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Review of “Price Discrimination Law: A Review of Experience,” By Corwin D. Edwards

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“probably more incisive, illuminative, tough enough insofar as it goes, than profoundly creative, capable of powerful generalizations”; and he questioned its scope. Unlike the “gentle, saintlike Cardozo,” he thought he could handle McReynolds: “a tough-skinned fellow like me could deal with him because I could be just as rude as he could be.”

Justice Frankfurter has provided illuminating flashes of a significant period of history, perceptive glimpses of many important personalities, and an absorbing account—in the best tradition of the American dream—of how an immigrant boy became a Justice of the Supreme Court. More important to the Bar is the sense of dedication to the law and its institutions which the book reflects, the high standards prescribed for the lawyer as a professional man, as a citizen, and as a public servant. At a time when there is increasing concern about the undue emphasis placed upon material values and the trend toward conformity, “Felix Frankfurter Reminisces” might well be required reading for law school students, their teachers, and other members of the profession.

MILTON I. GOLDSTEIN†

THE PRICE DISCRIMINATION LAW; A REVIEW OF EXPERIENCE. By Corwin D. Edwards. Washington, D.C.: Brookings Institute, 1959. Pp. xxii, 698. \$10.00.

The Robinson-Patman Amendment to the Clayton Act has been carefully scrutinized in Corwin D. Edwards' recent book. Professor Edwards, an economist, thoroughly analyzes cases involving the amendment which have been tried before the courts, the Federal Trade Commission and its hearing examiners as of December 1957. This collection of cases will be of use to any lawyer interested in the interpretation of this statute.

Though the sentence structure is at times cumbersome, the material is presented clearly and in an orderly fashion. Specialists in the field of price discrimination, as well as those attorneys who enjoy a general practice, will find this book an invaluable source of relevant material.

Professor Edwards, by analyzing the official handling of various fact situations, attempts to find a pattern which one may expect the courts to follow in subsequent cases.

The author's most interesting suggestion involves a dual interpretation of the word “competition.” He believes it may have one meaning at the primary level and perhaps another at the secondary level.

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"Competition at the primary level" refers to competition with the seller, while "competition at the secondary level" refers to competition with the buyer. Professor Edwards suggests that the courts and common sense indicate that when a seller, by reducing his price, takes a buyer away from his former supplier, he is not in violation of the law, merely because he affected competition through price reduction which affects his competitor. If there is to be effective competition, it must result in one taking business from another. There is a violation at this primary level only if competition generally, i.e., general market condition, is affected.

However, at the secondary level the situation is believed to be different. In Professor Edwards' opinion, placing a class of buyers in a preferred position with regard to a competing class of buyers by giving the first class a reduced price, and thus permitting them to take business from the second class affects the "competition" to which the law refers, i.e., the general market condition does not have to be affected at this secondary level.

Sections 2(c), (d) and (e) are discussed thoroughly and the fact that a number of the provisions of Section 2(a), which might naturally be believed to apply to Sections 2(c), (d) and (e), are not actually applicable to the latter subsections, is well illustrated and catalogued. Of course, 2(a) and (f) are also fully explored.

Should one be interested in academic problems and economic philosophy, he will appreciate the author's proposals for revision of the statute. He will also be interested in Professor Edwards' remarks about the effect the statute has had in changing commercial practices.

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