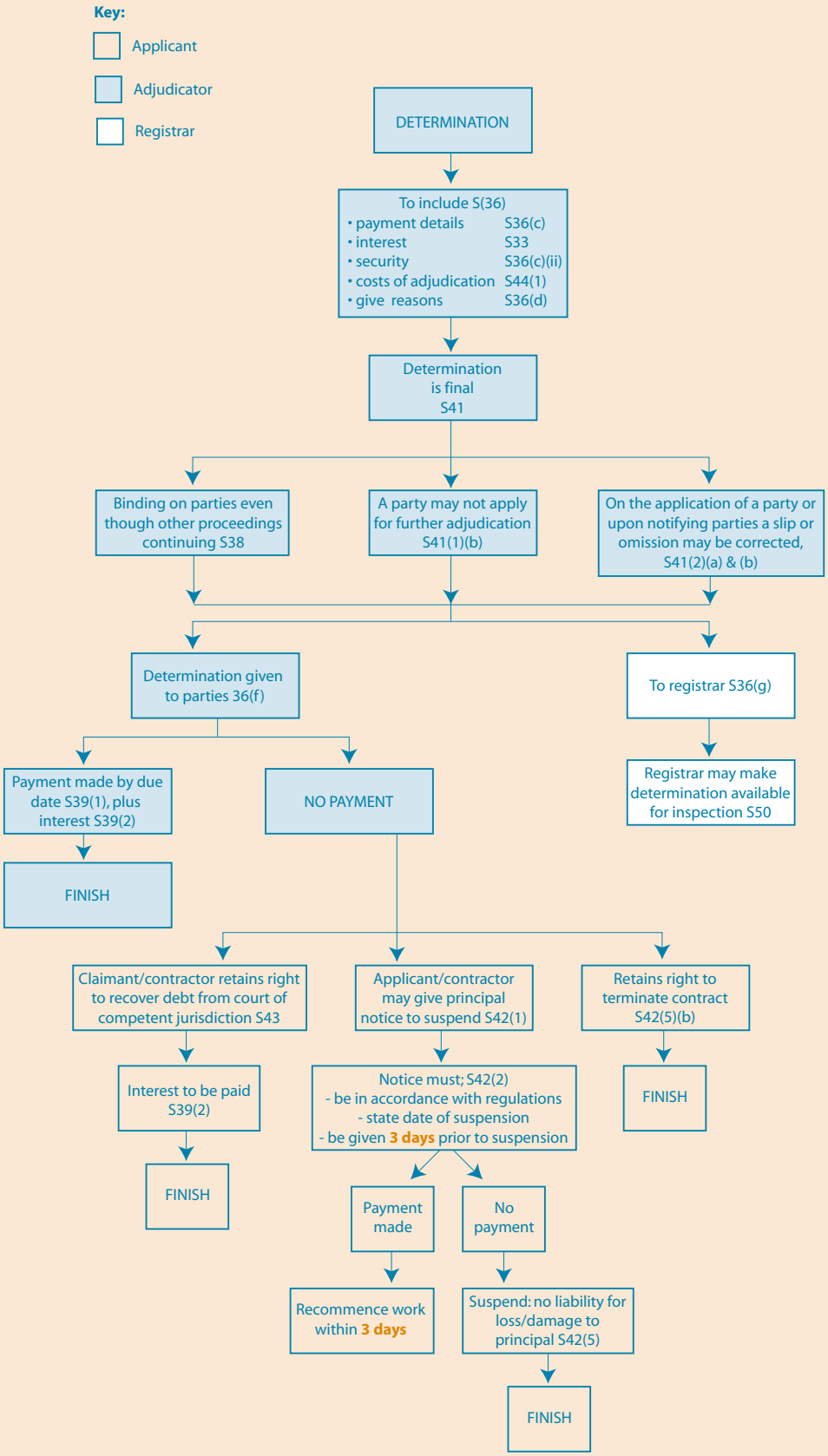the determination