

**UNITED STATES OF AMERICA vs. WINE, LIQUOR  
AND DISTILLERY WORKERS UNION, LOCAL  
No. 20,244, ET AL., DEFENDANTS.  
IN THE DISTRICT COURT OF THE UNITED STATES FOR  
THE SOUTHERN DISTRICT OF NEW YORK.**

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Civil Action No. 6-251.

**UNITED STATES OF AMERICA, PETITIONER**

**VS.**

**WINE, LIQUOR, AND DISTILLERY WORKERS UNION, LOCAL  
No. 20,244, GEORGE J. ONETO, WILLIAM A. ROTH,  
CHARLES JOSEPH, MORRIS JOSEPHS, BENJAMIN F.  
PROSS, DEFENDANTS.**

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FINAL DECREE.

The United States of America having filed its petition herein on the 9th day of November 1939, and each of the defendants having duly appeared by their respective counsel and filed their answer herein; and having consented to the entry of this decree, without contest and before any testimony had been taken, upon condition that neither such consent nor this decree shall be considered an admission or adjudication that any of said defendants have violated any statute; and the United States by its counsel having consented to the entry of this decree and to each and every provision thereof, and having moved the Court for this injunction,

It Is Ordered, Adjudged, and Decreed as follows:

I. That the Court has jurisdiction of the subject matter hereof and of all persons and parties hereto, and that the petition states a cause of action against the defendants under the Act of Congress of July 2, 1890, commonly known as the Sherman Antitrust Act.

II. That the defendants and each and all of them and each and all of their respective officers, representatives, delegates, members, agents, servants, employees and all persons acting or claiming to act on behalf of the defendants, or any of them, be and they hereby are perpetually enjoined and restrained:

1. From carrying out or continuing to carry out directly or indirectly, expressly or impliedly, the combination and conspiracy described in the petition herein to restrain interstate trade and commerce in wines bottled in California or elsewhere through the use of any one or more of the following means, to wit:

(a) Advising, inducing, threatening, coercing, or compelling, by any means whatsoever, retail wine distributors located in the City and Southern District of New York to refrain from purchasing, ordering, handling, or offering for sale wines bottled in California or elsewhere.

(b) Picketing or threatening to picket the stores and places of business of such retail wine distributors

for the purpose of causing such retail wine distributors to refrain from purchasing, ordering, handling, or offering for sale wines bottled in California or elsewhere.

(c) Hindering, restraining, or preventing, by any means whatsoever, wholesale wine distributors within the City and Southern District of New York from ordering, purchasing, and accepting delivery of wines bottled in California or elsewhere, and from selling or offering for sale such wine to retail wine distributors.

Provided, however, that nothing herein contained shall prohibit, prevent, or curtail the rights of the defendants, or any of them, from picketing or threatening to picket, circularizing or disseminating accurate information, or carrying on any other lawful activities against anyone, or with reference to any product when the defendant union, or its members, have a strike, grievance against, or controversy with a particular winery, bottling or distributing concern, nor shall it prevent said defendants from giving lawful support to the lawful activities of other labor unions.

III. That the provisions of this decree shall not be deemed or construed to prohibit the defendants from carrying on lawful activities against any concern which has heretofore or presently has a contract with the defendant union and which has, in violation of such contract, transferred its bottling operations to any point outside the City and Southern District of New York.

IV. That this decree shall not be construed to prohibit the defendants, their officers, representatives, delegates, members, agents, servants, or employees, singly or in concert, from doing or performing: (a) any or all of the acts described in subdivisions (a) to (i), inclusive, of Section 104, Chapter 6, Title 29, of the United States Code (said chapter containing the act commonly known as the "Norris-La Guardia Anti-Injunction Act"); or (b) any or all of the acts declared to be lawful in Section 52 of Chapter 5, Title 29, of the United States Code

(being Section 20 of the Act commonly known as the "Clayton Act"); or (c) from seeking, securing, entering into or using lawful means to enforce lawful agreements or arrangements with wineries, wholesale and retail dealers in wine, covering wages, hours and working conditions, or from lawfully seeking to bargain collectively or from lawfully bargaining collectively for employees, or from lawfully and peacefully picketing, lawfully striking or lawfully refusing to work; or (d) from otherwise lawfully seeking to attain or carry out the legitimate and proper purposes and functions of a labor union.

V. That jurisdiction of this cause is retained for the purpose of enforcing or modifying this decree and for the purpose of granting such additional or supplemental relief as may hereafter appear necessary or appropriate.

VI. That for the purpose of securing compliance with this decree, authorized representatives of the Department of Justice shall, at the request of the Attorney General or an Assistant Attorney General, be permitted access, within the office hours of defendant union, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of defendant union, relating to any of the matters contained in this decree; and, any authorized representative of the Department of Justice shall, subject to the reasonable convenience of defendant union, be permitted to interview officers, employees or members of defendant union without interference, restraint, or limitation by defendant union; and defendant union, on the written request of the Attorney General, shall submit such reports with respect to any of the matters contained in this decree as may from time to time be necessary for the proper enforcement of this decree.

VII. It is further ordered and decreed that plaintiff have and recover from the defendant union its cost herein.

Date: November 9, 1939, New York, New York.

[s] ALFRED C. COXE,  
*United States District Judge.*