawful restraints and monopolies," declares to be illegal.

V. That the objects of said combination and conspiracy, which objects are hereby adjudged to be illegal and in violation of the aforesaid antitrust act of July 2, 1890, were and are—

(a) To hinder, prevent, and dissuade manufacturers engaged in selling and shipping jewelry and jewelry products in interstate commerce from selling or shipping such articles directly to persons, firms, corporations, or other organizations not wholesalers or jobbers, or not recognized or classified by the aforesaid Wholesalers' Association as wholesaler or jobbers of jewelry or jewelry products.

(b) To hinder, prevent, and dissuade manufacturers engaged in selling and shipping jewelry and jewelry products in interstate commerce from selling or shipping such articles directly to retailers, department stores, or mail-order houses, in the various States, without the intervention of the wholesaler or jobber, and to compel such retailers, department stores, and mail-order houses to purchase such commodities through the medium of the wholesaler or jobber.

(c) To hinder, prevent, and dissuade manufacturers engaged in selling and shipping jewelry and jewelry products in interstate commerce from selling or shipping such articles directly or indirectly to persons, firms, corporations, or other organizations known in the trade as cooperative purchasing syndicates, and to prevent such syndicates from further carrying on their business.

(d) To hinder, prevent, and dissuade manufacturers engaged in selling and shipping jewelry and jewelry products in interstate commerce from selling or shipping such articles to corporations the stockholders of which are retail jewelers, and to eliminate and destroy competition between such corporations on the one hand and wholesalers or jobbers on the other hand for the trade of the retail dealer.

(e) To eliminate all competition in interstate commerce for the trade of all classes of retail dealers of jewelry and jewelry products except as between wholesalers or jobbers and manufacturers who sell their product exclusively to retail dealers.

VI. That among the means and methods adopted and used by said defendants for the purpose of carrying said combination and conspiracy into effect, and accomplishing the objects thereof, which means and methods are hereby adjudged to be illegal and in violation of the aforesaid antitrust act of July 2, 1890, were the following:

(a) The Wholesalers' Association through its officers, committees, and individual members from time to time ascertained the names of manufacturers who were selling or shipping their product directly to retail dealers, department stores, mail-order houses, and purchasing syndicates and the names of manufacturers whose goods purchasing syndicates were handling and offering for sale; and said association, through its officers and committees and certain of the members thereof, from time to time protested to the manufacturers whose names were thus ascertained and endeavored by means of actual or threatened withdrawal of patronage and custom to induce said manufacturers to discontinue sales direct-

ly to such concerns and to compel such concerns to purchase their goods through the medium of the wholesaler or jobber.

(b) The members of the Wholesalers' Association met annually in convention, and for the purpose of making the cooperation herein mentioned and described between the said association and its members and the Manufacturers' Association and its members more complete and effective, invited representatives of the latter association to attend said conventions, and from the date of its organization down to and including the year 1913, Manufacturers' Association, pursuant to such invitation, regularly and duly selected representatives to attend said conventions, and such representatives have actually attended and participated in part of the proceedings of said conventions.

At these conventions addresses were made and various plans and resolutions adopted for the purpose of preventing the sale of jewelry and jewelry products by manufacturers engaged in interstate commerce directly to retailers, department stores, mail-order houses, purchasing syndicates, and other organizations not recognized or classified by said Wholesalers' Association and its members as legitimate wholesalers or jobbers of jewelry and jewelry products.

(c) The members of the Manufacturers' Association, in some cases through the secretary of said association and in other cases individually, from time to time upon the receipt of an order or inquiry for goods from a particular concern, communicated with the Wholesalers' Association to ascertain whether or not such concern was recognized or classified by the Wholesalers' Association as a legitimate wholesaler or jobber, and where the reply had been that such concern was not recognized or classified by the Wholesalers' Association as a legitimate wholesaler or jobber, such manufacturers have refused to sell goods to it. In other cases, the Wholesalers' Association, upon learning of sales by manufacturers to concerns not recognized or classified by it as legitimate wholesalers or jobbers, from time to time communicated such informa-

tion to such manufacturers, who, in consequence, from time to time refused to sell their goods to such concerns.

