

Commodity Futures Trading Commission
CEA CASES

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

DOCKET NUMBER: 74

DOCUMENT TYPE: ISSUANCE OF COMPLAINT

UNITED STATES DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

Washington 25, D. C.

ISSUANCE OF COMPLAINT - CEA DOCKET No. 74

(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:

Fox DeLuxe Foods, Inc.,

Roland N. Gergen,

Harold W. Fox, and

Bert E. Fox,

Chicago, Illinois.

The complaint charges attempted manipulation and manipulation of the price of cash refrigerator eggs in Chicago, and of egg futures on the Chicago Mercantile Exchange, in December 1953 and January 1956. It is alleged that Fox DeLuxe Foods, Inc. concentrated in its own hands and those of its affiliates and customers a quantity of egg futures comprising the major portion of the open interest and in excess of supplies of refrigerator eggs available for delivery, with the intent and expectation that its customers would be influenced by, and would rely upon, the respondents' example, advice, and superior knowledge of trading techniques and would follow their lead. It is further alleged that the respondents purchased, or directed the purchase of, cash eggs on the Chicago Mercantile Exchange for the purpose of increasing or preventing a decrease in futures prices.

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., central daylight saving time, on August 28, 1956, at Chicago, Illinois.

LOAD-DATE: June 12, 2008

