

UNITED STATES vs. A. B. C. CANNING COMPANY.
IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF NEW YORK.

In Equity No. 54-93.

UNITED STATES OF AMERICA, PETITIONER

VS.

A. B. C. CANNING COMPANY A/S ET AL., DEFENDANTS.

FINAL DECREE

This cause came on to be heard at this term and upon consideration thereof and upon motion of the petitioner, by Robert E. Manley, Acting United States Attorney for the Southern District of New York, John Lord O'Brian, the Assistant to the Attorney General, and Israel B. Oseas, Special Assistant to the Attorney General, for relief in accordance with the prayer of the petitioner, and no testimony or evidence having been taken, and the

defendants, A. B. C. Canning Company A/S, Alliance Canneries, Ltd. A/S, Bergen Preserving Company A/S, Chr. Bjelland & Co. A/S, The C. Borgen Packing Co. (sued herein as C. Borgen Packing Co.), Boschen Sardine Co. Ltd., John Braadland, Ltd., Buoen Packing Co. (sued herein as Bucen Packing Co.), Cape Canning Co., Ltd., Central Canning Co. A/S, Concord Canning Company A/S, A/S Einar Housvik & Co. (sued herein as A/S Einar Hausvik Co.), A/S Firda, A/S Fjermestad Canning Co. (sued herein as Fjermestad Canning Co.), A/S Foki, Hansa Canning Co. A/S, A/S Herkules Canning Co., A/S Hermetikfabriken Norrig, Ims Preserving Co. Ltd., Jaegers Canneries, Ltd. A/S, A/S Leda Canning Co., Ltd., Mercur Canning Co. A/S, Neptun Canning Co. A/S, Anth. B. Neilson & Co. (sued herein as Nilsen Packing Co. Ltd. A/S), North Sea Packing Co., Ltd., The Norwegian Overseas Trading Company, Ltd. (sued herein as Norwegian Overseas Trading Company), The Norwegian Sardine Factories A/S (sued herein as Norwegian Sardine Factories), Trygve Olsen & Co. A/S, Preserving Co. Nor. A/S (sued herein as Preserving Co. Nor.), Raakvaag Canning Co. A/S (sued herein as Ravvag Canning Co. A/S), A/S Royal Canneries, Ltd., Sardinfabriken Avance A/S (sued herein as Sardinfabrikken Avance A/S), A/S Standard, Ltd., Standard Canning Co. A/S, Stavanger Packing Co. A/S, Stavanger Preserving Co. A/S, A/S Stavanger Sardine Co., C. Houge Thiis, Hermetikfabriken Thor A/S (sued herein as Tor Preserving Co. A/S), A/S Trondhjem Canning & Export Co., A/S Trondhjem Preserving Co., A/S Trondhjem Sardine Co., A/S Union Canning Co., A/S United Sardine Factories, Frank W. Abbott and Arthur D. Hall, co-partners doing business as Abbott-Hall, Biddle Purchasing Company, Chr. Bjelland & Co., Inc., Magnus Boe, P. V. Bright & Company (sued herein as P. V. Bright & Co., Inc), Chas E. Farris & Co. (sued herein as Chas. Farris Co., Inc.), R. G. LaFaye, Joseph Jawitz & Company, Andreas Kleppe, Norbest Canning Co., Inc. (sued herein as Norbest Canning Company), and S. Sater,

N. C. Schouw, Torlief Orre, Ragnvald Bjelland, P. Pedersen, Hans Blydt Grung, Karl Dalen, Nils Strøm (sued herein as Nils Stroem), John Larsen, P. H. Abrahamson, appearing by Gustav Lange, Jr., their solicitor, and the defendant Mailliard & Schmiedell, appearing by its solicitors Murray, Aldrich & Webb, and defendant Angus Watson & Co. (America) Ltd. (sued herein as Angus Watson & Co., Inc.), appearing by its solicitor Bernard A. Shalek, Esq., and consenting in open court to the entry of this decree, it is

ORDERED, ADJUDGED and DECREED as follows:

1. The court has jurisdiction of the subject matter of the controversy herein and of the parties, and the petition states a cause of action.

