accuracy or completeness of said news release is irrelevant to any issue before the Commission on the appeal of respondent:

It is ordered, That said motion be, and it hereby is, denied.

Commissioner Elman dissenting.

COLUMBIA BROADCASTING SYSTEM, INC., ET AL.

Docket 8512. Order and Opinion, May 13, 1965

Order denying respondent's motion that Commissioner MacIntyre be disqualified from participating in this proceeding.

Commissioner MacIntyre's Statement on Motion That He Be Disqualified

MAY 12, 1965

During the late 1940's and the early 1950's, when I was serving on the staff of the Federal Trade Commission as Assistant Director of the Bureau of Antimonopoly and Chief of the Division of Investigation and Litigation, I supervised a substantial number of investigations and a substantial amount of litigation. Included was a case entitled *In re Doubleday and Co., Inc.*, F.T.C. Docket No. 5897 [52 F.T.C. 169]. It involved a factual situation confined to the practices allegedly pursued by that firm. The Federal Trade Commission dismissed the complaint in part. Quite recently the Commission instituted proceedings *In re Columbia Broadcasting System, Inc.*, F.T.C. Docket No.

The Commission having considered Commissioner MacIntyre's statement and being in agreement with the reasoning therein and his determination that the *Doubleday* case* and the instant proceeding are not "factually related" within the meaning of that term as used in Section 5(c) of the Administrative Procedure Act; and

The Commission having determined that respondents have failed to justify the action requested:

It is ordered, That respondents' motion requesting that Commis-