

Commodity Futures Trading Commission
CEA CASES

NAME: FOX DELUXE FOODS, INC., ROLAND N. GERGEN, HAROLD W. FOX, AND BERT E. FOX

CITATION: 18 Agric. Dec. 1010

DOCKET NUMBER: 74

DATE: SEPTEMBER 15, 1959

DOCUMENT TYPE: ORDER DISMISSING PETITION FOR RECONSIDERATION

(No. 6111)

FOX DELUXE FOODS, INC., ROLAND N. GERGEN, HAROLD W. FOX, AND BERT E. FOX.
CEA Docket No. 74. Decided September 15, 1959.

Dismissal of Petition for Reconsideration

The petition for reconsideration is dismissed and the order of June 26, 1959, shall become effective on October 15, 1959.

Decision by Thomas J. Flavin, Judicial Officer

ORDER DISMISSING PETITION FOR RECONSIDERATION

On June 26, 1959, a decision was made in this proceeding under the Commodity Exchange Act (7 U.S.C. Chapter 1) finding that the respondents had violated the act and an order was entered (18 Agric. Dec. 582 (18 A.D. 582)) providing for sanctions. On July 14, 1959, the respondents were granted an extension of time for the filing of a petition for reconsideration, and the effective date of the sanctions prescribed was postponed pending action upon the petition for reconsideration to be filed. On August 3, 1959, the respondents filed a petition for reconsideration and the complainant filed a reply thereto on August 18, 1959. Reexamination of the record and the decision and order of June 26, 1959, in the light of the petition for reconsideration and the reply results in the conclusion that no material change should be made in the decision and order entered. Accordingly, the order of June 26, 1959, should be made effective.

A re-reading of the decision, however, discloses an inadvertent omission in the quotation from the administrative decision in *In re General Foods Corporation* (6 Agric. Dec. 288 (6 A.D. 288), 305 (1947)) which appears on page 31 on lines 12 and 13 under the heading "IV" and the quotation is corrected to read as follows:

"To manipulate prices means . . . to cause prices to go up or down by means directed to either such end or *to prevent prices from going up or down by means directed to either such end.*" [Emphasis supplied.]

The order of June 26, 1959, shall become effective on October 15, 1959, and therefore:

Effective October 15, 1959, the registration of Fox DeLuxe Foods, Inc., as a futures commission merchant and the registration of Harold W. Fox as a floor broker

are revoked, and the registration of Bert E. Fox as a floor broker is suspended for a period of three months.

Effective October 15, 1959, all contract markets shall refuse all trading privileges to Fox DeLuxe Foods, Inc., Harold W. Fox, and Roland N. Gergen for a period of one year, and to Bert E. Fox for a period of six months, such refusals to apply to all trading done and positions held directly and also to all trading

done and positions held indirectly through persons owned or controlled by any of respondents.

Copies hereof shall be served upon the parties and upon the contract markets.

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