spondent. (See procedure for excision as set forth in paragraph (c) of the Jencks Act.) Accordingly,

It is ordered, That this matter be, and it hereby is, remanded to the hearing examiner for further proceedings consistent with this order.

Commissioner Elman did not concur.

SHIP'n SHORE, INC., ET AL.

Docket 8161. Order, March 11, 1966

Order reopening case for the purpose of receiving evidence on the questions of (1) whether the order should be modified and (2) whether the order should be set aside as to the individual respondent.

ORDER DIRECTING HEARINGS

Respondents, by petition filed January 7, 1966, have requested that this proceeding be reopened and the order to cease and desist set aside. In the alternative, respondents request that they be granted a hearing on this request pursuant to § 3.28(b)(3) of the Rules of Practice. Additionally, the individual respondent requests that the order be set aside as to him in his individual capacity. The Director, Bureau of Deceptive Practices, has filed an answer in opposition to the petition.

The Commission's decision, which issued on May 16, 1961 [58 F.T.C. 757], is based on an agreement containing a consent order. By the terms thereof, respondents agreed to cease and desist from:

Using the word "madras" or any simulation thereof, either alone or in connection with other words to designate, describe, or refer to any fabric or other textile product which is not in fact made of fine cotton, handloomed and imported from India, and if the cloth is other than natural in color, has not been dyed with bleeding vegetable dyes.

In the petition before us, respondents contend that factual conditions have changed so that the public no longer understands the term "madras" to have the meaning ascribed in the order. Specifically, respondents allege that among the purchasing public it is now commonly accepted that the word "madras" is applied to the plaid design scheme of fabric, regardless of whether the fabric is domestic or imported, colorfast or bleeding.

The individual respondent contends that the facts are such that he should not have been included in the order in his individual capacity, under the Commission's decision in *The Lovable Company,* Docket No. 8620 (June 29, 1965) [67 F.T.C. 1326].

The Commission has considered the grounds advanced by respondents in support of their requests and has concluded that the pleadings raise substantial factual issues. Therefore, the Commission has determined that respondents' alternate request for a hearing on the issues presented in their petition should be granted. Accordingly,

It is ordered, That this matter be assigned to a hearing examiner for the purpose of receiving evidence in support of and in opposition to respondents' allegations that a change of law or fact, or the public interest, requires (1) that the order to cease and desist be altered, modified or set aside and (2) that the order be set aside as to the individual respondent.

It is further ordered, That the hearings be conducted in accordance with Part 3, Subparts C, D, E and F of the Rules of Practice.

It is further ordered, That the hearing examiner, upon the conclusion of the hearings, certify the record, together with his recommendations, to the Commission, and that, in the circumstances of this matter, his recommended disposition be treated in the same manner as if it were an initial decision under § 3.21 of the Rules of Practice.

LAKELAND NURSERIES SALES CORP. ET AL.

Docket 8670. Order, April 1, 1966

Order suspending proceedings in this case pending the outcome of respondents' motion for a preliminary injunction in the District Court for the