It is ordered, That respondent's application for the release of said information be, and it hereby is, denied.

GIANT FOOD, INC.

Docket 7773. Order, Apr. 20, 1961

Interlocutory order granting respondent's appeal for production of department store records and denying production of investigator's confidential interviews.

This matter having come on to be heard upon respondent's appeal from the hearing examiner's ruling denying respondent's application for the issuance of subpoenas duces tecum for the production of records of three department stores which would disclose the prices at which certain merchandise had been sold by such stores and from that part of another ruling of the hearing examiner denying respondent's application for the issuance of a subpoena duces tecum directing an investigator of the Commission to produce certain documents containing information obtained from members of the public who had been interviewed by the investigator but who had not been called to testify in support of the complaint; and

It appearing that inasmuch as the aforesaid records of certain department stores requested in respondent's application for issuance of subpoenas duces tecum are to be used by respondent in its defense and are relevant to issues involved in this proceeding, the request for their production should have been granted; and

It further appearing that the aforesaid documents requested in the application for the issuance of a subpoena duces tecum directed to the Commission's investigator are classified as confidential under the Commission's Rules of Practice and that the hearing examiner properly rules that he has no authority in the circumstances here presented to require the production thereof:

It is ordered, That respondent's appeal from the hearing examiner's ruling denying respondent's application for the issuance of subpoenas duces tecum for the production of the aforesaid records of certain department stores be, and it hereby is, granted.

It is further ordered, That respondent's appeal from the hearing examiner's ruling denying respondent's application for the issuance of a subpoena duces tecum directed to the Commission's investigator be, and it hereby is, denied.