

Complaint

IN THE MATTER OF
LADZIN NOVELTY CO., INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FLAMMABLE FABRICS ACTS

Docket C-2412. Complaint, June 4, 1973—Decision, June 4, 1973.

Consent order prohibiting a New York City manufacturer and distributor of feather fabrics from marketing products which fail to conform to an applicable standard of flammability or regulation established, amended, or continued in effect pursuant to the provisions of the Flammable Fabrics Act, as amended.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Ladzin Novelty Co., Inc., a corporation, and Seymour Ladzin, individually and as an officer of said corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Ladzin Novelty Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 30 West 36th Street, New York, New York.

Respondent Seymour Ladzin is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation, and his office and principal place of business is the same as that of said corporation.

PAR. 2. Respondents are now and for some time last past have been engaged in the manufacture and distribution of feather fabrics. The aforesaid products are shipped or delivered from respondents' place of business in the State of New York to respondents'

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customers located in various other States of the United States. Respondents maintain, and have maintained a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 3. Respondents in the course and conduct of their business as aforesaid have imported and distributed in commerce feather fabrics which, because of their composition and the nature of their construction, are easily ignited, burn with great rapidity and intensity and are not readily extinguishable. Said feather fabrics are classified as "Rapid and intense burning, Class 3" when tested in the manner prescribed by Commercial Standard 191-53 (Flammability of Clothing Textiles) promulgated by the Secretary of Commerce effective January 30, 1954, except that the position of the stop cord described in Paragraph 4.2.7 of the standard is modified by raising said stop cord 1.5 centimeters above the top of the thread guides used in testing under Commercial Standard 191-53. Such feather fabrics are, therefore, dangerously flammable and unsafe for ordinary use. The sale and distribution of such product, which exposes purchasers to a substantial risk of serious bodily injury, constitutes an unfair trade practice.

PAR. 4. The aforesaid acts and practices of respondents as herein alleged were and are to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Division of Textiles and Furs proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act, and the Flammable Fabrics Act, as amended; and

The respondents 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 aforesaid draft of 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, and waivers and other provisions as required by the Commission's rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Acts, and that complaint should issue stating its charges in that respect, 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 Section 2.34(b) of its rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Ladzin Novelty Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York.

Respondent Seymour Ladzin is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation.

Respondents are engaged in the manufacture and sale of feather trimmed wearing apparel and feather fabrics, with the office and principal place of business of respondents located at 30 West 36th Street, New York, New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent Ladzin Novelty Co., Inc., a corporation, its successors and assigns and its officers, and Seymour Ladzin, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from the importation, manufacture for sale, sale, offering for sale, shipment, distribution, transportation, or causing to be transported of feather fabrics or any other similar feather products of a highly flammable nature, in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless such feather fabrics or other similar feather products conform to the Commercial Standard promulgated by the Secretary of Commerce effective January 30, 1954, and identified as "Flammability of Clothing Textiles, Commercial Standard 191-53" when tested under the conditions and in the manner

prescribed by such standard except that the position of the stop cord described in Paragraph 4.2.7 of the standard shall be modified by raising said stop cord 1.5 centimeters above the top of the thread guides used in tests under Commercial Standard 191-53. In the event, however, that respondents import, manufacture for sale, sell, offer for sale, ship, distribute, transport or cause to be transported any product subject to an applicable standard of flammability established, amended, or continued in effect pursuant to the provisions of the Flammable Fabrics Act, as amended, said products must conform to the said applicable standard rather than Commercial Standard 191-53 as modified.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the first paragraph of this order, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since April, 1970, and (6) any action taken or proposed to be taken to bring said products into conformance with the first paragraph of this order, or to destroy said products, and the results of such action. Respondents will submit with their report samples of not less than six feet in length of each color and style of their current inventory of feather fabrics.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution

of subsidiaries or any other change in the corporation which may effect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

GREAT LAKES CARBON CORPORATION, ET AL.

ORDER, OPINION, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 8805. Complaint, November 26, 1969—Decision, June 5, 1973.

Order and opinion requiring the nation's dominant processor and reseller of industrial quality petroleum coke headquartered in New York City, and eight refinery producers, among other things to execute amendments to existing long-term full-output contracts and in future contracts to limit the duration of the contracts to three years, and where new coking plants and more than 50 percent of production are involved to limit the contracts to five years or less. The order terminates and ceases to be effective twenty years from the date of entry.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the parties named in the caption hereof have violated the provisions of Section 5 of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in this respect as follows:

Definitions: The following words and terms, as used hereinafter in the complaint and order, are defined as follows:

“Refinery producers” are corporations engaged in refining oil with petroleum coking facilities and thus also engaged in the production and/or sale of green industrial quality petroleum coke.

