

are pleaded in the complaint and proved, of course.

THE EXAMINER: There are two charges, as I understand, in this complaint. One under Section 5, alleging certain unfair practices. There is a second under Section 3 of the Clayton Act charged. Do you feel as I do that if the facts warranted it, the Commission can issue an order against the respondent under this complaint?

MR. WHITELEY: I do not understand your question.

THE EXAMINER: Just read that.

(The last statement of the Examiner read by the reporter.)

MR. WHITELEY: Necessarily, or we would not be proceeding.

THE EXAMINER: Then why do you wish to put in this, or submit as an exhibit the consent decree in which the Commission -- I do not see any connection between the Commission's acts and the consent decree.

MR. WHITELEY: I thought I had made that plain, Mr. Examiner, that certain acts which have been committed by this respondent, or alleged to have been committed by this respondent, if they are violative of the provisions of this decree would become unfair methods of competition.

THE EXAMINER: Not unless set out in the complaint.

MR. WHITELEY: Of course, I understand that.

THE EXAMINER: I say this, Mr. Whiteley, there is