In view of the foregoing and other related facts and circumstances, I am aware of no reason why I should withdraw from the proceeeding or refrain from participating with the Commission in any decision in this proceeding. One thing is clear: I am determined that whatever I do in this proceeding shall be without bias or prejudice, but on the contrary, be expressive of sound and fair judgment.

Dated: March 27, 1963.

KORBER HATS, INC., ET AL.

Docket 8190. Order, June 21, 1963

ORDER PLACING APPLICATION FOR INITIATION OF TRADE PRACTICE RULE PROCEEDINGS ON SUSPENSE AND DENYING REQUEST TO PLACE CASE ON SUSPENSE

This matter having come on to be heard upon application of respondents to initiate proceedings for establishment of Trade Practice Rules on use of the word "Milan" and for suspension of further proceedings in this matter pending issuance of such Rules and reply of counsel supporting the complaint; and

It appearing that the First Circuit Court of Appeals having affirmed the Commission's finding that respondents' unqualified use of the word "Milan" and similar terms, including "Genuine Milan" and "Genuine Imported Milan", in labelling braid hats made of hemp instead of wheat straw was deceptive and violative of Section 5 of the Federal Trade Commission Act but having rejected the geographical restriction placed on the word "Milan", questioned the scope of paragraph (3) of the Commission's order and having returned the case to the Commission for further findings and redrafting of the order, including a possible modification which would permit braid hats made of the hemp variety to be labelled "Milan" with an appropriate qualification; and

It further appearing that the Commission having remanded this matter to the hearing examiner to make, in the first instance, the necessary findings and preparation of a new order in conformity with the Court's direction; and

It further appearing to the Commission that utilization of the informal, voluntary trade practice procedure would not be in compliance with the Court's direction that further proceedings are to be in accordance with its opinion, that the substantive issues remaining to be adjudicated should be determined before the Commission should undertake to consider the labelling practices of the entire

men's hat industry, and, further, that the conclusion of this matter need not be burdensome or time-consuming as neither side is required to rebrief the matter nor adduce additional testimony, although the hearing examiner is authorized by the Commission's remand order to allow testimony to be offered for a very limited purpose if he deems it necessary:

It is ordered, That respondents' application for the initiation of proceedings for the establishment of Trade Practice Rules be placed on suspense pending the conclusion of the instant matter.