INTERLOCUTORY, VACATING, AND MISCELLANEOUS ORDERS

IN THE MATTER OF

TRI-VALLEY PACKING ASSOCIATION

Dockets 7225, 7496. Order, July 6, 1964

Order reopening case and remanding it to hearing examiner for further proceedings in conformity with the judgment of the Ninth Circuit Court of Appeals.

ORDER REOPENING PROCEEDING AND REMANDING CASE TO HEARING EXAMINER

The order to cease and desist in these consolidated proceedings having been reversed and set aside by the United States Court of Appeals for the Ninth Circuit by its judgment entered on March 18, 1964 [7 S.&D. 859], and the Court having by the said judgment remanded the cause for the further proceedings directed in its opinion of the same date:

It is ordered, That the matter be, and it hereby is, reopened.

It is further ordered, That the matter be, and it hereby is, remanded to Hearing Examiner Edgar A. Buttle for such further proceedings, including hearings, as are necessary to comply fully with the directions contained in the opinion and judgment of the Court.

It is further ordered, That the hearing examiner, upon completion of the further proceedings, shall file a revised initial decision based upon the record made prior to the remand and any additional evidence that may be received.

Commissioner Elman dissenting.

IN THE MATTER OF

DELAWARE WATCH COMPANY, INC., ET AL.

Docket 8411. Order, July 9, 1964

Order denying respondent's request to reopen proceeding and modify paragraph 3 of an order of August 15, 1963 (63 F.T.C. 491), relative to the disclosure of foreign origin of watches.

ORDER DENYING MOTION TO REOPEN PROCEEDING AND SET ASIDE PORTION OF THE ORDER

Respondents by motion filed June 3, 1964, have requested the Commission to reopen this proceeding and set aside paragraph 3 of the order to cease and desist which issued on August 15, 1963 [63 F.T.C. 491]. That paragraph of the order requires respondents to cease offering for sale or selling watches, the cases of which are in whole or in part of foreign origin, without affirmatively disclosing the country of origin thereof in a clear and conspicuous manner.

The Commission has duly considered said motion and has concluded that respondents have failed to make the showing required by § 3.28 (b) (2) of the Commission's Rules of Practice that changed conditions of fact or law require that said paragraph 3 of the order be set aside or that the public interest so requires. Accordingly,

It is ordered, That respondents' motion filed June 3, 1964, be, and it hereby is, denied.