(d) The members of the Wholesalers' Association for the purpose of inducing manufacturers to refuse to sell their product directly to retailers, department stores, mail-order houses, and purchasing syndicates, gave the said manufacturers to understand that, in consideration of such loyalty to the jobbers they would receive the entire support and patronage of the members of the Wholesalers' Association.

(e) The Manufacturers' Association from time to time published and caused to be published lists containing only the names of manufacturers who were members thereof, which lists so published were furnished to the Wholesalers' Association and by its secretary distributed to the members thereof, and in April, 1913, the Manufacturers' Association, at the request of the Wholesalers' Association, furnished, or caused to be furnished, to the members of the Wholesalers' Association the names of manufacturers who had withdrawn from the Manufacturers' Association. The names of the manufacturers who were members of the Manufacturers' Association, and the names of the manufacturers who had been members but who had later withdrawn, were furnished to the members of the Wholesalers' Association in order that they might know which manufacturers professed to be loyal to the wholesalers and were living up to the arrangement referred to in paragraph (d), *supra*, and thus to be in position to give their entire support and patronage to such manufacturers and to refrain from purchasing from the manufacturers who had so withdrawn.

(f) The Wholesalers' Association from time to time published and caused to be published lists containing only the names of the wholesalers and jobbers who were members of said association, and said lists so published were distributed to the Manufacturers' Association and to the members thereof, and to divers other manufacturers of jewelry and jewelry products. The names of the members of the Wholesalers' Association were furnished to the manufacturers for the purpose of impressing them

with the size and strength of the Wholesalers' Association and deterring them from selling goods to concerns objectionable to said association; and in consequence divers manufacturers have refused further to sell their goods to retailers, purchasing syndicates, and other concerns not recognized or classified by said Wholesalers' Association as legitimate wholesalers or jobbers.

(g) The Wholesalers' Association, through its secretary, from time to time requested its members to inform its secretary of the name of any manufacturer who was selling or was reported to be selling goods to any person, firm, corporation, or organization not recognized or classified by said Wholesalers' Association as a legitimate wholesaler or jobber, and the members from time to time furnished the names of such manufacturers. Upon the receipt of such information the Wholesalers' Association, through its secretary, from time to time wrote to divers of such manufacturers, stating in substance that a certain concern to whom said manufacturer had sold, was selling, or was reported to have sold or to be selling goods was not recognized or classified by the Wholesalers' Association as a legitimate wholesaler or jobber, and protesting against such sale, and suggesting, advising, and demanding that such manufacturer refuse to sell to such concern except at a price in advance of that given to members of said association. If the manufacturer did not make a satisfactory explanation, or continue to sell to the objectionable concern, the Wholesalers' Association, through its secretary, then wrote to its members giving the name of the offending manufacturer and the name of the objectionable concern to whom such manufacturer had sold, was selling, or was reported to have sold or to be selling goods, and requested each individual member to write a similar letter of protest to the manufacturer and to send to the secretary of said association a carbon copy of such letter and a copy of the manufacturers' reply thereto. In consequence, various manufacturers upon receipt of such communications refused to sell goods to certain of the concerns named in said communications.

(h) Various concerns from time to time classified as

wholesalers or jobbers in certain rating books commonly known in the trade as the Red Book and the Black Book, published by the Manufacturing Jewelers' Board of Trade of Providence, Rhode Island, and the National Jewelers' Board of Trade of New York, respectively, wherein the various jewelry concerns located in the various States of the United States are given a financial rating and classified as manufacturers, wholesalers, retailers, etc., in accordance with the nature of their business, were not recognized as legitimate wholesalers by the Wholesalers' Association. Said association, knowing that the manufacturers were accustomed to rely on the classification in said books in determining the classification of a particular concern, from time to time and in pursuance of the said combination and conspiracy, requested and urged that the classification of concerns be changed in said Black Book or in said Red Book from that of wholesaler to retailer or other classification, and in consequence such changes in classification from time to time were made, and the concerns whose classification was so changed were thereafter unable to purchase goods directly from divers manufacturers from whom they had theretofore purchased such goods.

