

complaint, certified to the Commission on October 24, 1972, be, and it hereby is, denied.

Commissioner MacIntyre abstained.

IN THE MATTER OF
CERTIFIED BUILDING PRODUCTS, INC., ET AL.

Docket 8875. Interlocutory Order, Jan. 19, 1973.

Order denying respondents' motion requesting an order to discontinue alleged harrassment.

ORDER DENYING MOTION REQUESTING ORDER TO DISCONTINUE
ALLEGED HARRASSMENT

This matter is before the Commission upon the administrative law judge's certification on January 2, 1973 of the motion of the respondent Michael P. Thiret and the corporate respondents, who have requested an order directing the Federal Trade Commission, its agents, employees and representatives, to cease an alleged campaign of harrassment against respondents, their employees past and future, and their customers and sales representatives. The administrative law judge certified the motion without recommendation on the ground that the matter, in this view, appears to be inconclusive.

The moving respondents refer only to one incident. Specifically, they charge that on December 8, 1972, at or about 8:30 in the morning, two Commission investigators or employees called on Mr. Orville Horn, an ex-employee of the respondents, and proceeded to interrogate him about his past employment. It does not appear, and no assertion is made, that Mr. Horn was called as a witness or was otherwise involved in the adjudicative proceeding.

Order

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Also, no assertion is made that the questioning was related to the instant proceeding. The movants state that the tactics used amounted to strong-arm or intimidation methods but they have failed to cite facts to justify any such conclusions. Further, the movants have failed to support their claims with an affidavit or otherwise.

Complaint counsel filed an answer to the motion, denying the allegations and attached thereto the affidavit of Newman T. Guthrie, who is one of the counsel in support of the complaint and also regional director of the Kansas City Regional Office of the Federal Trade Commission. In this affidavit Mr. Guthrie states, among other things, that he made diligent inquiry and cannot find any evidence whatsoever, outside of the motion before the Commission, that any employee of the Federal Trade Commission or anyone else under the authority of the Federal Trade Commission had any contact with Mr. Orville Horn on December 8, 1972, or at any other time.

The Commission has determined that the request here under consideration should not be granted. The charges made by movants appear to have no connection with this proceeding. The record was closed November 30, 1972, indicating that in the regular course no further evidence will be presented against respondents. Movants do not argue, nor is there reason to believe, that the claimed questioning of an ex-employee, assuming, *arguendo*, that this occurred, would prejudice them in any way in the adjudicative matter. The charges made, we believe, are addressed to the Commission in its administrative capacity. Accordignly,

It is ordered, That the motion of respondent Michael P. Thiret and the corporate respondents to cease and desist alleged continuing practices of harrassment be, and it hereby is, denied.

IN THE MATTER OF

THE HEARST CORPORATION, ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 8832. Complaint, Jan. 15, 1971—Decision, Jan. 22, 1973.

Consent order requiring a Baltimore, Maryland, magazine subscription firm, one of the respondents in this case,* among other things to cease mis-

*International Magazine Service of the Mid-Atlantic, Inc.