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REMARKS OF

EVERETTE MACINTYRE, CHIEF, DIVISION OF  
ANTIMONOPOLY TRAFFIC FEDERAL TRADE COMMISSION

ON

THE ROBINSON-PATMAN ACT AND OUR ANTIMONOPOLY POLICY

BEFORE

ANNUAL MEETING OF NATIONAL FIBRE  
CAN AND TUBE ASSOCIATION

REMARKS OF  
EVERETTE MACINTYRE, CHIEF, DIVISION OF  
ANTIMONOPOLY TRIALS, FEDERAL TRADE COMMISSION,  
BEFORE ANNUAL MEETING OF  
NATIONAL FIBRE CAN AND TUBE ASSOCIATION,  
NEW YORK CITY, MAY 25, 1950  
ON

It is essential to understand that the opinions and conclusions I express

are not necessarily held by the Federal Trade Commission.

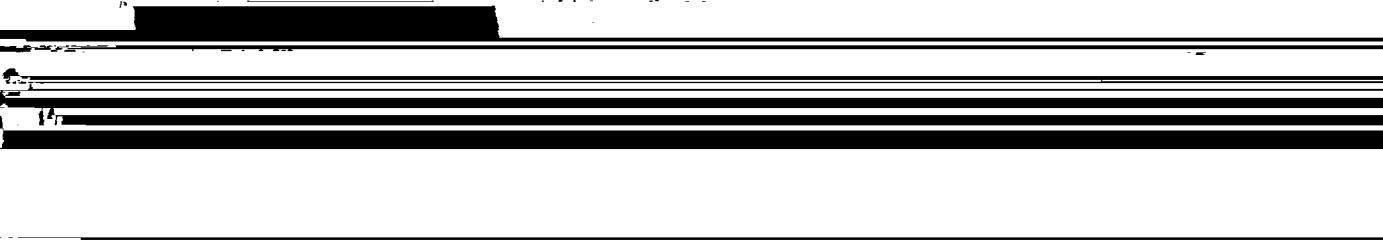
Community discrimination by railroads in the latter half of the nineteenth century resulted in legislative action to prevent the destruction of local trade and industry in one area in favor of another. The Interstate

Commerce Act of 1887 and the Sherman Act of 1890 as public necessities became a part of our federal law. The reports of the numerous public investigations made during that period are filled with flagrant examples of discriminations involving a typical case related to rebates granted by rail


roads for a number of years to the Standard Oil Company.

Outside of the field of public service, however, the individual trader was left free to fix his own prices under federal law. This did not prove to give complete protection to the public interest. Monopoly grew apace. The Interstate Commerce Act and the Sherman Act were found insufficient. Therefore, Congress in its consideration of the trade problems enacted the Clayton and the Federal Trade Acts in 1914. In so moving, the Congress acted only because public policy felt the necessity to prevent monopolistic pricing -- indeed, to prevent pricing practices of individuals such as discriminations which were felt would enhance the growth of monopolistic conditions. At that

grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation, or discrimination in price in the same or different communities made



While it was recognized to be the primary purpose of section 2 of the Clayton Act, as approved in 1914, to reach the practice of destroying competition in certain sections by lowering prices below costs therein and





Thus it is clear that Congress became aware of what you and other busi-  
nessmen have said, namely, that when less emphasis is placed on direct competi-



Included among practices which have been construed as unfair within the

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by that method be enabled to ascertain what had been the total volume of the product of a particular industry produced and consumed over a given period

~~Taken in a civil case brought under the Sherman Antitrust Act the~~

"It is elementary that an unlawful conspiracy may be and often is  
~~formed without simultaneous action or agreement on the part of the~~

"While the District Court's finding of an agreement of the distributors  
among themselves is supported by the evidence, we think that in the  
circumstances of this case such an agreement for the imposition of the  
restrictions upon subsequent-run exhibitors was not a prerequisite to  
~~an unlawful conspiracy. It was enough that the parties that conspired~~