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BOOK REVIEWS

Legal Control of Business Practice. By Austin T. Stickells. Mount Kisco, New York. 1965. Baker-Voorhis & Co., Pp. xii, 843. \$25.00.

Legal Control of Business Practice is a comprehensive survey and analysis of government regulation of business activity in the United States. The emphasis is on federal regulation, but the book begins with a sixty-two page chapter on the common law background material essential for an understanding of the growth of federal statutory regulation. Statutory provisions, judicial constructions of applicable statutes, and common law principles are nicely intertwined to give a complete picture of the particular problem under discussion.

Treatment is extensive, covering all aspects of business activity in areas other than those traditionally regulated. Transportation, banking, and public utilities are excluded. A considerable amount of space, at least one half of the book, is devoted to various aspects of the anti-trust laws. This is not surprising since the Sherman Act marked the emergence of the United States as a regulator of the practice of ordinary businesses. As deficiencies in the act were noted, new statutes were enacted dealing both with competition and monopoly generally, and with specific industries or problems particularly. Thus, the anti-trust activity constitutes a large segment of federal regulation of business. This is because (1), the government has been active in this area for a longer period of time, and (2), economic pressures of mass production and better communication facilities tend to favor bigness with concomitant monopolistic practices and trade restrictions.

In addition to anti-trust matters, the book treats at length such specific topics as: Price Discrimination and the Robinson-Patman Act; Patents and Copyrights; False Advertising and the Federal Trade Commission Act; the Federal Food, Drug and Cosmetic Act; Wool Products Labelling Acts; and the Flammable Fabrics Act. There is also considerable discussion of enforcement techniques and the remedies available when violations are encountered. Procedural aspects are not overlooked in order to provide an appreciation of what is necessary in order to prove a case.

The style is expository and factual rather than crusading. It does not appear that Professor Stickells has any particular axe to grind or ox to gore. He seeks to explain the law, to show its development, and to impart an understanding of the competing forces at work. This is not to suggest that there is a dearth of critical analysis. Analysis there is, and it is particularly evident in the discussion of the Sherman and Clayton Acts. The section on merger, in particular, merits mention in this regard.

An important feature of *The Legal Control of Business Practice* is the broad scope of its coverage. In this respect it is broader than *Major American Antitrust Laws* by Kronstein, Miller and Dommer. This latter book, however, includes a chapter on *Restraints in International Trade* while *Legal Control* is largely confined to domestic regulations. Another difference is the greater use of excerpts from cases and statutes in *Major Laws*. *Legal Control of Business Practice* also differs considerably both in format and coverage from *Legal Aspects of Competitive Business Practices*, by the California Continuing Education of the Bar. This latter book has more of a how-to-do-it approach and is aimed primarily at practicing lawyers. It is more restricted in scope but necessarily includes some of the same coverage. The California book covers applicable California law and provides applicable forms of interest to the attorney.

Legal Control of Business Practice is not a book to be read lightly as it avoids oversimplification, but at the same time it is not exceptionally difficult or ponderous. It should be of considerable value as a reference to law students and practitioners. The generous citation of cases, articles and statutes provide ample source material for further study. It should enable the conscientious business man, familiar with trade practices, to establish valuable guidelines for permissible competitive and other practices.

The physical make-up of *Legal Control of Business Practice* is also more than satisfactory. The book is printed on quality paper with uniform and ample, but not excessive, margins. The type is clear and the editing good. A forty page table of cases with citations to text discussion, in addition to indicating the amount of scholarship that went into the book, should prove most valuable to the researcher seeking the author's exposition of particular cases. There is also, of course, a table of contents, a table of statutes, and an Index.

In short, *Legal Control of Business Practice* is a valuable contribution to the literature on this complex and increasingly important aspect of modern living.