tional briefs and its request for oral argument, be, and they hereby are, denied.

PROCTER & GAMBLE CO.

Docket 6901. Order, March 26, 1958

Interlocutory order in merger proceeding reversing hearing examiner's rulings excluding from subpena as irrelevant respondent's records showing acquisitions, advertising expenditures for acquired products, etc. and limiting demand for acquired company's records.

ORDER SUSTAINING APPEAL FROM HEARING EXAMINER'S RULING LIMITING SUBPENA

This matter having come on to be heard upon an interlocutory appeal filed by counsel in support of the complaint from the hearing examiner's rulings granting in part the respondent's motion to limit or quash a subpena duces tecum theretofore served on the respondent; and

It appearing that the effects of the rulings are to exclude from the subpena as irrelevant to any of the issues in this proceeding the respondent's records showing its domestic acquisitions from 1946 to the date of the subpena, its advertising and promotional expenditures, including designated surveys and advertising research reports, concerning certain products recently acquired or developed by the respondent, for the years 1952 through 1957, and the records of the Clorox Chemical Co. showing its domestic acquisitions from 1952

through 1957, and to limit to material actually used in 1956 and 1957 the subpena's demand for production of the Clorox Chemical Co.'s 1952–57 records showing the company's merchandising practices, the prices of its products, the geographical areas served by each of its producing facilities and the dollar volume sales in each such area, and samples of the labels and wrappers used on each of its products; and

The Commission having considered the matter in the light of all of the circumstances, including the allegations of the complaint, with particular reference to the nature of the acquisition charged to have been unlawful and the scope of the inquiry concerning the potential effects on competition which is necessary, and having reached the conclusion that the records and documents excluded from the subpena are generally relevant to the basic issues involved in the proceeding and further, that a requirement for their production need not expand the case beyond manageable proportions:

It is ordered, That the hearing examiner's rulings granting in part the respondent's motion to limit or quash the subpena as aforesaid be, and they hereby are reversed, it being understood, however, that this does not constitute a ruling on the respondent's contention that the requirement for the production of certain of said records and documents is an unreasonable burden on the respondent and involves an unnecessary disclosure of its trade secrets, or a determination of the admissibility of any of the records or documents into the record as evidence, neither of which questions was involved in the appeal.

J. H. CAMP, ET AL.

Dockets 4446, 4893. Order and Opinion, April 9, 1958

Order denying respondent's motion to reopen proceedings to set aside desist order.