

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

In Equity No. E, 7-8.

THE UNITED STATES OF AMERICA, PETITIONER,
VS.

THE AMERICAN SUGAR REFINING COMPANY, ET AL.,
DEFENDENTS.

ORDER MODIFYING DECREE.

This cause coming on to be heard at this term and this Court on motion of the United States of America, petitioner in the above entitled cause, for modification of the final decree entered in this Court and cause on May 9, 1922, and the petitioner and The American Sugar Refining Company, a New Jersey corporation, and The National Sugar Refining Company, a New Jersey corporation (formerly known as The National Sugar Refining Company of New

any other person, firm or corporation to establish a community of ownership or control of The American Sugar Refining Company and The National Sugar Refining Company.

6. Knowingly cooperating or assisting in any way in the establishment or continuance of any community of ownership or control of The American Sugar Refining Company and The National Sugar Refining Company.”

“2nd (c). The National Sugar Refining Company, its successors, subsidiaries, officers, directors, and other officials are hereby enjoined and restrained from:

1. Owning, having any interest in, or controlling, directly or indirectly, either through agents, trustees, representatives, nominees or otherwise any of the capital stock, bonds or other evidences of indebtedness of The American Sugar Refining Company.

2. Electing, employing or retaining as an officer, director or other official any person who is an officer, director or other official of The American Sugar Refining Company.

3. Electing, employing or retaining as an officer, director or other official any person who is acting alone or in concert, agreement or understanding for or with any other person or any firm or corporation to establish a community of ownership or control of The National Sugar Refining Company and The American Sugar Refining Company.

4. Issuing or permitting to be transferred on its books any of its capital stock, bonds or other evidences of indebtedness to The American Refining Company or to any person who is an officer, director or other official of The American Sugar Refining Company.

5. Issuing or permitting to be transferred on its books any of its capital stock, bonds or other

evidences of indebtedness to any person, firm or corporation who is known to be acting alone or in concert, agreement or understanding with any other person, firm or corporation to establish a community of ownership or control of The American Sugar Refining Company and The National Sugar Refining Company.

6. Knowingly cooperating or assisting in any way in the establishment or continuance of any community of ownership or control of The American Sugar Refining Company and The National Sugar Refining Company."

"2nd (d). The American Sugar Refining Company and The National Sugar Refining Company and each of their officers and agents are perpetually enjoined from agreeing, combining or conspiring together to fix or affect the price of refined sugar, or to impair or in any way affect full and free competition between them therein."

3. That the following section be added to said decree as Section 6th:

"6th. For the purpose of securing compliance with Section 2nd of this decree, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General or an Assistant Attorney General, be permitted (1) access, during the office hours of the defendants, The American Sugar Refining Company and The National Sugar Refining Company, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendants, relating to any matters contained in Section 2nd of this decree, and (2) without restraint or interference from said defendants, to interview officers or employees of said defendants, who may have counsel present, regarding any such matters; and said 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 Section 2nd of this decree:

Provided, however, that information obtained by the means permitted in this section 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."

4. That each and every of the other terms of the said decree be and remain in full force and effect.

5. That nothing in this Order or in connection with this modification of said final decree of May 9, 1922, shall be deemed to determine or adjudicate the legality under the antitrust laws of the United States of the acquisition by The American Sugar Refining Company of the assets, or any part thereof, of The W. J. McCahan Sugar Refining & Molasses Company, or of any interest in that company.

Dated: May 9, 1944.

L. HAND
THOMAS W. SWAN
CHARLES E. CLARK