

under the Statute to the Attorney General, would also constitute unfair methods of competition in commerce under Section 5 of the Federal Trade Commission Act, if any of these acts that are enjoined are proved to have been committed and therefore the Commission should have before it in the consideration of the facts in this case the certified copy of the decree so that it may determine in making its findings of fact whether any cases of unfair competition have been committed by this respondent which might not be as to another corporation an unfair method of competition, but if certainly is as to this respondent if there were contrary to the decree, would be unfair methods and, therefore, in order that these facts might be available to the Commission that they might determine whether any of the acts which are established of record following the provisions of the decree, the decree, itself, is being offered.

THE EXAMINER: Do you hold, Mr. Whitely, that the Commission could find the respondent guilty of methods of unfair competition, I mean some method of competition that may be mentioned in the decree, that is not set out in the complaint?

MR. WHITELY: Oh, not at all, I, of course, would say that these acts must, of course, be pleaded, in the complaint and the decree is offered, of course, subject to that limitation that it is to apply only to such acts as