

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### PETTEY RESIGNS

Herbert L. Petty, secretary of the Federal Communications Commission since March 31, 1933, when he succeeded James W. Baldwin, has resigned effective May 1. Mr. Petty will become associated with broadcasting station WHN, New York City, as associate manager.

### COPYRIGHT HEARINGS CONTINUE

Copyright hearings before the House Committee on Patents continued on Monday, Tuesday and Wednesday of this week and will be continued through Friday. Hearings will be held next week on the same days and will be concluded on April 15 under the present arrangements.

On Wednesday the National Performing Artists Association appeared in support of the Daly bill and opposing the Duffey bill.

### RECOMMENDS NEW WATERTOWN STATION

A. W. Hayes filed an application with the Federal Communications Commission asking for a construction permit for a new station to be erected at Erie, Pa., to use 1270 kilocycles, 500 watts and 1,000 watts LS, unlimited time. At the same time the Watertown Broadcasting Corporation filed an application with the Commission asking for a construction permit for a new station at Watertown, N. Y., to use 1270 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-212 recommended that the Watertown application be granted but that the Erie application be denied. The Examiner states that the Pennsylvania area is overquota while the Watertown area is under quota. He found also that interference would be caused by granting the Erie application while the Watertown application if granted would not cause interference. He states also that the Watertown area "has a definite need for additional daytime service."

### SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Wyoming Valley Collieries Co., Scranton, Pa. (2-1987, Form A-1)
- United States Casualty Co., New York City (2-1988, Form A-2)
- Citizens Mortgage & Securities Co., Inc., Springfield, Mo. (2-1990, Form A-2)
- The Temblor Oil Co., Boston, Mass. (2-1991, Form A-1)
- San-Nap-Pak Manufacturing Co., New York City (2-1992, Form A-2)
- United Endowment Foundation, Inc., New York City (2-1993, Form C-1)
- Phillips Packing Co., Inc., Cambridge, Md. (2-1994, Form A-2)
- Bonded Commodity Corp., Boston, Mass. (2-1996, Form A-1)
- William Jacob Hildebrandt, Jacksonville, Florida (2-1997, Form E-1)

### NOTES TO SALES STAFF

The marked gain in radio advertising on the part of the automotive industry should be of interest to all portions of the medium. (See Comparison with February 1935, see page 1266.)

The further gains experienced by regional network and national non-network advertising indicate additional sales opportunities in these fields. (See Total Broadcast Advertising, see page 1264.)

The 13.0% gain in general broadcast advertising volume should be encouraging; but the fact that for the first time in months, radio broadcasting should have gained at a rate less than several other media should constitute a challenge to sales staffs. (See Comparison with Other Media, see page 1265.)

International Investors Fund System, Inc., Scranton, Pa. (2-1998, Form C-1)

Wentworth Manufacturing Co., Chicago, Ill. (2-1999, Form A-2)

Morgan Industries, Inc., Philadelphia, Pa. (2-2000, Form A-1)

### NEW ALASKAN STATION RECOMMENDED

Edwin A. Kraft applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Fairbanks, Alaska, to use 950 kilocycles, 250 watts power and unlimited time on the air. Also John A. Stump applied for a construction permit for a station to be erected in the same city using 1210 kilocycles, 100 watts, 250 watts LS and unlimited time on the air.

Examiner George H. Hill, in Report No. I-213, recommended that the Kraft application be denied but that the Stump application be granted. The Examiner found that there is need for additional radio service at Fairbanks and that there is adequate local talent available there. No interference would result from the erection of either of the proposed stations.

Mr. Hill states that Mr. Kraft, while well able to construct and operate such a station as proposed by him, now owns a station at Juneau and is not a resident of Fairbanks. On the other hand Mr. Stump is a resident of Fairbanks and his associates in the corporation proposing to operate the new station are "also residents of Fairbanks." The Examiner states therefore that public interest "would be served by the granting of the application of John A. Stump for a construction permit."

### C. C. I. R. COMMITTEE ORGANIZATION

The outline of committee organization for the Cairo radio conference is given by the International Section of the Federal Communications Commission as follows:

#### I. Committee on Technical Matters

Chairman: Dr. J. H. Dellinger  
 Vice Chairman: Lt. Col. D. M. Crawford

#### Articles:

1. Definitions
5. Classification of Emissions
6. Quality of Emissions

Appendix 1. Table of Frequency Tolerances and of Instabilities

Appendix 2. Table of Frequency-Band Widths Occupied by the Emissions

## II. Committee on Traffic Matters

Chairman: Captain S. C. Hooper  
Vice Chairman: Mr. E. M. Webster

### Articles:

16. General Radiotelegraph Procedure in the Mobile Service
17. General Call "to all"
18. Calling
19. Use of Waves in the Mobile Service
22. Distress Traffic and Distress Signals—Alarm, Emergency, and Safety Signals
24. Order of Priority of Communications in the Mobile Service
25. Indication of the Station of Origin of Radiotelegrams
26. Routing of Radiotelegrams
29. Service of Low-power Mobile Radiotelephone Stations
30. Special Services
- Appendix 9. List of Abbreviations to be Used in Radio Communication
- Appendix 10. Scale Used to Express Strength of Signals
- Appendix 12. Procedure in the Service of Low-Power Mobile Radiotelephone Stations
- Appendix 13. Procedure to Obtain Radio Direction-Finding Bearings

### Articles of Additional Radio Regulations:

3. Order of Priority of Communications in the Mobile Service
4. Time of Filing of Radiotelegrams
5. Address of Radiotelegrams
6. Doubtful Reception—Transmission by "Ampliation"—Long-Distance Radio Communication
7. Retransmission by Stations of the Mobile Service
8. Notice of Nondelivery
9. Period of Retention of Radiotelegrams at Land Stations
10. Radiotelegrams to be Forwarded by Ordinary Mail or by Air Mail.
11. Special Radiotelegrams
12. Radio Communications for Multiple Destinations

## III. Committee on Allocation

Chairman: Mr. T. A. M. Craven  
Vice Chairman: Mr. E. K. Jett

### Articles:

7. Allocation and Use of Frequencies (Wavelengths) and of Types of Emission

## IV. Committee on Administration

Chairman: Comdr. F. A. Zeusler  
Vice Chairman: Mr. Gerald C. Gross

### Articles:

4. Choice of Apparatus
8. Amateur Stations and Private Experimental Stations
9. Conditions to be Observed by Mobile Stations
10. Operators' Certificates
11. Authority of the Master
12. Inspection of Stations
13. Reporting of Violations
14. Call Signals
15. Service Documents
20. Interference
21. Emergency Installations
23. Working Hours of Stations of the Mobile Service
27. Accounting for Radiotelegrams
28. Aeronautical Radio Service of Public Correspondence
31. International Radio Consulting Committee (C.C.I.R.)
32. Expenses of the Bureau of the Union
33. Effective Date of the General Regulations
- Appendix 3. Report of a Violation of the Telecommunication Convention or of the Radio Regulations
- Appendix 4. Hours of Service for Ship Stations in the Second Category
- Appendix 5. Hours of Service for Ship Stations in the Second Category
- Appendix 6. Service Documents
- Appendix 7. Service Symbols

Appendix 8. Documents with which Mobile Stations Must be Provided

Appendix 11. Statement of Radiotelegrams exchanged with Mobile Stations

Appendix 14. Internal Regulations of the International Radio Consulting Committee (C.C.I.R.)

### Articles of Additional Radio Regulations:

1. Application of the Telegraph and Telephone Regulations to Radio Communication
2. Charges

## WARNER BROTHERS SUITS

Warner Brothers have made official announcement that they have begun more suits based on the alleged infringement of song copyrights owned by them as follows:

Harms, Inc., vs. Knickerbocker Broadcasting Co., operating station WMCA, for the alleged infringement of "The Continental" and "Deep In the Arms of Love," for which \$10,000 damages are demanded.

M. Witmark & Sons vs. Two East Sixty-First Street Corporation, operating the Hotel Pierre, on the number "A Kiss in the Dark," for which \$250 damages are demanded.

Harms, Inc. vs. Restaurant La Rue Co., Inc., operating the La Rue Restaurant, on the numbers "Where Am I," "Anything Goes" and "Tea For Two," for which \$750 damages are demanded.

New World Music Corp. vs. Roosevelt Hotel on the number "I Got Rhythm" for which \$250 damages are demanded.

New World Music Corp. vs. Famous Door, Inc., on the number "I Got Rhythm," for which \$250 damages are demanded.

Harms, Inc. vs. Anthony Libertino, operating Jimmy Kelly's, on the numbers "Where Am I" and "Let's Swing It," for which \$500 damages are demanded.

M. Witmark & Sons vs. MacFayne Corp., operating Leon and Eddie's, on the numbers "Lulu's Back In Town," for which \$250 damages are demanded.

T. B. Harms, Inc. vs. Roosevelt Hotel on the numbers "Make Believe" and "Who?" for which \$500 damages are demanded.

Harms, Inc. vs. Stork Restaurant, Inc., operating the Stork Club, on the numbers "Let's Swing It" and "Night and Day," for which \$500 damages are demanded.

T. B. Harm Co. vs. 151 East 50th Street Restaurant Corporation, operating the Versailles Restaurant, on the numbers "Who?" and "Why Do I Love You," for which \$500 damages are demanded.

Restaurants, hotels and night clubs out of New York are made the defendants in the following actions:

Remick Music Corp. vs. Kamehameha (Royal Hawaiian Club), San Francisco, on the number "Sweet Georgia Brown," for which \$250 damages are demanded.

Harms, Inc. vs. Kamehameha on the number "Night and Day," for which \$250 damages are demanded.

Remick Music Corp. vs. The Hotels Statler Company, Inc., Detroit, on the number "My Buddy," for which \$250 damages are demanded.

Harms, Inc. vs. The Hotels Statler Company, Inc., Detroit, on the number "You Took Advantage of Me," for which \$250 damages are demanded.

Remick Music Corp. vs. Gardiner Becker Restaurant Co., operating the Oriole Terrace, Detroit, on the number "Don't Give Up the Ship," for which \$250 damages are demanded.

Harms, Inc. vs. Gardiner Becker Restaurant Co., operating the Oriole Terrace, Detroit, on the number "April in Paris," for which \$250 damages are demanded.

M. Witmark & Sons vs. Associated Ballrooms, Inc., operating The Trianon, Cleveland, on the song "My Wild Irish Rose," for which \$250 damages are demanded.

M. Witmark & Sons vs. Philip Gordon, operating the Ambassador Cafe, on the number "My Wild Irish Rose," for which \$250 damages are demanded.

Harms, Inc. vs. The Hotels Statler Company, Inc., operating the Hotel Statler, Cleveland, on the number "Where Am I," for which \$250 damages are demanded.

M. Witmark & Sons vs. The Hotels Statler Company, Inc., operating the Hotel Statler, St. Louis, on the number "My Wild Irish Rose," for which \$250 damages are demanded.

M. Witmark & Sons vs. Bosmor Corp., operating the Morrison Hotel, Chicago, on the number "My Wild Irish Rose," for which \$250 damages are demanded.

Suits filed against radio stations comprise:

Remick Music Corp. vs. Station WOOA, Pensacola, Fla., on the numbers "I'm Looking for a Four Leaf Clover" and "Whistle and

Blow Your Blues Away," for which \$500 damages are demanded.

Remick Music Corp. vs. Station WBIG, Greensboro, N. C., on the number "Whistle and Blow Your Blues Away," for which \$250 damages are demanded.

Harms, Inc. vs. Station WGBB, Freeport, N. Y., on the number "I'm Just An Ordinary Human," for which \$250 damages are demanded.

Remick Music Corp. vs. Station WIBA, Madison, Wis., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KGU, Honolulu, Territory of Hawaii, on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

M. Witmark & Sons vs. Station WIXBS, Waterbury, Conn., on the numbers "That Old Irish Mother Of Mine" and "In a Shanty in Old Shanty Town," for which \$500 damages are demanded.

Remick Music Corp. vs. Station WIXBS, Waterbury, on the number "Avalon," for which \$250 damages are demanded.

M. Witmark & Sons vs. Station WSMB, New Orleans, on the number "Lulu's Back In Town," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station WGST, Atlanta, Ga., on the number "Whistle and Blow Your Blues Away," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station WOWO, Fort Wayne, Ind., on the number "My Isle of Golden Dreams," for which \$5,000 damages are demanded.

Harms, Inc. vs. Station KTFI, Twin Falls, Idaho, on the numbers "Toddlin' Along With You," for which \$250 damages are demanded.

Remick Music Corp. vs. Station KPO, San Francisco, Cal., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KOA, Denver, Colo., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KTAR, Phoenix, Ariz., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station WDAY, Fargo, N. D., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KFYZ, Dismarck, N. D., on the number "Put On Your Old Grey Bonnet," for which \$5,000 damages are demanded.

Remick Music Corp. vs. Station KSOO, Sioux Falls, S. D., on the number "When The Pussywillow Whispers To The Catnip," for which \$250 damages are demanded.

Remick Music Corp. vs. Station WCHS, Charleston, W. Va., on the numbers "To Call You My Own," "I Need Lovin'," "I Can't Go On Like This" and "Put On Your Old Grey Bonnet," for which \$1,000 damages are demanded.

## STATION WINS RADIO TAX CASE

The United States Supreme Court on Monday handed down a most important radio tax decision in the case of Fisher's Blend Station, Inc., against the Tax Commission of the State of Washington. The station won its case although the Supreme Court of the State of Washington had previously ruled against it. Because of the importance of the case we print the decision in full as follows:

### SUPREME COURT OF THE UNITED STATES

No. 628.—October Term, 1935

FISHER'S BLEND STATION, INC., *Appellant*,

vs.

THE TAX COMMISSION OF THE STATE OF WASHINGTON, ET AL.

Appeal from the Supreme Court of the State of Washington

[March 30, 1936.]

Mr. Justice STONE delivered the opinion of the Court.

This appeal from a judgment of the Supreme Court of the State of Washington, Judicial Code, § 237, presents the question whether a state occupation tax, measured by the gross receipts from radio broadcasting from stations within the state, is an unconstitutional burden on interstate commerce.

Appellant brought suit to enjoin appellees, the State Tax Commission, from collecting the tax, laid by § 2 of Chapter 191 of the Washington Laws of 1933, as an infringement of the commerce clause of the federal Constitution. On demurrer to the bill of complaint, and on stipulation of the parties that the cause might be decided upon the facts there alleged, the state Supreme Court gave final judgment for the appellees. — Wash. —

Appellant maintains, within the state, two broadcasting stations licensed by the Federal Radio Commission (now the Federal Communications Commission). One is licensed to operate with power and a radio frequency enabling it to broadcast throughout the "fifth zone," which comprises eleven western and northwestern states, including Washington, and the Territories of Alaska and Hawaii. The other is licensed to operate as a "clear channel" station, that is to say, a station to which the Commission has assigned a radio frequency to be used at such times and with such power as will enable it to broadcast throughout the United States without interference by other stations. §§ 2, 4, 5, Federal Radio Act of 1927,<sup>1</sup> 44 Stat. 1162; Regulations, Federal Radio Commission, File No. 5-R-B-63 and Official No. 63; File No. 5-R-B-67 and Official No. 67, Nos. 70-75, No. 111, Nos. 116-124. These stations broadcast over the areas for which they are licensed, and the adjacent high seas and a part of Canada.

Broadcasting, according to the allegations of the complaint, is accomplished by the generation, at the broadcasting station, of electro-magnetic waves, which pass through space to receiving instruments which amplify them and translate them into audible sound waves. The essential elements in the broadcasting operation are a supply of electrical energy, a transmitter, the connecting medium or "ether" between the transmission and receiving instruments, and the receiving mechanism.

Appellant's entire income consists of payments to it by other broadcasting companies or by advertisers for broadcasting, from its Washington stations, advertising programs originating there or transmitted to them from other states by wire. Appellant "sells time" to its customers at stipulated rates, during which it broadcasts from its stations such advertising programs as may be agreed upon. During such time as is not sold, it broadcasts, at its own expense, "sustaining" programs, as required by the regulations of the Federal Radio Commission. The customers desire the broadcasts to reach the listening public in the areas which appellant serves, and a large number of persons, many of them in other states, listen to the broadcasts from appellant's stations.

The state Supreme Court recognized that state taxation of gross income derived from interstate commerce is forbidden by the commerce clause. But it upheld the tax on the ground that the business from which appellant receives its income is not interstate commerce. It conceded, as it had previously held, *Van Dusen v. Department of Labor and Industries*, 158 Wash. 414, that broadcasting is commerce, and that the broadcasting by appellant of its own programs for which it does not receive pay is interstate commerce. But it concluded that appellant's remunerative business is not interstate commerce because it consists of furnishing, within the state, the facilities of its stations to customers who use them for broadcasting their programs, and the business of providing such facilities, like that of providing a bridge for the use of others in crossing state lines, is not commerce. See *Detroit International Bridge Co. v. Corporation Tax Appeal Board*, 294 U. S. 83; *Henderson Bridge v. Kentucky*, 166 U. S. 550.

We may assume, although it is not alleged, that appellant's customers produce the sounds which are broadcasted. But it sufficiently appears, although the complaint does not specifically so state, that appellant, and not the customer, generates the electric current and controls the apparatus (generator, transmitter and their controls) by which the sounds are broadcasted. The complaint states that appellant operates its stations and conducts the business of broadcasting in the manner already described, and that the license to operate them is granted to appellant by the Federal Radio Commission under the Federal Radio Act. These allegations, read in the light of the statute, which forbids any save licensees to operate broadcasting apparatus, § 1, Federal Radio Act of 1927, 44 Stat. 1162, and of the facts of which we have judicial knowledge, see *Buck v. Jewel-LaSalle Realty Co.*, 283 U. S. 191, 200; *DeForest Radio Co. v. General Electric Co.*, 283 U. S. 664, 670, *et seq.*, must be taken to state that the broadcasting of radio emanations, as distinguished from the production of the sounds broadcasted, is affected by appellant and not by its customers.

The sounds broadcasted are not transmitted from the microphone to the ears of listeners in other states. They do not pass

<sup>1</sup> This Act has been superseded by the Act of June 19, 1934, 48 Stat. 1081. 47 U. S. C. § 301ff.

as sound waves to the receiving mechanisms. They serve only to enable the broadcaster, by the use of appropriate apparatus, to modulate the radio emanations which he generates. These emanations as modulated, are projected through space to the receiving sets. There, by a reverse process, they so actuate the receiving mechanisms as to produce a new set of sound waves, of frequencies identical with those produced at the microphone. On the argument it was conceded that, in broadcasting for its customers, appellant, by generating the necessary electric power and controlling the transmitter, produces the radio emanations which actuate the receiving mechanisms located in other states. Upon the facts alleged, we see no more basis for saying that appellant's customers do the broadcasting than for saying that a patron of a railroad or a telephone company alone conducts the commerce involved in his railroad journey or telephone conversation.

Appellant is thus engaged in the business of transmitting advertising programs from its stations in Washington to those persons in other states who "listen in" through the use of receiving sets. In all essentials its procedure does not differ from that employed in sending telegraph or telephone messages across state lines, which is interstate commerce. *Western Union Telegraph Co. v. Speight*, 254 U. S. 17; *New Jersey Bell Tel. Co. v. State Board of Taxes*, 280 U. S. 338; *Cooney v. Mountain States Tel. & Tel. Co.*, 294 U. S. 384; No. 593, *Pacific Tel. & Tel. Co. v. Washington*, decided March 2, 1936. In each, transmission is effected by means of energy manifestations produced at the point of reception in one state which are generated and controlled at the sending point in another. Whether the transmission is effected by the aid of wires, or through a perhaps less well understood medium, "the ether", is immaterial, in the light of those practical considerations which have dictated the conclusion that the transmission of information interstate is a form of "intercourse", which is commerce. See *Gibbons v. Ogden*, 9 Wheat. 1, 189.

