The Commission being of the opinion that any jurisdictional issue can best be determined upon the basis of relevant facts developed on the record in the course of hearings herein and that said motion to dismiss properly should have been directed to the hearing examiner pursuant to §3.8 of the Commission's Rules of Practice:

It is ordered, That respondent's motion to dismiss and its request for oral argument be, and they hereby are, denied.

NELS IRWIN TRADING AS SCREEN-PRINT PRODUCTS COMPANY

Docket 6924. Order, July 17, 1959

Order modifying desist order by adding qualifying clause.

It appearing that respondent Nels Irwin, individually and trading as Screen-Print Products Company, and respondent's counsel entered into an agreement with counsel supporting the complaint for a consent order which was accepted by the hearing examiner and which became the decision of the Commission on March 21, 1958, 54 F.T.C. 1209; and

Respondent on June 12, 1959, having filed a motion seeking in effect to reopen this proceeding and to have modified the order to cease and desist heretofore entered against said respondent by inserting at the end of Paragraphs 8 and 9 of said order the additional words "unless such is the fact"; and

It appearing further that counsel supporting the complaint does not oppose the granting of said motion; and

The Commission having concluded that the modifications sought are warranted:

It is ordered, That this proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist heretofore entered herein be, and it hereby is, modified by inserting at the end of each of Paragraphs 8 and 9 thereof the additional words "unless such is the fact," so that said paragraphs now will read as follows:

"8. Prospective customers may examine respondent's course and kits at home without any cost to said prospective customers unless such is the fact.

"9. On the payment of a deposit or down payment the entire course and kit will be sent to the prospective customers unless such is the fact."

ASHEVILLE TOBACCO BOARD OF TRADE, INC., ET AL.

Docket 6490. Order, July 20, 1959

Order—following remand of the case by the Court of Appeals for the Fourth Circuit—reopening proceeding and remanding case for evidence re the current situation on the Asheville tobacco market.