

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

Feb. 25, 1998


In the Matter of)
)
R.J. REYNOLDS TOBACCO COMPANY,) DOCKET NO. 9285
a corporation.)

ORDER

Complaint counsel move to compel an answer to interrogatory number 1 of their second set, which asks for dollars spent for each year from 1980 in each of 50 states and the District of Columbia, for 16 categories of advertising and promotion, like newspaper advertising.

Although respondent's burden and lack of knowledge arguments are prima facie appealing, and, at the least, seem to call for negotiation, sympathy disappears when the full argument (burden, lack of information, multiplicity of interrogatories) is considered: Reynolds must know the success of their brands, or be able to give reasonable estimates in many geographic areas; answers to interrogatories must be under oath, Rule 3.35(a)(2); subparts directly related to the main question may be subsumed and are not counted separately to see if the limit of 25 has been met, in the absence of harassment.

Having considered Complaint Counsel's Motion to Compel and Answer to Complaint Counsel's Second Set of Interrogatories, dated February 12, 1998, as well as all arguments in support thereof and in opposition thereto, it is hereby ORDERED that complaint counsel's motion is GRANTED. It is further ORDERED that respondent R.J. Reynolds Tobacco Company ("Reynolds") shall serve a full and complete answer to interrogatory number 1 (including all subparts) of Complaint Counsel's Second Set of Interrogatories within ten (10) days of the date this Order is entered.



James P. Timony
Administrative Law Judge

Date: February 25, 1998