

State/National

Soft drink price war fizzes

United Press International
LITTLE ROCK — For two months, Coca-Cola and Pepsi have skirmished in a soft-drink showdown

for supremacy in the local market. But the Great Cola War is over now, and both sides say the casualties were heavy.

However, one clear winner emerged: the consumer.

Coke and Pepsi slashed prices almost simultaneously in late November on their biggest-selling item, the six-pack of liter bottles. One day the six-packs were selling for about \$2.25. Then prices began to slip. In a matter of days, they plummeted to a low of 69 cents — a little more than a dime a liter.

Incredulous shoppers grabbed up shopping carts full of sixpacks at the near-giveaway price. Regular two-liter bottles of Coke and Pepsi languished on the shelves at \$1.25 each. Sales of in-house brands collapsed. But bottlers were still paying full

price to produce the cola, and for eight weeks the local Pepsi and Coke suppliers took it on the chin in a soft-drink slugfest for a bigger market share.

"We were, if you'll pardon the expression, losing our rear end," one manufacturer said.

Jim Robbins, president of the Coca-Cola Bottling Co. of Arkansas, and Richard J. Blajszczak, vice president and general manager of Pepsi-Cola Bottling Co. of Little Rock, point fingers at each other for starting the price war. Exactly who touched off the battle still is not clear.

Neither will say how much the companies lost in the skirmish. And because soft-drink manufacturers do not release sales figures outside the industry, the effect on the market is unclear.

Pepsi, which trails Coke in Arkansas, had the most to gain, Blajszczak said.

"Coca-Cola, before the pricing competition, did outsell Pepsi. But not by a tremendous amount," he said. With the lower prices, he thinks regular Coke drinkers experimented with Pepsi and perhaps changed their cola preference.

Jury picks bull's creator

Gilley's bucked 'em first

United Press International
HOUSTON — The lawyer for Gilley's Enterprises Inc. says he wasn't surprised at a federal court jury's decision to uphold a patent owned by his client and award his client \$300,000 in damages.

"We were not surprised at all on the holding as to patent validity," said plaintiff's lawyer Wayne Harding, Friday. "In our view, that's the way the evidence went in and it's been our view all along that the patent was obtained according to legal processes."

A six-member panel, acting after seven days of testimony and argument and deliberations that spanned two days, Friday said Joe D. Turner of Corrales, N.M., validly claimed to be inventor of the mechanical bull made famous in the movie "Urban Cowboy."

The jury also ruled that Buck 'N Broncos Inc. owed Gilley's \$200,000 damages and that Southwest Rodeo Enterprises Inc. and Texas Rodeo Bulls Inc. owed \$50,000 damages each, for a total of \$300,000.

The verdict is not official until U.S. District Judge Woodrow Seals takes the jury's answers to his questions and writes a final order, but the defendants said they will ask him to overturn the jury verdict and, if he refuses, to take the case to the 5th U.S. Court of Appeals at New Orleans.

"I think I have a good chance of prevailing on an

appeal," defendants' lawyer Ned Conley said. "Judges are usually reluctant to reverse their own juries, and I don't know what Judge Seals will do on the motion for judgment notwithstanding the verdict."

In final arguments, plaintiffs' lawyer Wayne Harding told the jury Turner invented the machine actor John Travolta rode in the movie, had patented it legally and sold the rights to Gilley's for \$35,000 plus a \$35 royalty on each bull. More than 1,000 have been sold. Gilley's charges \$7,500 each.

Conley countered Turner's invention was not new — that it was merely the obvious combination of old ideas — and that his patent was not valid because he misled the U.S. Patent Office about mechanical brons and bulls made before by others.

Harding argued the way to make a machine that would buck and spin at the same time was not obvious before Turner did it. He said no one solved the problem even though rodeo trainers had been seeking such a device for years.

"If it had been so obvious, why didn't anybody do it?" Harding asked the jury. "It (the machine) is like a combination lock with four numbers. You have to put the numbers together. This is what Mr. Turner did. That's the way most patents are obtained, a combination of old elements."

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Three choose private school despite desegregation order

United Press International
ALEXANDRIA, La. — Three white girls trade defiance for avoidance Monday, joining 700 other students who fled the public school system for all-white private academies after a federal judge issued desegregation orders.

The 13-year-old girls, caught in a bitter battle between federal and state courts to keep them at rural Buckeye High School, enrolled last week at Hickory Grove Academy. They did so despite U.S. District Judge Nauman Scott's threat to withhold their Buckeye credits unless they attended the racially mixed school assigned in his desegregation plan.

Ramona Carbo, Michelle Laborde and Lynda McNeal start the new semester at a private school formed last fall to help students avoid being bused 21 miles to Jones Street Junior High.

All 25 of Hickory Grove's students

attended Buckeye last year, principal Jessie Welch said. Of the 109 Buckeye students affected by Scott's desegregation order, all but 22 enrolled in private schools.

Rapides Parish Superintendent of Schools Allen Nichols said the public system lost about 700 students during the year.

