



UNITED STATES OF AMERICA  
**FEDERAL TRADE COMMISSION**  
WASHINGTON, D.C. 20580

Office of the Secretary

June 17, 2014

Kimberly Scott  
Chief of Municipal Code Compliance  
214 North Hogan Street, 1<sup>st</sup> Floor  
Jacksonville, Florida 32202

Re: *In the Matter of Ardagh Group, S.A./Saint-Gobain Containers, Inc./Compagnie de Saint-Gobain, FTC Docket No. 9356*

Thank you for your comment regarding the proposed Consent Order accepted by the Federal Trade Commission for public comment in the above-captioned matter. The Commission has reviewed your comment in connection with its decision concerning whether to accord final approval to the proposed Consent Order. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). This letter responds to the comment you submitted to the Commission on behalf of the City of Jacksonville.

In your comment, you raise a concern about a history of air pollution violations committed during the time that Mr. Fredlake was CEO of Anchor Glass Container Corporation. These violations relate to furnace emission monitoring and cullet usage monitoring and were only revealed after Ardagh took ownership of Anchor Glass Container Corporation. You suggest that an individual other than Mr. Fredlake and more removed from this history be considered as Hold Separate Manager.

Mr. Fredlake, as Hold Separate Manager, is not the final authority on environmental compliance issues. Ardagh has taken remedial measures to address the non-compliance and the held-separate Anchor Glass Business continues to work towards compliance. Ardagh has informed the Hold Separate Monitor, who is responsible for supervising Mr. Fredlake's management of the Anchor Glass Business, of the issue raised in the City of Jacksonville's comment. The proposed buyer is also aware of the issue.

Additionally, Mr. Fredlake is the intended CEO of the business. He has been chosen to lead the business because his experience will help establish the business as a viable, strong, glass container competitor.

After careful consideration of your comment and the entire evidentiary record, the Commission has determined that the public interest would best be served by issuing the Decision and Order as final without modification. A copy of the final Decision and Order is enclosed for your information. Relevant materials also are available from the Commission's website at <http://www.ftc.gov>.

It helps the Commission's analysis to hear from a variety of sources in its work on antitrust and consumer protection issues, and we appreciate your interest in this matter.

By direction of the Commission, Commissioner Wright dissenting and Commissioner McSweeney not participating.

Donald S. Clark  
Secretary

cc: Ms. Dana Brown  
City of Jacksonville Environmental Quality Division  
214 North Hogan Street, Fifth Floor  
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