

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. The National Association of Printers' Roller Manufacturers, Inc.; Sam'l Bingham's Son Mfg. Co. (an Illinois corporation); Bingham Brothers ' Company; Godfrey Roller Company; Harrigan Roller Company, Inc.; National Roller Company; Wild & Stevens, Inc.; and Sam'l Bingham's Son Mfg. Co. (a Delaware corporation), U.S. District Court, S.D. New York, 1952-1953 Trade Cases ¶67,504, (Jun. 2, 1953)

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United States v. The National Association of Printers' Roller Manufacturers, Inc.; Sam'l Bingham's Son Mfg. Co. (an Illinois corporation); Bingham Brothers ' Company; Godfrey Roller Company; Harrigan Roller Company, Inc.; National Roller Company; Wild & Stevens, Inc.; and Sam'l Bingham's Son Mfg. Co. (a Delaware corporation).

1952-1953 Trade Cases ¶67,504. U.S. District Court, S.D. New York. Civil Action No. 67-18. Filed June 2, 1953. Case No. 1087 in the Antitrust Division of the Department of Justice.

Sherman Antitrust Act

Consent Decrees—Practices Enjoined—Price Fixing—Dissemination of Statistics—Manufacturers of Printers' Rollers and Association.—Manufacturers of printers' rollers and a trade association have consented to the entry of a decree enjoining them from (1) entering into any plan to fix prices, discounts, or other terms or conditions of sale, (2) compiling, disseminating, or using any price list not prepared by such defendant, and (3) compiling and disseminating among themselves or to any manufacturer of printers' rollers or to or from any trade association for such manufacturers, except in connection with a bona fide purchase or sale of printers' rollers, any information or statistics relating to prices, discounts, terms or conditions of sale, or costs or elements of costs.

Consent Decrees—Practices Enjoined—Participation in Trade Association Activities.—Manufacturers of printers' rollers are enjoined by a consent decree from knowingly being a member of, participating in any of the activities of, or contributing anything of value to, any trade association which violates, or the activities of which are inconsistent with, any of the provisions of the consent decree.

Consent Decrees—Permissive Provisions—Receipt of Cost Information.—A consent decree entered against manufacturers of printers' rollers and a trade association provides that a provision of the decree shall not be construed to prohibit the receipt by any defendant from any trade association of information relating to the cost of raw materials of, or transportation rates for, printers' rollers, provided that at the time of its receipt such information is otherwise generally available to the public at large.

Consent Decrees—Specific Relief—Dissolution of Association.—An association of manufacturers of printers' rollers is ordered by a consent decree to take such steps as will accomplish its dissolution under the appropriate laws within the minimum period of time permitted by such laws.

Consent Decrees—Applicability of Provisions—Transactions Between Defendant and Subsidiary.—A consent decree provides that the provisions of the decree shall not apply to acts and transactions solely between a defendant and a subsidiary owned or controlled by such defendant.

For the plaintiff: Stanley N. Barnes, Assistant Attorney General; J. Edward Lumbard, United States Attorney; Richard B. O'Donnell, Chief, New York Office, Antitrust Division; Harold Lasser and John D. Swartz, Special Assistants to the Attorney General; and Edwin H. Pewett and Harry N. Burgess, Attorneys.

For the defendants: Freidin and Littauer, by Sidney A. Diamond, for The National Association of Printers' Roller Manufacturers, Inc., Sam'l Bingham's Son Mfg. Co. (an Illinois corporation), Harrigan Roller Company, Inc., and Sam'l Bingham's Son Mfg. Co. (a Delaware corporation); James D. Saver for Bingham Brothers Company

and National Roller Company; Hodges, Reavis, McGrath, Pantaleoni and Downey, by Howard S. McMorris, for Godfrey Roller Company; and Bleakley, Platt, Gilchrist and Walker, by Leo G. Fritz, for Wild & Stevens, Inc.

