

UNITED STATES OF AMERICA vs. NATIONAL GUM
AND MICA COMPANY, ET AL.

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

In Equity No. 40-276.

UNITED STATES OF AMERICA, PETITIONER,

vs.

NATIONAL GUM and MICA COMPANY, ALEXANDER ALEX-
ANDER, ELI D. COHEN, FRANK K. GREENWALD and
N. A. MCMANUS, Defendants.

FINAL DECREE.

This cause came on to be heard at this term and after due consideration thereof, and upon motion of the petitioner by Charles H. Tuttle, United States Attorney for the Southern District of New York, and Alexander B. Royce and Crenna Sellers, Special Assistants to the Attorney General of the United States, of counsel, for relief in accordance with the prayer of petitioner, and all of the defendants having made and filed their answers to the petition herein, and having appeared in open Court by their solicitors, Olvany, Eisner & Donnelly, and it appearing to the Court that the petition states a cause of action and that the Court has jurisdiction of the subject matters alleged in the petition, and no testimony or evidence having been taken, and all of said defendants having consented thereto in open Court; NOW, THEREFORE, it is

ORDERED, ADJUDGED and DECREED, as follows:

1. That the acquisition by defendant National Gum and Mica Company of shares of stock in General Adhesive Manufacturing Company, as set out in the petition herein, was a violation of Section 7 of the Act of October 15th, 1914, commonly called the Clayton Act, and illegal.

2. That National Gum and Mica Company within sixty days dispossess itself of any and all stock of General Ad-

hesive Manufacturing Company and that said National Gum and Mica Company be perpetually enjoined, restrained and prohibited from acquiring directly or indirectly, or in any manner acting as the owner of, the whole or any part of the stock of said General Adhesive Manufacturing Company.

3. That National Gum and Mica Company be perpetually enjoined, restrained and prohibited from acquiring, receiving, holding, voting, or in any manner acting as the owner of the whole or any part of the stock, or other share capital of any corporation engaged in the manufacture and sale of adhesive compounds in interstate trade and commerce in competition with National Gum and Mica Company or with any corporation established or used by it as a department of its business.

4. That the individual defendants herein named, and each of them, be and they hereby are perpetually enjoined and restrained from making use of their positions as directors and officers of the said National Gum and Mica Company in such manner as may substantially lessen competition between corporations engaged in the manufacture and sale of adhesive compounds in interstate trade and commerce, or to restrain such commerce in any section or community, or tend to create a monopoly in such commerce, provided that this clause shall in no way act as a restraint upon voting in favor of or otherwise acting to promote or accomplish a consolidation, merger or purchase of assets of another corporation or corporations where the same is not in violation of any of the Anti-Trust Laws.

5. That National Gum and Mica Company shall forthwith cause to be published in at least one trade publication of general circulation, a statement, the form of which shall be approved by the United States Attorney, notifying the trade and the public generally that General Adhesive Manufacturing Company is no longer engaged in the business of manufacturing and selling adhesive compounds and has ceased to exist as a going concern; that such business of General Adhesive Manufacturing

Company as has been taken over by National Gum and Mica Company will be conducted by the latter in its own name and without the adoption or use in the manufacture or distribution of adhesive compounds, of any trademark, trade name or other distinctive label heretofore acquired and used by said General Adhesive Manufacturing Company without distinctive marks showing that National Gum and Mica Company is the manufacture and/or distributor of the product.

6. Jurisdiction of this cause is retained for the purpose of giving full effect to this decree and of making such other and further orders and decrees, or taking such other action, if any, as may be necessary or appropriate.

IT IS FURTHER ORDERED that the defendants pay all cost of this action to be taxed.

Dated, May 27, 1927.

JOHN C. KNOX,
United States District Judge.