Similarly, we perceive no basis for the distinction urged by appellee, that appellant does not own or control the receiving mechanisms. The communications broadcasted are no less complete and effective, nor any the less effected by appellant, because it does not own or command the apparatus by which they are received. The essential purpose and indispensable effect of all broadcasting is the transmission of intelligence from the broadcasting station to distant listeners. It is that for which the customer pays. By its very nature broadcasting transcends state lines and is national in its scope and importance—characteristics which bring it within the purpose and protection, and subject it to the control, of the commerce clause. See *Federal Radio Commission v. Nelson Bond & Mortgage Co.*, 289 U. S. 266, 279.

It is unnecessary to determine whether, as the court below suggested and appellee argues, like considerations would require us to hold that the exposure of a sign board, in one state, to the view of dwellers in another, is likewise interstate commerce. Whether the practical and scientific aspects of such an operation bring it within the range of those factors which we deem controlling here, may well be left for decision when such a case is presented. See *Pantomimic Corporation v. Malone*, 238 Fed. 135.

As appellant's income is derived from interstate commerce, the tax, measured by appellant's gross income, is of a type which has long been held to be an unconstitutional burden on interstate commerce. *Philadelphia & So. Mail S. S. Co. v. Pennsylvania*, 122 U. S. 326; *Leloup v. Port of Mobile*, 127 U. S. 640; *Galveston, H. & S. A. R. Co. v. Texas*, 210 U. S. 217; *Crew-Levick Co. v. Pennsylvania*, 245 U. S. 292. But appellee further contends, as the state court thought, that, even though broadcasting involves interstate commerce, the maintenance and operation of appellant's stations includes intrastate activities which may be subjected to state taxation, as was the generation of electricity, transmitted to points outside the state, in *Utah Light & Power Co. v. Pfost*, 286 U. S. 165. There the tax was measured by the amount of current generated at the taxpayer's hydro-electric plant, from which electric power was supplied to consumers in other states. This Court held that the operation of generating electrical power, although virtually simultaneous with its transmission, is so distinct and separable from the operation of transmission, in interstate commerce, as to be the appropriate subject of a state tax. The argument now made overlooks the fact that the present tax is not levied upon or measured by appellant's generation of electro-magnetic waves, but by its gross receipts for the service it performs, which includes both the generation of the energy and its transmission as a means of communication interstate.

Whether the state could tax the generation of such energy, or other local activity of appellant, as distinguished from the gross income derived from its business, it is unnecessary to decide. See *City of Atlanta v. Oglethorpe University*, 178 Ga. 379. It is enough that the present is not such a tax, but is levied on gross re-

ceipts from appellant's entire operations, which include interstate commerce. As it does not appear that any of the taxed income is allocable to intrastate commerce, the tax as a whole must fail, *Cooney v. Mountain States Tel. & Tel. Co.*, *supra*; cf. *Pacific Tel. & Tel. Co. v. Washington*, *supra*, and the judgment of the state court must be reversed and the case remanded for further proceedings not inconsistent with this opinion.

Reversed.

## BROADCAST ADVERTISING IN FEBRUARY

### Developments of the Month

Broadcast advertising in February experienced a gain of 1.3% over the preceding month's level and registered an increase of 13.0% as compared to the corresponding month of 1935. Gross time sales of the medium in February amounted to \$4,785,804.

A marked increase occurred in national non-network advertising as compared to the previous month, gross revenues rising 19.7%. The usual seasonal trends were evident in other portions of the medium, declines occurring in the regional network and local fields.

Regional network and national non-network advertising continued to experience the heaviest increases as compared to corresponding periods of the preceding year. The February gains in these fields were respectively 59.3% and 45.6%. Local broadcast advertising dropped below the preceding year's level for the first time in a year and a half.

Non-network advertising gained 2.0% over January and 21.8% over the preceding February. Regional and local stations experienced the greatest increase in non-network volume as compared to the same month of 1935.

The South-South Central area showed the heaviest gain of any geographical district both as against January and as compared to last year.

Transcription volume gained markedly in both the national and local fields. National non-network live talent volume continued to show important increase over the corresponding period of previous seasons.

Trends as to radio sponsorship were spotty during the month. The heaviest gains as compared to the preceding year were in the automotive field where national non-network advertising rose 349.0%, local broadcast advertising 75.5% and national network volume 10.7%.

Retail broadcast advertising experienced the usual seasonal decline from the January level but remained 5.5% above the volume of the corresponding month of 1935.

### Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I  
TOTAL BROADCAST ADVERTISING

Class of business	1936 Gross Time Sales		Cumulative Jan.-Feb.
	January	February	
National networks . . . . .	\$4,740,560	\$4,785,804	\$9,526,364
Regional networks . . . . .	95,340	92,432	187,772
National non-networks . . . . .	1,626,500	1,946,650	3,573,150
Local . . . . .	1,572,760	1,316,950	2,889,710
Total . . . . .	\$8,035,160	\$8,141,836	\$16,176,996

Total broadcast advertising volume increased 1.3% as compared to January. National non-network volume showed the greatest gain rising 19.7% over the preceding month's level. National network volume remained comparatively unchanged while regional network advertising and local radio advertising declined 3.1% and 16.3% respectively.

Compared to February, 1935, gross time sales of the medium increased 13.0%. The heaviest gains occurred in regional network and national non-network volume, which rose 59.3% and 45.6% respectively.

National network advertising rose 7.0%, while local broadcast advertising volume fell below the level of the corresponding period of the preceding season for the first time in approximately a year and a half. Local broadcast advertising was 1.7% below that of February, 1935.

### Comparison with Other Media

For the first time in some months several other media showed greater gains than did radio broadcasting. Compared to the 1.3% increase in radio volume as against January, national magazine advertising rose 36.1% and national farm paper volume increased 35.8%. Newspaper lineage experienced the usual seasonal decline, dropping 7.1%.

National magazine advertising rose 17.1% as compared to the preceding February, while national farm paper volume gained 34.0%. Newspaper lineage rose 3.2% as against the previous year. Advertising volume placed in national media during February is found in Table II.

**TABLE II**  
**ADVERTISING BY MAJOR MEDIA**

*1936 Gross Time and Space Sales*  
*Cumulative*

<i>Advertising Medium</i>	<i>January</i>	<i>February</i>	<i>Jan.-Feb.</i>
Radio broadcasting . . . . .	\$8,035,160	\$8,141,836	\$16,176,996
National magazines <sup>1</sup> . . . . .	8,256,125	11,240,096	19,496,221
National farm papers <sup>1</sup> . . . . .	421,999	657,717	1,079,716
Newspapers <sup>2</sup> . . . . .	39,280,000	36,511,000	75,791,000
<b>Total</b> . . . . .	<b>\$55,993,284</b>	<b>\$56,550,649</b>	<b>\$112,543,933</b>

<sup>1</sup> Publishers' Information Bureau.  
<sup>2</sup> Estimated.

### Non-Network Advertising

Non-network advertising as a whole gained 2.0% over January and increased 21.8% as compared to February of the preceding year.

Regional station volume alone declined as compared to the previous month, non-network advertising over this class of station dropping 2.9%. Clear channel station non-network advertising rose 6.1% while local station volume increased 2.0%.

Regional and local station volume experienced the greatest gains as compared to the corresponding month of last year. Regional non-network advertising rose 28.8%, while local volume increased 42.9%. Clear channel station advertising gained 12.3%. Broadcast advertising by power of station is found in Table III.

**TABLE III**  
**NON-NETWORK ADVERTISING BY POWER OF STATION**

*1936 Gross Time Sales*  
*Cumulative*

<i>Power of Station</i>	<i>January</i>	<i>February</i>	<i>Jan.-Feb.</i>
Over 1,000 watts . . . . .	\$1,489,900	\$1,580,270	\$3,070,170
250-1,000 watts . . . . .	1,221,120	1,185,180	2,406,300
100 watts . . . . .	488,240	498,150	986,390
<b>Total</b> . . . . .	<b>\$3,199,260</b>	<b>\$3,263,600</b>	<b>\$6,462,860</b>

**TABLE V**

### NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>Local</i>		<i>Total</i>		<i>Cumulative Jan.-Feb.</i>
	<i>January</i>	<i>February</i>	<i>January</i>	<i>February</i>	<i>January</i>	<i>February</i>	
Electrical transcriptions . . . . .	\$649,280	\$694,775	\$140,180	\$118,995	\$789,460	\$813,770	\$1,603,230
Live talent programs . . . . .	732,970	994,530	894,000	715,770	1,626,970	1,710,300	3,337,270
Records . . . . .	4,720	2,670	52,470	53,430	57,190	56,100	113,290
Announcements . . . . .	239,530	254,675	486,110	428,755	725,640	683,430	1,409,070
<b>Total</b> . . . . .	<b>\$1,626,500</b>	<b>\$1,946,650</b>	<b>\$1,572,760</b>	<b>\$1,316,950</b>	<b>\$3,199,260</b>	<b>\$3,263,600</b>	<b>\$6,462,860</b>

### Sponsor Trends in February

Trends during the month as a whole were spotty with numerous declines offsetting gains except in the national non-network field where only one significant decrease occurred. The decrease in question was a 31.0% drop in national non-network amusement volume. This comprises a comparatively unimportant group in the non-network field.

Principal gains of importance in non-network advertising as compared to January were as follows: gasoline and accessories 52.0%;

The South Atlantic—South Central area experienced the greatest gain in non-network volume as compared either to the preceding month or to the corresponding period of 1935. Non-network advertising in this area rose 7.2% over the January level and 61.5% over that of February of last year. Non-network advertising in the New England—Middle Atlantic area dropped 3.9% as against the previous month and remained unchanged from last February.

North Central non-network advertising rose 2.9% as compared to the preceding month and 26.0% as against last year. Advertising in the Pacific and Mountain area increased 1.4% over January and 10.8% over February, 1935. Non-network advertising by geographical areas as set forth in Table IV.

**TABLE IV**

### NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>1936 Gross Time Sales</i>		
	<i>January</i>	<i>February</i>	<i>Jan.-Feb.</i>
New England—Middle Atlantic Area . . . . .	\$686,350	\$659,400	\$1,345,750
South Atlantic—South Central Area . . . . .	631,410	676,600	1,308,010
North Central Area . . . . .	1,286,400	1,324,000	2,610,400
Pacific and Mountain Area . . . . .	595,100	603,600	1,198,700
<b>Total</b> . . . . .	<b>\$3,199,260</b>	<b>\$3,263,600</b>	<b>\$6,462,860</b>

### Non-Network Volume by Type of Rendition

The principal development in the rendition field was the marked strength exhibited by transcription business. Transcription volume rose 3.1% as against January and 54.5% as compared to February, 1935. In the national non-network field, transcription volume showed a gain of 7.0% over the preceding month and 65.4% as compared to the previous year. Local transcription advertising declined 15.1% from the January level in keeping with the usual seasonal trend. However, it remained 13.3% above the previous year's level.

In the national non-network field live talent business continued to show considerable strength rising 3.6% above January and showing a gain of 61.0% over last February. Local live talent volume declined 19.9% over the month and remained unchanged from the previous year's level.

Announcements declined in both the national and local fields as compared to February of the preceding year. The national decrease was 13.1%, while the local decline amounted to 5.5%. National announcement volume rose 6.3% as against January while local announcements declined 11.8%.

National non-network and local broadcast advertising by type of rendition is found in Table V.

cosmetics 69.4%; beverage 73.4%; financial 173.9% and tobacco 53.7%.

Important increases in national network advertising during the month were as follows: automotive 9.3%; clothing 18.4%; financial advertising 37.1%, and miscellaneous 9.5%. Confectionery and tobacco advertising declined slightly.

In the regional network field soap and kitchen supply advertising increased markedly with general declines throughout the major portion of the remaining product groups. Local declines also were general with the exception of a 15.7% rise in amusement advertising and one of 17.1% in automotive volume.

### Comparison with February, 1935

Trends in the national network field were rather uncertain with both marked increases and decreases. The most important gains as against the corresponding month of last year were a 10.7% rise in automotive volume, an increase of 55.6% in gasoline and accessory advertising, a rise of 43.0% in beverage volume, and a gain of 66.2% on the part of the miscellaneous group. The last-mentioned rise was due largely to the office equipment classification within that group.

National network drug advertising dropped 27.8%, confectionery advertising declined 39.6% and household equipment volume 49.4%. The principal gain in the regional network field was a 98.7%

rise in food volume. All branches of national non-network advertising showed an increase as compared to February of the preceding year. The principal gains were a rise of 349.0% in automotive volume, an increase of 198.6% in beverage advertising, and an increase of 91.6% in tobacco advertising.

In the local field automotive volume rose 75.7%, while slight increases were experienced in the clothing, food, household equipment and miscellaneous groups. The principal decline of importance occurred in the gasoline and accessory group where a drop of 24.7% was experienced. Broadcast advertising volume during February by national product and service group is found in Table VI.

**TABLE VI**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
(February, 1936)

Type of Sponsoring Business			Gross Time Sales		Total
	National Networks	Regional Networks	National Non-networks	Local	
1a. Amusements .....	—	—	\$5,910	\$34,850	\$40,760
1-2. Automobiles and accessories:					
(1) Automobiles .....	\$369,972	—	232,650	85,375	687,997
(2) Accessories, gas and oil .....	411,330	\$9,032	133,360	49,585	603,307
3. Clothing and apparel .....	34,082	616	40,220	153,420	228,338
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals .....	502,149	13,481	452,500	64,870	1,033,000
(5) Toilet goods .....	976,074	3,360	119,330	18,610	1,117,374
6-8. Food products:					
(6) Foodstuffs .....	842,355	29,817	365,140	191,930	1,429,242
(7) Beverages .....	373,580	4,226	75,100	62,140	515,046
(8) Confections .....	106,492	4,560	45,250	4,220	160,522
9-10. Household goods:					
(9) Household equipment and furnishings .....	36,623	4,515	64,375	121,755	227,268
(10) Soap and kitchen supplies .....	267,416	5,254	36,190	2,570	311,430
11. Insurance and financial .....	48,516	731	39,610	60,980	139,837
12. Radios .....	96,808	—	16,390	10,800	123,998
13. Retail establishments .....	—	—	19,115	97,980	117,095
14. Tobacco products .....	338,850	6,090	35,330	6,195	386,465
15. Miscellaneous .....	381,557	10,750	276,180	351,670	1,020,157
<b>Total .....</b>	<b>\$4,785,804</b>	<b>\$92,432</b>	<b>\$1,946,650</b>	<b>\$1,316,950</b>	<b>\$8,141,836</b>

### Details as to Sponsor Trends

Details as to trends in broadcast advertising volume in various sponsoring groups are as follows:

1a. *Amusements.* National non-network 31.0% below January. Local up 15.7%. Compared to February last year national non-network more than tripled and local unchanged. Total up 8.5%.

1. *Automotive.* National network volume 9.3% over January. National non-network up 7.7% and local 17.1%. Compared to last February gains as follows: national network 10.7%; national non-network 349.0%; local 75.5%.

2. *Accessories and gasoline.* National networks 1.0% below January and regional networks down 24.0%. Local down 30.1% and national non-network up 52.0% compared to February, 1935 gains as follows: national networks 55.6%; regional networks 27.0%; and national non-network 38.8%. Local volume down 24.7%.

3. *Clothing.* National network advertising 18.4% above January and national non-network up 18.9%. Regional volume down 30.3% and local 31.6%. Compared to last February national network volume down 13.7% and regional advertising 87.0%. National non-network business up 57.6% and local advertising 4.0%.

4. *Drugs and pharmaceuticals.* Declines from January as follows: national network 1.1%, regional network 2.8% and local 27.6%. National non-network advertising up 2.0%. Regional network volume 80.0% above February of preceding year. National non-network volume up 23.1%, national network advertising down 27.8% and local down 31.0%.

5. *Toilet goods.* National network volume unchanged from January. National non-network advertising up 69.4%. Regional network volume down 17.2% and local 19.2%. Gains compared to corresponding month of previous year as follows: national networks 9.6%; regional networks 295.0%; national non-network 37.8%. Local down 37.7%.

6. *Foodstuffs.* National network volume unchanged from previous month. Regional networks up 3.4% and national non-network 9.6%. Local down 10.4%. National network advertising 7.2% below same month of last year. Other gains as follows: regional networks 98.7%; national non-network 37.5% and local 9.5%.

7. *Beverages.* National network volume 4.4% ahead of previous month. National non-network up 73.4%. Regional networks down 13.9% and local 30.5%. National network advertising 43.0% ahead of corresponding month of 1935. National non-network up 198.6%. Regional networks down 22.2% and local 13.9%.

8. *Confectionery.* Declines from January as follows: national networks 15.5%; regional networks 32.7%; local 75.9%. National non-network up 25.0%. Declines as compared to preceding February as follows: national networks 39.6%; national non-network 22.2% and local 50.0%. Regional network volume up 94.0%.

9. *Household equipment.* Declines from previous month as follows: national networks 4.8%; regional networks 37.2% and local 6.5%. National non-network up 31.5%. National network volume down 49.4% from corresponding month of 1935. Regional volume unchanged. National non-network up 19.0% and local 3.4%.

10. *Soaps and kitchen supplies.* National network volume 9.6% above January. Regional volume up 487.7%. National non-network down 17.8% and local 64.5%. National network advertising 9.1% above previous February and regional volume up materially. Others unchanged.

11. *Financial and insurance.* National networks 37.1% above January and national non-network 173.9%. Regionals down 41.9% and local 13.5%. Compared to February of last year gains as follows: national networks 9.5%; national non-network 8.0% and local 19.8%.

12. *Radios.* National network advertising 4.3% greater than January. National non-network 13.4% above previous month and local down 3.4%. Compared to corresponding month of 1935 national network volume up 6.3%; national non-network volume increased from \$785 to \$16,390; and local increased 26.8%.

13. *Department and general stores.* National non-network advertising 75.7% over preceding month and local down 20.6%. National non-network advertising \$19,115 as against \$2,190 in preceding February. Local down 25.5%.

14. *Tobacco products.* National network volume 5.6% below January and regional network advertising down 6.5%. National non-network up 53.7% and local 29.6%. Compared to previous year gains as follows: national networks 11.6%; regional networks more than fivefold; national non-network 91.6% and local tripled.

15. *Miscellaneous.* National network advertising 9.5% over previous month. Regional network volume up 30.4% and national non-network 37.1%. Local down 10.6%. National network volume 66.2% above previous February. Other gains as follows regional networks 34.2%; national non-network 25.7% and local 7.8%.

### Retail Broadcast Advertising

Broadcast advertising by retail establishments experienced the usual seasonal decline during the month. Total volume dropped 10.2% as compared to January but remained 5.5% above the February 1935 level. Declines were general from the previous month's level with the exception of a 33.3% increase in automotive volume, a rise of 26.6% in restaurant advertising and an increase of 3.9% in grocery store volume.

