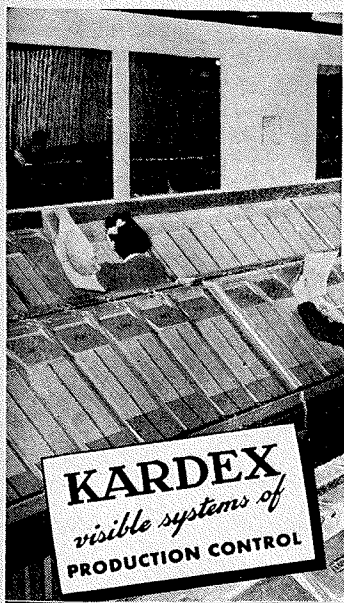


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reasonable—which the Antitrust Division might regard with suspicion. Some antitrust lawyers contend that pooled buying results in uniform costs, which make in turn for uniform prices, which constitute horizontal price-fixing. This is the issue in antitrust suits now pending in New York and New Jersey, where the N.A.R.D., the National Assn. of Wholesale Druggists, and local affiliates are charged with using state fair-trade laws as a blind for horizontal price fixing.

Actually, although they are centering their arguments for the antitrust amendment on the advantages of pooled purchasing, the druggists see H. J. Res. 102 as something far more important. They believe they could use it as an enforcement club for the Robinson-Patman Act. They think that such an amendment might make it possible for a trade association such as the N.A.R.D. to bargain collectively with manufacturers on behalf of its members and enforce a boycott when a manufacturer's sales policy was considered unfair.

Druggists probably will not press for hearings on their bill until sometime early in 1944—they figure it won't hurt to bring it to a boil in an election year.

End Food Waste!

War Advertising Council
launches campaign to channel
eating habits into least critical
items and to plug the leaks.

The War Advertising Council (BW Jul. 3 '43, p. 82) began mustering forces this week for one of its biggest educational campaigns against the toughest American home front problem: the impending food crisis. Behind the drive is the War Food Administration.

• **Waste to Be Fought**—Purpose of the "Food Fights for Freedom" program is to locate a now nonexistent reserve by reducing waste to its absolute minimum and by channeling eating habits into the seven basic (and least critical) foods (BW-Apr. 3 '43, p. 58) in order to take the heat off short items.

First to implement the council's big push are the food and allied industries' some 150 trade papers which are going to press immediately with the first of a series of twelve monthly advertisements. This space either will be donated outright or sponsored by advertisers and will be printed with plates donated by typographical agencies.

• **Going to the Consumer**—As the trade press begins handing the drive down to food processors, distributors, and retailers, the council will start laying down an educational barrage on consumers through radio, newspapers, and posters. This part of the program will play down

such scareheads as "crisis" and will play up the campaign slogan: Produce, Conserve, Share, and Play Square.

Mainsprings of the drive are Vernon Beatty, advertising director of Swift & Co. and WFA consultant, and Charles Mortimer, General Foods' promotion chief and program coordinator for the War Advertising Council.

• **Roosevelt May Speak**—The campaign is scheduled to reach top speed in mid-November. Around then, President Roosevelt is expected to spur it on via the airwaves.

Fair Trade Test

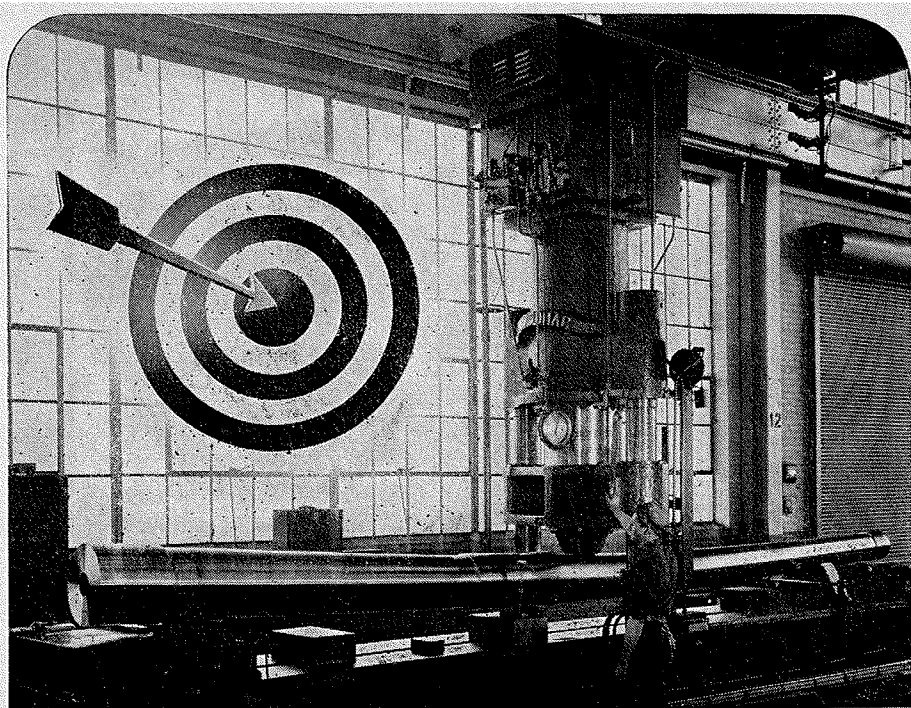
Liquor firms enter pleas of nolo contendere in antitrust case to spur judicial clarification of Colorado trade law.

In a procedural shortcut, seven of the nation's leading liquor makers and distributors and an official of the Colorado Package Liquor Assn. pleaded nolo contendere in the U.S. District Court at Denver last week, to charges of conspiracy to violate the Sherman Antitrust Act by conspiring to fix, raise, and maintain liquor prices in Colorado.

• **Capitalized Trade Act**—The indictments (BW—Mar.21'42,p65) also named 75 other defendants, including companies, trade associations, and individuals—virtually the whole U.S. wine and liquor industry—and charged in effect that they took advantage of the Colorado Fair Trade Act, passed in 1935, to raise prices illegally in violation of the Sherman Act. This case is now likely to provide a first test of the Antitrust Division's new line of attack on the 45 state fair trade laws, which allow manufacturers to fix retail prices on their goods. Such contracts may be legal—the Supreme Court has said so—but not if they are illegally arrived at by collusive action.

The eight who pleaded nolo contendere were fined a total of \$24,000 by Judge J. Foster Symes. The proceeding was designed, by stipulation between attorneys for the government and the defendants, to avoid the time and expense of bringing hundreds of attorneys and witnesses to Denver for a trial that might last for months.

• **Subject to Appeal**—Under the stipulation, the defendants who were fined are permitted to appeal to the Tenth U.S. Circuit Court of Appeals, despite the fact that a nolo contendere plea technically means they admit the government's contention for the purpose of the case. They would have appealed anyway if found guilty by a jury, and since there is fairly close agreement on the facts and only questions of law remain to be settled, it was thought



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