“Green industrial quality petroleum coke” is a solid porous residue resulting from the distillation of hydrocarbon oils. It is produced by the delayed coking process and in physical size may vary from a grain-like particle to a block several feet in length. A typical green industrial quality petroleum coke will contain approximately 82 percent to 92 percent carbon, 6 percent to 14 percent of volatile matter, less than 2 percent sulphur, and lesser amounts of other impurities with vanadium generally being the most significant of the other impurities. Green industrial quality petroleum coke is sometimes referred to in the industry as “low sulphur raw delayed” petroleum coke. Some delayed petroleum cokes containing slightly higher amounts of sulphur, up to approximately 2.8 percent, have been used interchangeably or in mixture with the lower sulphur content cokes for some uses, and this slightly higher sulphur content delayed petroleum coke is included in the relevant product.

“Calcined industrial quality petroleum coke” is a green industrial quality petroleum coke that has been heated to a high temperature in a calciner with the heat driving off most of the volatile matter in the green industrial quality petroleum coke. A typical calcined industrial quality petroleum coke will contain approximately 98 percent carbon, less than .5 percent volatile matter, less than 2 percent sulphur, and lesser amounts of other impurities with vanadium generally being the most significant of the other impurities.

“Industrial quality petroleum coke” refers to both green and calcined industrial quality petroleum coke. Industrial quality petroleum coke is primarily a raw material source of carbon for industrial purposes; its applications are many and varied and it may be utilized in either a green or calcined state. For several uses industrial quality petroleum coke is a necessary and critical raw material in that no present and commercially feasible alternative or substitute product exists. Significant uses of industrial quality petroleum coke are in the aluminum, calcium carbide, silicon carbide, metallurgical and the carbon-graphite products industries.

“West Coast” when used to identify a relevant market area

refers to the green industrial quality petroleum coke produced and sold by refinery producers in the State of California.

"Gulf Coast" when used to identify a relevant market area refers to the green industrial quality petroleum coke produced and sold by refinery producers in the States of Texas and Louisiana and who are located within reasonable proximity to export facilities.

PARAGRAPH 1. Respondent Great Lakes Carbon Corporation is a corporation organized and existing under the laws of the State of Delaware with its principal office and place of business located at 299 Park Avenue, New York, New York, and will hereinafter be referred to as Great Lakes Carbon.

Respondent American Oil Company is a corporation organized and existing under the laws of the State of Maryland with its principal office and place of business located at 910 South Michigan Avenue, Chicago, Illinois.

Respondent Colorado Oil and Gas Corporation is a corporation organized and existing under the laws of the State of Delaware with its principal office and place of business located at 102 East Pikes Peak Avenue, Denver, Colorado.

Respondent Continental Oil Company is a corporation organized and existing under the laws of the State of Delaware with its principal office and place of business located at 30 Rockefeller Plaza, New York, New York.

Respondent CRA, Inc., is a corporation organized and existing under the laws of the State of Kansas with its principal office and place of business located at 3315 North Oak Trafficway, Kansas City, Missouri.

Respondent Mobil Oil Corporation is a corporation organized and existing under the laws of the State of New York with its principal office and place of business located at 150 East 42nd Street, New York, New York.

Respondent Sun Oil Company is a corporation organized and existing under the laws of the State of New Jersey with its principal office and place of business located at 1608 Walnut Street, Philadelphia, Pennsylvania. Sun Oil Company is the surviving corporation of a merger with Sunray DX Oil Company and Sun Oil Company has assumed the assets and liabilities of Sunray DX Oil Company, which is now operated as a division of Sun Oil Company.

Respondent Suntime Refining Company, a wholly-owned subsidiary of respondent Sun Oil Company, is a corporation organized

and existing under the laws of the State of Delaware with its principal office and place of business located in Corpus Christi, Texas. Suntide Refining Company was recently acquired by Sun Oil Company in the merger with Sunray DX Oil Company.

Respondent Texaco, Inc., is a corporation organized and existing under the laws of the State of Delaware with its principal office and place of business located at 135 West 42nd Street, New York, New York.

The above named respondents, with the exception of respondent Great Lakes Carbon Corporation, shall sometimes hereinafter be referred to as "respondent refinery producers."