Principal increases of importance as against February of the previous year were as follows: automotive 78.8%; clothing and apparel 3.5%; grocery stores 46.5%; restaurants 52.8%; house furnishings 8.0%. The principal decline of the month was in the department store field where advertising volume dropped 13.3% below the February 1935 level.

Retail broadcast advertising during the month is found in Table VII.

TABLE VII

### RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	January	February
<b>Automobiles and accessories:</b>		
Automobile agencies and used car dealers.	\$75,930	\$101,170
Gasoline stations, garages, etc.	27,785	22,995
Clothing and apparel shops.	236,550	167,900
<b>Drugs and toilet goods:</b>		
Drug stores	21,375	21,020
Beauty parlors	8,880	5,280
<b>Food products:</b>		
Grocery stores, meat markets, etc.	60,590	62,920
Restaurants and eating places	18,390	23,280
Beverage retailers	12,800	5,320
Confectionery stores	8,930	1,700
<b>Household goods:</b>		
Household equipment dealers	32,000	31,710
Furniture stores	74,080	70,810
Hardware stores	6,390	6,750
Radio retailers	11,380	7,580
Department and general stores.	134,320	117,095
Tobacco shops	2,340	625
Miscellaneous	75,320	78,920
<b>Total</b>	<b>\$807,060</b>	<b>\$725,075</b>

### FEDERAL TRADE COMMISSION ACTION STIPULATIONS

The Commission has issued the following cease and desist orders:

**No. 01123.** E. A. Rush, 154-156 Edgewood Ave., Atlanta, operating as Beeman's Laboratories, and engaged in the sale of "B. G. O.", agrees to cease representing that his product is a competent remedy for all forms of skin diseases, that it will give instant relief for any form of suffering, and that it is a greaseless ointment.

**No. 01141.** Gracon Manufacturing Co., 2119-23 Gravois St., St. Louis, signed a stipulation to discontinue assertions that its product, "Co-Lubes", offered as a graphite lubricant for motors, increases speed of automobile 20 per cent and assures 20 per cent to 75 per cent savings in gas and oil mileage; that it will save repair bills and improve motors, and that it will cause motors to have good lubrication after running 4,000 miles without a change of oil.

The respondent will cease representing that agents selling "Co-Lubes" can earn "up to \$40 daily", or other exaggerated amounts.

**No. 01342.** Misleading advertising practices will be discontinued by A. F. Duverger, operating as National Distributors and Income Audit Service, Washington, D. C., under a stipulation.

Selling an "income audit service" and accounting and income tax service, the respondent is said to have advertised that prospective salesmen could make up to \$150 weekly by getting in on a fast selling service required by law, in which business there would be no competition, and more than ten million prospects.

In his stipulation, the respondent agrees to cease representing that the income audit service is required by law; that sales persons in this business have no competition, or have any specific number of prospects, and that every business or professional man or woman is required by law to keep a hook of records.

**No. 2413.** Use of the word "distilled" by Federal Distilled Products, 425 North Water St., Milwaukee, so as to represent that it is a distiller of alcoholic beverages or owner of a distillery, has been ordered discontinued.

While the Commission, in its findings, expressed the opinion that the words "Distilled Products" alone would not constitute a misrepresentation, inasmuch as the respondent handles distilled products, it found that the respondent, by representing that such products are "prepared by" it and are "Federal Distilled", had made use of such parts of its corporate name in a manner which tended to deceive dealers and the purchasing public into the belief that the respondent was a distiller and that the spirituous liquors which it sold were distilled by it.

**No. 2579.** Misleading advertising of a cosmetic in newspapers, over the radio, and through other media, by Lur-Eye Products, Inc., 1501 Broadway, New York City, and W. R. Robinson Co., Kankakee, Ill., is prohibited by an order to cease and desist, issued against those respondents.

Producing and distributing "Lur-Eye Lash Developer" to the wholesale and retail trade, the respondents are directed to stop advertising that "Lur-Eye" will grow, promote the growth of, increase the length of, or change the texture of the eyelashes, and that it is a competent treatment for inflamed or bloodshot eyes, or granulated eyelids.

The respondents also are ordered to cease representing that the preparation will penetrate to or reach the follicles or papillae or inner shafts of the eyelashes, will have any beneficial effect upon the sebaceous glands or inner membranes, or will relieve eye strain.

Findings are that the respondents' product does not have medicinal ingredients claimed in such quantities as to produce the results represented.

The respondents admitted the material allegations of the Commission's complaint against them to be true, and consented, without intervening procedure, to issuance by the Commission of an order to cease and desists from the methods of competition alleged in the complaint.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

Wednesday, April 8

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.
- NEW—California Sales Contract Co., San Francisco, Calif.—C. P., 1280 kc., 500 watts, 1 KW LS, unlimited time.
- KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Renewal of license, 570 kc., 1 KW, unlimited time.

Thursday, April 9

#### HEARING BEFORE AN EXAMINER (Broadcast)

- WHB—WHB Broadcasting Co., Kansas City, Mo.—C. P., 1120 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 860 kc., 1 KW, daytime.
- WISN—Hearst Radio, Inc., Milwaukee, Wisc.—C. P., 1120 kc., 1 KW, unlimited time. Present assignment: 1120 kc., 250 watts, 1 KW LS, unlimited time.

Friday, April 10

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Star-Chronicle Publishing Co., St. Louis, Mo.—C. P., 1250 kc., 1 KW, unlimited time.
- WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., 1250 kc., 1 KW, unlimited time.

### APPLICATIONS GRANTED

- WHA—University of Wisconsin, Madison, Wisc.—Granted C. P. to make changes in equipment increase power from 2½ KW daytime to 5 KW daytime.

- WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Granted modification of C. P. to make changes in equipment; move transmitter from El Varano Hotel, W. Palm Beach, to a site 1½ mile from center of business district of W. Palm Beach, and approving studio location at Hotel George Washington.
- KGB—Don Lee Broadcasting System, San Diego, Cal.—Granted modification of C. P. extending commencement date from 5-1-35 to 30 days after grant and completion date to 180 days after grant.
- WLBC—Donald A. Burton, Muncie, Ind.—Granted modification of C. P. to install new equipment.
- WHN—Marcus Loew Booking Agency, New York City—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 5 KW; 1010 kc., 1 KW night, unlimited time. Also granted license to use old 1 KW transmitter as an auxiliary, and granted authority to determine operating power by direct measurement of antenna.
- WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted license to cover C. P. authorizing changes in equipment, change in frequency to 1020 kc., and removal of transmitter site locally; increase in day power to 250 watts.
- WFAM—The South Bend Tribune, South Bend, Ind.—Granted modification of license to change hours of operation from sharing with WWAE to unlimited day, and sharing at night with WWAE.
- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—The Commission on its own motion, reconsidered its action of March 17, 1936, in designating for hearing application for modification of license to change hours of operation from S-WFAM to unlimited, day to LS, S-WFAM night, and granted same.
- KCMC—North Miss. Broadcasting, Texarkana, Ark.—Granted consent to voluntary assignment of license to KCMC, Inc.
- KTW—First Presbyterian Church, Seattle, Wash.—Granted authority to install automatic frequency control.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of C. P. to extend commencement date from 9-30-35 to date of approval and completion date from 3-30-36 to 9-30-36.
- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 1 to 5 KW, unlimited time, 1 KW night, 1300 kc.
- WTAQ—WHBY, Inc., Green Bay, Wisc.—Granted license to cover C. P. covering move of transmitter from Eau Claire to De Pere, Wisc., and studio location to Green Bay; install new equipment, change hours of operation from sharing KSCJ night to unlimited, and installation of directional antenna for nighttime operation; 1330 kc., 1 KW night, 1 KW day, unlimited time.
- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted authority to determine operating power by direct measurement of antenna.
- WMMN—A. M. Rowe, Inc., Jefferson, W. Va.—Granted renewal of license; 890 kc., 250 watts night, 500 watts day, unlimited.
- WNBC—William J. Sanders, New Britain, Conn.—Granted special temporary authority to operate unlimited time on night of March 28, 1936, in order to broadcast dinner party sponsored by Democratic State Central Committee of Conn., in honor of Postmaster General James A. Farley.
- WHBB—Dr. Wm. J. Reynolds & Wm. J. Reynolds, Jr., Selma, Ala.—Granted special temporary authority to operate from LS to 11 p. m., CST, on April 4, 1936, in order to broadcast special program sponsored by merchants of the city.
- WELI—Patrick J. Goode, New Haven, Conn.—Granted special temporary authority to operate from 8 p. m. to 12 midnight EST, March 28, 1936, in order to broadcast testimonial dinner given by Democratic State Central Committee of Conn. in honor of Postmaster Gen. James A. Farley, and from 8 p. m. to 12 midnight EST, April 18, in order to broadcast testimonial dinner in honor of Patrick J. Goode upon his appointment to the postmastership of the city of New Haven.
- WEBC—Head of the Lakes Broadcasting Co., Superior, Wisc.—Granted renewal of license; 1290 kc., 1 KW night, 5 KW day, unlimited time to expire Oct. 1, 1936. Also granted renewal for auxiliary transmitter for the same period.
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted renewal of license; 1230 kc., 250 watts night, 500 watts day, unlimited time, to expire Oct. 1, 1936.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted renewal of license; 1250 kc., 1 KW night, 2.5 KW day, sharing WNEW, to expire Oct. 1, 1936.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted renewal of license for auxiliary; 1250 kc., 1 KW night, 2.5 KW day for auxiliary purposes only, to expire Oct. 1, 1936.
- WNEL—Juan Piza, San Juan, P. R.—Granted renewal of license; 1290 kc., 500 watts, unlimited time, to expire Oct. 1, 1936.
- WAML—Southland Radio Corp., Laurel, Miss.—Granted renewal of license on a temporary basis for 3 months; 1310 kc., 100 watts, specified hours.
- WTNJ—WOAX, Inc., Trenton, N. J.—Granted renewal of license for period from April 1 to Oct. 1, 1936. 1280 kc., 500 watts, shares with stations WCAM and WCAP.
- KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted renewal of license for period from April 1 to Sept. 1, 1936; 890 kc., 1 KW, unlimited time.
- WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted renewal of license for period from April 1 to Oct. 1, 1936; 1260 kc., 1 KW, unlimited time.
- WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted renewal of license for period from March 1 to Sept. 1, 1936; 570 kc., 250 watts, unlimited time.
- W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted license to cover C. P.; 31600, 35600, 38600, 41000 kc., 100 watts, unlimited time.
- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted extension of special experimental authority to operate on 780 kc. for period from April 1 to July 1, 1936.
- KECA—Earle C. Anthony, Inc., Los Angeles, Cal.—Granted modification of C. P. approving new equipment and transmitter site at 82nd St. and Compton Ave., Los Angeles County, and extend commencement date to 3-1-36, and completion date to 90 days thereafter.
- NEW—Woodam Corp., Mobile—in Airplane—Granted C. P. (Temp. broadcast pickup); frequencies 1622, 2060, 2150, 2790 kc., 7½ watts.
- NEW—Ben S. McGlashan, Portable-Mobile (Los Angeles, Calif.)—Granted C. P. (Exp. Gen. Exp.); frequencies 86000-400000 kc., 100 watts.
- NEW—Radio Station WSOC, Inc., Portable (Charlotte, N. C.)—Granted C. P. (Exp. Gen. Exp.); frequencies 31100, 34600, 37600, 40600 kc., 7 watts.
- NEW—Pittsburgh Radio Supply House, Portable-Mobile (Pittsburgh, Pa.)—Granted C. P. (Exp. Gen. Exp.); frequencies 31100, 34600, 37600, 40600 kc., 5 watts.
- W9XHC—Kansas State College of Agr. and Applied Science, Portable-Mobile (Manhattan, Kans.)—Granted license to cover C. P. (Gen. Exp.); frequencies 31100, 34600, 37600, 40600 kc., 4 watts.
- W2XEI—Paul J. Gollhofer, Portable-Mobile (Brooklyn, N. Y.)—Granted consent to voluntary assignment of license from Paul J. Gollhofer to Metropolitan Broadcasting Corp., a New York Corp.
- WDBJ—Times-World Corp., Roanoke, Va.—Granted renewal of license for period from April 1 to Oct. 1, 1936; 930 kc., 1 KW, unlimited time.

#### SET FOR HEARING

- NEW—Southland Broadcasting Corp., Chattanooga, Tenn.—Application for C. P., 1200 kc., 100 watts, daytime. Site to be determined.
- NEW—Jonas Weiland, Kinston, N. C.—Application for C. P. for new station, 1200 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.
- NEW—R. J. Laubengayer, Salina, Kans.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time. Site to be determined.
- NEW—Pemberton Gordon d/ as Mid-Missouri Broadcasting Service, Jefferson City, Mo.—Application for C. P. for new station, 1310 kc., 100 watts daytime.
- NEW—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Application for C. P., 950 kc., 500 watts daytime. Site to be determined.
- NEW—Grover C. Maxwell, Geo. A. Sancken & Herbert C. Lorick, Augusta, Ga.—Application for C. P. for new station, 610 kc., 250 watts night, 500 watts day. Site to be determined.
- NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Application for C. P., 630 kc., 250 watts daytime. Site to be determined.



NEW—I. L. G. W. Radio Corp., New York City, N. Y.—Application for C. P. for new station, **970 kc.**, 1 KW, unlimited time. Site to be determined.

NEW—Ben L. Taylor, Phil B. Whitaker & Mrs. B. Whitaker, Chattanooga, Tenn.—Application for C. P., **1200 kc.**, 100 watts daytime. Site to be determined.

NEW—Nolan S. Walker, Canton, Ohio.—Application for C. P., **1200 kc.**, 100 watts night, 250 watts day, unlimited time. Site to be determined.

NEW—W. H. Marolf, Escanaba, Mich.—Application for C. P., **1500 kc.**, 100 watts, unlimited time. Site to be determined.

NEW—WRBC, Inc., Cleveland, Ohio.—Application for C. P., **780 kc.**, 1 KW, unlimited time. Site to be determined.

NEW—WRBC, Inc., Youngstown, Ohio.—Application for C. P., **890 kc.**, 1 KW, unlimited time. Site to be determined.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wisc.—Application for C. P. to install new equipment, change frequency from **1310 kc.** to **1010 kc.**, power from 100 watts to 250 watts night, 500 watts day, and time from daytime to unlimited.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Application for modification of license to increase night power from 500 watts to 1 KW, operates on **880 kc.**, 1 KW day; S-KPOF.

KRE—First Congregational Church, Berkeley, Calif.—Application for consent to voluntary assignment of license from First Cong. Church of Berkeley to Central Calif. Broadcasters, Inc., a Calif. corporation.

WCBD—WCBD, Inc., Waukegan, Ill.—Application for consent to transfer of control of WCBD, Inc., an Ill. Corp. from Wilbur Glenn Veliva, E. E. Harwood and M. J. Minturn to L. E. Moulds, W. F. Moss, Gene T. Dyer and E. M. Ringwald.

NEW—Isadore Goldwasser, Tuscaloosa, Ala.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited time.

NEW—Saint Cloud Broadcasting Co., by Emmons L. Abeles, Secy., St. Cloud, Minn.—C. P. already in hearing docket, amended to read: **1310 kc.**, 50 watts night, 100 watts day, unlimited time. Site to be determined.

NEW—H. H. Hanseth, Fresno, Calif.—C. P. already in hearing docket, amended to read: **1410 kc.**, 1 KW, unlimited time.

NEW—Midway Broadcast Co., by Emmons L. Abeles, Secy., Eau Claire, Wisc.—C. P. already in hearing docket, amended to read: **1210 kc.**, 100 watts daytime. Site to be determined.

NEW—W. P. Stuart, Prescott, Ariz.—Application for C. P., **1500 kc.**, 100 watts, unlimited time.

KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Consent to voluntary assignment of license to Lester E. Cox and Thomas L. Evans, a partnership.

NEW—Evans Broadcasting Co., Kansas City, Mo.—Application for C. P., **1370 kc.**, 100 watts, unlimited time. Site to be determined.

NEW—Fred A. Baxter, Superior, Wisc.—Application for C. P. already in hearing docket, amended to read: **1200 kc.**, 100 watts, unlimited time.

### RENEWAL OF LICENSES

The following station were granted renewal of licenses for the regular period:

KFWB, Hollywood, Cal.; KVOA, Tucson, Ariz.; KYA, San Francisco; WAAT, Jersey City, N. J.; WASH, Grand Rapids, Mich.; WFBR and auxiliary, Baltimore, Md.; WOOD, Grand Rapids, Mich.; KTW, Seattle, Wash.; WISN, Milwaukee, Wis., and auxiliary; WRC and auxiliary, Washington, D. C.; KGVO, Missoula, Mont.; KMBC and auxiliary, Kansas City, Mo.; KOIL, Council Bluffs, Ia.; KTAT, Fort Worth, Tex.; KVOR, Colorado Springs, Colo.; WCAE, Pittsburgh, Pa., and auxiliary; WHIO, Dayton, Ohio.

WLBL—State of Wisc. Dept. of Agr. and Markets, Stevens Point, Wis.—Granted renewal of license for the period ending Sept. 1, 1936.

KUJ—KUJ, Inc., Walla Walla, Wash.—Present license extended on a temporary basis from April 1 to May 1, 1936, subject to such action as may be taken upon pending application for renewal.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Present license extended on a temporary basis from April 1 to May 1, 1936, subject to such action as may be taken upon pending application for renewal.

WWL—Loyola University, New Orleans, La., and

KWKH—International Broadcasting Corp., Shreveport, La.—Special temporary experimental authority extended from March 1 to April 1, 1936, subject to the same conditions as contained in the existing authority to said stations, pending consideration of pending petition of station WLWL and petitions in opposition thereto.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Present license extended on a temporary basis for the period April 1 to May 1, 1936, subject to such action as may be taken on pending application for renewal.

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KMA—May Seed and Nursery Co., Shenandoah, Ia.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted renewal of license upon a temporary basis only and subject to whatever action may be taken by the Commission upon the renewal application now pending before it and upon the application of the May Seed & Nursery Co. (KMA).

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted extension of special experimental authority on a temporary basis only, subject to a hearing and decision by the Commission. Extension granted for the period from April 1 to Oct. 1, 1936.

### MISCELLANEOUS

Paul R. Heitmeyer, Salt Lake City, Utah—Denied motion that action be deferred on applications pending from Utah and that same be considered in connection with his application.

A. Stenert Graham, E. V. Baxter, Norman Baxter, d/b Pittsburg Broadcasting Co., Pittsburg, Kans.—Denied motion to consider its application in conjunction with application of Joplin Broadcasting Co., and Pittsburg Publishing Co.

WISE—WISE Broadcasting Co., Inc., St. Paul, Minn.—Denied motion asking Commission to reconsider action of Feb. 8, 1936, in granting Edward Hoffman a C. P. to erect new broadcasting station at St. Paul to operate on **1370 kc.**, 100 watts, unlimited.

KROW—Educational Broadcasting Corp., Oakland, Cal.—Granted petition to intervene at hearing of application of Jos. G. Morrow, for C. P. for new broadcast station at Oakland, to operate on **1150 kc.**, 250 watts daytime.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted renewal of license on condition applicant complete and place in operation the new antenna and ground system now being constructed, and that the signal strength of new radiating system meet the requirements of Commission.

WJJD—WJJD, Inc., Chicago, Ill.—The Broadcast Division directed that C. P. to move transmitter to Des Plaines, Ill., be issued to applicant in conformity with its action of Jan. 10, 1936, inasmuch as applicant has complied with the proviso contained therein.

