

IN THE  
**District Court of the United States**

FOR THE SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES OF AMERICA,  
*Petitioner,*  
against

N. V. AMSTERDAMSCH E CHININEFABRIEK,  
N. V. BANDOENSCHE KININEFABRIEK,  
N. V. NEDERLANDSCHE KININEFABRIEK,  
C. F. BOEHRINGER & SOEHNE, G. M. B. H.,  
C H I N I N F A B R I K    B R A U N S C H W E I G,  
BUCHLER & Co., VEREINIGTE CHININ-  
FABRIKEN ZIMMER & Co., G. M. B. H.,  
SOCIETE DU TRAITEMENT DES QUIN-  
QUINAS, A. TAILLANDIER, POINTET &  
GIRARD, P H A R M A C I E C E N T R A L E D E S  
PHARMACIENS DE FRANCE, HOWARDS &  
SONS, LTD., F. HOFFMAN-LAROCHE &  
Co., A. G., HOSHI PHARMACEUTICAL  
COMPANY, LTD., MERCK & COMPANY,  
INC., NEW YORK QUININE & CHEMICAL  
WORKS, INC., R. W. GREEFF & Co., INC.,  
R. W. GREEFF & Co., LTD., MALLINCKRODT  
CHEMICAL WORKS, INC., HOFFMAN LA-  
ROCHE CHEMICAL WORKS, INC., ARENT  
ROELF VAN LINGE (sued herein as Arent  
Roalf Van Linge), J. G. W. SIEGER,  
PIETER HAJONIDES VAN DER MUELEN  
(sued herein as Pieter Hajonides Van  
Der Meulen), S. VAN VELZEN CAMPHUIS,  
ROBERT H. DEGREEFF, EMIL BARRELL,  
ELMER H. BOBST and HENRI G. SENN,  
*Defendants.*

In Equity  
No. 44-384.

**FINAL DECREE.**

Now comes Charles H. Tuttle, United States At-  
torney for the Southern District of New York, and  
come also William J. Donovan, the Assistant to the  
Attorney General, Israel B. Oseas, W. Houston

Kenyon, Jr., Porter R. Chandler, and Bethuel M. Webster, Jr., Special Assistants to the Attorney General, and move the Court for relief in accordance with the prayer of the petition herein, and the defendants named in the annexed consent appearing and consenting thereto, and no testimony having been taken, it is ORDERED, ADJUDGED AND DECREED as follows:

### I. Definitions.

(a) That whenever, in this decree, an injunction or restraint is laid upon one or more of the defendants herein, unless otherwise provided, such injunction or restraint shall extend to and be binding upon each and all of the defendants, whether acting jointly or severally, and shall extend to and be binding upon their agents, servants, officers, members, employees, assigns, and successors in interest and all persons acting by, through, under, or on behalf of or in cooperation with any of them or claiming so to act, whether or not impleaded herein.

(b) Unless otherwise stated, the word "person" as used in this decree shall be deemed to include persons, firms, corporations, and associations.

(c) Whenever any person is forbidden to do any act or thing or to reach any result, such prohibition shall be construed to be an injunction against attempting singly or in concert with each other or others to do the act or thing or to reach the result forbidden by any means; and against agreeing with each other or with others to achieve the result or to do the act or thing forbidden; and against causing.

persuading, or coercing in any manner any person whatever in any way to do any act or to achieve any purpose herein forbidden and/or declared to be illegal.

### II.

This Court has jurisdiction of the subject matter of the controversy herein and of the parties, and the petition states a cause of action under the Act of July 2, 1890, c. 647, Section 73 of the Act of August 27, 1894, c. 349, and Sections 2 and 3 of the Act of October 15, 1914, c. 323.

### III.

The defendants are perpetually enjoined, restrained and prohibited from:

(a) Fixing or maintaining resale prices, resale terms, resale discounts, resale allotments of territory or any resale restrictions or conditions whatever with respect to quinine derivatives sold to persons in or held within the United States.

(b) Restraining, preventing or hindering in any way the shipment and/or sale in the United States and/or the shipment or sale to, into, or from the United States of cinchona bark and/or quinine derivatives, except as provided in paragraph (f) following.

(c) Participating in any arrangement for the pooling or division of profits or territory with respect to or in consideration of any sales made within the United States.

(d) Discriminating in any way in sales made within the United States, between purchasers of quinine derivatives located within the United States when such discriminations are not based on:

- (1) Differences in quantities purchased;
- (2) Differences in costs of delivery;
- (3) Differences in competitive conditions in a particular locality;
- (4) Differences in grade or quality.

But no such discrimination shall be made for the purpose of restraining or destroying the trade of any competitor.

(e) Maintaining in force or carrying out within the United States, any existing contracts or entering into or carrying out within the United States, any new contracts or course of business on the condition, agreement or understanding that purchasers of cinchona bark and/or quinine derivatives shall purchase such bark and/or quinine derivatives only from the contracting party or parties or shall not use or deal in the products sold by a competitor.

(f) *Provided, however,* that nothing herein contained shall be construed to restrain or prohibit any defendant from doing any act or entering into any agreement which is entirely completed outside the United States and which does not require any act or thing to be done within the United States.

#### IV.

Any defendant herein, or the Attorney General of the United States, shall have leave to apply to the Court for relief upon his petition that any plan, contract or course of business entered into pursuant to this decree is in violation of the provisions of said decree.

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 and for the purpose of entertaining at any time hereafter any application which the defendants may make with respect to this decree.

Dated, September 20, 1928.

FRANCIS A. WINSLOW,  
U. S. D. J.

We hereby consent to the entry of the foregoing  
decree.

Dated, September 20, 1928.

UNITED STATES OF AMERICA,  
By CHARLES H. TUTTLE,  
United States Attorney  
for the Southern District of New York.

By ISRAEL B. OSEAS,  
Special Assistant to  
The Attorney General.

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PIETER HAJONIDES VAN DER MEULEN,  
R. W. GREEFF & Co., LTD.,  
R. W. GREEFF & Co., INC.,  
ROBERT H. DEGREEFF,  
By TAYLOR, BLANC, CAPRON & MARSH.

By GEORGE S. MITTENDORF,  
Solicitor for above Defendants.