Order denying respondent's request for reconsideration of the Commission's order of July 28, 1966, page 79 herein, on the grounds that only two of the three participating Commissioners voted to issue the order. Respondent contends that an order of the Commission must be supported by three members.

ORDER DENYING RESPONDENT'S PETITION FOR RECONSIDERATION

Respondent, by petition filed August 31, 1966, has requested the Commission to reconsider its decision issued herein on July 28, 1966, p. 79 herein. Counsel supporting the complaint has filed an answer in opposition.

Three of the five members of the Commission, constituting a quorum for the transaction of business under § 1.7 of the Commission's Rules of Practice, participated in the decision in this matter, with two of the participating Commissioners concurring in the decision, including the opinion, findings and final order.

In support of its petition, respondent relies on the ruling of the court in *Flotill Products, Inc.*,[1] that an order of the Commis-

[1] *Flotill Products, Inc.* v. *Federal Trade Commission*, 358 F. 2d 224 (9th Cir. 1966), *affirmance upheld on rehearing*, (August 15, 1966).

attention which contradict this conclusion. Moreoever, petitioner raised no objections with respect to the original order of the Commission. The petition does not now allege and there is no indication that the effects of the modified order upon petitioner or upon others in the market will be different from those of the original order.

For the aforementioned reasons, therefore, the Commission concludes that the requirements of its Rules of Practice for the reopening of a proceeding have not been satisfied. An appropriate order will be entered.

ORDER DISPOSING OF PETITION TO REOPEN PROCEEDING

The Commission, at the request of Independent Boxmakers, Inc., of Louisville, Kentucky, having considered whether the instant proceeding should be reopened for the purpose of taking additional evidence and modifying the order, and having found, for the reasons stated in the accompanying opinion, that there are no changed conditions of law of fact justifying reopening and that the public interest does not so require, concludes that the conditions of Section 3.28(b)(1) of the Commission's Rules of Practice have not been satisfied and that this matter should not be reopened.

GEORGE FROST COMPANY ET AL.

Docket C–229. Order, Aug. 10, 1966

Order denying respondents' petition to reopen this proceeding and set aside the order of Sept. 16, 1964, 66 F.T.C. 771.

ORDER DENYING PETITION TO REOPEN AND SET ASIDE ORDER TO CEASE AND DESIST

This matter having come on to be heard upon respondents' petition for recision of the order to cease and desist issued September 16, 1964 [66 F.T.C. 771], such being treated as a petition under § 3.28(b)(2) of the Commission's Rules of Practice requesting a reopening of the proceeding for the purpose of setting aside the order, and the brief in opposition thereto filed by complaint counsel; and

It appearing that the grounds for such action are (a) that the respondents were originally informed that they were subject to the rules for the Luggage and Related Products Industry but were subsequently advised that the rule covering the Misbranding

and Deception as to the Leather Content of Waist Belts applied to their business, (b) that the original investigation was unfair because assertedly there was no opportunity for them for a hearing at the investigational stage, and (c) that the Commission has not taken similar action against competitors; and

The Commission having determined that respondents have made no showing that they have been denied an opportunity for a full and complete hearing in this matter or that there was any unfairness in any action or procedure followed by the Commission either as to the individual action against respondents or as to the Commission's industrywide regulations applying to all members of the industry and that they have not shown, as a basis for their request, that there have been any changed conditions of fact or law or that the public interest requires the reopening and setting aside of the order requested:

It is ordered, That respondents' petition to reopen this proceeding and to set aside the order to cease and desist issued September 16, 1964, be, and it hereby is, denied.

NATIONAL DAIRY PRODUCTS CORPORATION

Docket 7018. Order, Sept. 19, 1966

Order denying respondent's request for reconsideration of the Commission's order of July 28, 1966, page 79 herein, on the grounds that only two of the three participating Commissioners voted to issue the order. Respondent contends that an order of the Commission must be supported by three members.