

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

Equity No. E16-357.

THE UNITED STATES OF AMERICA, PETITIONER,

VS.

AMERICAN ASSOCIATION OF WHOLESALE OPTICIANS, INC.,
and others, DEFENDANTS.

On the petition of AMERICAN ASSOCIATION OF WHOLESALE OPTICIANS, INC., one of the defendants in this cause, which petition was verified on July 11, 1934, and filed herein on August 30th, 1934, and on the final decree in this cause entered on December 12, 1919, 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:

The final decree made and entered herein on December 12, 1919, is hereby modified so as to incorporate therein the following additional provisions:

I.

Nothing contained in this Decree shall be deemed or construed to prevent the defendants, their successors, members, officers, agents, servants, employees or persons acting under, through, by or in behalf of them, or claiming so to act, from doing any of the acts authorized, permitted or required by the Code of Fair Competition for the optical wholesale industry and trade approved by the President on May 31, 1934, pursuant to the Act of Congress of June 16, 1933, known as the National Industrial Recovery Act, and by any modification or amendment of said Code which may hereafter be approved, during such time as, and to the extent to which, the same shall remain in effect: PROVIDED, HOWEVER, that no modification or amendment of said Code of Fair Competition hereafter approved shall be effective for the purpose of this Decree until 10 days after notice of the approval of such amendment or modification shall have been filed herein and served upon the United States Attorney for this District and shall have been given by mail or telegram delivered to the Attorney General, nor then if the United States shall have filed herein and given to the defendants a notice of objection thereto; without prejudice to the right of the defendants to make such motions herein for modification of this Decree, or otherwise, as they may be advised.

II.

The United States at any time may apply to this Court

to revoke any modification of this Decree made under the preceding paragraph on the ground that operations under or purporting to be under the aforesaid Code of Fair Competition for the optical wholesale industry and trade, or amendments or modifications thereof, 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 of December 12, 1919 shall remain in full force and effect.

Dated: August 30, 1934.

HULBERT
District Judge.