2. *a.* The word "person" as used in this decree shall include individuals, firms, partnerships, corporations and associations.

b. The term "Norwegian sardines" shall include hermetically packed sardines, brisling, musse, herring and kippered herring.

c. The terms of this decree shall be binding upon the defendants and their successors in interest, and upon their agents, servants, officers and employees acting in their behalf or claiming so to act and whether or not impleaded in this cause.

d. Whenever any person is forbidden to do any act or thing or to reach any result, such prohibition shall be construed to be an injunction against attempting singly or in concert with each other or others to do the act or thing or to reach the result forbidden by any means; and against agreeing with each other or with others to achieve the result or to do the act or thing forbidden; and against causing, persuading or coercing in any manner, any person whatever in any way to do any act or to achieve any purpose herein forbidden and/or declared to be illegal.

3. The defendants are perpetually enjoined, restrained and prohibited from:

a. Carrying out within the United States any contract, agreement or understanding between persons who, except for such contract, agreement or understanding would compete with each other, which fixes prices, conditions or terms at which Norwegian sardines are to be sold by the defendants or any other person, or which fixes or maintains resale prices, resale conditions, resale terms or any other resale restrictions for Norwegian sardines sold to persons in, or held within the United States, provided however that nothing contained herein shall prohibit a defendant individually from employing or appointing his own agents or employees for the sale of Norwegian sardines within the United States, or from selecting the persons and/or territory within which the same may be sold by such agents or employees in the United States, or from fixing the compensation of such agents or employees, and provided further that the purchase or sale of Norwegian sardines by or to any person whatsoever, at any mutually satisfactory price and upon any mutually satisfactory terms, shall not be construed to be a violation of this decree.

b. Reporting from any point within the territorial limits of the United States, directly or indirectly, to the committee on prices, or to any other persons exercising similar functions, the prices at which Norwegian sardines are being offered for sale in the United States, or the names of the persons making such offers or sales, where the purpose or intent of such reports is to aid the persons to whom such reports are transmitted to determine that Norwegian sardines have been sold by any person pursuant to or in violation of any system of price fixing or other contract, agreement or understanding forbidden by this decree; and/or employing agents or salesmen for use in making such reports.

c. Utilizing within the United States other equivalent cooperative means of preventing or attempting to prevent in any manner any person from obtaining or disposing of Norwegian sardines at any prices, conditions or terms whatever that may be satisfactory to such person.

4. a. Nothing herein contained shall be construed to restrain or prohibit any defendant from doing any act or entering into any agreement which is entirely completed outside the United States, and which does not require any act, or anything to be done within the United States, or from employing or appointing individually his own agents or employees for the sale of Norwegian sardines within the United States, or from individually fixing for himself or his agents or employees the selling prices and terms of sale of the same, and the persons and/or territory to whom or within which the same may be sold by such agents or employees, or from communicating to or receiving from such agents or employees any information pertinent to the maintenance of his individual business, or that of competitors.

b. Nothing contained herein shall prohibit a defendant individually, or his agents or employees, from obtaining any and all information as to the prices at which Norwegian sardines are sold or intended to be sold in the United States or elsewhere, for his own use and benefit, and/or from communicating such information to any person where the purpose or intent of such communication is not to violate the provisions of Paragraph 3b hereof.

5. The Attorney General of the United States, or any defendant herein, shall have leave to apply to the Court for relief upon his petition that any plan, contract or course of business entered into is in violation of the provisions of this decree.

Jurisdiction of this cause is hereby retained by this Court for the purpose of taking such action as may become necessary or appropriate for the carrying out and enforcement of this decree and for the purpose of entertaining at any time hereafter any application which the defendants, or any of them, may make with respect to this decree.

January 16, 1931.

FRANCIS G. CAFFEY,
United States District Judge.

