

**Trade Regulation Reporter - Trade Cases (1932 - 1992), United States v. Sabrett Food Products Corp., Olympia Provision & Baking Co., Inc., Superior Frankfurter, Inc., and Provision Salesmen & Distributors Union, Local 627, Amalgamated Meat Cutters and Butchers Workmen of North America, AFL-CIO., U.S. District Court, S.D. New York, 1967 Trade Cases ¶72,281, (Dec. 18, 1967)**

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United States v. Sabrett Food Products Corp., Olympia Provision & Baking Co., Inc., Superior Frankfurter, Inc., and Provision Salesmen & Distributors Union, Local 627, Amalgamated Meat Cutters and Butchers Workmen of North America, AFL-CIO.

1967 Trade Cases ¶72,281. U.S. District Court, S.D. New York. 62 Civ. 2031. Entered December 18, 1967. Case No. 1666 in the Antitrust Division of the Department of Justice.

**Sherman Act**

**Price Fixing—Meat Products—Consent Decree.**—A food company was barred by a consent decree from agreeing to fix prices for the sale and distribution of any meat products to any third person, to allocate territories, to boycott or refuse to sell meat products and from restricting resale of meat products manufactured or sold by it.

For the plaintiff: Donald F. Turner, Asst. Atty. Gen.; Baddia J. Rashid, William D. Kilgore, Jr., Norman H. Seidler, John D. Swartz, David H. Harris and Irving Kagan, Attorneys, Dept. of Justice.

For the defendant: Ernest S. Meyers of Laporte & Meyers, New York, N. Y.

**[Final Judgment as to Superior Frankfurter, Inc.]**

LEVET, J.: Plaintiff, United States of America, having filed its Complaint herein on June 7, 1962, and the plaintiff and the defendant Superior Frankfurter, Inc., hereinafter called Superior, by their respective attorneys herein having severally consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, without admission by any party consenting hereto in respect of any such issue, and this Court, pursuant to Rule 54 (b) of the Federal Rules of Civil Procedure, having determined that there is no just reason for delay in entering a Final Judgment as to all of plaintiff's claims asserted in said complaint against said defendant and having directed the entry of such a Final Judgment;

Now Therefore, before any testimony has been taken herein and upon the consent as aforesaid of the parties hereto, it is hereby

Ordered, Adjudged and Decreed as follows:

**I**

**[ Jurisdiction]**

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Complaint states claims upon which relief may be granted against Superior under Sections 1 and 2 of the Act of Congress of July 2, 1890 (15 U.S.C §§ 1, 2), as amended, commonly known as the Sherman Act.

**II**

**[ Definitions]**

As used in this Final Judgment:

(A) "Person" shall mean an individual, partnership, corporation, association, or other business or legal entity;

(B) "Meat Products" shall include frankfurters, meat patties, sausage and similar items.

### III

#### [ *Applicability*]

The provisions of this Final Judgment shall apply to Superior and to each of its subsidiaries, successors, and assignees, and to their respective officers, directors, agents and employees, and to all other persons in active concert or participation with Superior who shall receive actual notice of this Final Judgment by personal service or otherwise. The making and entry of this Final Judgment shall not prejudice the plaintiff in seeking and obtaining further and different relief against any remaining defendant.

### IV

#### [ *Price Fixing*]

Superior is enjoined and restrained from directly or indirectly:

(A) Entering into, adhering to, renewing, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, combination, conspiracy, understanding, plan, program, or course of action with any person to:

(1) Fix, establish, maintain or adhere to prices, discounts, or any terms or conditions for the sale and distribution of any meat products to any third person;

(2) Allocate, divide or assign territories or customers for the sale or distribution of any meat products;

(3) Boycott, or otherwise refuse to sell any meat products to any person or class or group of persons;

(B) Imposing or attempting to impose any limitation, condition or restriction with reference to the persons to whom, the prices at which, or the terms and conditions upon which any person shall resell any meat products manufactured or sold by Superior.

### V

#### [ *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 Superior, made to its principal office, be permitted, subject to any legally recognized privilege:

(A) Access, during the office hours of Superior, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Superior, relating to any matters contained in this Final Judgment; and

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

Superior, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment. No information obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person except a duly authorized representative of the Executive Branch of the United States of America, except in the course of legal proceedings to which the United States of America 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 or directions as may be necessary or appropriate for the construction of or the carrying out of this Final Judgment, or for the modification of any of the provisions thereof, and for the purpose of enabling the plaintiff to apply to this Court for the enforcement of compliance therewith, and the punishment of violations thereof.