(i) Certain of the defendants who were members of the Wholesalers' Association, in pursuance of the said combination and conspiracy, gave to manufacturers orders for goods conditioned upon such manufacturers refusing to sell goods to certain concerns which were objectionable to said association and to said members.

VII. That said defendants, and each of them, and their officers, agents, servants, and employees, and all persons acting under, through, by, or in behalf of them or either of them, or claiming so to act, be perpetually enjoined, restrained, and prohibited directly or indirectly from engaging in or carrying into effect the said combination and conspiracy, hereby adjudged illegal, and from engaging in or entering into any like combination or conspiracy, the effect of which would be to restrain trade or commerce in jewelry and jewelry products among the several States of the United States, or in the District of Columbia, or

with foreign nations; and from making any express or implied agreement or arrangement together or one with another, like that hereby adjudged illegal, the effect of which would be to prevent the free and unrestrained flow of interstate and foreign trade and commerce in jewelry and jewelry products from the manufacturer to the consumer.

VIII. That said defendants, and each of them, and their directors, officers, agents, servants, and employees, and all other persons acting under, through, by, or in behalf of them, or either of them, or claiming so to act, be perpetually enjoined, restrained, and prohibited from combining, conspiring, confederating, or agreeing with each other, or with others, expressly or impliedly, directly or indirectly—

(a) To hinder or prevent manufacturers of jewelry and jewelry products from selling or shipping the same in interstate or foreign commerce to any person, firm, corporation, or other organization not a jobber or wholesale dealer in jewelry or jewelry products, or not classified or recognized as such jobber or wholesale dealer by the National Wholesale Jewelers' Association, or not listed as such jobber or wholesale dealer in the so-called Black Book, or Rating Book, published by the Manufacturing Jewelers' Board of Trade of Providence, R. I., or in the so-called Red Book, or Rating Book, published by the National Jewelers' Board of Trade of New York City;

(b) To hinder or prevent manufacturers of jewelry and jewelry products from selling or shipping the same in interstate or foreign commerce to retail dealers, department stores, mail-order houses, purchasing syndicates, or any other person or persons desiring to purchase;

(c) To hinder or prevent any person, firm, corporation or other organization from buying jewelry or jewelry products directly from manufacturers;

(d) To hinder or prevent any person, firm, corporation or other organization from buying or selling jewelry and jewelry products from or to whomsoever he, they, or it, may desire;

(e) To purchase jewelry or jewelry products from, or to favor with their custom and patronage, only those manufacturers who agree or who have agreed, directly or indirectly, or whose avowed policy it is, to sell, distribute, or market their products through the medium of the wholesaler or jobber and not directly to retailers, mail-order concerns, department stores, or purchasing syndicates.

IX. That said defendants, and each of them, and their directors, officers, agents, servants, and employees, and all other persons acting under, through, by, or in behalf of them or either of them, or claiming so to act, be perpetually enjoined, restrained, and prohibited from combining, conspiring, confederating, or agreeing with each other or with others, expressly or impliedly, directly or indirectly—

(a) To boycott or threaten with loss of custom or patronage any manufacturer engaged in interstate or foreign commerce in jewelry or jewelry products for having sold or being about to sell jewelry or jewelry products to retail dealers, department stores, mail-order houses, purchasing syndicates, or to any other person, firm, or corporation not engaged in the wholesale or jobbing jewelry business;

(b) To intimidate or coerce manufacturers or producers of jewelry or jewelry products into selling only to such persons, firms, corporations, or other organizations as are classified or recognized by The National Wholesale Jewelers' Association as legitimate wholesalers or jobbers;

(c) To do, or to refrain from doing, anything, the purpose or effect of which is to hinder or prevent by intimidation, coercion, or withdrawal or threatened withdrawal of patronage or custom, any person, firm, corporation, or other organization from buying or selling jewelry or jewelry products wherever, whenever, and from whomsoever and at whatsoever price may be agreed upon by the seller and the purchaser.

