

Mr. REUSS. Have you changed your position of a few minutes ago that you would not produce them?

Mr. VAN GEMERT. I changed my position about 5 minutes ago, sir, when I so advised the committee. I will remind the committee that the invitation refers to any official of Safeway Stores, Inc. I might also say, sir, that the Federal Trade Commission was aware that I was appearing before this committee, not Mr. Winstead, and that the session yesterday afternoon and this morning was adjourned so that I could prepare for my appearance but, again, if you are now renewing your request for Mr. Winstead, I will go beyond that, sir. In view of the questions that you have raised I will arrange for Mr. Winstead to appear before this committee. At what time would like him, sir?

Mr. ROSENTHAL. 2 o'clock.

Mr. VAN GEMERT. He will be here. I would like, if I may, I believe, to complete the statement that I have brought with me. If I may repeat—

Mr. ROSENTHAL. Maybe we ought to put your statement in the record and not proceed with you in view of the fact that Mr. Winstead will be here. He has a good deal more personal knowledge of the subject than you have. We have Commissioner Arthur Ross of the Bureau of Labor Statistics sitting here. Maybe we can break in. We can put your statement in the record and we will start with Mr. Winstead at 2 o'clock.

Mr. VAN GEMERT. That will be fine with me. With just one possible thing.

Mr. ROSENTHAL. It will give you another hour or two to prepare.

Mr. VAN GEMERT. If I could say one thing or suggest one thing, sir, and that is, that Mr. Winstead did participate in the drafting of this statement and he reviewed it and he approved it, and I would like him to continue with this at the point that we were interrupted. And I will make the appropriate personal reference changes in it.

Mr. REUSS. Could I ask one question of the witness?

Mr. ROSENTHAL. Yes.

Mr. REUSS. You are not able to state either under oath or not under oath of your own observation, and not through hearsay, that anything testified to by these three ladies here this morning is not true; are you?

Just answer "Yes" or "No."

Mr. VAN GEMERT. Yes. I can testify that the charge against Safeway is not true. I cannot testify under oath they did not, in fact, report a price of x cents on such and such a date. To give you the reasons why I concluded that they did not—may I?

Mr. REUSS. Yes.

Mr. VAN GEMERT. If I properly drew my distinction.

Mr. REUSS. You drew it too fine for me. My question was whether you were able to testify of your own knowledge that on those days, on August 15, September 1, and September 15, the ladies did not, in fact, observe the prices which they said were being charged for the commodities mentioned.

Mr. VAN GEMERT. I can do so, sir, to the same degree that Mr. Winstead can. He was not in the store. He does not know whether a particular lady saw a particular price and wrote in down on a particular date. He, too, is going to be testifying—based upon his knowl-