INTERLOCUTORY, VACATING, AND MISCELLANEOUS ORDERS

LIGGETT & MYERS TOBACCO COMPANY, INC.

Docket 6642. Order, Jan. 22, 1962

Order vacating prior order reopening proceeding.

The Commission, on August 4, 1961, upon motion of counsel supporting the complaint, having reopened this proceeding for reconsideration of its disposition of the issue concerning certain promotional payments made by respondent to cigarette vending machine operators, and having heard the matter on the brief and oral argument of counsel supporting the complaint requesting that the Commission vacate its conclusion on this issue in its opinion and hold that Section 2(d) of the amended Clayton Act was violated in connection with the making of the aforementioned payments, and the opposing brief and oral argument of the respondent; and

The Commission having determined that there has been no showing of any change in conditions of law or fact or showing of any other circumstance requiring the action sought in the public interest and, therefore, that modification of the Commission's opinion in the manner requested has not been justified:

It is ordered, That the order of August 4, 1961, reopening this proceeding be, and it hereby is, vacated, without implying any views as to the merits of its prior opinion dated September 9, 1959, and without prejudice to the statutory right and duty of the Commission to take such further action, if any, as may be appropriate, whenever in the opinion of the Commission conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

Commissioner Kern not participating and Commissioner MacIntyre dissenting.

AMERICAN CYANAMID COMPANY ET AL.

Docket 7211. Order, Feb. 5, 1962

Order denying motions to reconsider the Commission's order of December 20, 1961, denying motions to disqualify.

MEMORANDUM OF CHAIRMAN DIXON IN REGARD TO RESPONDENTS' MOTIONS THAT HE BE DISQUALIFIED