KFRU—KFRU, Inc., Columbia, Mo.—The Broadcast Division directed that a modification of license to change hours of operation to sharing with radio station WGBF, simultaneous day with WGBF (contingent upon the release of the hours by WOS), be issued to applicant in conformity with its action of Feb. 21, 1936. The Broadcast Division also directed that station WOS, State of Mo., Mo. State Highway Patrol, Jefferson City, be deleted.

NEW—Fresno Broadcasting Co., Fresno, Calif.—Granted request to amend order to take depositions in re application for new broadcasting station at Fresno, Calif.

WSPA—Virgil V. Evans, Spartanburg, S. C.—Denied petition asking special temporary authority to operate with 500 watts from LS to 12 midnight for 30 days.

Times Dispatch Publishing Co., Richmond, Va.—Granted request to take depositions in re application for new station at Richmond, Va.

KMJ—James McClatchy Co., Fresno, Cal.—Granted petition to intervene at hearing of application of Fresno Broadcasting Co., for new station at Fresno.

Evans Broadcasting Co., Kansas City, Mo.—Overruled motion that Commission revoke and rescind special temporary license granted Charlotta Duncan, Adm., to operate KWKC, but granted application to be heard before Commission renews license in question.

George B. Bairey, Valley City, N. Dak.—Denied petition and its supplement, requesting Commission to grant his application for a new station at Valley City to operate on 1500 kc., 100 watts, unlimited time.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Denied special temporary authority to operate with power of 5 KW from 5 to 6 a. m., CST, during the time that Eastern Standard Time is recognized as official time in Gary.

### APPLICATION DENIED

NEW—The Herald Publishing Co., Denison, Tex.—Denied as in cases of default, application for C. P., 1200 kc., 100 watts, unlimited time, heretofore set for hearing, for failure to file an appearance and statement of facts in accordance with Rule 104.6(c).

### APPLICATIONS DISMISSED

KIUN—Jack W. Hawkins & Barney H. Hubbs, Pecos, Tex.—Modification of license, 1310 kc., 100 watts, unlimited time, heretofore set for hearing, was dismissed for failure to answer form letter, adopted by Broadcast Division requiring applicants to signify their desire to be heard within 10 days after receipt of said form letter.

The following application was dismissed from the hearing docket and retired to the files inasmuch as the time requested for transmittal of programs, specified therein, has expired.

Plain Talk Magazine, Inc., Washington, D. C.—For authority to transmit proceedings of the convention of Jefferson Democrats on Jan. 29, 1936, from Macon, Ga., through facilities of A. T. & T. to station XEAW, Reynosa, Tamps, Mex.

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Albert E. Davis, Brownwood, Tex.—Applied for C. P., 1420 kc., 100 watts, daytime.

NEW—George H. Adams and Henry D. Bratter, St. Paul, Minn.—Applied for C. P., 1370 kc., 100 watts, unlimited time.

WAWZ—Pillar of Fire, Zaraphath, N. J.—Applied for modification of license, 1350 kc., 1 KW, shares with WBNX.

### APPLICATIONS RECEIVED

#### First Zone

WCAO—Monumental Radio Co., Baltimore, Md.—License to use 600 W. E., 106-B transmitter as an auxiliary transmitter.

WCAO—Monumental Radio Co., Baltimore, Md.—License to cover 600 construction permit (B1-P-824) as modified for equipment changes and move of transmitter.

NEW—Hildreth & Rogers Co., Lawrence, Mass.—Construction 680 permit for a new station to be operated on 680 kc., 1 KW, daytime.

WNYC—City of New York—Department of Plant & Structures, 810 New York, N. Y.—License to cover construction permit (B1-P-798) to use W. E. 106-B transmitter as an auxiliary transmitter and move transmitter.

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-333) for changes in equipment, increase in power, move of transmitter and directional antenna, requesting further changes in equipment.

WELI—City Broadcasting Corp., New Haven, Conn.—Voluntary 900 assignment of license from Patrick J. Goode, to City Broadcasting Corporation.

WORL—Broadcasting Service Organization, Inc., Needham, Mass. 920 Modification of license to move studio from Great Plain Avenue, Needham, Mass., to 610 Beacon St., Boston, Mass.

NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, 250 watts-day, unlimited time. Requests facilities of WNRI. Amended: To make changes in antenna.

NEW—Twin City Broadcasting Co., Inc., Lewiston, Me.—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.

NEW—Edward E. Huddleson & Robert A. Howe, d/b as Huddleson & Howe, Honolulu, T. of Hawaii—Construction permit

for a new station to be operated on 1210 kc., 100 watts, 250 watts-day, unlimited time.

WNBC—William J. Sanders, New Britain, Conn.—Construction 1380 permit to make changes in equipment and increase power from 250 watts to 1 KW.

NEW—Auburn Publishing Co., Auburn, N. Y.—Construction permit 1420 for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended: Giving exact transmitter site as West Lake Road, Fleming, New York.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Construction 1500 permit to install new equipment.

NEW—Lillian E. Kiefer, Brooklyn, N. Y.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, specified hours. Requests facilities of WMBQ.

NEW—Central New York Broadcasting Corp., Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 1 watt.

NEW—Central New York Broadcasting Corp., Portable-Mobile—License to cover above.

W10XDX—National Broadcasting Company, Inc., Portable-Mobile—Modification of license to utilize a frequency in the band of 200-400 megacycles for broadcast pickup purposes, in addition to present authorization.

#### Second Zone

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—1160 Construction permit to install a new transmitter, erect a vertical antenna and increase power from 5 KW to 25 KW night, 10 KW day.

WEED—William Avera Wynne, Rocky Mount, N. C.—Construction 1420 permit to make changes in equipment, increase power from 100 watts to 100 watts, 250 watts-day.

NEW—Lynchburg Broadcasting Corp., Portable-Mobile—Construction permit for a new General experimental station for 31100, 34600, 37600, 40600 kc., 40 watts.

NEW—The Evening News Assn., Inc., Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

#### Third Zone

NEW—Seaboard Investment Co., Inc., Montgomery, Ala.—Construction 610 permit for a new station to be operated on 610 kc., 500 watts, 1 KW-day, unlimited time.

WAIM—Wilton E. Hall, Anderson, S. C.—Construction permit to 630 change frequency from 1200 kc. to 590 kc., install new equipment, increase power from 100 watts to 250 watts, 1 KW-day and move transmitter from Anderson College, Anderson, South Carolina to site to be determined, Anderson, South Carolina. Amended: To change requested frequency from 590 kc. to 630 kc., requested power from 250 watts, 1 KW-day to 1 KW daytime operation only.

NEW—Voice of Corsicana Assn., Corsicana, Tex.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, daytime. Amended: To change frequency from 1200 kc. to 1310 kc.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—1300 License to cover construction permit (B3-P-1003) for changes in equipment.

KFPM—Voice of Greenville, Greenville, Tex.—Construction permit 1310 to make changes in equipment, increase power from 15 watts to 100 watts, change hours of operation from specified hours to daytime, move transmitter from 2109 Park Street (rear) to site to be determined, Greenville, Texas and change call letters from KFPM to KVOG. (Filed in name of Voice of Greenville). Amended: To change frequency from 1310 kc. to 1420 kc.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Construction 1330 permit to install new equipment, increase power from 100 watts, 250 watts-day to 250 watts, 500 watts-day, change frequency from 1500 kc. to 1330 kc., move transmitter from Broadway & Leopard Street, Corpus Christi, Texas to Ocean Drive, Corpus Christi, Texas.

W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Modification of construction permit to increase power to 250 watts.

#### Fourth Zone

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Voluntary 740 assignment of license from the M. M. Johnson Co. to KMMJ, Incorporated.

WHO—Central Broadcasting Co., Des Moines, Ia.—Special experimental 1000 authorization to install new equipment and increase power from 50 KW to 500 KW for period to 8-1-36.

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license to 1130 change hours of operation from 6 a. m. CST, to local sunset at Salt Lake City, Utah to 6 a. m. EST, to local sunset at Salt Lake City, Utah.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Construction permit to make changes in equipment.

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license to change 1310 hours of operation from specified hours to unlimited time.

W9XOK—The Star-Chronicle Publishing Co., St. Louis, Mo.—License to cover construction permit for a new general experimental station.

NEW—WBBM Broadcasting Corp., Chicago, Ill.—Construction permit for a new general experimental station for 31600, 35600, 38600, 41000 kc., 50 watts, special emission.

NEW—Central States Broadcasting Co., Omaha, Nebr.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—The University of Minnesota, Minneapolis, Minn.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000,

401000 kc., and above, 100 watts. Amended: A3 emission specified.

#### Fifth Zone

KFVD—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—1000 Voluntary assignment of license from Los Angeles Broadcasting Co., Inc., to Standard Broadcasting Co.

KUJ—KUJ, Inc., Walla Walla, Wash.—Consent to transfer control of corporation from Louis Wasmer to H. E. Studebaker. 1370 100 shares common stock.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—License 1450 to cover construction permit (B5-P-206) for new equipment. change in frequency and power and move transmitter.

NEW—Jay E. Tapp, Long Beach, Calif.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41,000 kc., 100 watts.

#### Puerto Rican Zone

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico 1240 —Modification of license to change hours of operation from one-half time to unlimited time.



# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### COPYRIGHT HEARINGS

Unless some change is made in the present program of the House Committee on Patents all hearings will be concluded by April 15. On Monday and Tuesday of next week motion picture exhibitors and producers will be heard. During the present week manufacturers of mechanical devices, representatives of designers appeared both for and against a copyright bill.

### DAILY NEWS FILES APPEAL

The Daily News Corporation of St. Paul, Minn., has filed an appeal in the United States Court of Appeals of the District of Columbia against an order of the Federal Communications Commission of March 19 granting a construction permit for the erection of a new station at St. Paul to use 1370 kilocycles, 100 watts power and unlimited time on the air.

The news corporation contends that it had an application pending for the same assignment since August 14, 1935, while it is contended at the Commission that the application was filed after the Hoffman hearing before an Examiner.

The news corporation contends, in its appeal that it was deprived of an opportunity for a hearing on its application for the facilities granted Hoffman.

### TELEPHONE HEARING POSTPONED

Further hearings in connection with the telephone investigation of the Federal Communications Commission have been postponed from April 14 to April 20 at the request of the American Telephone & Telegraph Company because of the annual meeting of the corporation to be held next week.

### WYLIE OUT FOR HIMSELF

C. Ellsworth (Dick) Wylie, one of the best known executives on the Pacific Coast, general manager and sales manager of the Don Lee Broadcasting Company for several years, has opened his own advertising agency under the firm name of C. Ellsworth Wylie Company with offices in the Beaux Arts Building, Los Angeles. Mr. Wylie resigned from the Don Lee organization on the first of March.

### FCC SCHEDULES FAR REACHING INQUIRY INTO ALL TECHNICAL PHASES OF RADIO

The FCC this week announced there would be an informal engineering hearing before the Commission en banc on June 15 to obtain information concerning the problems involved in the allocation of frequencies to the various classes of service.

The general hearing probably will be followed by other hearings concerning specific regulatory problems.

The full text of the FCC release follows:

At a meeting on Friday, April 3, 1936, the Commission approved a recommendation of the Chief Engineer for an informal

engineering hearing before the Commission en banc on June 15th for the general purpose of obtaining information concerning the problems involved in the allocation of frequencies to the various classes of service.

In this memorandum the Engineering Department reported that radio, by reason of recent technical progress, has arrived at a cross-roads in its application to the service of the public and as a result thereof the Federal Communications Commission is confronted with some pressing problems of basic importance, the successful solution of which will constitute another milestone in the history of communications.

The Engineering Department states that in its opinion the foremost important technical radio problems requiring the attention of the Commission are as follows:

"1. Providing new radio frequency channels for public services in classes of communication other than broadcasting, as well as providing for all classes of radio service in the interest of safety of life and property.

"2. Frequency allocation improvements to the existing broadcast structure—550 to 1600 kc.

"3. Visual broadcasting (television and facsimile).

"4. Aural broadcasting on frequencies above 1600 kc.

"Peculiarly, the solution of these four broad problems is so intrinsically interrelated that not one of them should be decided upon without consideration of the other three."

The Chief Engineer stated that of the problems confronting the Commission, visual broadcasting perhaps most complicates the situation by reason of two factors, namely:

"1. The technical requirement for an extremely large portion of the limited ether spectrum, thus restricting the amount which would be available for services other than broadcasting.

"2. The economics of visual broadcasting, including the possible economic effect it may have upon existing aural broadcasting and the existing receiver manufacturing industry, as well as the newspaper and motion picture industries.

"If more data were available with respect to these two factors of visual broadcasting, the Federal Communications Commission might have sufficient detailed information to warrant its proceeding immediately with confidence in the solution of the other three radio problems on a more permanent basis; but visual broadcasting is still deep in the experimental status from both technical and economic standpoints.

"The other three problems are not quite so complex as visual broadcasting, and while there is still insufficient data regarding wave propagation in large portions of the spectrum, there is enough information relative to propagation in certain portions of the spectrum to permit more definite progress along specific lines, and in this connection at present there appears to be a need for opening new portions of the spectrum in the service of the public. Furthermore, the possible intrenchment of various developed services, particularly those of the Government, by vast expenditures of money, is a factor of compelling importance."

The Engineering Department stated that of the various courses of action available to the Commission, it believed that the most sound course for the Commission to pursue in its solution of the pressing radio problems was "to proceed upon the doctrine of 'evolution and experimentation' by encouraging development and use of frequencies along definite lines as may be indicated from time to time from accumulated data, and by holding informal hearings as necessary to facilitate progress in detail."

The more important specific recommendations of the Engineering Department were as follows:

"1. In new allocations or in reallocations of radio frequencies to services or to stations within services, proceed on the basis of 'evolution, experimentation and voluntary action' rather than by radical and enforced costly changes. Modifications which do not

involve large expenditures or are necessary requirements to keep abreast of the technical art should be accomplished.

"2. Encourage communication development along specific lines as may be indicated from time to time from accumulated data and from evidence secured from such informal engineering meetings as may be necessary to facilitate progress in detail.

"3. At a date in 1936, preferably in May or June, to be determined later, hold an informal engineering hearing before the Commission en banc for the purpose of:

"(1) Determining in a preliminary manner the most probable future needs of the various services for frequencies above 30,000 kc.

"(2) Securing for the public and the Commission a keener insight of the conflicting problems which confront the industry and the regulatory body in the application of the new frequencies to the service of the public.

"(3) Guiding experimentation along more definite lines as may be justified from the evidence presented at the hearing.

"(4) Reviewing frequency allocations to services in the radio spectrum below 30,000 kc.

"(5) Assisting the Government in its preparation for the International Telecommunications Conference at Cairo in 1938.

"The Interdepartment Radio Advisory Committee should be invited to attend this hearing.

"4. Delay permanent allocation of frequencies above 30,000 kc to various classes of service until after the hearing mentioned in 3 above, and also until after an executive order on the allocation of these frequencies to Government services has been decided upon.

"5. In the meantime the Engineering and other interested Departments should prepare minor modifications of existing regulations for experimental operation above 30,000 kc, to be effective immediately, and so designed as to encourage progress and at the same time avoid illogical "intrenchment" pending final determination of the allocation of these frequencies to various commercial services.

"6. Encourage standardization of visual broadcast transmission performance by authorizing the Engineering Department to cooperate with the Radio Manufacturers Association and licensees of experimental television stations in forming a committee of the industry to endeavor to arrive at a recommendation with respect to ultimate standardization.

"7. Encourage the development of coaxial cables for the purpose of transmitting visual broadcast programs between television broadcast stations which will be ultimately licensed by the Commission.

"8. Continue the policy of granting visual broadcast station licenses on an experimental basis only and making more stringent requirements as to active work on the part of licensees.

"9. At the proper time in the future, if there is sufficient accumulated data with respect to visual broadcasting, and after it has been decided what the allocation of frequencies above 30,000 kc should be, promulgate visual broadcast transmission performance standards, provided the Radio Manufacturers Association's recommendations are satisfactory. If they are not satisfactory, hold a public hearing to determine what standards should be adopted.

"10. After standards have been adopted, continue the policy of keeping visual broadcasting on an experimental basis until sufficient data has been accumulated with respect to the economic factors of visual broadcasting, as well as the possible economic effect on other broadcast services and upon other industries such as newspaper and motion picture.

"11. Continue to encourage aural broadcasting on an experimental basis on frequencies above 30,000 kc until such time when sufficient data is accumulated with respect to this particular service, as well as television and other services. When data as to the technique of this type of broadcasting is understood, and when the needs of other services, including television and facsimile, are known to a sufficient extent, the Commission should consider the desirability of commercial aural broadcasting on frequencies above 30,000 kc."

The Chief Engineer stated that the general hearing for June 15th was for the purpose of guiding the Commission and the communications industry in the next progressive steps that may be necessary in the development of communications and in order that the Commission and the industry might avoid pitfalls that might be involved in premature intrenchment resulting from large investments, which might serve as a handicap in making an orderly allocation of frequencies to various commercial and government services in the future.

## INDICATING INSTRUMENTS

A statement has been sent to all manufacturers of broadcast equipment regarding indicating instruments by the Federal Communications Commission as follows:

It has come to the attention of the Commission that in several cases the instruments supplied with broadcast transmitters for indicating the plate current and plate voltage of the last radio stage and the antenna current, have such scale divisions that where indications fall between divisions, it is impossible to estimate the reading within plus or minus 2%, which is the accuracy required for these instruments.

The scale divisions should be as small as practical and of such value as to permit accurate interpolation at a glance.

Attention is also invited to the requirement that the full scale readings of the direct current instrument shall not exceed five times and the full scale reading of the antenna ammeter shall not exceed three times the minimum normal indications.

The function of each instrument shall be permanently and plainly marked thereon or on the panel immediately adjacent thereto.

All future equipments should be supplied with instruments in accordance with the above. Broadcast stations employing instruments which do not meet these requirements will be cited for violation of Rule 143. In the case of equipment of approved manufacture, the question of the cost of replacement must be settled between the vendor and vendee.

## RECOMMENDS DENIAL OF NINE APPLICATIONS

Applications were filed with the Federal Communications Commission for nine stations in Minnesota, Iowa, Nebraska and Wisconsin. The applications were as follows, all of which were taken up at one hearing: Winona Broadcasting Company, new station at Winona, Minn., to use 1500 kilocycles, 100 watts unlimited time; Mankato Broadcasting Company, new station at Mankato, Minn., to use 1210 kilocycles, 100 watts and unlimited time; Fort Dodge Broadcasting Company, new station at Fort Dodge, Iowa, to use 1210 kilocycles, 100 watts power and unlimited time; Clinton Broadcasting Company, to erect new station at Clinton, Iowa, to use 1310 kilocycles, 100 watts and unlimited time; Hastings Broadcasting Company, to erect new station at Hastings, Nebr., to use 1420 kilocycles, 100 watts and unlimited time; Grand Island Broadcasting Company, to erect new station at Grand Island, Nebr., to use 1370 kilocycles, 100 watts and unlimited time; Appleton Broadcasting Company to erect new station at Appleton, Wis., to use 1500 kilocycles, 100 watts power and unlimited time; Wausau Broadcasting Company, new station at Wausau, Wis., to use 1310 kilocycles, 100 watts power and unlimited time, and Northern Broadcasting Company, to erect station at Wausau, Wis., to use 1370 kilocycles, 100 watts power and unlimited time.

