

are pleaded in the complaint and proved, of course.

THE EXAMINER: There are two charges, as I under-

stand, 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 turn an order

against the respondent under this complaint?

MR. WHITELY: I do not understand your question.

THE EXAMINER: Just read that.

(The last statement of the Examiner reads: the

reporter.)

MR. WHITELY: 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. WHITELY: 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. WHITELY: Of course, I understand that.

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