

FILE NAME: National Safety Council (NSC)

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UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION



In the Matter of :

ACME ASBESTOS COVERING AND :
FLOORING COMPANY, et al. :

Docket No. 4613

ANSWER OF RESPONDENT DONALD TULLOCH, JR.
TO AMENDED COMPLAINT

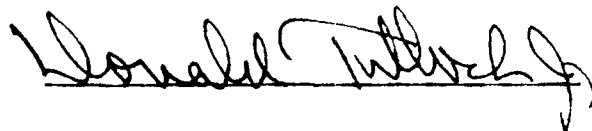
Donald Tulloch, Jr., one of the respondents named in this proceeding, answers the amended complaint by his attorneys Cadwalader, Wickersham & Taft, and incorporates in this answer by reference and repeats with respect to the amended complaint all the admissions, denials and statements set forth in his answer to the original complaint and all the statements contained in the separate and complete defense and explanation of alleged facts in the original complaint, and further:

1. Answering the paragraph of the amended complaint immediately preceding paragraph (11) of Paragraph NINE, Respondent admits that a merchandising plan was adopted during the period the National Industrial Recovery Act was in effect by some of the respondent corporations, and that said merchandising plan was not personally approved by the Administrator of the National Recovery Administration, but denies that such personal approval was necessary to make

adherence to the said merchandising plan obligatory upon the members of the Industry and states that the failure of the Administrator to disapprove the said merchandising plan constituted in legal effect an approval of the same.

2. Further answering the new matter appearing in said amended complaint Respondent denies knowledge of the new facts alleged in the last paragraph of Paragraph ONE, the fifth paragraph of Paragraph TWO, and the first paragraph of Paragraph THREE and denies that any sub-license agreement was entered into between The Philip Carey Company and Respondent.

WHEREFORE, Donald Tulloch, Jr. respectfully requests that the complaint in this proceeding be dismissed in so far as it relates to him.




Cadwalader, Wickersham & Taft,
Attorneys for Donald Tulloch, Jr.
14 Wall Street, New York, N. Y.