Paragraph Nineteen: With respect to the allegations contained in Paragraph Ten of Count II of the Complaint, respondent states that when sales are made by International Smelting & Refining Company to customers in different areas, located at or near the boundary between said areas, delivered prices to purchasers in one area near said boundary may be higher than delivered prices to purchasers in the other area contiguous to said boundary, otherwise denies the allegations contained in said Paragraph Ten in so far as the same relate to it.

Paragraph Twenty: Denies each and every allegation contained in Paragraph Eleven of Count II of the Complaint but states that International Smelting & Refining Company classifies certain non-competitive customers such as railroads, dealers and industrial users, and that it
148 makes due allowance for differences in the cost of sale and delivery resulting from different quantities in which white lead is purchased by certain purchasers in certain areas.

Paragraph Twenty-One: Denies each and every allegation contained in Paragraphs Twelve, Thirteen and Fourteen of Count II of the Complaint.

Wherefore respondent respectfully prays that the Complaint herein be dismissed.

Chadbourne, Wallace, Parke & Whiteside,
By Horace G. Hitchcock,
Office and Post Office Address:
No. 25 Broadway, Borough of Manhattan, New York 4, N. Y.
Attorneys for Respondent,
Anaconda Copper Mining Company.

149 UNITED STATES OF A

BEFORE THE FEDERAL TRADE
* * (Caption—5253)

ANSWER OF INTERNATIONAL
REFINING COMPA

(Received Feb. 14, 19

The respondent International Sm
Company, by its attorneys, reserving
lack of jurisdiction herein, answering
Paragraph One: States that it is
the reason for the belief of the Feder
as alleged in Paragraph One of Coun
that the parties named in the caption
the provisions of Section 5 of the Fe
sion Act, or that a proceeding thereu
interests of the public, and it hereb
in any way violated Section 5 or
150 of the Federal Trade Commissi
proceeding is in the public interes
Paragraph Two: States, with respe
of Count I of the Complaint, that it
or information as to any facts form
charge that the respondent National
monopolized or attempted to monopol
of white lead and that it has acted u
monopolistic control over the prices
United States.
Respondent denies the truth of the
bined, conspired and cooperated with
to hinder, lessen and eliminate price c
of white lead in the United States.
Respondent denies the truth of the
or has used unfair, oppressive, discr
tive acts, methods and practices in co
of white lead in the United States.
Paragraph Three: With respect
Paragraph Three of Count I of the C
admits that Anaconda Copper Mining
tana corporation with an office a
151 York, N. Y., and that it is a Mont

an office at 25 Broadway, New York, N. Y., and is a wholly owned subsidiary of the respondent Anaconda Copper Mining Company.

Respondent states that it is without knowledge or information as to the truth of the allegations contained in Paragraph Three of Count I of the Complaint with respect to other respondents herein.

Paragraph Four: With respect to Paragraph Four A of Count I of the Complaint, respondent admits that white lead is a white, exceedingly fine powder and is a basic lead carbonate. It is a chemical compound derived through processes including corrosion of metallic pig lead. It admits that white lead principally contains lead carbonate and lead hydroxide, but avers that the percentage of each may vary slightly in the products of different manufacturers. White lead is one of several lead pigments White lead is commonly referred to in its dry or powdered form by paint manufacturers as white lead or dry white lead, and is commonly referred to by painters in its paste form as lead-in-oil. It is in the form of a paste after mixing
152 with linseed oil. Either in the form of powder or paste, it is usable by paint manufacturers in producing white lead paint, although lead paste is not commonly used by paint manufacturers. Paint manufacturers may produce white lead paint of the desired consistency by grinding dry white lead with varying amounts of linseed oil, turpentine, and other thinners and driers. White lead paint of the desired consistency may be made by the painter by mixing with lead paste varying amounts of linseed oil, turpentine, and other thinners and driers. Except as expressly admitted by the foregoing admissions, respondent denies each and every allegation contained in Paragraph Four A of Count I of the Complaint.

Respondent admits the allegations contained in Paragraph Four B of Count I of the Complaint.

Respondent states that it is without knowledge or information as to the truth of the averments contained in Paragraph Four C of Count I of the Complaint.

Paragraph Five: With respect to the allegations of Paragraph Five of Count I of the Complaint, respondent admits: That certain of the respondents herein are engaged in the manufacture, sale and distribution of white lead in interstate commerce; that respondents National Lead Company and Eagle Picher Lead Company are engaged in

the manufacture of white le
153 an important item of resp
and among the several Sta
principal item used in the manu
that white lead paint or paint p
oil is held in high esteem by pai
tion to exteriors of buildings
spondent is without knowledg
Williams and Glidden manufac
It is without knowledge as to
Complaint during which respo
Company directly sold and dis
merce, or as to whether or whe
commerce indirectly through an
It denies that at any period
Anaconda Copper Mining Co
tributed white lead, lead-in-oil
Anaconda Lead Products Comp
sion of Anaconda Copper Minin
It admits that Anaconda Lea
partly owned subsidiary of Ana
pany and until in or about 1936
facture and sale of white le
154 It admits that responde
white lead and that Anac
ments Division, a subsidiary o
Company, has sold white lead o
The total combined productio
ents constitutes a very substan
lead produced and sold in the
tion and sale of white lead a
spondent constitutes a small p
duced and sold in the United St
knowledge or information as t
the total produced and sold by
itself.

Other than as above referred
denial of knowledge and infor
the allegations contained in Pa
the Complaint.

Paragraph Six: Denies eac
tained in Paragraph Six of Cou

Paragraph Seven: Respond
knowledge or inforamtion suf

155 to the truth of the averments contained in Paragraph Seven; Seven A; Seven A (1), (2), (3), (4), (5), (6), (7), (8) and (9) of Count I of the Complaint.