PAR. 2. Respondent Great Lakes Carbon has been and is now engaged in the business of purchasing and selling green industrial quality petroleum coke, processing and selling calcined industrial quality petroleum coke, and manufacturing and selling products containing industrial quality petroleum coke. Great Lakes Carbon is the largest purchaser of green industrial quality petroleum coke produced in the United States and the largest seller of green and/or calcined industrial quality petroleum coke produced and processed in the United States. Respondent Great Lakes Carbon's total annual sales of industrial quality petroleum coke during 1965 was approximately \$40,000,000.

Respondent refinery producers have been and are now engaged in the production and/or sale of green industrial quality petroleum coke.

PAR. 3. Respondent refinery producers and respondent Great Lakes Carbon cause the green industrial quality petroleum coke, when purchased and sold, to be transported from the refinery producing the green industrial quality petroleum coke to purchasers or locations throughout the United States and to foreign nations. Respondent Great Lakes Carbon causes the calcined industrial quality petroleum coke to be transported from the processing plant to purchasers or locations throughout the United States and to foreign nations. Respondent Great Lakes Carbon and respondent refinery producers have been and are now engaged in "commerce" as that term is defined in the Federal Trade Commission Act.

PAR. 4. Respondents are engaged in competition in interstate and foreign commerce with others also engaged in the purchase and/or sale of green industrial quality petroleum coke and respondent Great Lakes Carbon is engaged in competition in interstate and foreign commerce with others also engaged in the processing

and/or sale of calcined industrial quality petroleum coke except insofar as such actual or potential competition has been restrained, suppressed, eliminated or foreclosed by the unfair acts and practices or unfair methods of competition as hereinafter alleged.

PAR. 5. The United States is a leading world producer of green industrial quality petroleum coke. During 1965, twenty (20) corporations operating thirty-two (32) refineries in the United States produced and sold approximately 3.6 million net tons of green industrial quality petroleum coke. This amount constitutes the total national production of green industrial quality petroleum coke. Total sales by the refinery producers of this product was approximately \$40,000,000. Industrial quality petroleum coke is initially sold by the refinery producers; it may be sold directly to the ultimate user or for resale as green or calcined industrial quality petroleum coke. Some industrial quality petroleum coke is sold directly by the refinery producers to the ultimate user under long term exclusive or semi-exclusive contracts, thus creating a captive and non-competitive market. However, substantial sales of industrial quality petroleum coke are made by firms engaged in the marketing of industrial quality petroleum coke and by refinery producers that are not committed to sell their production under a long term exclusive basis. During 1965 sales in these competitive markets included approximately 950,000 net tons of green industrial quality petroleum coke valued at approximately \$20 million and approximately 1,300,000 net tons of calcined industrial quality petroleum coke valued at approximately \$40 million.

PAR. 6. Commencing sometime in the past and at least since the year 1946 and continuing to the present, respondent Great Lakes Carbon has entered into long term contracts with refinery producers whereby each refinery producer has agreed to sell and respondent Great Lakes Carbon has agreed to purchase all or substantially all of the production of green industrial quality petroleum coke produced at designated refineries in the United States. The initial terms of these contracts have varied from seven (7) to twenty (20) years. All contracts which have been amended, extended or renewed continue the basic requirement that the refinery producers sell and respondent Great Lakes Carbon purchase all or substantially all of the production of green industrial quality petroleum coke produced at the designated refineries for a specified number of years, the minimum length of time being five (5) years.

PAR. 7. During the years 1964 and 1965, respondent Great Lakes Carbon had long term contracts requiring nine (9) corporations operating thirteen (13) refineries to sell and respondent Great Lakes Carbon to purchase all or substantially all of the production of green industrial quality petroleum coke produced by the following refinery producers at the designated refineries:

- (a) American Oil Company, Texas City, Texas;
- (b) Colorado Oil and Gas Corporation, Wichita, Kansas;
- (c) Continental Oil Company, Ponca City, Oklahoma;
- (d) CRA, Inc., Coffeyville, Kansas;
- (e) Mobil Oil Company, Beaumont, Texas;
- (f) Mobil Oil Company, Torrance, California;
- (g) National Cooperative Refinery Association, McPherson, Kansas;
- (h) Sunray DX Oil Company, West Tulsa, Oklahoma;
- (i) Suntide Refining Company, Corpus Christi, Texas;
- (j) Texaco, Inc., Amarillo, Texas;
- (k) Texaco, Inc., Casper, Wyoming;
- (l) Texaco, Inc., Lockport, Illinois; and
- (m) Texaco, Inc., Port Arthur, Texas.

