

Commodity Futures Trading Commission
CEA CASES

NAME: BERKSHIRE FOODS, INC. AND HAROLD W. FOX, AND EARL E. BARNES

DOCKET NUMBER: 91

DOCUMENT TYPE: ISSUANCE OF COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

Washington 25, D. C.

ISSUANCE OF COMPLAINT - CEA DOCKET NO. 91

(Administrative Hearing under the Commodity Exchange Act)

A complaint and notice of hearing has been signed by the Assistant Secretary of Agriculture, charging violation of the Commodity Exchange Act by:

Berkshire Foods, Inc.

and Harold W. Fox

(Chicago, Illinois)

Earl E. Barnes

(Oklahoma City, Oklahoma)

The complaint charges attempted manipulation and manipulation of the price of cash eggs in Chicago, and of egg futures on the Chicago Mercantile Exchange, in November 1958. It is alleged that large purchases of November 1958 egg futures near the end of trading in that future concentrated a substantial part of the open contracts in the hands of Berkshire Foods, Inc., Earl E. Barnes and customers of Earl E. Barnes, who is an agent and associate broker of Berkshire Foods, Inc. The long futures position thus acquired was in excess of the supply of refrigerator eggs in Chicago available for delivery. The resulting "squeeze" was aided, the complaint charges, by the purchasing and holding of November futures during part of the period involved by certain other traders who, although not customers of Berkshire Foods, Inc., were closely identified with respondent Harold W. Fox.

The issuance of a complaint under the Commodity Exchange Act does not constitute proof of violation of the law. Such violation is established only when the Judicial Officer of the Department has made a determination that the evidence substantiates allegations in the complaint. Complaints are filed in the Office of the Hearing Clerk of the Department of Agriculture and are a matter of public record. Pending disposition by the Judicial Officer, it is the policy of the Commodity Exchange Authority not to comment or elaborate on charges contained in complaints or to discuss evidence on which they are based.

A public hearing on the complaint is scheduled to be held before a referee at 10:00 a.m., local time, January 26, 1960, in Room 1200, Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois.

LOAD-DATE: June 12, 2008