Respondent denies each and every allegation contained in Paragraph Seven B; Seven B (1), (2), (3), (4), (5) and (6) of Count I of the Complaint, and Seven B (7) and (8) in so far as it is alleged that said Seven B (7) and (8) were done with the cooperation and assistance of this respondent; otherwise respondent is without knowledge or information sufficient to form a belief as to the truth of the averments in said Paragraph Seven B (7) and (8).

Paragraph Eight: Denies each and every allegation contained in Paragraph Eight and Eight A, B, C, D, E and F of Count I of the Complaint, and alleges that respondent quotes delivered prices for its products; that said delivered prices vary as between certain geographical areas, sometimes referred to as zones; that such delivered prices are the same within certain areas notwithstanding some variations in freight rates in certain areas between respondent's mill and the customer's location; that the variations in
156 delivered prices quoted by respondent correspond substantially to those shown on the map referred to in Paragraph Eight A of Count I of the Complaint but are not identical therewith; that the delivered prices quoted by respondent are calculated in terms of differentials above a par price in par territory; that the delivered prices quoted by respondent are not the same as those quoted by its competitors, including the other respondents named in this proceeding, in so far as is known to it; that prices quoted by respondent and the pricing methods adopted by it have been quoted and adopted in good faith in order to meet the competition of other sellers of white lead who were at the same time offering and selling in the areas in which it does business competitive white lead products of similar quantities and grades; that respondent is informed and believes that dealers purchasing its lead-in-oil frequently sell the same at the same price to their customers as they sell the lead-in-oil of other respondents; that certain customers located at or near respondent's factory are charged the same price as certain customers located at a greater distance.

Paragraph Nine. Respondent denies each and every allegation contained in Paragraph Nine of Count I of the Complaint.

157 Paragraph Ten: Responde
allegation contained in Paragr
the Complaint.

Paragraph Eleven: Respondent
allegation contained in Paragraph
the Complaint.

Paragraph Twelve: Respondent
knowledge or information as to the
the Federal Trade Commission tha
violated the provisions of the Clay
the Robinson-Patman Act, as alleg
Count II of the Complaint, and he
violated the provisions of the Clay
the Robinson-Patman Act, or that
public interest.

Paragraph Thirteen: With res
of Count II of the Complaint, resp
of any charges that it has been or
criminating as between its custo
charges, demands, accepts and rec
the sale of white lead in commerce

Paragraph Fourteen: With
Three to Five, inclusive, of Co
158 respondent repeats and incorp
to Paragraphs Three to Five
plaint as fully as if set forth ver
the definition of the term "comme
without knowledge or information
lief as to the truth of the averme
contained in said Paragraphs Thr
Count II of the Complaint.

Paragraph Fifteen: Denies ea
contained in Paragraph Six of Co
in so far as said allegations relate

Paragraph Sixteen: Denies ea
contained in Paragraph Seven of
plaint but states that it quotes d
lead which vary in different geogr
referred to as zones. Said variat
correspond substantially to those
ferred to in said paragraph althou
therewith. It avers that its price
have been adopted in good faith i
petition of other sellers of white l
time offering to sell and selling
products of similar quantities and

159 Paragraph Seventeen: With respect to the allegations contained in Paragraph Eight of Count II of the Complaint, respondent states that delivered prices within certain areas quoted by it are the same throughout the area notwithstanding that there may be variations in the cost of freight to deliver to one customer in one part of the area as against another customer in another part of the area; and that the price quoted a customer located at or near its mill may be the same as a price quoted a customer located at a distant point in said area. All prices quoted by it are to meet competition; otherwise it denies the allegations contained in said Paragraph Eight.

Paragraph Eighteen: Denies each and every allegation contained in Paragraph Nine of Count II of the Complaint in so far as said allegations relate to it.

Paragraph Nineteen: With respect to the allegations contained in Paragraph Ten of Count II of the Complaint, respondent states that when sales are made to customers in different areas, located at or near the boundary between said areas, delivered prices to purchasers in one area near said boundary may be higher than delivered
160 prices to purchasers in the other area contiguous to said boundary; otherwise denies the allegations contained in said Paragraph Ten in so far as the same relate to it.

Paragraph Twenty: Denies each and every allegation contained in Paragraph Eleven of Count II of the Complaint but states that it classifies certain non-competitive customers such as railroads, dealers, and industrial users and that it makes due allowance for differences in the cost of sale and delivery resulting from different quantities in which white lead is purchased by certain purchasers in certain areas.

Paragraph Twenty-One: Denies each and every allegation containd in Paragraphs Twelve, Thirteen and Fourteen of Count II of the Complaint.

Wherefore respondent respectfully prays that the Complaint herein be dismissed.

Chadbourne, Wallace, Parke & Whiteside
By Horace G. Hitchcock
Office & Post Office Address
No. 25 Broadway
New York, N. Y.
Attorneys for Respondent.

International Smelting and Refining Company

161 United Stat

Before the Federa
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ANSWER OF RESPON
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(Received I

Comes now the responden
its attorneys, Alexander &
to move to dismiss the com
diction and all rights to obj
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Answer

1. Answering Paragraph
ent states that it is withou
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ties named in the caption h
sions of Section 5 of the F
or that a proceeding thereu
of the public, and it hereby
violated Section 5 or any
Trade Commission Act or
public interest.

2. Answering Paragraph
ent denies the truth of the
tained and states that it is
tion as to any facts form
against the other responde

3. Answering the allega
Count I, this respondent a
corporation, with its princ
New York, N. Y.

162 4. With respect to
this respondent states
mits that white lead is a
which, when it contains p
lead hydroxide (the percent
ly in the products of differ