

Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Meredith Publishing Company; Periodical Distributors of Greater New York Inc.; Bookazine Co. Inc.; The Baker & Taylor Company; and Bessie Dimondstein and Dorothy Mashman, d/b/a Dimondstein Book Co., U.S. District Court, S.D. New York, 1956 Trade Cases ¶68,373, (Jun. 5, 1956)

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United States v. Meredith Publishing Company; Periodical Distributors of Greater New York Inc.; Bookazine Co. Inc.; The Baker & Taylor Company; and Bessie Dimondstein and Dorothy Mashman, d/b/a Dimondstein Book Co.

1956 Trade Cases ¶68,373. U.S. District Court, S.D. New York. Civil Action No. 109-292. Filed June 5, 1956. Case No. 1280 in the Antitrust Division of the Department of Justice.

Sherman Antitrust Act

Resale Price Fixing-Fair Trade—Consent Decree—Practices Enjoined—Fixing and Maintaining Resale Prices.—A wholesale distributor of books was prohibited by a consent decree from entering into any understanding with any other defendant wholesale book distributor or any other person (1) to fix or maintain the prices for the sale or resale of a defendant publisher's books to or by any third person, (2) to prevent any such other person or persons from selling the publisher's books at prices other than the prices suggested or approved by any defendant, or (3) to limit or restrict the persons to whom any person may resell the publisher's books to those selling at prices suggested or approved by any defendant.

Combinations and Conspiracies—Consent Decree—Practices Enjoined—Restrictions on Sale.—A wholesale distributor of books was prohibited by a consent decree from entering into any understanding with any other defendant wholesale book distributor or any other person to hinder, restrict, or prevent a defendant book publisher from selling its books to any person.

Department of Justice Enforcement and Procedure—Consent Decrees—Permissive Provisions—Miller-Tydings Act and McGuire Act.—A consent decree entered against a wholesale distributor of books provided that nothing contained in the decree should prevent the book distributor from availing itself of the benefits under the Miller-Tydings Act or the McGuire Act (1) from the date of the entry of the decree with respect to sales of a defendant publisher's books to persons outside of the New York metropolitan area or with respect to sales of the defendant publisher's books for resale to persons outside of the area, and (2) upon the expiration of one year after the date of the entry of the decree, within the New York metropolitan area.

For the plaintiff: Stanley N. Barnes, Assistant Attorney General; Worth Rowley, W. D. Kilgore, Jr., Richard B. O'Donnell, John J. Galgay, Vincent A. Gorman, and Joseph T. Maioriello, Attorneys, Department of Justice.

For the defendant: No attorney listed.

For prior consent decrees entered in the U. S. District Court, Southern District of New York, see [1956 Trade Cases ¶ 68,359](#).

Final Judgment as to Periodical Distributors of Greater New York Inc.

E. J. DIMOCK, District Judge [*In full text*]: Plaintiff, United States of America, having filed its complaint herein on May 11, 1956; and the defendant Periodical Distributors of Greater New York Inc. having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without admission by any of them in respect to 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, and upon consent of the parties signatory hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

[*Sherman Act*]

This court has jurisdiction of the subject matter herein and of the parties signatory hereto. The complaint states a claim for relief against the defendant signatory hereto 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*]

As used in this Final Judgment:

(A) "New York metropolitan area" means that part of the State of New York which includes the City of New York and the Counties of Nassau, Suffolk, Westchester, Putnam and Rockland, and that part of the State of New Jersey which includes the Counties of Essex, Union and Hudson;

(B) "Person" means an individual, partnership, firm, association or corporation or any other business or legal entity;

(C) "Meredith books" means the hardbound books which defendant Meredith Publishing Company now publishes, which are its New Cook Book, Story Book, Garden Book, Handyman's Book, Baby Book, Diet Book, and Junior Cook Book, or any of them and any and all similar hard-bound books which defendant Meredith Publishing Company may in the future publish;

(D) "Defendant" means Periodical Distributors of Greater New York Inc.

III

[*Applicability of Judgment*]

The provisions of this Final Judgment shall apply to defendant, its subsidiaries, successors and assigns and to each of their officers, directors, agents and employees, and to all other persons acting in concert or participation with the defendant who shall have received notice of this Final Judgment by personal service or otherwise.

IV

[*Pricing Practices Enjoined—Permissive Provision*]

The defendant is enjoined and restrained from entering into, adhering to or maintaining any contract, agreement, understanding, plan or program with or among Bookazine Co., Inc., The Baker & Taylor Company, Bessie Dimondstein and Dorothy Mashman or any of them or with any other person or persons, directly or indirectly:

(A) To fix or maintain the price or prices for the sale or resale of Meredith books to or by any third person;

(B) to prevent any such other person or persons from selling Meredith books at a price or prices other than the price or prices suggested or approved by any defendant;

(C) to limit or restrict the persons to whom any person or persons may resell Meredith books to persons selling at prices suggested or approved by any defendant or by defendant Meredith;

(D) to hinder, restrict, limit or prevent Meredith from selling Meredith books to any person or persons.

Nothing contained in this Section IV of this Final Judgment shall prevent defendants from availing themselves of the benefits, if any, accruing to them by virtue of the Act of Congress of August 17, 1937, commonly called the Miller-Tydings Act, or the Act of Congress of July 14, 1952, commonly called the McGuire Act, or from complying with lawful requirements imposed by the defendant Meredith Publishing Company consistent with the terms of the Final Judgment entered herein against said Meredith Publishing Company:

(1) From the date of entry of this Final Judgment (a) with respect to sales of Meredith books to persons outside of the New York metropolitan area or (b) with respect to sales of Meredith books for resale to persons outside of said area;

(2) Upon the expiration of one (1) year after the date of the entry of this Final Judgment, within the New York metropolitan area.

V

[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 the defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(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 matters contained in this Final Judgment;

(B) subject to the reasonable convenience of such defendant and without restraint or interference from such defendant, to interview officers or employees of such defendant, who may have counsel present, regarding any such matters;

(C) upon written request, such defendant shall submit such reports in writing with respect to the matters contained in this Final Judgment as may from time to time be necessary to the enforcement of this Final Judgment.

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

VI

[Jurisdiction Retained]

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