Examiner P. W. Seward in Report No. I-214 recommends that all of the applications be denied. In the case of eight of the applications the Examiner states that a certain group of men propose to associate themselves together as a partnership. The Examiner found that no substantial need is shown for additional radio service in the several areas proposed to be served, and granting of the applications would cause objectionable interference.

## FIELD INTENSITY MEASUREMENTS

The Federal Communications Commission has issued the following statement in connection with field intensity measurements pursuant to Rule 131:

Rule 131 provides that certain minimum field intensities are acceptable in lieu of the required minimum physical vertical heights of the antennas proper. The following requirements shall govern the taking and submission of data on the field intensity produced:

Beginning as near to the antenna as possible without including the induction field, measurements should be made on eight or more radials, at intervals of one-quarter mile or less up to two miles, at intervals of one-half mile or less from two miles to six miles and a few additional measurements at greater distances from the antenna. Where the antenna is rurally located and unobstructed measurements can be made, there should be as many as eighteen or twenty measurements on each radial. However, where the antenna is located in a city or where unobstructed measurements are difficult to make, measurements should be made on each radial at much closer intervals, particularly within two miles of the antenna.

A curve for each radial is plotted from these data on semi-logarithmic co-ordinate paper with the field intensity times distance as ordinate, and distance as abscissa. From the curve so plotted, the unattenuated field intensity at one mile on each radial is determined.

When all radials have been analyzed in this manner, a curve is plotted on polar co-ordinate paper from the unattenuated values obtained, which gives the unattenuated field pattern at one mile. The radius of a circle, the area of which is equal to the area bounded by this pattern, is the effective unattenuated field intensity at one mile.

While making the field intensity survey, the output power of the station must be maintained at the licensed power as determined by the direct method. To do this it is necessary to determine accurately the total antenna resistance (the resistance variation method or the substitution method is acceptable) and to measure the antenna current by means of an ammeter of acceptable accuracy.

An accurate value of the antenna resistance can be determined only by making a series of measurements, each for a different frequency. From ten to twelve resistance measurements covering a band of 50 to 60 kilocycles wide with the operating frequency near the middle of the band, must be made to give data from which accurate results may be obtained. The values measured should be plotted with frequency as abscissa and resistance in ohms as ordinate and a smooth curve drawn. The point on the ordinate where this curve intersects the operating frequency, gives the value of the antenna resistance.

The following data should be submitted to the Commission in affidavit form:

1. Complete data taken for field intensity measurement, including a map showing each point of measurement numbered to agree with the tabulated data and for the antenna resistance measurement.
2. The graphs drawn for each radial, the unattenuated field pattern and the antenna resistance curve.
3. Description of methods used to take readings for field intensity and antenna resistance measurements.
4. Manufacturer's name of each calibrated instrument used, and manufacturer's rated accuracy.
5. Accuracy, date and by whom each instrument was last calibrated.
6. Name and qualifications of engineer making measurements.

HERBERT L. PETTEY,  
*Secretary.*

## RECOMMENDS AGAINST POWER INCREASE

Broadcasting Station WPAR, Parkersburg, W. Va., applied to the Federal Communications Commission to increase its daytime power from 100 to 250 watts. The station operates full time on 1420 kilocycles.

Examiner John P. Bramhall in Report No. I-215 recommended that the application be denied. He found that the station has not established a need for additional daytime service in the area proposed to be served, and that granting of the application would cause interference with Station WBNS, at Columbus, Ohio.

## FEDERAL TRADE COMMISSION ACTION COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

**No. 2751.** Alleging unfair competition in connection with the sale of Analgesique "Baume Bengue," offered as a treatment for relief of pain, a complaint has been issued against **Thomas Leeming & Co., Inc.**, 101 West 31st St., New York City.

The respondent company, the complaint charges, represents in advertisements, pamphlets, labels and other printed matter, that its product penetrates the skin through muscles and into the joints, and kills the pains of neuralgia, rheumatism, headache, neuritis, lumbago, and sciatica, no matter how deep-seated the pains.

**No. 2752.** In a complaint, **M. F. Foley Co.**, of Friend and Union Sts., Boston, is charged with unfair representations in the sale of sea foods.

Engaged as a wholesaler of sea foods, the respondent company is alleged to have advertised its products by means of price lists or bulletins, in which certain species of fish were variously designated "Deep Sea Whitefish Fillets," "Fresh Cusk Fillets (Deep

Sea Whitefish)," or "Deep Sea Whitefish Fillets (Cusk)." Invoices are said to have referred to such species as "D. S. Whitefish Fillet," when, in fact, these types of fish were not "whitefish," as known to the trade and consuming public.

**No. 2753.** Charging unfair representations in aid of the sale of "Sunlife Chlorophyllian Oil," advertised by radio and other media as "captured sunlight" for treatment of certain diseases, a complaint has been issued against **Sunlife Chlorophyllian Laboratories, Ltd.**, 2702 South Hill St., Los Angeles, distributors of the preparation. The complaint also names as respondents the following members of the firm: C. C. Miller, W. B. Mather, W. M. Louisson, D. A. Lester, L. D. Marr and H. M. Young.

Among the ailments for which the respondent company recommended the use of "Sunlife Chlorophyllian Oil" were nervous irritation, muscular rheumatism, lumbago, gouty conditions, simple coughs and colds, and insomnia.

"Every mother will appreciate it for the children, as it relieves the so-called 'growing pains' and many minor injuries, such as sprains, cuts, bruises, and burns," read an advertisement.

However, according to the complaint, chlorophyll, although produced by the aid of sunlight, is not absorbed through the skin and its application has no effect on rheumatic and gouty conditions and other ailments named, nor does it possess the same beneficial ingredients or produce the same beneficial effects as sunlight.

Use of the word "Sunlife" in the respondent's trade name is alleged to be false and misleading.

The respondent's representations are alleged to have been in violation of the Federal Trade Commission Act, tending to deceive the purchasing public and unfairly to divert trade to the respondent company from competitors.

**No. 2754.** Alleged to have gained control of a competing company by acquiring its total shares of outstanding capital stock, in violation of Section 7 of the Clayton Act, **Laird & Co., Scobeyville, N. J.**, engaged in the manufacture and sale of applejack brandy, is named respondent in a complaint issued.

In February, 1936, the complaint charges, the respondent company acquired the outstanding capital stock of the Hyland Distilling Corporation, Haskell, N. J., also engaged in the manufacture and sale of applejack brandy, with the result that competition between the two companies has been substantially lessened, and the respondent has increased its total volume of sales.

Acquisition of the stock of its competitor, it is alleged, also tends to create a monopoly in favor of the respondent company in the manufacture and sale of its product in interstate commerce.

**No. 2755.** Eight manufacturers dealing in sportswear, in Boston, Brockton, and Dorchester, Mass., have been named respondents in a complaint alleging an agreement and combination to restrict and eliminate competition in the sale and distribution of flannel skirts.

The respondents are: Boston Sportswear Co., 72 Kneeland St.; Robert Hamilt, 75 Kneeland St., trading as Bobby Sportswear Co.; Gordon Maid Skirt Co., Inc., 75 Kneeland St.; Louis Wadman Co., 75 Kneeland St., trading as Oxford Sportswear Co.; Louis Maltzman, 75 Kneeland St., trading as Simmons Sportswear Co.; Schwartz Sportswear Co., Inc., 75 Kneeland St., all of Boston; Weatherproof Clothing Mfg. Co., 146 Court St., Brockton, Mass. and David A. Sallop, trading as Peerless Sportswear Co., 1394 Dorchester Ave., Dorchester, Mass.

In October, 1935, according to the complaint, the respondents entered into an agreement, combination or conspiracy among themselves to suppress and eliminate competition in the sale of flannel skirts in interstate commerce, by agreeing to quote and sell them at a uniform price of \$16.50 a dozen. The respondents are alleged to have distributed to their respective customers identical written notice of this uniform price, and pursuant to this, it is alleged, the sales were made at \$16.50 a dozen.

These practices are alleged to have unduly tended to lessen and restrict competition in the sale of flannel skirts throughout the United States, and particularly in New England, where the respondents constitute practically all of the manufacturers of flannel skirts.

**No. 2756.** Misrepresentation of a general mercantile business as an Army and Navy supply store is alleged as an unfair method of competition, in a complaint issued against **Sternheimer Bros. Inc.**, operating in Richmond, Va., as **Army and Navy Supply Co.**, and in Washington, D. C., as **Army Goods Store.**

The complaint charges that through use of the respondent's trade names containing the words "Army" and "Navy," purchasers are led to believe that the respondent's merchandise was made for or bought from the United States War or Navy Departments.

According to the complaint, virtually none of this material was purchased at Army or Navy surplus or refuse goods sales and the small amount of actual Army or Navy goods carried by the respondent, if any, is bought from jobbers, wholesalers and others who purchase at Army or Navy reject or refuse goods sales.

### STIPULATIONS

The Commission has issued the following cease and desist orders:

**No. 2514. Johnson Manufacturing Co.,** 1656 Lee Ave., Birmingham, Ala., and its president, John C. Johnson, have been ordered to cease and desist representing, through use of their corporate or trade name, or in advertising, that the company is a manufacturer of kitchen utensils.

Findings are that the respondent company is not a manufacturer owning a factory or foundry, but rather contracts with factories or foundries to make the products it sells.

**No. 2660.** Discontinuance of agreements entered into by eleven corporations to fix, maintain and enforce uniform prices, terms and discounts at which zinc and copper plate are to be sold to photo engraving customers, has been ordered.

The order to cease and desist also is directed against the Photo Engravers Copper and Zinc Grinders Association, 101 Fairmount Ave., Jersey City, N. J., of which the respondent corporations are members, and against the association's officers, Oliver L. Edes, Plymouth, Mass., Harold M. Pitman, Cicero, Ill., Walter Pitman, Jersey City, N. J., and J. Peter Lally, Pittsburgh.

The respondent corporations, said to manufacture and sell more than 90 per cent of the total volume of zinc and copper plates used for engraving purposes in the United States, are:

Edes Manufacturing Co., Plymouth, Mass.; American Steel & Copper Plate Co., 101 Fairmount Ave., Jersey City, N. J.; New York Steel & Copper Plate Co., 61 Clymer St., Brooklyn; Rolled Plate Metal Co., 196-210 Van Brunt St., Brooklyn; National Steel & Copper Plate Co., 720 South Dearborn St., Chicago; Harold M. Pitman Co., South 51st St., and 133rd St., Cicero, Ill.; Pacific Steel & Copper Plate Co., 416 Jackson St., San Francisco; American Zinc Products Co., Greencastle, Ind.; American Nickeloid Co., 1501 Second St., Peru, Ill.; C. G. Hussey & Co., 2850 Second Ave., Pittsburgh, and Bridgeport Engravers Supply Co., 774 East Main St., Bridgeport, Conn.

Under the order, the respondent corporations are prohibited from exchanging information, through their trade association, as to the prices, terms and discounts at which they are to sell their products, and the association is required to discontinue cooperating with the corporations and the individual respondents by holding meetings at which they enter into price fixing agreements and at which the trade association acts as a clearing house for exchange of information submitted by the corporations, including reports as to the sales of their products, together with prices, discounts and terms thereof.

### FTC CASE CLOSED

**No. 2408.** The Federal Trade Commission has closed its case against **Merchants Distillers Products**, formerly a wholesaler of liquors at Louisville, Ky., because this respondent company has been adjudged a bankrupt and its entire assets have been sold at auction.

Unfair competition in the misuse of the word "Distillers" in the respondent's corporate name was alleged in the complaint, which was brought under Section 5 of the Federal Trade Commission Act.

Neither glass nor labels bearing the name or license number of the respondent corporation were sold at the auction, and its basic permits have been cancelled by the Federal Alcohol Administration.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

Thursday, April 16

### HEARING BEFORE AN EXAMINER

(Broadcast)

**NEW—Harold H. Hanseth, Fresno, Calif.—C. P., 1410 kc., 1 KW, unlimited time.**

**NEW—Fresno Broadcasting Co., Fresno, Calif.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time.**

**NEW—Kidd Brothers, Taft, Calif.—C. P., 1420 kc., 100 watts, daytime.**

**NEW—Tulare-Kings Counties Radio Associates, Visalia, Calif.—C. P., 1190 kc., 250 watts, daytime.**

**NEW—Ventura County Star, Inc., Ventura, Calif.—C. P., 1170 kc., 250 watts, daytime.**

**KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of license, 630 kc., 250 watts, unlimited time. Present assignment: 950 kc., 250 watts, daytime.**

**NEW—Wm. B. Smullin, Sacramento, Calif.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.**

**NEW—Howard N. Mitchell, Sacramento, Calif.—C. P., 1310 kc., 100 watts, unlimited time.**

**NEW—B. A. Thompson, Santa Cruz, Calif.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.**

**KGDM—E. F. Pepper, Stockton, Calif.—Modification of license, 1100 kc., 1 KW, limited time.**

**NEW—Union-Tribune Publishing Co., San Diego, Calif.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.**

**NEW—Marysville-Yuba City Publishers, Inc., Marysville, Calif.—C. P., 1140 kc., 250 watts, daytime.**

**KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Renewal of license, 710 kc., 500 watts, limited time.**

**KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—C. P., 1250 kc., 1 KW, 5 KW LS, unlimited time.**

**NEW—The Press Democrat Publishing Co., Santa Rosa, Calif.—C. P., 1310 kc., 250 watts, daytime.**

**KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Voluntary assignment of license to Han Nichols, Inc., 1250 kc., 1 KW, unlimited time.**

### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

#### Examiner's Report No. I-134

**WBNX—Standard Cahill Co., Inc., New York, N. Y.—C. P., 1350 kc., 1 KW, shares with WAWZ. Present assignment: 1350 kc., 250 watts, shares with WAWZ.**

#### Examiner's Report No. I-195

**WTFI—Liberty Broadcasting Co., Athens, Ga.—C. P. to move to Atlanta, Ga., 1450 kc., 500 watts, unlimited time.**

#### Examiner's Report No. I-196

**NEW—V. H. Lake & H. E. Stanford, doing business as L & S Broadcasting Co., Atlanta, Ga.—C. P., 1210 kc., 100 watts, daytime.**

### APPLICATIONS GRANTED

**WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted C. P. to install auxiliary transmitter to operate with 500 watts for auxiliary purposes.**

**KWSC—State College of Wash., Pullman, Wash.—Granted C. P. to make changes in equipment and increase day power from 2 to 5 KW, subject to Rules 131, 132 and 139.**

**KFJB—Marshall Electric Co., Inc., Marshalltown, Ia.—Granted C. P. to make changes in equipment.**

**WCLO—Gazette Printing Co., Janesville, Wisc.—Granted C. P. to make changes in equipment, erect new radiating system, increase day power from 100 watts to 250 watts, and move transmitter to site to be determined in Janesville.**

**WSBC—WSBC, Inc., Chicago, Ill.—Granted C. P. to move transmitter approximately 3 $\frac{3}{8}$  miles to West Town Office Bldg., 2400 Madison St., Chicago, and erect vertical radiator.**

**WJAR—The Outlet Co., Providence, R. I.—Granted modification of C. P. to make changes in equipment.**

**WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted temporary license to cover C. P. authorizing changes in equipment; also authority to determine operating power by direct measurement of antenna input in accordance with terms of Rule 137.**

**WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted modification of C. P. to move transmitter from Nedrow, N. Y., to Syracuse, extend commencement date to one month after grant and completion date to six months thereafter.**

**KIEM—Redwood Broadcasting Co., Inc., Eureka, Cal.—Granted license to cover C. P. authorizing installation of new equipment; change in frequency from local to regional channel and power from 100 to 500 watts, also move of transmitter; 1450 kc., unlimited time.**



WIEK—Atlantic Broadcasting Corp., Portable-Mobile (N. Y. City)—Granted license to cover C. P. (temporary broadcast pickup); frequencies 1646, 2090, 2190, 2830 kc., 100 watts.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Granted license to cover C. P. authorizing move of transmitter and changes in equipment; 1330 kc., 1 KW night, 2½ KW day, unlimited time.

WCRW—Clinton R. White, Chicago, Ill.—Granted modification of license to change specified hours deleting from 12 midnight to 1 a. m. operating time.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted authority to install automatic frequency control.

KFYO—T. E. Kirksey, tr. as Kirksey Bros., Lubbock, Tex.—Granted consent to voluntary assignment of license to the Plains Radio Broadcasting Co., a Texas Corp.

W9XOK—The Star Chronicle Pub. Co., St. Louis, Mo.—Granted license to cover C. P.; frequencies 31600, 35600, 38600, 41000 kc., 100 watts.

WEED—William Avera Wynne, Rocky Mount, N. C.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted modification of special experimental authority to increase power from 500 watts to 1 KW on 710 kc., unlimited time for period ending Aug. 1, 1936.

WORL—Broadcasting Service Organization, Inc., Needham, Mass.—Granted modification of license to move studio from Great Plain Ave., Babson Park, Needham, Mass., to 610 Beacon St., Boston, Mass.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted modification of license to change name to KLZ Broadcasting Co.

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Granted consent to voluntary assignment of license to the Western Broadcasters, Inc.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted consent to voluntary assignment of license to The Southwest Broadcasting Co.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted C. P. to make changes in antenna system, and approving transmitter and studio sites at 2825 W. 5th St., Santa Ana, Calif.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted C. P. to install new equipment and move studio locally in Hattiesburg.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Granted renewal of license for the period ending August 1, 1936; 710 kc., 500 watts day, limited time.

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts; 1370 kc., unlimited time.

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted license to cover C. P. authorizing installation of new equipment, move transmitter locally in Reading.

NEW—The Evening News Association Inc., Mobile (Detroit, Mich.)—Granted C. P. for experimental broadcast pickup station; frequencies 31100, 34600, 37600, 40600 kc., 5 watts.

W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted modification of C. P. to increase power from 50 watts to 250 watts.

NEW—Central New York Broadcasting Corp., Portable-Mobile, Syracuse, N. Y.—Granted C. P. for broadcast pickup station; frequencies 31100, 34600, 37600, 40600 kc., 1 watt. Also granted license covering same.

WIBA—Badger Broadcasting Co., Inc., Madison, Wisc.—Granted license to cover C. P. authorizing changes in equipment, installation of new directional antenna radiating system, and increase in day power to 5 KW; 1280 kc., 1 KW night.

WAIM—Wilton E. Hall, Anderson, S. C.—Granted amended C. P. to make changes in equipment, change frequency from 1200 to 630 kc., and power from 100 watts unlimited to 1 KW day only.

#### SET FOR HEARING

NEW—Maine Broadcasting Co., Inc., Portland, Me.—Application for C. P. for new station; 620 kc., 500 watts night, 1 KW day, unlimited time; site to be determined.

WMT—Iowa Broadcasting Co., Cedar Rapids, Ia.—Application for

C. P. to make changes in equipment, increase day power from 2½ to 5 KW.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Me.—Application for modification of license to change frequency from 620 to 970 kc., and hours of operation from unlimited to day, and until sunset at Chicago.

WEDC—Emil Denmark, Inc., Chicago, Ill.—Application for modification of license to make changes in specified hours of operation requesting additional time from midnight to 6 a. m.

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Application for C. P. to make changes in equipment, increase day power from 2½ KW to 5 KW, change frequency from 1280 to 900 kc., and move transmitter locally, exact site to be determined with Commission's approval.

NEW—H. L. Corley, Trinidad, Colo.—Application for C. P. for new station; 1370 kc., 100 watts, unlimited time.