Final Judgment

[*Consent to Entry of Judgment*]

RYAN, District Judge [*In full text*] : The plaintiff, the United States of America, having filed its complaint herein on May 24, 1951; and the defendants, and each of them other than Sam'l Bingham's Son Mfg. Co (a Delaware corporation), having appeared and filed their several answers to said complaint denying the substantive allegations thereof; and this Court having made and entered its order dated May 19, 1953 joining Sam'l Bingham's Son Mfg. Co., a corporation organized under the laws of the State of Delaware subsequent to the commencement of this action, as a party defendant herein; and the parties, by their attorneys, having consented to the entry of this Final Judgment herein without trial or adjudication of any issue of fact or law herein, and without admission by any defendant in respect of any such issue;

Now, therefore, before any testimony has been taken herein, and without trial or adjudication of any issue of fact or law herein, it is hereby

Ordered, adjudged and decreed, as follows:

I

[*Sherman Act Action*]

The Court has jurisdiction of the subject matter hereof and of all the parties hereto. The complaint states a cause of action against the defendants, and each of them, under Section 1 of the Act of Congress of July 2, 1890 entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, as amended.

II

[*Definitions*]

For the purposes of this Final Judgment:

- (A) "Printers' rollers" means roller devices used in printing presses and consisting of a metal core covered by a glue-glycerine composition;
- (B) "Person" means any individual, corporation, partnership, firm, association or other legal entity, but does not include a bona fide distributor of a manufacturer as hereinafter defined;
- (C) "Manufacturer" means a person, as hereinabove defined, engaged in fabricating glue-glycerine composition on roller cores in order to form printers' rollers.

III

[*Applicability of Provisions*]

The provisions of this Final Judgment applicable to any defendant shall apply to each such defendant, its officers, directors, agents, employees, successors, subsidiaries and assigns, and to all other persons acting under, through or for, such defendant, but shall not apply to acts and transactions solely between a defendant and a subsidiary owned or controlled by such defendant.

IV

[*Dissolution of Association*]

Defendant National Association of Printers' Roller Manufacturers, Inc., is ordered and directed, within ninety days from the date of the entry of this Final Judgment, to take such steps as will accomplish its dissolution under the appropriate laws of the State of New York within the minimum period of time permitted by such laws.

V

[*Price Fixing Enjoined*]

The defendants are jointly and severally enjoined and restrained from:

(A) Combining or conspiring with, or entering into, adhering to, maintaining or furthering, directly or indirectly, or claiming any rights under, any contract, agreement, understanding, plan or program with, any other person to:

(1) Determine, fix, maintain or adhere to prices, discounts or other terms or conditions for the sale of printers' rollers to any third person;

(2) Allocate or divide territories or markets for the manufacture, sale, or the distribution of printers' rollers.

(B) Compiling or disseminating, subscribing to or using any price lists for printers' rollers not prepared by such defendant.

VI

[*Dissemination of Statistics*]

The defendants are jointly and severally enjoined and restrained from collecting or compiling and disseminating or communicating among themselves or to any manufacturer of printers' rollers or to or from any trade association or other central agency for such manufacturers, except in connection with a bona fide purchase or sale of printers' rollers by any such defendant, any information or statistics relating to prices, discounts, terms or conditions of sale, or costs or elements of costs in connection with the manufacture, sale or distribution of printers' rollers.

This Section VI shall not be construed to prohibit the receipt by any defendant from any trade association of information relating to the cost of raw materials of, or transportation rates for, printers' rollers, provided that at the time of its receipt by any such defendant such information is otherwise generally available to the public at large.

VII

[*Participation in Associations*]

The manufacturer defendants are jointly and severally enjoined and restrained from knowingly being a member of, participating in any of the activities of, or contributing anything of value to, any trade association or other organization which violates, or the activities of which are inconsistent with, any of the provisions of this Final Judgment.

VIII

[*Inspection and Compliance*]

For the purpose of securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant, be permitted (a) access, during the office hours of such defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, relating to any of the matters contained in this Final Judgment and (b) subject to the reasonable convenience of such defendant, and without restraint or interference by it, to interview officers and employees of such defendant, who may have counsel present, regarding any such matters. For the purpose of securing compliance with this Judgment any defendant upon the written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as from time to

time may be necessary for the purpose of enforcement of this Judgment. No information obtained by the means permitted in this paragraph shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department except in the course of legal proceedings for the purpose of securing compliance with this Judgment in which the United States is a party or as otherwise required by law.

IX

[*Jurisdiction Retained*]

Jurisdiction of this action is retained for the purpose of enabling any of the parties to this Judgment to apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith and for the punishment of violations thereof.