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

In Equity No. 18-13.

UNITED STATES OF AMERICA, PETITIONER,

vs.

BARBERS' SUPPLY DEALERS ASSOCIATION OF AMERICA, AND OTHERS, DEFENDANTS.

ORDER MODIFYING FINAL DECREE.

On the petition of the Beauty and Barber Supply Institute, Inc., successor to the Barbers' Supply Dealers' Association of America, defendant herein, verified March 2, 1935, and filed herein March 12, 1935, and on the final decree entered in this cause on May 7, 1920, and the petitioner having consented to the entry of this order and no objection being made on behalf of any party hereto,

It is hereby ORDERED, ADJUDGED AND DECREED as follows:

I.

The final decree made and entered herein on May 7, 1920, is hereby modified so as to incorporate therein the following additional provisions:

Nothing contained in this decree shall be deemed or construed to prevent any defendant, its successors, members, officers, agents, servants, employees or persons acting under, through, by or on behalf of it, from doing any of the acts authorized, permitted, or required by the Code of Fair Competition for the Wholesaling or Distributing Trade, as approved by the President on January 12, 1934, by the Supplementary Code of Fair Competition for the Beauty and Barber Equipment and Supplies Trade, a Division of the Wholesaling or Distributing Trade, as approved on behalf of the President April 4, 1934, pursuant to the Act of Congress of June 16, 1933, known as the National Industrial Recovery Act, or by any modification of, addition or amendment to said Codes which has been or may hereafter be approved, during such time as and to the extent to which the same shall remain in effect and shall be in accordance with the National Industrial Recovery Act:

PROVIDED that no defendant herein shall enter into any agreement, combination or conspiracy with one or more other defendants herein, or with any other person, firm, corporation or association—

(a) to establish or maintain uniform prices for the products of the industry;

(b) to intimidate or coerce manufacturers of beauty and barbers' supplies or equipment or members of the trade to advance their prices for the products of the industry;

(c) to control or dominate the industry or trade; or

(d) to eliminate competition among manufacturers in the manufacture and sale of beauty and barbers' supplies or equipment, or to eliminate competition among members of the trade in the distribution and sale of beauty and barbers' supplies and equipment; or to restrict such competition in any manner not expressly authorized by the provisions of said Codes, or any approved modifications of or additions or amendments thereto, and of the National Industrial Recovery Act;

This proviso, however, shall not be construed to prevent or restrict the defendants from conferring among themselves, strictly within the spirit and intent of the provisions of said Codes of Fair Competition and of the National Industrial Recovery Act, and not for the purpose or with the result of agreeing, combining or conspiring to do any of the acts or things forbidden by this proviso, on matters subject to the supervision or control of the Administrator of the National Recovery Administration.

II.

The United States may at any time apply to the Court to revoke any modification of this decree made under the preceding section, on the ground that operations under, or purporting to be under, the aforesaid Codes of Fair Competition, or any modification of, addition or amendment thereto, the approval of which has resulted in the modification of this decree, are promoting monopolies, or are eliminating, oppressing or discriminating against small enterprises, or are permitting monopolies or monopolistic practices.

III.

Except as provided in this order, said final decree entered herein May 7, 1920, shall remain in full force and effect.

ROBERT P. PATTERSON,
United States District Judge.

Dated: March 19th, 1935.