NEW—Stanley Reid & Charles Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Ia.—Application for C. P. for new station; 1310 kc., 100 watts, unlimited time. Site to be determined.

NEW—Jack E. Brantley, Mrs. Jack E. Brantley and Jack E. Brantley, Jr., Savannah, Ga.—Application for C. P. for new station; 1310 kc., 100 watts, unlimited. Site to be determined.

NEW—J. R. Maddox & Dr. W. B. Hair, d/b as Chattanooga Broadcasting Co., Chattanooga, Tenn.—C. P. amended to read: erect a new station; 590 kc., 1 KW, unlimited time, employing directional antenna system.

NEW—A. Earl Cullum, Jr., Dallas, Tex.—Application for C. P. for new station; 1500 kc., 100 watts, daytime only. Site to be determined with Commission's approval.

WNBC—William J. Sanders, New Britain, Conn.—Application for C. P. to make changes in equipment, increase day power from 250 watts to 1 KW.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for consent to the transfer of control of the Okla. Broadcasting Co., Inc. (KGFG), from Hale V. Davis to Harold V. Hough.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Application for C. P. to install new equipment, change frequency from 1420 to 1400 kc., increase power to 500 watts and move transmitter locally 2.3 miles west of present location of town of Allegany.

NEW—The Tribune, Great Falls, Mont.—Application for C. P., 950 kc., 1 KW night, 5 KW day, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval.

#### ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep., No. 1-137: Eastern States Broadcasting Corp., Bridgeton, N. J.—Remanded to dockets for further hearing.

NEW—Ex. Rep., No. 1-156: KWIL Broadcasting Co. (D. A. Gibbs, Jr., and E. H. Shemery), Williston, N. Dak.—Denied C. P. for new broadcast station to operate on 1500 kc., 100 watts, specified hours. Examiner M. H. Dalberg reversed. Order effective July 7, 1936.

NEW—Ex. Rep., No. 1-185: Mid-Central Broadcasting Co. (J. E. Davidson, Jr., M. M. Smith & J. M. Davidson), Kansas City, Mo.—Denied C. P. for new station to operate on 1370 kc., 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective April 17, 1936.

KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Application for renewal of license set for further hearing.

KRSC—Ex. Rep., No. 1-192: Radio Sales Corp., Seattle, Wash.—Denied C. P. to move transmitter; change equipment; increase power from 100 watts to 250 watts; change hours of operation from daytime to unlimited; 1120 kc. Examiner P. W. Seward reversed. Order effective July 7, 1936.

NEW—Ex. Rep., No. 1-193: E. F. & S. F. Sapp, tr. as Waycross Broadcasting Co., Waycross, Ga.—Granted C. P. for new station to operate on 1200 kc., 100 watts, unlimited time (site to be determined); Examiner R. H. Hyde sustained. Order effective July 7, 1936.

WRBL—Ex. Rep., 1-197: WRBL Radio Station, Inc., Columbus, Ga.—Granted renewal of license, 1200 kc., 100 watts, unlimited time. Examiner G. H. Hill sustained. Order effective July 14, 1936.

NEW—Ex. Rep., No. 1-96: Charles C. Theis, Wichita, Kans.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner P. W. Seward sustained. Order effective July 21, 1936.

KMA—Ex. Rep., No. 1-136: May Seed & Nursery Co., Shenandoah, Ia.—Granted modification of license to change hours of operation from sharing with KGBZ to unlimited (facilities of KGBZ), 930 kc., 1 KW, 2½ KW LS, and granted renewal of license, 930 kc., 1 KW, 2½ KW LS. Examiner G. H. Hill sustained. Order effective May 8, 1936.

KGBZ—KGBZ Broadcasting Co., York, Neb.—Denied renewal of license to operate on 930 kc., 1 KW, 2½ KW LS, share with KMA; also denied modification of license requesting facilities of KMA. Examiner Hill sustained.

NEW—Ex. Rep., No. 1-138: Big Spring Broadcasting Co., Big Spring, Tex.—Granted C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—The North Texas Broadcasting Co., Paris, Tex.—Granted C. P. for new station to operate on 1500 kc., 100 watts, daytime.

NEW—Plainview Broadcasting Co., S. T. Cooper & Mrs. Cumi Cooper, Plainview, Tex.—Denied C. P. for new station to operate on 1500 kc., 100 watts, daytime. Examiner J. P. Bramhall sustained. Order in above cases effective July 28, 1936.

KGHL—Ex. Rep., No. 1-139—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted modification of license to change frequency from 950 kc. to 780 kc., 1 KW, 2½ KW LS, unlimited time. Examiner P. W. Seward sustained.

KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Denied modification of license to change frequency from 1110 kc. to 780 kc.; change power from 2½ KW night, 2½ KW day to 1 KW night, 2½ KW day; change hours of operation from limited to specified hours; unlimited, except hours now being used by KFDY, i.e., 12:30 p. m. to 2 p. m. daily except Sunday. Examiner Seward sustained.

KXL—KXL Broadcasters, Portland, Ore.—Denied modification of license to change frequency from 1420 kc. to 780 kc.; increase night power from 100 watts to 250 watts; 250 watts day; change hours of operation from sharing with KBPS to specified hours, 8 a. m. to LS; 7:30 to 10:30 p. m. Examiner Seward sustained.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Denied modification of license to change frequency from 1440 to 780 kc.; 500 watts; unlimited time. Examiner Seward sustained.

KEHE—Evening Herald Pub. Co., Los Angeles, Calif.—Granted C. P. to change transmitter and studio location (to be determined); make changes in equipment; increase power from 500 watts, 1 KW LS to 1 KW, 5 KW LS; change hours of operation from sharing with KELW to unlimited. Examiner Seward reversed. Order in above cases effective July 28, 1936.

NEW—Ex. Rep., No. 1-159: Robert E. Cole, d/b as Washington Broadcasting Co., Washington, Pa.—Denied C. P. for new broadcast station to operate on 1350 kc., 250 watts, daytime. Examiner M. H. Dalberg sustained. Order effective August 11, 1936.

WADC—Ex. Rep., No. 1-160: Allen T. Simmons, Tallmadge, Ohio—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW; 1320 kc., 1 KW night, 5 KW day. Unlimited time. Examiner M. H. Dalberg sustained. Order effective July 28, 1936.

WCMI—Ex. Rep., 1-198: Ashland Broadcasting Co., Ashland, Ky.—Dismissed with prejudice application for C. P. to install new equipment, change frequency from 1310 kc. to 1350 kc.; increase power from 100 watts to 1 KW; unlimited time. Examiner P. W. Seward sustained.

WDAE—Ex. Rep., 1-201: Tampa Times Company, Tampa, Fla.—Granted C. P. to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW day; 1220 kc., unlimited time. Examiner R. H. Hyde sustained. Order effective July 14, 1936.

NEW—Ex. Rep., No. 1-202: Thames Broadcasting Corp., New London, Conn.—Granted C. P. for new station to operate on 1500 kc., 100 watts, daytime. Examiner Walker sustained. Order effective July 21, 1936.

NEW—Ex. Rep., 1-203: Fountain of Youth Properties, Inc., St. Augustine, Fla.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective July 14, 1936.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KALE, Portland, Ore.; KCRC, Enid, Okla.; KDFN, Casper, Wyo.; KECA, Los Angeles, Cal.; KFH, Wichita, Kans.; KFJR, Portland, Ore.; KGA, Spokane, Wash.; KGB, San Diego, Cal.; KGER, Long Beach, Cal.; KGHF, Pueblo, Colo.; KGIR, Butte, Mont.; KGMB, Honolulu, T. H.; KGNC, Amarillo, Tex.; KGNF, North Platte, Neb.; KGNO, Dodge City, Kans.; KID, Idaho Falls, Idaho; KLO, Ogden, Utah.; KLRA, Little Rock, Ark.; KLS, Oakland, Cal.; KQV, Pittsburgh, Pa.; KSCJ, Sioux City, Ia.; KSTP, St. Paul, Minn.; KTUL, Tulsa, Okla.; KWK, St. Louis, Mo.; WAAB, Boston, Mass.; WADC, Village of Tallmadge, Ohio; WALA, Mobile, Ala.; WAWZ, Zarephath, N. J.; WBIG, Greensboro, N. C.; WBNS, Columbus, Ohio; WBNX New York City; WCBA, Allentown, Pa., and auxiliary; WCKY, Covington, Ky.; WCSC, Charleston, S. C.; WDRC, Hartford, Conn.; WEVD, New York City; WFBL, Syracuse, N. Y.; WGAR, Cleveland, Ohio; WGES, Chicago, Ill.; WHLB, Sheboygan, Wis.; WHEC, Rochester, N. Y.; WHK, Cleveland, Ohio; WHOM, Jersey City, N. J.; WIRE, Indianapolis, Ind.; WJSV, Alexandria, Va.; WKBW, Buffalo, N. Y.; WLAC, Nashville, Tenn.; WMBD, Peoria, Ill.; WNBC, New Britain Conn.; WOKO, Albany, N. Y.; WORK, York, Pa.; WSAR, Fall River, Mass.; WSBT, South Bend, Ind.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio; KOMA, Oklahoma City, Okla.

The following stations were granted renewal of Relay Broadcasting Licenses for Experimental Service, effective May 1, 1936, to expire May 1, 1937, in exact conformity with existing license:

W2XE, Atlantic Broadcasting Corp.; W9XAA, Chicago Fed. of Labor; W8XAL, The Crosley Radio Corp.; W2XAD, General Electric Co.; W2XAF, General Electric Co.; W4XB, Isle of Dreams Brdcastg. Corp.; W3XAL, National Broadcasting Co.; W9XF, National Broadcasting Co.; W3XAU, WCAU Broadcasting Co.; W1XK, Westinghouse E and M Co.; W8XK, Westinghouse E and M Co.

The following stations were granted renewal of Experimental Visual Broadcasting station licenses in the Experimental Service, for the period May 1, 1936 to May 1, 1937, in exact conformity with existing license:

W2XAB and W2XAK, Atlantic Broadcasting Corp.; W1XG, General Television Corp.; W2XBS, W2XBT, National Broadcasting Co. Inc.; W2XF, W3XAK, W9XAP, National Broadcasting Co. Inc.; W9XG, Purdue University; W2XDR, Radio Pictures, Inc.; W3XAD and W5XEP, RCA Mfg. Co. Inc.; W10XX, RCA Mfg. Co.; W9XK, Univ. of Iowa.

W1XKB—Westinghouse E and M Co., Portable—Granted renewal of Spec. Exp. station license for Exp. service, for period April 21 to July 21, 1936, in exact conformity with existing license.

W9XAF—The Journal Co., (The Milwaukee Journal), Milwaukee, Wis.—Granted renewal of Spec. Exp. station license for Exp. service, for period May 1 to August 1, 1936, in exact conformity with existing license.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of Spec. Exp. station license for Exp. service, for period May 1 to August 1, 1936, in exact conformity with existing license.

W2XBR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of special experimental station license for experimental service for period May 1, 1936 to May 1, 1937, in exact conformity with existing license.

W3XAI—RCA Manufacturing Co. Inc., Portable—Granted renewal of special experimental station license for experimental service for period May 1, 1936 to May 1, 1937, in exact conformity with existing license.

W1XKA-W3XKA-W8XKA—Westinghouse E and M Co., Portable-Mobile—Granted renewal of special experimental station license for experimental service for period April 30 to July 30, 1936, in exact conformity with existing license.

W2XK—National Brdcastg. Co. Inc., New York City—Granted renewal of special experimental station license for experimental service for period May 1, 1936 to May 1, 1937, in exact conformity with existing license.

## MISCELLANEOUS

- WPHR—WLBG, Inc., Petersburg, Va., and—  
WMBG—Havens & Martin, Richmond, Va.—Denied request to postpone taking depositions under order issued to Times Dispatch Publishing Co. Inc. Depositions to be taken April 9, 1936, as originally ordered.
- WPRO—Cherry & Webb Brdcstg. Co., Providence, R. I.—Denied petition for reconsideration and grant of application. Case redesignated for hearing because of an amendment providing for use of directional antenna system daytime as well as nighttime.
- St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied petition for rehearing of application for new broadcasting station in that city, including proposal to apply for new frequency, wattage and operating hours.
- WDSU—WDSU, Inc., New Orleans, La.—Granted petition to file its answer to notice of appearance and desire to be heard of the Star-Chronicle Publishing Co., Docket No. 3765.
- W9XBY—First National Television Inc., Kansas City, Mo.—Granted authority to intervene and be made a party respondent in opposition to application of WHB Broadcasting Co. in Docket No. 3808.
- KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Overruled motion to strike from bill of particulars relative to the reopened case for Mod. of Lic. the issue "to determine whether continued operation of this station would serve public interest, convenience and necessity."
- WJBO—Baton Rouge Brdcstg. Co. Inc., Baton Rouge, La.—Granted authority to intervene at hearing of application of Hearst Radio Inc. (WISN) for authority to increase night power to 1 KW. Application scheduled for hearing April 9, 1936.
- WFEA—New Hampshire Brdcstg. Co., Manchester, N. H.—Action taken March 27, recorded in Report 81 should have read: Granted special authority to erect new antenna and ground system. The signal strength of new radiating system must meet the requirements of Commission. The application for renewal of license still pending.
- NEW—Continental Radio Co., Toledo, Ohio—C. P. already in hearing docket amended to read: use 1200 kc., 100 watts daytime only, site and antenna to be approved.
- William A. Schall, Omaha, Nebr.—Denied petition asking Commission to reconsider action of January 10, 1936, in rejecting application for new station at Omaha to operate on 1500 kc., 100 watts, and the alternate that application be referred back to examiner for additional testimony.
- KGCC—E. E. Krehsbach, Wolf Point, Mont.—Petition for reconsideration of decision of March 3, 1936, denying application for authority to change frequency from 1310 kc. to 1450 kc., and increase power from 100 watts night, 250 watts day, to 1 KW unlimited, set down for oral argument. Effective date of decision of March 3, 1936, extended pending decision on petition.
- WLBL—State of Wisc. Dept. of Agr. and Markets, Stevens Point, Wisc.—Reinstated application for C. P. to increase power from 2½ KW daytime to 5 KW daytime.
- KFH—Radio Station KFH, Wichita, Kans.—Granted motion to have KFBI application defaulted and denied or cancelled. The application was for authority to move KFBI from Abilene to Wichita, Kans.
- KFBI—Farmers & Bankers Life Ins. Co., Wichita, Kans.—Granted authority to take depositions in re application for authority to erect new broadcasting station at Wichita, Kans., to operate on 1210 kc., 100 watts, unlimited.
- Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Denied petition asking Commission to reconsider and grant application for new station to operate on 1480 kc., 5 KW, daytime. Application denied by Commission, order effective May 12, 1936.
- Continental Radio Company, Toledo, Ohio—Overruled demurrer filed to pleadings of Community Broadcasting Co., which seeks authority to erect station at Toledo to operate on 1200 kc., 100 watts daytime, scheduled for hearing, April 27, 1936.
- WJAC—WJAC, Inc., Johnstown, Pa.—Denied petition asking Commission to reconsider and grant application for approval of transmitter site, changes in equipment and increase in day power, which was designated for hearing on March 10, 1936.
- Steffens Ice and Ice Cream Co., Wichita, Kans.—Overruled petition to intervene at hearing of application of Chas. C.

Theis, who seeks authority to establish new broadcasting station at Wichita, Kans.

## APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Applied for modification of license; 920 kc., 1 KW; shares with WPEN, using directional antenna night.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Applied for modification of license; 920 kc., 1 KW; shares with WRAX, using directional antenna night.
- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Application for C. P., heretofore set for hearing, requesting 590 kc., 5 KW unlimited time, was dismissed at request of applicant.
- KFDY—So. Dak. State College, Brookings, S. Dak.—Application for modification of license, 780 kc., 1 KW, specified hours, heretofore set for hearing, was dismissed for failure of applicant to answer form letter, adopted by Broadcast Division, requiring applicants to signify their desire to be heard within 10 days after receipt of said letter.

The following applications, heretofore set for hearing, were dismissed at the requests of the applicants:

- WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Applied for modification of license, 1400 kc., 500 watts, unlimited time.
- WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Applied for voluntary assignment of license, 1400 kc., 500 watts, shares with WVFW, WLTH and WBBC.
- WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Applied for voluntary assignment of license, 1400 kc., 500 watts, shares with WARD, WVFW and WBBC.

## APPLICATIONS DENIED

The following applications, heretofore set for hearing, were denied as in cases of default for failure to file an appearance and statement of facts to be proved in accordance with Rule 104.6 (c):

- NEW—Arde Bulova and Norman K. Winson, Brooklyn, N. Y.—Applied for C. P., 1400 kc., 500 watts, unlimited time.
- WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Applied for voluntary assignment of license, 1400 kc., 500 watts, shares with WARD, WLTH and WBBC.
- KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Ia.—Denied special temporary authority to operate unlimited time pending completion of CP authorizing local move of transmitter, installing new antenna and increasing hours of operation to unlimited.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Denied special authority to operate with a power of 5 KW nighttime in order to overcome interference caused by Station XEAW.

## ORAL ARGUMENTS GRANTED

(Action taken April 3)

- NEW—Ex. Rep., 1-200: Merced Star Puh. Co., Merced Cal.—Oral argument granted to be held June 11, 1936.
- NEW—Ex. Rep., 1-204: Christina M. Jacobson, d/h as The Valley Electric Co., San Luis Obispo, Cal.—Oral argument granted to be held June 11, 1936.
- NEW—E. E. Long Piano Co., San Luis Obispo, Cal.—Oral argument granted to be held June 11, 1936.

## APPLICATIONS RECEIVED

### First Zone

- WBEN—WBEN, Incorporated, Buffalo, N. Y.—Modification of 900 Construction permit (B1-P-567) to make changes in equipment, increase day power from 1 KW to 5 KW, move transmitter to site to be approved by Commission, further requesting approval of transmitter site at R. F. D. No. 2, near Shawnee Road, Martinsville, New York. Amended: Re Antenna.
- WOV—International Broadcasting Corp., New York, N. Y.—Authority to install automatic frequency control.
- WARD—United States Broadcasting Corp., Brooklyn, N. Y.—1400 Voluntary assignment of license from United States Broadcasting Corp. to Kings Broadcasting Corp.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary 1400 assignment of license from Voice of Brooklyn, Inc., to Kings Broadcasting Corp.

W10XGJ—Atlantic Broadcasting Corp., Portable-Mobile—License to cover construction permit for a general experimental station.

W2XR—John V. L. Hogan, Long Island City, New York—Voluntary assignment of license from John V. L. Hogan to Interstate Broadcasting Co., Inc.

W1XEH—The Travelers Broadcasting Service Corp., Avon Mt., Avon, Conn.—License to cover construction permit as modified, for a special experimental station to be operated on 63500 kc., 150 watts.

WGBE—Onondaga Radio Broadcasting Corp., Portable-Mobile—License to cover construction permit for a broadcast pickup station to be operated on 1646, 2090, 2190 & 2830 kc., 45 watts.

W8XAZ—Buffalo Broadcasting Corp., Buffalo, New York—Construction permit to increase power to 25 watts and change transmitter—general experimental station.

W8XAZ—Buffalo Broadcasting Corp., Buffalo, New York—License to cover above.

WABA—Wodaam Corporation, Mobile-in airplane—License to cover construction permit for a new broadcast pickup station to be operated on 1622, 2060, 2150, 2790 kc., 7½ watts.

