

UNITED STATES OF AMERICA vs. DEUTSCHES
KALISYNDIKAT GESELLSCHAFT, ET AL.

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

In Equity No. 41-124.

UNITED STATES OF AMERICA, PETITIONER,

VS.

DEUTSCHES KALISYNDIKAT GESELLSCHAFT, SOCIETE COM-
MERCIALE DES POTASSES D'ALSACE, ET AL, DEFENDANTS.

FINAL DECREE.

This cause came on to be heard at this term and upon consideration thereof, and upon motion of plaintiff, by Charles H. Tuttle, United States Attorney for the Southern District of New York, William J. Donovan, the Assistant to the Attorney General, and Russell Hardy, and Israel B. Oseas and Bethuel M. Webster, Jr., Special Assistants to the Attorney General, for relief, and no testimony or evidence having been taken on the merits of the controversy, and the defendant Deutsches Kalisyndikat G. M. B. H., and the defendant Societe Commerciale des Potasses d'Alsace having appeared by their solicitors, Thurlow M. Gordon and Emory R. Buckner, and consenting in open court to the entry of this decree, it is

ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

(1) The court has jurisdiction of the subject matter of the controversy herein within the United States and of the parties, and the petition states a cause of action.

(2) (a) The terms of this decree shall be binding upon the defendant Deutsches Kalisyndikat G. M. B. H. and the defendant Societe Commerciale des Potasses d'Alsace, and upon their agents, servants, officers and employees, acting in their behalf, or claiming so to act, and their successors in interest, whether or not impleaded in this cause.

(b) The word "person" as used in this decree shall include individuals, firms, corporations, partnerships and associations.

(3) Defendants are perpetually enjoined, restrained and prohibited from:

(a) Agreeing upon among themselves within the United States or carrying out within the United States any contracts, or agreements, or understandings, fixing the prices or terms at which potash salts shall be sold by the defendants in the United States, or the amounts or quotas to be sold by them within the United States.

(b) Maintaining separate selling offices or agencies in the United States which, by agreement or understanding, shall sell potash salts at prices or terms or in quantities or by quota fixed by agreement among the defendants, or shall divide territory or customers by agreement among the defendants.

(c) Establishing a joint selling agency or agencies within the United States to sell the potash salts of the defendants within the United States.

(d) Fixing or maintaining resale prices, resale terms, resale discounts, resale allotments of territory, or any resale restrictions or conditions whatever with respect to potash salts sold within the United States.

(e) Discriminating, directly or indirectly, between purchasers, dealers, or consumers, of potash salts located within the United States, when such discriminations are not based on:

(1) Differences in quantities purchased,

(2) Differences in costs of transportation or delivery,

(3) Differences in competitive conditions in a particular locality,

(4) Differences in grade or quality,

(5) Reasonable classification of customers, where such classification does not tend substantially to lessen competition or tend to create a monopoly.

But no discrimination in the sale of potash salts shall be made for the purpose of restraining the trade of any person.

(4) Provided that no provision of this decree shall be construed to prevent defendants from selling and delivering all or any part of their potash salts outside of the United States to a corporation organized under the laws of any country other than the United States regardless of any stock ownership or other interest in said corporation by any or all of the parties hereto; or to prevent said corporation from selling and distributing in the United States such potash salts so acquired, through usual facilities for sale and distribution, including agents, agencies, branch offices, and other normal channels; nor shall the provisions of sub-sections (a) and (d) of Paragraph (3) apply to said sales by the defendants to said corporation, but the provisions of sub-sections (d) and (e) of Paragraph (3) shall apply to sales by said corporation to others within the United States.

(5) Jurisdiction of this cause is hereby retained by this court for the purpose of taking such action as may become necessary or appropriate for the carrying out and enforcement of this decree. Application may be made by any of the parties for a modification of any provision of the decree on the ground that it has become inappropriate or unnecessary.

WM. BONDY,

United States District Judge.

Dated: February 27, 1929.