

UNITED STATES OF AMERICA, PETITIONER,

VS.

NATIONAL ENAMELING & STAMPING COMPANY, INC., DOVER STAMPING & MANUFACTURING COMPANY, INC., REPUBLIC METAL WARE COMPANY, INC., THE NEW ENGLAND ENAMELING COMPANY, INC., CENTRAL STAMPING COMPANY, INC., GEUDER, PAESCHKE & FREY COMPANY, INC., ROCHESTER STAMPING COMPANY, INC., NORTHWESTERN METALWARE COMPANY, INC., THE F. H. LAWSON COMPANY, INC., WHEELING CORRUGATING COMPANY, INC., DEFENDANTS.

Jurisdiction of this cause having been retained for the purpose of enabling applications to be made for modification of the decree made and entered herein on the 14th day of February, 1922, on the ground that its provisions have become inadequate, inappropriate, or unnecessary; and the defendants having filed a petition praying for a modification of the decree; and it appearing that the defendants are desirous of cooperating with the Department of Commerce, and that the decree as entered may be construed as prohibiting said cooperation;

Now, therefore, upon motion of counsel for the defendants, and after hearing Louis H. Porter, Esq., of counsel for the defendants, and R. W. Joyce, Esq., Assistant United States District Attorney, it is hereby

ORDERED, ADJUDGED, AND DECREED that the decree made and entered herein on the 14th day of February, 1922, be modified by adding at the end thereof two new paragraphs as follows—to wit:

1. Provided, however, that the defendants may, through an association or corporation, receive and compile for transmission to any governmental agency such information and statistics as it may request as to the volume of production, stocks on hand, and orders shipped, including the volume of each grade, size, style and quality, but are restrained from distributing said information among themselves, except that information respecting sales may be collected annually, and used to enable the assessment of the several members for their proportionate part of the several expenses of the association, and for no other purpose.

2. Provided, however, that this decree shall not be construed as prohibiting the defendants from cooperating with the Division of Simplified Practice existing in the Department of Commerce of the United States, to obtain the elimination of obsolete or unnecessary varieties, styles, and sizes, and to that end from agreeing to such changes or modifications in the individual practices of the individual members as may be recommended from time to time for agreement and acceptance by the industry, by the said Department of Commerce of the United States. Provided, however, that this order shall not be taken as legalizing any specific agreement reached between the defendants, and the Department of Commerce, but only as permitting them to cooperate and agree upon changes and modifications which shall when made be lawful.

LEARNED HAND,  
*District Judge.*

MAY 1, 1924.