### Second Zone

WTAR—WTAR Radio Corporation, Norfolk, Va.—Construction 780 permit to increase power from 500 watts, 1 KW day to 1 KW day and night, install directional antenna for night use and move transmitter from Virginia Beach Blvd., 1.7 miles from Norfolk, Virginia, to On Glen Rock, Elizabeth Park Road, 1.6 miles E. of Norfolk, Va.

WTAR—WTAR Radio Corporation, Norfolk, Va.—Construction 780 permit to make changes in auxiliary equipment.

WHBC—Edward P. Graham, Canton, Ohio—Modification of construction permit (B2-P-241) to install new equipment and increase power, requesting extension of completion date from 4-27-36 to 7-27-36.

NEW—Continental Radio Co., Toledo, Ohio—Construction permit 1200 for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time. Amended: To change frequency from 1210 kc. to 1200 kc., power from 100 watts, 250 watts day to 100 watts, and hours of operation from unlimited time to daytime.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—1220 Construction permit to make changes in equipment, increase power from 100 watts to 1 KW, frequency from 1310 kc. to 1220 kc., hours of operation from share WTEL to unlimited and move transmitter from Hotel Pennsylvania, 3900 Chestnut Street, Philadelphia, Pa., to site to be determined, Pennsylvania. Amended: Giving transmitter site as Lower Merion Twp. Glen Rd., lot of W. Laurel Cemetery, approx. 1200' N. W. City Line Ave. & 1000' S. W. Center Line Schuylkill River, Pa., and install directional antenna.

WRAW—Reading Broadcasting Co., Reading, Pa.—License to cover 1310 construction permit (B2-P-799) for new equipment and move of transmitter.

NEW—John E. Fetzer, Benton Harbor, Mich.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, 250 watts day, unlimited time. Amended: To change power from 100 watts, 250 watts day to 250 watts and hours of operation from unlimited time to daytime.

NEW—The Evening News Association, Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 3 watts.

NEW—The Evening News Association, Portable-Mobile—Construction permit for a new general experimental station to be operated on 86000-400000 kc., 1 watt.

### Third Zone

WWL—Loyola University, New Orleans, La.—Construction permit 850 to install new equipment, increase power from 10 KW to 50 KW and change hours of operation from specified hours to unlimited. Amended: Re antenna.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Construction 920 permit to install new equipment, increase power from

100 watts, 250 watts day to 250 watts, 500 watts day and change frequency from 1310 kc. to 920 kc. Also move transmitter from Hall St., Jackson, Tenn., to 350' E. of Hollywood Cemetery N. W., City limits, exact site to be determined, Tenn., using directional antenna. Amended: To omit request for move of transmitter.

NEW—Neil O. Davis & F. M. Gleason, d/b as North Georgia 1200. Broadcasting Co., Rossville, Ga.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.

NEW—Sweetwater Broadcasting Co., Sweetwater, Tex.—Construction 1310 permit for a new station to be operated on 1260 kc., 100 watts, unlimited time. Amended: To change frequency from 1260 kc. to 1310 kc., hours of operation from unlimited to daytime.

NEW—Brownwood Broadcasting Co., Brownwood, Tex.—Construction 1370 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended: To change frequency from 1210 kc. to 1370 kc., and hours of operation from unlimited time to daytime only.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction 1370 permit to install new equipment and move studio from Saphie Bldg., 512 Main St., Hattiesburg, Miss. to W. 7th St. & 25th Ave., Hattiesburg, Miss.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Authority 1420 to transfer control of corporation from Isaac Wahlder, F. S. Hemenway, Jr., J. P. Rush, Jr. & S. B. Pearce to W. H. Allen, 27 shares common stock.

### Fourth Zone

WIBA—Badger Broadcasting Co., Inc., Madison, Wisc.—License 1280 to cover construction permit (B4-P-716) for changes in equipment, new antenna and increase in power.

### Fifth Zone

NEW—Ben S. McGlashan, San Diego, Calif.—Construction permit 550 for a new station to be operated on 550 kc., 250 watts, daytime. Amended: To make changes in equipment.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of construction permit (B5-P-925) for changes in equipment, requesting further changes in equipment and antenna, increase in power from 1 KW, 2 KW day to 1 KW, 5 KW day, move transmitter from Sprague Ave. & Post St., to site to be determined, Spokane, Washington, and extend commencement and completion dates.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—License to 920 cover construction permit (B5-P-536) as modified for new equipment, increase in power and move of transmitter.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to 920 determine operating power by direct measurement of antenna.

NEW—KLA, Incorporated, La Grande, Ore.—Construction permit 1100 for a new station to be operated on 1100 kc., 250 watts, daytime.

NEW—Democrat News Co., Inc., Lewistown, Mont.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time. Amended: To make changes in equipment, change power from 100 watts, 250 watts day to 100 watts, transmitter site to be determined, Lewistown, Montana, and studio site given as 513 W. Main Street, Lewistown, Montana.

KIUJ—W. C. Irvin, Santa Fe, New Mex.—Voluntary assignment 1310 of license from W. C. Irvin to J. Laurence Martin.

NEW—Albuquerque Publishing Co., Albuquerque, New Mex.—1370 Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended: To make changes in antenna and change transmitter site from 422-424 W. Gold Ave., to site to be determined, Albuquerque, New Mexico.

KOOS—Pacific Radio Corporation, Marshfield, Ore.—Construction 1390 permit to make changes in equipment, move transmitter from Hall Bldg., Marshfield, Oregon, to ¼ mi. from North city limits of Marshfield, Oregon.

KNEC—Puget Sound Broadcasting Co., Inc., Portable-Mobile—License to cover construction permit for a broadcast pickup station, to be operated on 1646, 2090, 2190, 2830 kc., 40 watts.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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#### NAB CONVENTION JULY 5, 6, 7, 8

The fourteenth annual convention of the National Association of Broadcasters will be held in Chicago, Ill., July 5, 6, 7 and 8. The hotel will be announced later.

#### DIRECTORS MEETING APRIL 27

The Board of Directors of the National Association of Broadcasters will meet in Chicago, Illinois, April 27. The meeting was called by the Managing Director (a) to receive and give consideration to a plan of action in the field of copyright; (b) to give consideration to questions of policy with respect to NAB participation in the general hearing called by the FCC for June 15 (see NAB REPORTS dated April 9, 1936, page 1273), and (c) to dispose of any routine matters.

#### INDEX OF ACTIVE MUSICAL SELECTIONS

E. C. Mills, General Manager of the ASCAP, has extended to the NAB, under authority given him by the ASCAP Board of Directors, an invitation to copy ASCAP indexes of and to all musical compositions. Conferences have been held, and correspondence has been exchanged concerning minimum data which would meet the requirements of broadcasters and the working out of a plan to compile complete information with respect to the musical selections used one or more times on the network key stations during the years 1934 and 1935. This will make available to broadcasters an index of 25,000 active musical selections, more or less, and furnish absolutely essential groundwork if a per-piece system is adopted.

Plans now under discussion include a continuing service which will maintain the indexes up to date and provide for a gradual enlargement of them. The ASCAP invitation imposes two conditions: (1) the NAB will be required to make copies of such index available to any broadcaster whether or not he is a member; and, (2) it is to be definitely understood that under no circumstances does the ASCAP warrant or guarantee to others that the information contained in the index is correct.

As soon as it is determined what minimum data are required to be shown on the cards, estimates of the cost for a single index will be obtained and furnished to all broadcasters in order that we may secure reliable information in respect to the demand for such a record. The need for such a record was never greater than it is today and every possible effort will be made to expedite the compilation of a master index from which copies can be made and supplied to all broadcasters.

#### HEARINGS ON DUFFY BILL ENDED

On April 15 the hearings on the Duffy Bill (S. 3047), and other copyright legislation, which began February 25, came to a close, although all persons who had appeared before the Committee were given until Saturday, April 18, to file briefs or further statements. These hearings have easily been the most extensive ever held before a committee of Congress on copyright legislation, and the printed transcript will reach enormous proportions.

At the end of the closing session, a controversy developed between members of the Committee with respect to the date on

which the Committee would take up consideration of the Bill and its report thereon. Congressman Church of Illinois, seconded by Congressman O'Malley of Wisconsin, moved that the Committee meet in executive session on the following day, April 16, or, in any event, not later than April 17. Congressman Kramer of California, seconded by Congressman Daly of Pennsylvania, made a substitute motion that the clerk call a meeting for Monday, April 20. The substitute motion prevailed. A circumstance that may result in a delay in reporting out a bill is the fact that probably (although not necessarily) a sub-committee will be appointed to study the legislation and draw up the Committee's report. Since the appointment of such a sub-committee would be by the chairman, Dr. Sirovich (whose hostility to the Duffy Bill has been continuously manifested since the outset), there is reason to fear that a majority of the sub-committee will oppose early action.

Some confusion has been created in the minds both of members of the Committee and to some extent among other members of the House by the so-called Vandenberg amendment having to do with design copyright. This amendment was added to the bill on the floor of the Senate and has to do with matters which are of no interest whatsoever to the broadcasting industry or to other users of music. Whatever be the merits of the amendment, there is a great deal to be said for the contention that it should be the subject of a separate bill. In any event, nothing will be lost if the amendment is stricken from the Duffy Bill.

The last day of the hearings was devoted to testimony by Dr. Wallace McClure of the Department of State, representatives of the Copyright Office, Nathan Burkan, ASCAP's general counsel, and two or three witnesses on minor matters. Burkan made a very lengthy statement with respect both to the provisions of the Duffy Bill and the proposed entry of the United States into the International Copyright Union. In the course of his testimony, he repeatedly made unfounded insinuations and charges against practically everyone who has supported the Duffy Bill. At the conclusion of his testimony, Dr. McClure was re-called to the stand and, under questioning by Congressman Church, reiterated his conviction that the \$250 minimum penalty should be eliminated from the law and his belief that the United States should adhere to the International Convention.

#### SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act: General Time Instruments Corp., New York City (2-2019, Form A-2). Dairyland, Inc., San Antonio, Texas (2-2022, Form A-1). St. Joseph Water Company, St. Joseph, Mo. (2-2023, Form A-2). Tacony-Palmyra Bridge Co., Camden, N. J. (2-2024, Form A-2). LaFayette Atlantic Hotel Co., Philadelphia, Pa. (2-2025, Form E-1). LaFayette Atlantic Hotel Co., Philadelphia, Pa. (2-2026, Form F-1). Rockwood Associates, Inc., New York City (2-2027, Form A-2). Railway Equipment & Realty Co., Ltd., Oakland, Cal. (2-2028, Form A-2). Hartford Times, Inc., Hartford, Conn. (2-2029, Form A-2). Middle States Securities Corp., Cleveland, Ohio (2-2030, Form A-2). American Kid Company, Salem, Mass. (2-2031, Form A-1). Washington Industrial Loan Co., Washington, D. C. (2-2032, Form A-1). New York Merchandise Co., New York City (2-2033, Form A-2). Michigan Steel Tube Products Company, Hamtramck, Mich. (2-2034, Form A-2). Associated Telephone Company, Ltd., Long Beach, Cal. (2-2035, Form A-2). The McKay Machine Company, Youngstown, Ohio (2-2036, Form A-2).

Continental Service Company, Madison, Wis. (2-2037, Form A-1).  
 Union Bag & Paper Corporation, New York City (2-2038, Form A-2).  
 Wilson Vegetable Oils, Limited, Montreal, Canada (2-2039, Form A-1).  
 Albuquerque Natural Gas Company, Chicago, Ill. (2-2040, Form D-1A).  
 Ferro Enamel Corporation, Cleveland, Ohio (2-2041, Form A-2).  
 Lima Locomotive Works, Incorporated, Lima, Ohio (2-2042, Form A-2).  
 The Standard Tube Company, Detroit, Mich. (2-2043, Form A-2).  
 Robot-Hand Corporation, Detroit, Mich. (2-2044, Form A-1).  
 The H. A. Montgomery Company, Detroit, Mich. (2-2046, Form A-2).  
 Consolidated Investment Trust, Boston, Mass. (2-2047, Form A-1).  
 United Shirt Distributors, Inc., Detroit, Mich. (2-2048, Form A-2).  
 The Hill Packing Company, Topeka, Kan. (2-2049, Form A-2).  
 Tri-County Telephone Company, South Haven, Mich. (2-2050, Form A-2).  
 The Master Electric Company, Dayton, Ohio (2-2051, Form A-2).  
 Kalamazoo Stove Company, Kalamazoo, Mich. (2-2052, Form A-2).  
 Kalamazoo Vegetable Parchment Company, Parchment, Kalamazoo County, Mich. (2-2053, Form A-2).  
 The R. C. Mahon Company, Detroit, Mich. (2-2054, Form A-2).  
 The Van Dorn Iron Works Company, Cleveland, Ohio (2-2055, Form A-1).  
 Santa Barbara Telephone Company, Santa Barbara, Cal. (2-2056, Form A-2).  
 Securities Investment Corporation, Omaha, Neb. (2-2057, Form A-2).  
 All-Penn Oil and Gas Company, Pittsburg, Pa. (2-2058, Form A-1).  
 Investors Trust Company, Providence, R. I. (2-2059, Form A-2).  
 Iowa Electric Light & Power Company, Cedar Rapids, Iowa (2-2060, Form A-2).  
 Seeber Brewing Company, Elizabeth, N. J. (2-2061, Form A-1).  
 Commercial Credit Company, Baltimore, Md. (2-2062, Form E-1).  
 The Pierce Governor Company, Anderson, Ind. (2-2063, Form A-2).  
 Dixie-Vortex Company, Chicago, Ill. (2-2064, Form A-2).  
 The Bridgeport Machine Company, Wichita, Kan. (2-2065, Form A-2).  
 Navarro Oil Company, Houston, Texas (2-2067, Form A-2).  
 National Petroleum Company, Titusville, Pa. (2-2068, Form A-1).  
 Metal Textile Corporation, West Orange, N. J. (2-2069, Form A-2).  
 Chicago Rivet Machine Co., Chicago, Ill. (2-2070, Form A-2).  
 Foster Wheeler Corporation, New York City (2-2071, Form A-2).  
 Veverly Apartments Liquidation Trust, Chicago, Ill. (2-2072, Form E-1).  
 Sun Oil Company, Philadelphia, Pa. (2-2074, Form A-2).  
 Columbia System, Inc., Washington, D. C. (2-2075, Form A-1).

#### PRATT RETURNS TO PRIVATE PRACTICE

Having completed for the NAB the work specially assigned to him, Elmer W. Pratt has returned to his private practice.

#### MORE WARNER SUITS

Warner Brothers have made official announcement that they have begun more suits based on the alleged infringement of song copyrights owned by them as follows:

Harms, Inc. vs. A. & U. Restaurants, Inc., operating the Hollywood in New York, for the alleged infringing use of "The Continental" and "Let's Swing It." \$500.00 damages demanded.

Remick Music Corp. vs. 870 Seventh Avenue Corp., operating the Park Central Hotel in New York, on the songs "Moonlight Bay" and "Don't Give Up The Ship." \$500.00 damages demanded.

Remick Music Corp. vs. Plaza Operating Co., Inc., operating the Hotel Plaza, on the song "My Buddy." \$250.00 damages demanded.

Harms, Inc. vs. Plaza Operating Co. (the Hotel Plaza, New York) on the songs "April in Paris," "With A Song in My Heart,"

"Yours Sincerely" and "Dancing in the Dark." \$1,000.00 damages demanded.

T. B. Harms Co. vs. Miami Valley Broadcasting Co., operating WHIO, Dayton, Ohio, on "You've Got What It Takes" and "Two Hearts Carved on a Lonesome Pine." \$10,000.00 damages demanded.

Harms, Inc. vs. Miami Valley Broadcasting Co., on the song "Trav'lin' All Alone." \$5,000.00 damages demanded.

Remick Music Corp. vs. station WIS, Columbia, S. C., on "Sweet Georgia Brown." \$250.00 damages demanded.

Remick Music Corp. vs. Hotel Plaza, New York City, on "My Buddy." \$250.00 damages demanded.

Harms, Inc. vs. Frank DeGoff, operating the Club Deauville, San Francisco, on "Let's Take A Walk Around the Block" and "April in Paris." \$500.00 damages demanded.

M. Witmark & Sons vs. States Restaurant, San Francisco, Calif., on "The Kiss Waltz." \$250.00 damages demanded.

Harms, Inc. vs. St. Francis Hotel, San Francisco, on "April in Paris." \$250.00 damages demanded.

Harms, Inc. vs. station WGAL, Lancaster, Pa., on two uses of "Sleepy Valley." \$500.00 damages demanded.

Remick Music Corp. vs. station WOWO, Ft. Wayne, Ind., on "Breezin' Along With the Breeze." \$5,000.00 damages demanded.

Harms, Inc. vs. station WIRE, Indianapolis, Inc., on "Spin A Little Web of Dreams." \$5,000.00 damages demanded.

M. Witmark & Sons vs. station WSAR, Fall River, Mass., on the songs "When Irish Eyes Are Smiling," "That Wonderful Mother of Mine," "I Live For Love," "Then I Shan't Love You Any More," "Love Will Live On," "The Rose In Her Hair," "Lullaby of Broadway" and "About A Quarter To Nine." \$2,250.00 damages demanded.

Remick Music Corp. vs. the Nut Club, New Orleans, La., on "Avalon" and "Chinatown, My Chinatown." \$500.00 damages demanded.

M. Witmark & Sons vs. the Nut Club, New Orleans, on "Lulu's Back In Town" and "The Rose in Her Hair." \$500.00 damages demanded.

M. Witmark & Sons vs. station WSGN, Birmingham, Ala., on "Flag That Train To Alabam'." \$250.00 damages demanded.

Harms, Inc. vs. station KSOO, Sioux Falls, S. D., on "Brother Can You Spare A Dime," "You're A Builder Upper" and "Let's Put Out The Lights and Go To Sleep." \$750.00 damages demanded.

Harms, Inc. vs. Palace Hotel, San Francisco, on "Three Little Words." \$250.00 damages demanded.

Remick Music Corp. vs. Palace Hotel, San Francisco, on "Sweet Georgia Brown." \$250.00 damages demanded.

Harms, Inc. vs. Kit Kat Club, San Francisco, on "Three Little Words." \$250.00 damages demanded.

Harms, Inc. vs. station WSAZ, Huntington, W. Va., on the songs "The Continental," "A Needle In A Haystack," "Take This Ring," "I Was Taken By Storm," "London On A Rainy Night" and "I'm Just An Ordinary Human." \$2,250.00 damages demanded.

Remick Music Corp. vs. station WTOG, Savannah, Ga., on "Sweet Georgia Brown," "Just A Little Bit of Love" and "The Lady in Red." \$1,500.00 damages demanded.

M. Witmark & Sons vs. station WESG, Elmira, N. Y., on "California, Here I Come." \$5,000.00 damages demanded.

Harms, Inc. vs. WSOC, Inc., Charlotte, N. C., on "Speak Easy." \$250.00 damages demanded.

M. Witmark & Sons vs. the National Broadcasting Co., Inc., operating station WENR, Chicago, on "My Wild Irish Rose." \$5,000.00 damages demanded.

Harms, Inc. vs. station WGST, Atlanta, Ga., on "Where Am I?" \$5,000.00 damages demanded.

Remick Music Corp. vs. Roosevelt Hotel, New Orleans, on "Sweet Georgia Brown," "Avalon" and "My Buddy." \$750.00 damages demanded.