These contracts have been and will continue, with one exception, to be in effect for substantial periods of time. The earliest expiration date of any contract presently in effect is in 1969, most contracts will expire during the 1970's, and one contract does not expire until 1980.

PAR. 8. Pursuant to the above specified contracts during the years 1964 and 1965, the identified refinery producers sold and respondent Great Lakes Carbon purchased all or substantially all of the green industrial quality petroleum coke produced and sold by each of the refinery producers at the designated refineries. During each of these years the refinery producers sold and respondent Great Lakes Carbon purchased approximately 1.6 million net tons. This significant amount constitutes approximately 46 percent of the total sales of this product by all of the refinery producers in the United States during each year. In two geographical areas in the United States, the refinery producers in these areas produced and sold and respondent Great Lakes Carbon purchased a greater percentage of the total sales. In the Gulf Coast area, four of the identified refinery producers sold and respondent Great Lakes Carbon purchased approximately 50 percent of the total sales of this product produced by all refinery producers; in the West Coast

area, one refinery producer sold and respondent Great Lakes Carbon purchased approximately 70 percent of the total sales of this product produced by all refinery producers.

PAR. 9. In addition to the above specified contracts in effect during 1964 and 1965, respondent Great Lakes Carbon Corporation has since that time entered into three (3) similar contracts with refinery producers who are now or soon will be producing green industrial quality petroleum coke. Respondent Great Lakes Carbon Corporation has contracted for the purchase of the full production of Sinclair Oil Corporation's planned production of green industrial quality petroleum coke at the Houston, Texas, refinery and has contracted to market Texaco's Los Angeles, California and Standard Oil of California's El Segundo, California production of green industrial quality petroleum coke on an exclusive sales agency basis. These contracts also will be in effect for substantial periods of time. During the years 1966 through 1969 respondent Great Lakes Carbon Corporation will also purchase Champlin Oil's Enid, Oklahoma production of green industrial quality petroleum coke.

PAR. 10. The tendency and effect of the above specified contracts and the acts and practices by the respondents pursuant to the contracts, at the refinery producer level, have been and will be to continue to unlawfully restrain, suppress and eliminate competition in the sale and purchase of green industrial quality petroleum coke and to foreclose and continue to foreclose competitors and potential competitors of respondent Great Lakes Carbon from a substantial share of the green industrial quality petroleum coke produced and sold by all of the refinery producers in the United States and in the Gulf Coast and West Coast areas of the United States.

A further effect, at the sales market level, has been and will be to continue to unlawfully restrain, suppress and eliminate competition in, and to unlawfully foreclose and continue to foreclose competitors and potential competitors of respondent Great Lakes Carbon from the resale and distribution of green and/or calcined industrial quality petroleum coke, including the following economically significant sales markets:

- (a) Domestic Sales Market;
- (b) Exports to Europe;
- (c) Exports to Japan; and in relevant sub-markets thereof.

In each of the above sales markets and sub-markets respondent Great Lakes Carbon is the largest seller of green and/or calcined

industrial quality petroleum coke. Respondent Great Lakes Carbon's share of the total sales of industrial quality petroleum coke in most of the above sales markets and sub-markets varied from approximately 60 percent to 95 percent.

PAR. 11. In addition, other refinery producers and purchasers of green industrial quality petroleum coke have also entered into substantially similar contracts or substantially similar practices and courses of conduct. During 1964 and 1965, approximately 95 percent of the total sales and 100 percent of the sales by the refinery producers in the Gulf Coast and West Coast areas, were sold pursuant to long term contracts or substantially similar contracts, practices and courses of conduct which require the refinery producer to sell and the purchaser to buy all or substantially all of the green industrial quality petroleum coke produced and sold at designated refineries. This industry-wide practice aggravates the above stated effects of respondents' contracts.

PAR. 12. The above specified contracts and the acts and practices pursuant to the contracts by respondents are unreasonable restraints of trade and constitute unfair acts and practices or unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Mr. John R. Ferguson, Mr. Nicholas J. Dugovich, Mr. Robert B. Lee and Mr. Michael E. Friedlander supporting the complaint.

Mr. Herbert A. Bergson, Mr. James H. Kelley, Mr. Leonard A. Tokus, and Mr. J. B. Donovan, attorneys for Great Lakes Carbon Corporation, Wash., D.C.

Mr. Andrew J. Kilcarr, Washington, D.C. and *Mr. Charles F. Rice, Mr. J. Arthur Kelley, Mr. James R. Withrow, Jr.,* New York, for Mobil Oil Company.

