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# The Time The Anti-Trust Lawyers Killed Their 0wn Case! 

For ten years the anti-trust lawyers have been attacking the business methods that make it possible to give the public the best quality food at the lowest prices. In our last ad we told you how Federal Judge W. H. Atwell, at Dallas, threw the antitrust lawyers and all their inflammatory charges against A\&P right out of his court. But the anti-trust lawyers were not satisfied with decisions against them by three federal judges.
They still wanted to destroy A\&P.

## They Appealed to New Orleans

So they appealed Jud Court at New Orleans.

One of the three, Judge Curtis L. Waller, agreed with Judge Atwell that the case should be dismissed.
The other two members of the Circuit Court, Judge Joseph C. Hutcheson, Jr., and Judge Allen Cox, although saying the case should be tried, agreed inflammatory.
They decided that Judge Atwell at Dallas should protect A\&P from these inflammatory allegations and could order
the defendants with a bill of particulars.
So the case was back in Dallas again.
Judge Atwell, carrying out the decision of the Circuit Court, struck out the inflammatory matter
He said that without this inflammatory and prejudicial matter the Girand Jury might never have returned the indictment
Judge Atwell
"There are many statements in the indictment which are not at all
in violation, and are highly prejudicial and inflammatory."
The anti-trust lawyers objected. They advanced an amazing argument. They said that the removal of their inflammatory allegations (which all four
Judge Atwell instructed the anti-trust lawyers to furnish the court with a bill of particulars. In short, he wanted specific charges instead of vague generalities. He set the deadline for furnishing this materiat at January 15th, 1944.
When the anti-trust lawyers twice asked for more time, pleading sickness
among their staff, Judge Atwell extended the time to February 25 th becans he belleved that they were
material he had requested.
Actually, it developed, they were using the time to get ready to drop the case in Dallas and start it in another court.

## They Quit in Dallas

On February 26th, while the judge was still waiting for his answer, and without any previous notice to him , the anti-trust lawyers gave a story to the newspapers in Washington, announcing that they were dropping the case in Dalla
They said that it wes their intention "t fil osubstoniolly similar suit

As soon as one anti-trust lawyer killed the case in Dallas, another antitrust lawyer filed a new case in Danville, Illinois. This new case made most of the same allegations that had been made and dropped in Dallas; and that are being made against us today
So now, according to the anti-trust lawyers, all four jadges who had ruled on the Dailas case were wrong.
Despite defeats in three federal courts in widely separated parts of the ountry, they contmued their campaign to destroy Ad.
"This nolle prosequi does not have the sanction or approval of this court. That is not necessary, nor thai the government ask for the court's approval.
"It is, however, a matter tha! may be presented to the other court and may be of interest to the people ai large.

Washington, D. C.

They were still determined to destroy this company which had brought more and better food at lower cost to millions of American families.

## They Were Wrong Three Times Before!

Three times the anti-trust lawyers went into federal courts and made serious and damaging charges against A\&P.
Three times federal judges said the anti-trust lawyers were wrong and rendered decisions against them.
In previous ads in this series we told you about these other anti-trust "cases" involving us, which the judges said were not cases at all. We think you should know about these previous cases, because once again the anti-trust lawyers are making damaging "allegations" that could seriously affect our business if they were belie ed by the public

There was the time in Washington, D. C., when they
said we and other good American citizens conspired to fix the price of bread in that city.
This was the time Federal Judge T. Alan Goldsborough ruled that A\&P and the other defendants did not even
need to put in a defense. He instructed the jury to bring in a verdict of "not guilty"
It was the time Judge Goldsborough said to the antitrust lawyers:
"If you were to show this record to any expervenced trial lawyer in the world, he would tell you that ence 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."

There was the time in Wilson. North Carolina, they said we and other good American citizens c
to fix prices paid farmers for their potatoes.
This was the time Federal Judge C. C. Wyche directed It was the time Judge Wyche said to the anti-trust ,
In my opinion there is no testimony produced from which it can reasonably be inferred that the de-
fendants entered into a combination to depress or fendants entered into a co
lower the price of potatoes.
I might say that I never tried a case in my life "I might say that I never tried a case in my life
where a greater effort, more work, more investiwhere a greater effort, more work, more investi-
gation had been done, combing almost with a fine-
tooth comb to ooth comb to gather evidence.
But, as was said a long time ago, you can't make brick without straw, and you can't make a case without facts."

There was the time in Dallas, Texas, when they made
practically the same "allegations" they are making today.
This was the time Federal Judge W. H. Atwell ruled ndictment contsined inflammutory. He said that the $t$ was the time Judge Atwell said to the anti-trust "I know of no American rule, and I wish I had the power to underscore the word 'American,' which permits us to try a man because of his size. If I thought I was presiding over a court and that was a great big fellow, or because he weas a Lilliputian, I would feel like resigning. God knows we don't want it ecer to occur in America that the size
is going to determinc whether a man is is going to determine whether a man is guilty or
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## Nervous STOMACM 


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