

The Third Time The Anti-Trust Lawyers Were Wrong!

What Has Gone Before

Today's ad is the third in a series telling about times the anti-trust lawyers made serious and damaging charges against A&P that the courts decided were not true.

In the first ad in this series we told you about the time the anti-trust lawyers charged that A&P, and other good American citizens, conspired to fix the price of bread in Washington.

These charges were false.

That was the time Federal Judge T. Alan Goldborough instructed the jury to bring in a verdict of "not guilty".

It was the time he said to the anti-trust lawyers:

"If you were to show this record to any experienced trial lawyer in the world, he would tell you that there was not any evidence at all."

"Honestly, I have never in my over forty years' experience seen tried a case that was as absolutely devoid of evidence as this. That is the honest truth. I have never seen one like it."

But that was not the only time the anti-trust lawyers made such serious "allegations" against A&P which were false.

In our second ad we told you about the time in Wilson, North Carolina, they charged A&P's fresh fruit and vegetable buying subsidiary, and other good American citizens, with conspiring to fix and depress prices paid farmers for potatoes in North Carolina, Virginia and Maryland.

Here again, as in the Washington bread case, the charges were false.

This was the time Federal Judge C. C. Wyche directed the jury to bring in a verdict of "not guilty".

It was the time he said to the anti-trust lawyers:

"I have studied this case from the very outset. In my opinion there is no testimony produced from which it can reasonably be inferred that the defendants entered into a combination to depress or lower the price of potatoes."

"I might say that I never tried a case in my life where a greater effort, more work, more investigation had been done, combing almost with a fine-tooth comb to gather evidence, as was done in this case."

"But, as was said a long time ago, you can't make brick without straw, and you can't make a case without facts."

So here were two cases in which the anti-trust lawyers made seriously damaging charges against A&P, in which the judge decided that there were no facts to support those charges.

Today, we want to tell you about the third time—this time in Dallas, Texas—the court decided against the anti-trust lawyers.

Is it a crime to give people more good food for their money?

For 90 years A&P has devoted all its energies to this end.

For many months now the anti-trust lawyers from Washington have been giving stories to the newspapers, making speeches and talking over the radio about this company.

They have been making serious and damaging allegations about the methods that enable A&P to give its customers better food values.

We have already told you about other times the anti-trust lawyers made charges against us that were proved utterly false in court.

In the left-hand column on this page you can read what the federal judges had to say about those two cases.

Now we are going to tell you about the third time a federal judge decided against the anti-trust lawyers.

The Dallas Anti-Trust Suit

In 1942 the anti-trust lawyers went out to Dallas, Texas, 1,400 miles from the homes of most of the defendants, and instigated criminal charges against A&P.

About this case one thing was sure.

Their previous experience did not deter the anti-trust lawyers from making more inflammatory and damaging allegations, just as they had done before.

They made practically the same allegations they are making today.

Federal Judge W. H. Atwell ruled that the case should not even be tried. He said that the indictment contained inflammatory statements that he would not permit to be presented to a jury.

Judge Atwell said to the anti-trust lawyers:

"If I thought I was presiding over a court and that I might have to sentence some person because he was a great big fellow, or because he was a Lilliputian, I would feel like resigning. God knows we don't want it ever to occur in America that the size is going to determine whether a man is guilty or innocent."

Everything that has happened since this suit was filed proves that the American people don't want A&P destroyed. A deluge of letters from people in all walks of life and thousands of editorials in newspapers and magazines convince us that the public has faith in A&P.

The housewives of this nation, whose patronage has made this company big, are buying from us in increasing numbers and increasing volume.

Our suppliers, whom the anti-trust lawyers allege we have exploited, are rushing to our support.

Labor leaders, mindful of the fact that A&P employees enjoy the best wages, hours and working conditions, are taking a stand against the suit.

Even many of our good competitors, who the anti-trust lawyers allege are hurt by our competition, have taken ads to tell the public that they don't like this attack on A&P.

All this indicates that the American people realize that the suit to destroy A&P is really a suit against efficiency, against low prices and against real competition.

Apparently most Americans do not want to let the anti-trust lawyers in Washington blow the whistle on any businessman who does a better and more efficient job and grows big in the process.

No one can make them believe it is a crime to try to sell the best quality food at the lowest possible price.

Judge Atwell also said to the anti-trust lawyers:

"If the indictment is not good then it is better to find out before an expensive trial than it is after an expensive trial. I do not think it is good, and thinking that, it is my duty to sustain the demurrers and motion to quash."

In short, Federal Judge Atwell threw the anti-trust lawyers and their case right out of his court.

So that makes three times that the anti-trust lawyers made damaging allegations against A&P. In two of these cases federal judges said they were all wrong. In the third case a federal judge said the indictment was inflammatory and he would not even permit the case to be tried.

The anti-trust lawyers were not satisfied with the Dallas decision. Neither were they satisfied with the two other decisions in which federal courts administered stinging rebukes to them.

They were still determined to destroy A&P.

In our next ad we will tell you how they continued their campaign in this case in the Circuit Court of Appeals and subsequent proceedings.

We will show you how, once again, they disagreed with the courts.

THE GREAT ATLANTIC &



PACIFIC TEA COMPANY