

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS:

Timothy J. Muris, Chairman
Sheila F. Anthony
Mozelle W. Thompson
Orson Swindle
Thomas B. Leary

In the Matter of)
)
LIBBEY INC., a corporation,)
)
and)
)
NEWELL RUBBERMAID INC., a corporation.)
_____)

Docket No. 9301
DECISION AND ORDER

The Federal Trade Commission (“Commission”) having heretofore issued its complaint charging the Respondents named in the caption hereof with violations of Section 5 of the Federal Trade Commission Act, as amended, and Section 7 of the Clayton Act, as amended, and Respondents having been served with a copy of that complaint, together with a notice of contemplated relief, and Respondents having answered the complaint denying said charges and asserting affirmative defenses but admitting the jurisdictional allegations set forth therein; and

The Respondents, their attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the Respondents of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by Respondents that the law has been violated as alleged in such complaint, or that the facts as alleged in such complaint, other than jurisdictional facts, are true and waivers and other provisions as required by the Commission’s Rules; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.25(c) of its Rules; and

The Commission having thereafter considered the matter and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in § 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following Order:

1. Respondent Libbey Inc. (“Libbey”) is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 300 Madison Avenue, Toledo, Ohio 43604.

2. Respondent Newell Rubbermaid Inc. (“Newell”) is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 29 East Stephenson Street, Freeport, Illinois 61032. Anchor Hocking Inc. and Anchor Hocking Consumer Glass Corporation, corporations organized, existing and doing business under and by virtue of the laws of the State of Delaware, with their offices and principal places of business located at 519 Pierce

- iv. Motor vehicles, forklifts, overhead cranes, and other transportation equipment;
- v. Raw materials, including, but not limited to, electricity, natural gas, water, sand, soda lime, cullet, corrugate and other packaging materials and metal, ceramic and plastic accessories;
- vi.

III

IT IS FURTHER ORDERED that Newell shall not, without prior written notification to the Commission, sell, transfer, or otherwise convey, directly or indirectly, through subsidiaries or otherwise, any ownership, leasehold, or other interest, in all or any part of Anchor's Food Service Business:

A. to Libbey or to Vitrocrisa, for a period commencing on the date this Order becomes final and continuing for ten (10) years; and

B. to any Person other than to Libbey or to Vitrocrisa, for a period commencing on the date this Order becomes final and continuing for five (5) years;

PROVIDED, HOWEVER, that such notification shall not be required for sales, transfers or other conveyances by Newell: (i) to a Person or business unit included within Newell; (ii) in the ordinary course of business; (iii) of inventory to liquidators;

B. One (1) year from the date this Order becomes final, annually for the next nine (9) years on the anniversary of the date this Order becomes final, and at such other times as the Commission may require, Respondents shall file a verified written report with the Commission setting forth in detail the manner and form in which they have complied and are complying with this Order.

VI

IT IS FURTHER ORDERED that Respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate Respondents such as dissolution, assignment, sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries or any other change in the corporation that may affect compliance obligations arising out of this Order.

VII

IT IS FURTHER ORDERED that, for the purpose of determining or securing compliance with this Order, and subject to any legally recognized privilege, upon written request, Respondents shall permit any duly authorized representative of the Commission:

A. Access, during office hours and in the presence of counsel, to all facilities and access

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