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FEDERAL TRADE COMMISSION
Docket No. 4613 COMMISSIONER'S EXHIBIT No. 47-A
IN THE MATTER OF *Acme Asbestos*
578142 *Tulloch*
Johnston

TO LICENSEES: General - New Schedules - Classifications

Opinions of Licensees with respect to revisions of schedules to conform to the Robinson-Patman Act indicate serious objections to the practical operations of the plan as proposed.

Further consultation leads to the belief that the following plan will meet the majority of the objections raised and still meet the approval of attorneys.

Plumbing, steamfitting and mill supply houses are the rehandlers of low pressure coverings and have in the past been considered wholesalers, chiefly for the reason that their sales are to contractors.

The plumber and steamfitter, however, is not actually in the contracting of covering, this being purely incidental to his regular business. Certainly he is not in the paint business simply because he paints a radiator, nor in the cement business because he pours a boiler foundation.

Actually the plumber-steamfitter is a consumer. The consumption of covering delivered to him in cartons actually changes its form, in passing thru his hands.

Hence, if the plumber-steamfitter truly is a consumer, the plumbing and steamfitting supply house actually functions for our industry merely as a retailer.

All classes of rehandlers, except the dual function rehandler will be sold as dealers. Dual function rehandlers who also function as plumbers or steamfitters, however, must be sold at the plumber-steamfitter level, in other words, as consumers.

Accounts sold on the consumer level may be rebated to the dealer level on submission of affidavit to the effect that goods on which rebate is claimed have actually been resold as a dealer.

All dealers must be listed by licensees. Two lists will be maintained: (1) Dealers who function solely in reselling licensed materials to consumers; (2) Dealers who perform the dual function - reselling and applying licensed materials.

Bergman Exhibit 234a
Obtained 6-19-40 Letter
Noted 12-4-47 Atty. *J. D.* Interview
Federal Trade Commission

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Each Licensee has the right to select the trade to whom he will sell. Lists as published will carry a code number indicating the licensee or licensees by whom the name was listed.

Additions to lists will be made at regular intervals, but no sales to be made until listing has been published.

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FEDERAL TRADE COMMISSION
Docket No. 4613
ACME Asbestos
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Asbestos

Bergman Exhibit 2346
Obtained 6-19-40 Letter
No. 1-12407 Interview
Federal Trade Commission

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