It additionally appearing that the Commission is now fully advised in the matter by the briefs of counsel and that oral argument would serve no useful purpose:

It is ordered, That respondent's interlocutory appeal from said rulings of the hearing examiner and its request for oral argument be, and they hereby are, denied.

AMERICAN HOME PRODUCTS CORP.

Docket 6755. Order, Sept. 10, 1957

Interlocutory order upholding hearing examiner's denial of motion to hold complaint in abeyance on the grounds that the Commission has not proceeded against all other products competitive with respondent's, etc.; and denying respondent's request for oral argument.

ORDER DENYING RESPONDENT'S INTERLOCUTORY APPEAL AND DENYING RESPONDENT'S REQUEST FOR ORAL ARGUMENT

This matter having come on to be heard upon respondent's interlocutory appeal from the hearing examiner's order, dated August 20, 1957, denying respondent's motion to hold the complaint and all proceedings thereunder in abeyance, upon respondent's request for oral argument, and upon answer to respondent's interlocutory appeal filed by counsel supporting the complaint; and

It appearing that the grounds asserted before the hearing examiner in support of respondent's motion, and renewed here on interlocutory appeal, are in substance that the Commission has not proceeded against all other products which are competitive with respondent's products; that such competitive products are advertised by representations similar to, or more far reaching than, those attacked in this proceeding; and that, if respondent is compelled to cease its representations and competitors are permitted to continue their practices, respondent's products would necessarily be forced off the market; and

The Commission being of the opinion that it is not prejudicially discriminatory for the Commission to proceed against respondent without pressing similar charges contemporaneously against respondent's competitors who allegedly engage in like practices; that, therefore, the ruling appealed from does not affect any substantial rights of respondent; that the ruling will not materially affect the final decision of the case; that a determination of the correctness of such ruling before conclusion of the trail is not required to better serve the interests of justice; and hence, the appeal is not one to be granted under section 3.20 of the Commission's rules of practice:

It is ordered, accordingly, That respondent's interlocutory appeal from the hearing examiner's order, dated August 20, 1957, denying