X. That said defendants, and each of them, and their

directors, officers, agents, servants, and employees, and all other persons acting under, through, by, or in behalf of them, or either of them, or claiming so to act, be perpetually enjoined, restrained, and prohibited from publishing or distributing, or causing to be published or distributed, or aiding or assisting in the publication or distribution of—

(a) The names of any manufacturers or any list or lists of manufacturers who agree or have agreed, expressly or impliedly, directly or indirectly, or whose avowed policy it is, to confine sales of jewelry or jewelry products to persons, firms, corporations, or other organizations engaged in the wholesale and jobbing jewelry business, or who are listed in said Black Book or said Red Book, or any book, pamphlet, or list of like character, as wholesaler or jobbers, or who agree or have agreed expressly or impliedly, directly or indirectly, or whose avowed policy it is not to sell jewelry or jewelry products to purchasing syndicates or to persons, firms, corporations, or other organizations engaged in retailing such commodities, including department stores and mail-order houses;

(b) The names of any wholesalers or jobbers or any list or lists of wholesalers or jobbers who agree or who have agreed, expressly or impliedly, directly or indirectly, to purchase jewelry or jewelry products from, or favor with their patronage and custom only those manufacturers who agree or have agreed, expressly or impliedly, directly or indirectly, or whose avowed policy it is, to sell, distribute, or market their products through the medium of the wholesaler or jobber, or who agree or have agreed, expressly or impliedly, directly or indirectly, or whose avowed policy it is, not to sell, distribute, or market their products directly to retailers, department stores, mail-order houses, or purchasing syndicates;

(c) The name of any manufacturers of jewelry or jewelry products who have been or are selling or shipping jewelry or jewelry products to any person, firm, corporation, or other organization not classified or recognized by said National Wholesale Jewelers' Association as legi-



timate wholesalers or jobbers or not listed in said Black Book or in said Red Book as wholesalers or jobbers, or the names of any manufacturers from whom any such person, firm, corporation, or other organization has been, or is supposed to be receiving jewelry or jewelry products.

XI. That said defendants, and each of them, and their directors, officers, agents, servants, and employees, and all other persons acting under, through, by, or in behalf of them, or either of them, or claiming so to act, be perpetually enjoined, restrained, and prohibited from combining, conspiring, confederating, or agreeing with each other, or with others, expressly or impliedly, directly or indirectly—

(a) To communicate, directly or indirectly, with any manufacturer, producer, or dealer for the purpose of inducing such manufacturer, producer, or dealer not to sell jewelry or jewelry products to any person, firm, corporation, purchasing syndicate, or other organization not classified or recognized as a wholesaler or jobber by said National Association of Manufacturing Jewelers, or by said National Wholesale Jewelers' Association, or by any other body or person, or in said Black Book or in said Red Book.

XII. The term purchasing syndicate as used in this decree is intended to include both bodies of retailers who purchase their goods through the medium of a common or managing agent and corporations the stockholders of which are retail jewelers.

XIII. That said Wholesalers' Association, its officers and members, and said Manufacturers' Association, its officers and members, are not restrained from maintaining said organizations for social or other purposes not inconsistent with this decree and not in violation of law.

XIV. It is further ordered, adjudged, and decreed that the petitioner have and recover of the defendants judgment for the costs in this behalf expended, for which let execution issue.

Dated, New York, January 30, 1914.

WILLIAM H. HUNT,  
*United States Judge.*