dence as may be offered in support of and in opposition to such charge.

It is further ordered, That after receipt of such additional evidence, the hearing examiner indicate any changes he may wish to make in the initial decision in the light thereof.

ELLIOT KNITWEAR, INC., ET AL.[1]

Docket 6637. Order, Nov. 6, 1959

Order reopening proceeding—following remand by Court of Appeals for the Second Circuit for additional evidence in support of finding of deceptive labeling of "Cashmora" sweaters and on choice of remedy.

Counsel in support of the complaint, by motion filed on October 20, 1959, having requested that this proceeding be remanded to the hearing examiner for the reception of additional evidence; and

It appearing that the United States Court of Appeals for the Second Circuit, on June 11, 1950, entered its decree in the case of *Elliot Knitwear, Inc., a corporation, et al., Petitioners* v. *Federal Trade Commission, Respondent*, Docket No. 25239, setting aside the Commission's order to cease and desist issued on April 25, 1958, and remanding the case to the Commission for further proceedings not inconsistent with the opinion of the Court rendered on May 6, 1959; and

It further appearing from the Court's opinion that the reason for such action was that the record as presently constituted does not contain substantial evidence in support of the Commission's finding that the label appended to sweaters sold by the respondents is deceptive; and

The Court having indicated that the record may be supplemented by the introduction of additional evidence bearing on the aforesaid question, as well as on the choice of remedy to be applied in the event deceptiveness of the label is established:

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

It is further ordered, That the matter be, and it hereby is, re-

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[1] Order to cease and desist reported in 54 F.T.C. 1398.

manded to the hearing examiner for the receipt of such additional relevant, material and reliable evidence as may be offered on the two questions above-mentioned.

It is further ordered, That after the receipt of such additional evidence the hearing examiner shall forthwith make and file, in