

Manufacturing Chemists' Association, Inc.

(FOUNDED 1872)

1825 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20009

MINUTES OF MEETING LEGAL ADVISORY COMMITTEE CHEMISTS' CLUB, NEW YORK CITY SEPTEMBER 13, 1965

Present:

September 30, 1965

Lloyd Symington, Chairman
Lawrence S. Apsey
Lawrence A. Coleman
James M. Fulton
Harold B. Gross (for Richard S.
Kyle)

Frank Lyon, Jr.
Iver C. Macdougall
R. E. O'Leary (for Edwin J.
Putzell, Jr.)

Edward M. Taylor
Frazier Scott (for Frederick B.
Lee)

Irving S. Shapiro
James R. Carnes, Secretary

Fowler, Leva, Hawes & Symington
Celanese Corporation of America
Allied Chemical Corporation
Merck & Co., Inc.
American Cyanamid Company

Union Carbide Corporation
Stauffer Chemical Company
Monsanto Company

Commercial Solvents Corporation
Olin Mathieson Chemical Corporation

E. I. du Pont de Nemours & Co.
Manufacturing Chemists' Association,
Inc.

Absent:

Charles S. Maddock
Arthur Northwood
Liaison member, MCA
Public Relations Committee

John A. Wilson
Dr. Jesse Werner
Liaison member, MCA
Board of Directors

Hercules Powder Company, Inc.
Shell Chemical Company

Diamond Alkali Company
General Aniline & Film Corporation

Guest:

W. W. Westerfield

Shell Chemical Company

The Committee convened at 3 p.m., Mr. Symington, the Chairman, presiding.

CMA 086393

1. Dual Distribution Legislation - S. 1842, S. 1843, S. 1844

The Chairman outlined the principal reason for calling the meeting, referring to the interest of the members in current proposals for "dual distribution" legislation, as indicated by their responses to questionnaires sent out by the Secretary. He stated that the objectives would be to decide what position, if any, the Committee should recommend that the Association take, whether by oral testimony or written statement, and to make such plans in connection therewith as seemed appropriate.

Mr. O'Leary presented a report regarding his research into the implications of this legislation, expressed a strong desire to see the Association take a position thereon and his reasons therefor, and advised that Mr. Putzell would be willing to appear as the Association's witness, if oral testimony were decided upon. Following expressions from other members of the Committee regarding this legislation, there was a clear consensus that MCA should present a statement on the legislation if further research and future developments support this conclusion.

Messrs. Lyon and Shapiro each volunteered to provide a member of a small ad hoc group under the chairmanship of Mr. Putzell to draft a proposed statement. It was agreed that October 15, 1965 would be the target date for having the first draft of the statement in the hands of the Secretary in order that he may send copies to Committee members for their comments. It was agreed that, if it later appears advisable, another meeting of the Committee would be arranged for further discussion of the subject.

2. Current Antitrust Developments

(a) S. 2512 regarding effect of nolo contendere pleas

Following a brief description of this bill by the Chairman, it was deemed to be of considerable interest to the Committee and the Secretary agreed to circularize copies for further study by Committee members.

(b) House Judiciary Committee investigation of overseas joint ventures

As a matter of possible interest, the Secretary reported information gleaned from BNA's Daily Report for Executives regarding the pending investigation by the House Judiciary Committee staff of overseas joint ventures.

(c) S. 995, civil remedies for violation of Robinson-Patman Act

The Secretary reported on the present status of this legislation on which the Association recently submitted its views in a letter (based upon earlier recommendations by the Committee) to the Senate Antitrust and Monopoly Subcommittee.

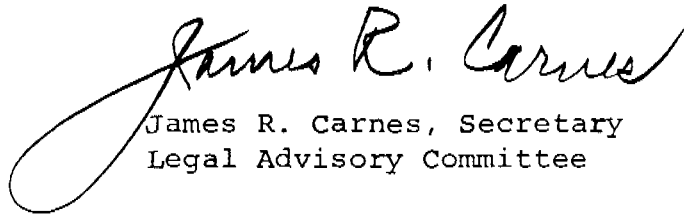
3. Other matters of Current Interest

Mr. Macdougall expressed some concern regarding the manner in which the Chem-Card Program, adopted by MCA, would be implemented, recommending that publicity releases and general letters to the membership include caveats to allow member companies maximum flexibility in deciding whether or not to participate in the program. He recommended that MCA publicity remain silent as to any implication of duties of shippers with respect to use of Chem-Cards. He also suggested the desirability of inserting language in such general releases by the Association to the effect that the Chem-Card program does not represent the consensus of the chemical industry.

The above recommendations were discussed by the members, and there was general agreement that MCA publicity should emphasize the voluntary nature of the program, avoid the placement of specific duties or methods of implementation upon member companies, and indicate that the Chem-Card program was not necessarily the only means of achieving the stated objectives. Specifically, it was recommended that the letter to Executive Contacts, currently in preparation, regarding implementation of the Chem-Card program be amended to point out that some member companies may choose other means than Chem-Cards to accomplish the objectives of the program. (This amendment was subsequently incorporated in the letter sent by General Decker to Executive Contacts of MCA member firms on September 17, 1965).

Having completed discussion of its meeting agenda, the Committee adjourned at 4:45 p.m. o'clock.

Respectfully submitted,


James R. Carnes, Secretary
Legal Advisory Committee

JRC/hgs

Subject to Approval

cc: Dr. Jesse Werner,

Liaison member, MCA Board of Directors

Mr. Arthur Norwood

Liaison member, MCA Public Relations Committee

CMA 086395