Mr. M. J. Keating, Mr. Maurice R. Glover, Chicago, Illinois for American Oil Company.

Mr. Charles M. McDermott, Colorado Springs, Colorado for Colorado Oil and Gas Corporation.

Mr. Sparrell Harvey McAtee, Houston, Texas for Continental Oil Company.

Mr. Robert J. Gowdy and Mr. Ralph Hoke, Kansas City, Missouri for CRA, Inc.

Mr. John A. Ladner, Jr., Philadelphia, Pennsylvania for Sun Oil Company and Suntime Refining Company.

Mr. William Tousely Smith and Mr. Robert F. McGinnis, New York, New York for Texaco, Inc.

INITIAL DECISION * BY EDGAR BUTTLE, HEARING EXAMINER
October 29, 1971

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* Reported as corrected by order of the hearing examiner dated November 29, 1971.

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THE PROCEEDINGS

The complaint in this proceeding charges a violation of Section 5 of the Federal Trade Commission Act and challenges certain "long-term" contracts, *i.e.*, alleged to be initial terms of seven (7) to twenty (20) years and renewal terms of at least five (5) years, whereby Great Lakes Carbon Corporation (hereinafter "Great Lakes") has agreed to purchase the petroleum coke output of each of 13 refineries designated in the complaint and operated by the respondent "refinery-producers." It is alleged that each of these contracts, as well as three others which Great Lakes entered into with three non-respondent refiners, are unreasonable restraints of trade in violation of the Federal Trade Commission Act due to:

the contracts' alleged tendency and effect to unlawfully restrain, suppress and eliminate competition in the sale and purchase of green "industrial quality" petroleum coke and to foreclose competitors and potential competitors from a substantial share of refinery production of such petroleum coke (C. par. 10);

an alleged aggravation of the effects of respondents' contracts because of an "industry-wide" utilization of "substantially similar" contracts by non-respondent refiners and purchasers¹ (C. par. 11).

The respondents have denied the substantive charges of the complaint² and have averred that the contracts in issue are not unreasonable or unfair; are necessary in view of the nature of the product and the petroleum coke business; and are affirmatively procompetitive. Respondent Great Lakes also asserts affirmative defenses based upon the outdated and unrepresentative nature of the evidentiary data; arbitrary and (the) inequitable action by

¹ The other refiners and purchasers have not been charged with violations of the Federal Trade Commission Act in this or any other proceeding.

² The respondent refiners also deny the interstate commerce allegations of the complaint.

the Commission; and the allegation that the proposed relief is inimical to the public interest in preserving a viable, independent petroleum coke business.

In the course of prehearing proceedings between February 26, 1970, and January 25, 1971, which were regulated by the issuance of prehearing orders on the transcript of ten prehearing conferences, issues for trial were narrowed. Statements and counter-statements of the issues were filed prior to the trial. No issues with respect to combination, conspiracy, monopolization or divestiture were alleged or litigated (PHC Tr. 601-2; Tr. 14-16, 155-157).

Presentation of the case-in-chief commenced in New York City on January 26, 1971, moved to Washington, D.C. on February 22, 1971 and concluded on February 25, 1971. In accordance with the trial schedule established during the prehearing proceedings, the trial was recessed; interim conferences were held on March 20 and April 17, 1971; each of the respondents served complaint counsel with documents, witness lists, allocations of evidence, trial briefs, and other materials of substantially the same nature as that provided by complaint counsel prior to its case.

Presentation of the respondents' case commenced on May 4, 1971, with a view of coke production and handling at Mobil's Beaumont, Texas refinery, together with testimony by Mobil employees. The parties viewed the petroleum coke storage, handling and calcining operations at Great Lakes' Port Arthur, Texas plant on May 5, 1971, and its research laboratories located at Elizabethton, Tennessee on May 7, 1971. Testimony was heard from Great Lakes' employees at both places. Complaint counsel were accompanied by expert consultants on these views and hearings. The balance of the trial was held in Washington, D. C. Both parties rested on June 11, following presentation of complaint counsel's case in rebuttal.

Transcripts of testimony total over 5,313 pages, and exhibits number over 1,400 documents. Thirty-three witnesses were called by complaint counsel during 25 days of hearings. Collectively, respondents called 15 witnesses during 11 days of hearings. In accordance with the Commission's approval of the hearing examiner's post-trial schedule, complaint counsel were granted until July 29, 1971, to file proposed findings of fact and conclusions of law, with findings by respondents due August 31, 1971, and replies by the parties to the proposed findings to be filed September 13, 1971.

