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Order

UNITED BRANDS COMPANY

Docket 8835. Order, Oct. 30, 1972.

Order denying the request of a nonparty to proceeding permission to file interlocutory appeal from a ruling of the administrative law judge denying said party's request for *in camera* treatment of exhibits.

ORDER DENYING REQUEST FOR PERMISSION TO FILE INTERLOCUTORY
APPEAL

This matter is before the Commission upon the application of the Garin Company (hereinafter "Garin"), a nonparty to the proceeding, to file an interlocutory appeal from a ruling of the administrative law judge denying Garin's request for *in camera* treatment of respondent's Exhibit 31 (hereinafter "RX 31"). This exhibit contains information submitted by Garin pursuant to a subpoena issued upon respondent's request. Although the administrative law judge denied Garin's request for *in camera* treatment, he did order that RX 31 shall remain *in camera* pending further order by him or the Commission. Also, he ruled that the denial of *in camera* treatment presented a reviewable question under Section 3.23(b) of the Commission's Rules of Practice.

The Commission has determined that it can review the administrative law judge's decision denying *in camera* treatment for RX 31 after he renders his initial decision and the Commission has before it the entire record, which includes the papers Garin has filed in support of its appeal. If RX 31 remains *in camera* until the Commission can so review the administrative law judge's denial of *in camera* treatment, Garin's remedy will be adequate. The Commission has, therefore, determined that the denial of *in camera* treatment is not an appropriate matter for an interlocutory appeal. Accordingly,

It is ordered, That Garin's application to file an interlocutory appeal be, and it hereby is, denied.

It is further ordered, That RX 31 remain *in camera* until the Commission orders otherwise.

KELLOGG COMPANY, ET AL.

Docket 8883. Order, Nov. 1, 1972

Order denying applications of General Foods Corporation and the Quaker Oats Company for review of order denying their motions to be dropped as parties.

ORDER DENYING APPLICATIONS OF GENERAL FOODS CORPORATION AND
THE QUAKER OATS COMPANY FOR REVIEW OF ORDER DENYING
THEIR MOTIONS TO BE DROPPED AS PARTIES

This matter is before the Commission on the applications of General Foods Corporation and the Quaker Oats Company for review of the

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administrative law judge's order denying their motions to be dropped as parties to this proceeding and the opposition by complaint counsel thereto.

The Commission has determined that applicants have failed to demonstrate any error in the administrative law judge's order. Applicants will not be denied a fair hearing by their joinder as parties in one adjudicative proceeding, and joinder is proper in this proceeding as a matter of law and policy. Therefore,

It is ordered, That the applications of General Foods Corporation and the Quaker Oats Company for review of the administrative law judge's order denying their motions to be dropped as parties be, and hereby are, denied.

Without the concurrence of Commissioner MacIntyre.

FIRESTONE TIRE AND RUBBER COMPANY

Docket 8818. Order, Nov. 3, 1972.

Order directing the payment by the Commission to intervenor S.O.U.P., Inc., those of its costs identified in its Bill of Costs for which proper substantiation is submitted.

ORDER OF THE COMMISSION

This matter is before the Commission on a motion by intervenor S.O.U.P., Inc. (hereafter S.O.U.P.), filed with the Secretary September 6, 1972, that the Commission pay its Bill of Costs.

Whereas the Commission had previously granted S.O.U.P.'s motion for limited intervention in the proceedings and thereupon granted S.O.U.P.'s request to proceed *in forma pauperis* for the purpose of filing briefs and documents, and whereas the Comptroller General has advised the Commission that the payment of intervenors' costs is within the discretion of the Commission, and the Commission having determined that payment of S.O.U.P.'s expenses would be a proper exercise of that discretion:

It is ordered, That intervenor S.O.U.P. shall be paid by the Commission those of its costs identified in its Bill of Costs for which it submits proper substantiation.

Commissioners MacIntyre and Dennison not concurring.