the slaughtering and meat packing industry. To apply the act to respondent would be to go beyond what we consider to be the Congressional intent.

We conclude that the hearing examiner was in error in sustaining respondent's motion to dismiss. The appeal of counsel supporting the complaint is granted, the motion to dismiss is denied and the case is remanded to the hearing examiner for further proceedings in accordance with this opinion.

ORDER VACATING INITIAL DECISION AND REMANDING CASE TO HEARING EXAMINER

This matter having come on for hearing upon the appeal of counsel supporting the complaint from the initial decision of the hearing examiner which granted the respondent's motion to dismiss the complaint for lack of jurisdiction; and

The Commission, for reasons stated in its accompanying opinion, having determined that the hearing examiner was in error in granting the motion to dismiss:

It is ordered, That the initial decision be, and it hereby is, vacated and set aside.

It is further ordered, That this case be remanded to the hearing examiner for further proceedings in accordance with the Commission's opinion.

AMERICAN HOME PRODUCTS CORP.

(formerly WHITEHALL PHARMACAL CO.)

Docket 6755. Order, Nov. 14, 1957

Interlocutory order granting complaint counsel's appeal from hearing examiner's rulings excluding from the record photographic prints of the video portions of particular frames of certain kinescopes or films of respondent's television commercials as not the "best evidence."

ORDER GRANTING INTERLOCUTORY APPEAL FROM RULING OF HEARING EXAMINER

This matter having been heard upon an interlocutory appeal, filed by counsel in support of the complaint, from rulings of the hearing examiner excluding from the record photographic prints of the video portions of particular frames of certain kinescopes or films of the respondent's television commercials, which kinescopes or films had already been admitted in evidence; and

It appearing that the bases for said rulings were that the photographs are not the best evidence, and that they do not purport to show the films in their entirety; and

The Commission being of the opinion that inasmuch as the exhibits were not offered in substitution for the films, but in addition thereto, for the sole purpose of assisting the reviewing authorities in their study of the record after viewing the films, the rule excluding evidence because it is not the "best evidence" has no application; and

The Commission being of the further opinion that for the purpose indicated and in the circumstances of this case, the photographs constitute relevant, material and reliable evidence and that the advantages of having them in the record outweigh any technical objections to their admissibility:

It is ordered, That the rulings of the hearing examiner sustaining the respondent's objections to the exhibits designated as Commission's exhibits 25–A through K, 26–A through I, 27 and 28 for identification, be, and they hereby are, reversed.

It is further ordered, That said exhibits be, and they hereby are, received in evidence.