Hickory Grove board president Arlene Nugent said the school, which holds classes in Holloway Baptist Church, received state accreditation last week. This meant the facility and its teachers fulfilled requirements outlined by the Department of Education, she said.

Nugent said the girls would be given placement tests to determine their level of achievement. She said the girls would receive credit for their Buckeye work even though Scott seized their records.

Scott ruled the credits were never really earned because the girls attended Buckeye illegally.

State Judge Richard Lee has sparred with Scott throughout the controversy, joining the girls' fight to remain at Buckeye and risking thousands of dollars in fines for contempt of court.

Lee argued the girls' education was a domestic matter and therefore the business of his court. Scott, however, viewed custody transfer to keep the girls in the Buckeye area as shams to circumvent his unpopular desegregation order.

Finally, however, Scott prevailed.

The girls were dropped from Buckeye's rolls and faced the choice of Jones Street or a private academy. They stayed away from all classes last week, the final one of the semester.

But Lee has yet to surrender. Attorney Chris Roy, during the weekend asked the 5th U.S. Circuit Court of Appeals in New Orleans to settle the judges' jurisdictional dispute.

Sec. of Commerce Baldrige says he will stand by businessmen, stimulate work

United Press International
HOUSTON — Secretary of Commerce Malcolm Baldrige told a Construction Equipment Exposition audience Sunday the Reagan administration's top priority is putting Americans back to work.

Baldrige — the first member of the Reagan cabinet to make a public appearance — stood by the president's inaugural promise that the government will be beside American businessmen and not on their backs.

"I'm happy to be heading up the Department of Commerce when our principle mission will be to assist business, not to regulate it," he said.

Baldrige said the new administration has been forming a plan for

stimulating work, and he highlighted a few of his plans.

"Among those actions are tax reductions, a more favorable depreciation schedule to encourage growth and investment, deregulation and ... reductions in export disincentives."

Baldrige's remarks came at ribbon-cutting ceremonies at the Houston Astrodome for the world's largest private trade fair. The audience included Texas Lt. Gov. Bill Hobby and Houston Mayor Jim McConn.

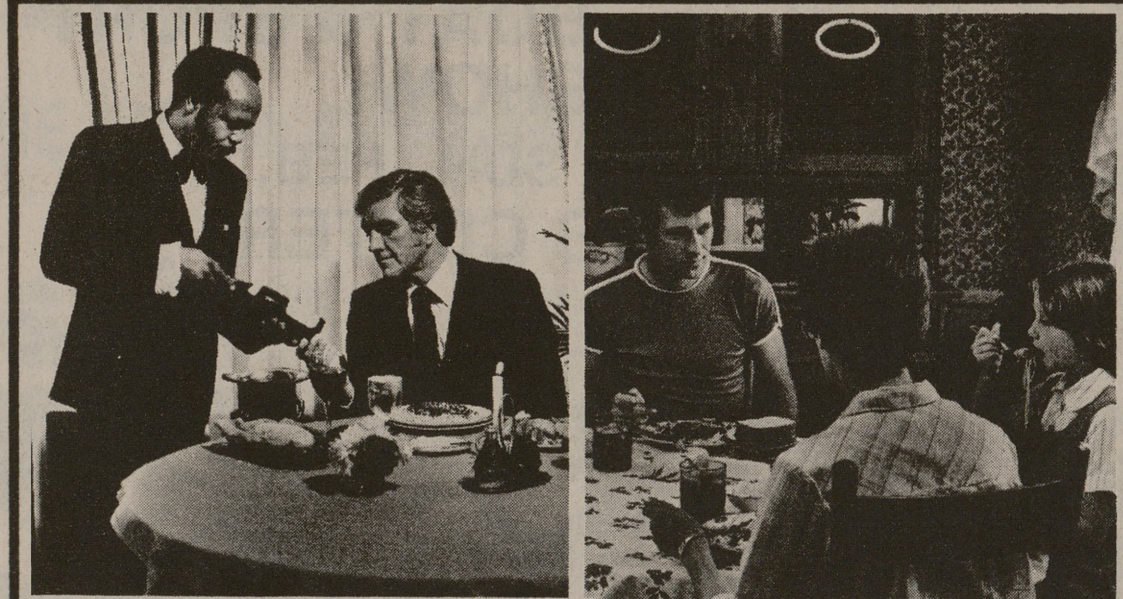
The exposition, nicknamed "Conexpo", continues at the Astrodome complex through Friday. It features more than \$500 million worth of equipment sprawled over an area the size of 18 football fields. About

100,000 people — including 25,000 from overseas — will attend the fair the first since the Chicago trade fair of 1975.

Baldrige, a curious blend of Connecticut businessman and former rodeo rider in Nebraska, said the administration will specifically work on eradicating regulation that cuts across manufacturing and services.

"Getting our hands on those agencies is a tremendous organizational job," he said. "Mainly it will be a question of reaching out to small business people as well as large business people to find out what roadblocks they have in their growth paths."

"As President Reagan said last Tuesday in that wonderful inaugural address, the business of our nation goes forward, our objective must be a healthy vigorous, growing economy and putting Americans back to work," said Baldrige. "And I say 'Amen', to that."



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