

**Trade Regulation Reporter - Trade Cases (1932 - 1992), United States of America v. Ox Fibre Brush Co., Inc.; Indiana Ox Fibre Brush Co., Inc.; National Brush Company; Jos. O. Flatt & Co., Inc.; Empire Brush Works; A. Laitner & Sons; The Osborn Manufacturing Co.; A. Steiert & Son; Phoenix Brush Co., Inc.; Wright-Bernet, Inc.; S. A. Felton & Son Company; Illinois Duster Company; Interchangeable Brush Co., Inc.; Los Angeles Brush Manufacturing Corporation; Maguire Bros. Brush Co.; Michigan Brush Manufacturing Co., Inc.; The Milwaukee Brush Manufacturing Co.; Moran Bros.; Weil-Ransom Company; John H. Galloway; and Thomas A. Unsworth., U.S. District Court, S.D. New York, 1932-1939 Trade Cases ¶55,169, (Jul. 30, 1937)**

United States of America v. Ox Fibre Brush Co., Inc.; Indiana Ox Fibre Brush Co., Inc.; National Brush Company; Jos. O. Flatt & Co., Inc.; Empire Brush Works; A. Laitner & Sons; The Osborn Manufacturing Co.; A. Steiert & Son; Phoenix Brush Co., Inc.; Wright-Bernet, Inc.; S. A. Felton & Son Company; Illinois Duster Company; Interchangeable Brush Co., Inc.; Los Angeles Brush Manufacturing Corporation; Maguire Bros. Brush Co.; Michigan Brush Manufacturing Co., Inc.; The Milwaukee Brush Manufacturing Co.; Moran Bros.; Weil-Ransom Company; John H. Galloway; and Thomas A. Unsworth.

1932-1939 Trade Cases ¶55,169. U.S. District Court, S.D. New York. July 30, 1937.

**Defendant brush manufacturers and distributors are enjoined by consent decree from agreeing upon or concertedly fixing or maintaining, directly or indirectly, prices or minimum prices of brushes or other products, and from allotting or allocating customers.**

**Decree**

This cause came on to be heard on this 30th day of July 1937, the petitioner being represented by Henry McClernan, Esq., Special Assistant to the Attorney General, and the defendants being represented by J. E. F. Wood, Esq., of their counsel, said defendants having appeared voluntarily and generally and having waived service of process.

*[Consent to decree]*

It appears to the Court that the defendants have consented in writing to the making and entering of this decree; It further appears to the Court that this decree will provide suitable relief concerning the matters alleged in the petition and that by reason of the aforesaid consent of the parties it is unnecessary to proceed with the trial of the cause or to take testimony therein or that any adjudication be made of the facts.

*[Charge and jurisdiction]*

Now, therefore, upon motion of Petitioner, without taking any testimony or evidence, and without making any adjudication of the facts, and in accordance with said consent, it is hereby ordered, adjudged, and decreed—

1. That the Court has jurisdiction of the subject matter set forth in the petition and of all the parties hereto with full power and authority to enter this decree, and that the petition alleges a combination and conspiracy in restraint of interstate trade and commerce in household and industrial brushes in violation of the Act of Congress approved July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Antitrust Act, and states a cause of action under said Act.

*[Combination enjoined]*

2. That the defendants and each of them and each and all of their respective officers, directors, agents, servants, and employees, and all persons acting or claiming to act on behalf of the defendants or any of them be and they are hereby perpetually enjoined and restrained from engaging in, carrying out, maintaining, or extending, directly or indirectly, any combination or conspiracy to restrain interstate trade or commerce in household and industrial brushes such as is alleged in the petition and from entering into or carrying out, directly or indirectly, by any means whatsoever, any combination or conspiracy of like character or effect and more particularly (but the enumeration following shall not detract from the inclusiveness of the foregoing) from doing, performing, agreeing upon, entering upon, or carrying out any of the following acts or things:

- a. Agreeing upon or concertedly fixing or maintaining, directly or indirectly prices or minimum prices of brushes or other products;
- b. Allotting or allocating customers;
- c. Aiding, abetting, or assisting, individually or collectively, others to do any of the things which the defendants or any of them are herein restrained from doing.

*[Terms binding]*

3. That the terms of this decree shall be binding upon and shall extend to each and every one of the successors in interest of any and all of the defendant manufacturers herein and to any and all corporations, co-partnerships, and individuals who may acquire the ownership or control, directly or indirectly, of the property, business, and assets of the defendant manufacturers whether by purchase, merger, consolidation, reorganization, or otherwise.

*[Jurisdiction retained]*

4. That jurisdiction of this cause be, and it hereby is, retained by the Court for the purpose of granting such additional or supplemental relief as may become necessary or appropriate for carrying out and enforcing the prohibitions of this decree, and for the purpose of entertaining and acting upon any application made by any party for modification of the decree: Provided, however, that it is not intended that this decree shall bar petitioner from proceeding against any of the defendants in any other court to obtain relief against, or by reason of, any future acts or conduct of the defendants with respect to which petitioner would be entitled to relief in this Court under the provisions of this decree.

JNO. C. KNOX, *Judge*.