Harms, Inc. vs. Roosevelt Hotel, New Orleans, on "Night and Day." \$250.00 damages demanded.

M. Witmark & Sons vs. Roosevelt Hotel, New Orleans, on "Lulu's Back In Town." \$250.00 damages demanded.

M. Witmark & Sons vs. Hotel Weylin, New York City, on "The Rose In Her Hair." \$250.00 damages demanded.

Remick Music Corp. vs. Morrison Hotel, Chicago, on "Breezin' Along With the Breeze." \$250.00 damages demanded.

Remick Music Corp. vs. Hotel Statler, St. Louis, on "Ev'ry Day." \$250.00 damages demanded.

Remick Music Corp. vs. Lennox Hotel, St. Louis, on "Mr. and Mrs. Is The Name." \$250.00 damages demanded.

Harms, Inc. vs. The New Music Box, Pittsburgh, Pa., on "Anything Goes" and "The Blue Room." \$500.00 damages demanded.

## BROADCAST LIST CORRECTIONS

The Federal Communications Commission has made public the following list of broadcast station alterations and corrections for the month of March. The corrections are italicized.

Call Letter	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
KCMO	Texarkana, Ark.	<i>K C M C, Incorporated</i>	100w	1420	U	0.1	0.1
<i>KCMO</i> Formerly <i>KWKC</i>	Kansas City, Mo.	Wilson Duncan, tr. as Wilson Duncan Broadcasting Co. S. A. Charlotte Duncan, Adm., & Co-contracting parties, Lester E. Cox & Thos. L. Evans	100w	1370	S. H.	0.05	0.05
KDYL	Salt Lake City, Utah	Intermountain Broadcasting Corp.	1kw	1290	U	0.5	0.5
		<i>Strike out C. P. T-nr. Salt Lake City—5kw-LS</i>					
KFPY	Spokane, Wash.	Symons Broadcasting Co.	1kw	890	U	0.5	0.85
			<i>C. P. 5kw-LS</i>				
KFRU	Columbia, Mo.	K F R U, Incorporated	500w 1kw-LS	630	Simultaneous D-WGBF, S-WGBF night	0.16	0.5
KFSG	Los Angeles, Calif.	Echo Park Evangelistic Assn. (Maurice E. Kennedy, Agent)	500w <i>2½kw-LS</i>	1120	S-KRKD	0.2	0.03
KGBX	Springfield, Mo. S. A. T-nr.	<i>Springfield Broadcasting Co.</i> Springfield .....	100w 500w	1310 1230	S. H. U - Exp.	0.3	0.3
KID	Idaho Falls, Idaho	KID Broadcasting Co.	250w 500w-LS	1320	U	0.3	0.5
			<i>C. P. 500w 1kw-LS</i>				
KOOS	Marshfield, Ore.	<i>Pacific Radio Corp.</i>	250w	1200 **1390	D	...	0.2
KSCJ	Sioux City, Iowa	Perkins Brothers Co. (The Sioux City Journal)	1 kw <i>2½kw-LS</i>	1330	Simultaneous D-WTAQ, S. H. night C. P. U.	0.5	0.75
KVCV	Redding, Calif.	<i>Golden Empire Broadcasting Co.</i>	100w	1200	U (C. P. only)	...	...
<i>Effective 4-21-36</i>							
KWBG	Hutchison, Kans.	<i>The Nation's Center Broadcasting Co., Inc.</i>	100w	1420	U	...	...
KYA	San Francisco, Calif.	<i>Hearst Radio, Inc.</i>	1kw	1230	U	0.5	0.5
WDBJ	Roanoke, Va.	Times World Corp.	1kw	930	U	0.5	0.85
			<i>C. P. 5kw-LS</i>				
WDZ	Tuscola, Ill.	WDZ Broadcasting Co.	250w	1020	D	...	0.2
WEST	Easton, Pa.	Associated Broadcasters, Inc.	100w 250w-LS	1200	S-WKBO	0.04	0.06
WFAM	South Bend, Indiana	The South Bend Tribune	100w	1200	U-D, S-WWAE, night	0.01	0.1
WFBC	Greenville, S. C.	Greenville News-Piedmont Co.	1kw <i>5kw-LS</i>	1300	U	0.5	0.85
*WGRC	New Albany, Indiana	<i>North Side Broadcasting Corp.</i>	250w	1370	D (C. P. only)	...	0.2
<i>Effective 5-12-36</i>							
WHA	Madison, Wisc.	University of Wisconsin	2½kw <i>C. P. 5kw</i>	940	D	...	0.85
*WFBM	Indianapolis, Ind. T-nr. Millersville	Indianapolis Power and Light Co.	1kw	1230	U	0.5	0.85
			<i>C. P. 5kw-LS</i>				
WHBU	Anderson, Ind.	Anderson Broadcasting Corp.	100w <i>C. P. 250w-LS</i>	1210	U	0.1	0.2
WHIO	Dayton, Ohio T-nr. Dayton	Miami Valley Broadcasting Corp.	1kw	1260	U	0.5	0.85
			<i>C. P. 5kw-LS</i>				
WHN	New York, N. Y. T-Astoria, L. I.	Marcus Loew Booking Agency	1kw <i>5kw-LS</i>	1010	U	0.5	0.85
WILL	Urbana, Ill.	University of Illinois	250w 1kw-LS <i>**1kw</i>	890 580	S-KFNF, KUSD D	...	0.5
WJAS	Pittsburgh, Pa.	Pittsburgh Radio Supply House	1kw <i>2½kw-LS 5kw-LS</i>	1290	U	0.5	0.85

*Effective 5-19-36*

Call Letter	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
WJBC	Bloomington, Ill. T-Normal	Arthur Malcolm McGregor & Dorothy Charlotte McGregor, a partnership	100w C. P. 250w-LS	1200	S-WJBL	0.02	0.12
WMBR	Jacksonville, Fla.	Florida Broadcasting Co.	100w 250w-LS	1370	U	0.1	0.2
WNBX	Springfield, Vt.	The WNBX Broadcasting Corp.	1kw	1260	D to LS at Erie, Pa.	0.5	0.5
				S. A. . . . . 500w . . . . U . . Exp.			
		Strike out S. A.-U-Exp.	1kw-LS				
WOS	Strike out all particulars						
WRJN	Racine, Wisc. C. P. T-Mt. Pleasant	Racine Broadcasting Corp.	100w 250w-LS	1370	U	0.1	0.2
WSPD	Toledo, Ohio T-Perrysburg	Toledo Broadcasting Co.	1kw 2½kw-LS C. P. 5kw-LS	1340	U	0.5	0.85
WTAQ	Green Bay, Wisc. T-West De Pere	WHBY, Incorporated	1kw	1330	U	0.5	0.5
WWAE	Hammond, Ind.	Hammond Calumet Broadcasting Corp.	100w	1200	U-D, S-WFAM night	0.09	0.1

\*\* See Abbreviations—Lists of January 1, 1936.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2757. Retail Furniture Dealers' Association of St. Louis,** its officers and 42 merchant members, have been named respondents in a complaint alleging violation of the Federal Trade Commission Act through combination and conspiracy to monopolize the sale and distribution of furniture and allied products in the St. Louis, Mo., and East St. Louis, Ill., trade area.

The respondents also are charged with combining to unreasonably suppress competition and deprive the public of advantages in price and service which it would otherwise receive.

Among practices alleged in the complaint are the fixing of prices at which furniture, electric refrigerators and radios are to be retailed in the St. Louis area; discrimination against small business enterprises; "freezing" competing companies out of business, and injuring the public, manufacturers, producers, dealers, distributors, and others who do not conform or do not desire to conform to the respondents' program, but are compelled to do so by the respondents' concerted action.

The respondents are alleged to have enforced two policies affecting (1) retail furniture dealers in the St. Louis area, and (2) manufacturers, distributors, jobbers and the public in that area.

**No. 2758.** False representations in advertising two brands of bread it manufactures and sells in interstate commerce, is charged in a complaint against **William Freihofer Baking Co.**, 20th Street and Indiana Avenue, Philadelphia. The respondents' methods of competition are alleged to be in violation of Section 5 of the Federal Trade Commission Act.

In advertisements, the respondent company allegedly represented that "Freihofer's Perfect Loaf" contains "100 per cent more butter," and made various other representations of similar import, which, according to the complaint, were misleading and deceptive, and implied to purchasers that this particular brand of bread contained an unusually high butter content.

**No. 2759.** Alleging unfair competition through false and misleading advertising of cosmetics, a complaint has been issued against **Hollywood Mask, Inc.**, 105 West Monroe St., Chicago.

Selling "Hollywood Vitamin Hand and Skin Lotion" and "Hollywood Mask Turtle Oil," the respondent is alleged to have advertised its products as possessing ingredients capable of erasing lines or wrinkles of the skin, or of nourishing the skin, muscles or tissues.

**No. 2760.** **Reta Terrell Sloan**, trading as **Reta Terrell**, with her principal office at 513 Oakdale Ave., Chicago, and a branch at 50 East 10th St., New York City, is charged with unfair methods of competition in the sale of cosmetics in interstate commerce.

In advertising matter, the respondent allegedly represents that her cosmetic preparations possess ingredients of such character and in such quantity as to serve as a food for the skin, muscles or tissues; that her preparations have a beneficial effect in filling out and tightening the lines of broken tissues; that they eliminate dryness from the skin and remove wrinkles, and that use of the preparations has a beneficial effect in the treatment of various conditions of the skin. Such representations, according to the complaint, are untrue, and the cosmetics do not produce the results claimed for them.

**No. 2761.** Deceptive representations in the sale of a two-volume set of books called "Health Knowledge," is alleged in a complaint issued against **Medical Book Distributors, Inc.**, publisher and distributor of the volumes, and **American Health Society, Inc.**, which purchases the books from Medical Book Distributors and sells them in interstate commerce. Both organizations have headquarters at 1476 Broadway, New York City.

Sales managers and salesmen employed by the Health Society are alleged to have interviewed prospective purchasers, usually women, announcing that they were authorized to call and give "health talks."

Although the books were allegedly represented as a "New Revised Edition, 1934," the set was not an up-to-date medical work, but treated of old methods abandoned by the medical profession, according to the complaint. A list of purported "eminent medical authors," said to have contributed to the work, is alleged to be false and misleading, as these persons, it is charged, did not submit their work for inclusion in the volumes.

**No. 2762.** Use of a lottery scheme to promote the sale of candy is alleged in a complaint issued against **Mack R. Keshan** and **Oswald Freund**, 114 East 13th St., New York City, and the **American Mint Corporation**. The complaint charges the respondents with unfair competition in violation of Section 5 of the Federal Trade Commission Act.

The respondents sell assortments of candy to brokers, wholesalers and retail chain stores, and, according to the complaint, furnish them with display cards describing the lottery scheme as one by which the ultimate purchaser of a small piece of candy may win a piece containing a sum of money, such sum of money being procured as a prize wholly by chance.

### Stipulations

The Commission has issued the following cease and desist orders:

**No. 2363.** An order has been entered against **Edwin Cigar Co., Inc.**, and **James B. Hall, Jr., Inc.**, 100 East 16th St., New York City, both engaged in the manufacture and sale of cigars, directing them to discontinue certain unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The Commission found that Edwin Cigar Co., Inc., operates a mail order business, selling direct to the consumer, that James B.



Hall, Jr., Inc., sells to jobbers and retailers exclusively, and that Max Rosenbloom is president of both respondent corporations and directs their policies as though they were a single enterprise.

Both respondents are ordered to cease representing, by use of the words "Finest Havana Filler," "Havana Filled," or "Havana Filler," that their cigars so designated or the filled portions thereof, are actually made of Cuban or Havana tobacco, unless they are composed of such tobacco and made and filled in conformity with the standards followed in the manufacture of genuine Havana filler cigars.

No. 2586. Radiator Specialty Co., 315 East 5th St., Charlotte, N. C., dealer in a cleaning fluid advertised as "Perfo," has been ordered to cease and desist from misrepresentations in the sale of the preparation.

Advertisements that the cleaning fluid is not harmful or injurious to any fabric, material or color, that it will absorb spots, and does not leave a spot or ring on materials, is prohibited in the order.

Findings are that use of the fluid on fabrics or materials dyed with certain kinds of dyes, such as non-fast dyes, impairs and harms the colors by causing them to bleed or run.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### HEARING CALENDAR

Monday, April 20

#### HEARING BEFORE AN EXAMINER

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Renewal of license, 1240 kc., 500 watts, 1 KW LS, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Modification of license, 630 kc., 500 watts, 1 KW, unlimited time. Present assignment: 1240 kc., 500 watts, 1 KW LS, unlimited time.

KSEI—Radio Service Corp., Pocatello, Idaho—Renewal of license, 900 kc., 250 watts, 500 watts LS, unlimited time.

Wednesday, April 22

#### HEARING BEFORE AN EXAMINER (Broadcast)

KFH—The Radio Station KFH Co., Wichita, Kansas—C. P., 1300 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1300 kc., 1 KW, 1 KW LS, unlimited time.

KFBI—The Farmers & Bankers Life Ins. Co., Wichita, Kansas—C. P., 1050 kc., 5 KW, limited time. (Request to move from Abilene to Wichita, Kansas.)

NEW—The Farmers & Bankers Life Ins. Co., Wichita, Kansas—C. P., 1210 kc., 100 watts, unlimited time.

Thursday, April 23

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

##### Examiner's Report No. I-163

NEW—Paul R. Heitmeyer, Salt Lake City, Utah—C. P., 1210 kc., 100 watts, unlimited time.

##### Examiner's Report No. I-173

NEW—Wyoming Radio Educational Assn. (Lester G. Baker, Pres.), Cheyenne, Wyoming—C. P., 630 kc., 500 watts, 1 KW LS, unlimited time.

NEW—Paul R. Heitmeyer, Cheyenne, Wyoming—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.

##### Examiner's Report No. I-180

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Renewal of license, 1340 kc., 500 watts, 1 KW LS, unlimited time.

##### Examiner's Report No. I-184

NEW—W. H. Kindig, Hollywood, Calif.—C. P., 1300 kc., 1 KW, share with KFAC. (Requests facilities of KFAC.)

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Renewal of license, 1300 kc., 1 KW, unlimited time.

## APPLICATIONS GRANTED

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted license to cover C. P. for new station; 1370 kc., 100 watts night, 250 watts day—all hours except those assigned station WSVS.

KELW—Evening Herald Pub. Co., Burbank, Calif.—Granted renewal of license; 750 kc., 500 watts. S-KEHE.

NEW—The Evening News Assn., Portable-Mobile (Detroit)—Granted C. P., 86000-400000 kc., 1 KW, unlimited time.

W8XAZ—Buffalo Broadcasting Corp., Portable-Mobile (Buffalo, N. Y.)—Granted C. P. to make changes in transmitter and increase power from 1.5 to 25 watts.

W8XAZ—Buffalo Broadcasting Corp., Portable-Mobile (Buffalo, N. Y.)—Granted license to cover C. P.; frequencies 31100, 34600, 37600, 40600 kc., 25 watts.

## SET FOR HEARING

NEW—John S. Braun, Waco, Texas—Application for C. P. for new station; 1500 kc., 100 watts daytime. Site to be determined.

NEW—The Tribune Co., Tampa, Fla.—Application for C. P. for new station; 560 kc., 1 KW night, 5 KW day, unlimited time. Site to be determined.

NEW—Bay County Publishers, Inc., Panama City, Fla.—Application for C. P. for new station; 1420 kc., 100 watts, unlimited time.

NEW—I. T. U. Radio Station, Inc., Indianapolis, Ind.—Application for C. P. for new station; 560 kc., 5 KW day, 1 KW night, unlimited. Site to be determined.

NEW—J. W. Plame, Huntington Park, Calif.—Application for C. P., 1500 kc., 100 watts, unlimited time. Facilities used by KVOE.

NEW—George F. Bissell, Pittsfield, Mass.—Application for C. P. for new station; 1200 kc., 100 watts daytime. Site to be determined.

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—Application for C. P. for new station; 1140 kc., 250 watts daytime. Site to be determined.

NEW—New Jersey Broadcasting Co., Inc., Paterson, N. J.—Application for C. P. for new station; 620 kc., 250 watts daytime.

KVOS—KVOS, Inc., Bellingham, Wash.—Consent to the transfer of control of KVOS, Inc., from Wescoast Broadcasting Co. to Rogan Jones. (1200 kc., 100 watts, unlimited time.)

## ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-149: Reporter Broadcasting Co., Abilene, Texas—Granted C. P. for new broadcast station to operate on 1420 kc., 100 watts; unlimited time. Examiner Bramhall sustained. Order effective August 4th.

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Texas—Denied C. P. for new station to operate on 1420 kc., 100 watts, unlimited time. Examiner Bramhall sustained. Order effective August 4th, 1936.

KMED—Ex. Rep. No. 1-167: Mrs. W. J. Virgin, Medford, Oregon—Granted modification of license to change frequency from 1310 to 1410 kc.; power from 100 watts night, 250 watts day, to 250 watts night and day, and change hours from unlimited to specified. Examiner D. G. Arnold sustained. Order effective August 4th, 1936.

NEW—Ex. Rep. No. 1-208: James R. Ross, Jr., Tuscaloosa, Ala.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, daytime. Examiner Bramhall sustained. Order effective August 11, 1936.

## ACTION ON CASES HEARD BY BROADCAST DIVISION

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted renewal of license; 620 kc., 1 KW night, 5 KW day, unlimited time. Order effective August 11, 1936.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted renewal of license; 610 kc., 1 KW, unlimited time. Order effective August 11, 1936.

## ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. No. 1-186: Advertiser Pub. Co., Ltd., Honolulu, T. H.—Oral argument set for June 11, 1936.

WEAN—Ex. Rep. No. 1-205: The Shepard Broadcasting Service, Inc., Providence, R. I.—Oral argument set for June 11, 1936.

KVSO—Ex. Rep. No. 1-206: The Ardmoreite Pub. Co., Inc., Ardmore, Okla.—Oral argument set for June 4, 1936.  
 WFBR—Ex. Rep. No. 1-209: The Baltimore Radio Show, Inc., Baltimore, Md.—Oral argument set for June 4, 1936.  
 WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Oral argument set for June 4, 1936.  
 WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Oral argument set for June 4, 1936.

### MISCELLANEOUS

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Denied motion asking Commission to dismiss and return to applicant the application of the Calif. Sales Contract Co., San Francisco, for authority to establish a new broadcasting station to operate on **1280 kc.**, 500 watts (1 KW LS).  
 WAAW—Omaha Grain Exchange, Omaha, Neb.—Dismissed at request of applicant C. P. heretofore set for hearing requesting **660 kc.**, 5 KW, daytime.  
 WORL—Broadcasting Service Organization, Inc., Needham, Mass.—Dismissed at request of applicant, modification of license heretofore set for hearing, for **920 kc.**, 1 KW, daytime.  
 NEW—National Television Corp., New York City—Denied as in cases of default for failure to file an appearance and statement of facts to be proved in accordance with Rule 104.6 (c), application for C. P., **42000-56000** and **60000-86000 kc.**, 30 watts, unlimited time.

### APPLICATIONS RECEIVED

#### First Zone

WCAO—Monumental Radio Co., Baltimore, Md.—Construction **600** permit to install a new auxiliary transmitter to be located 60 feet from present site at same address (811 West Lanvale Street) to use 250 watts power.  
 WHDH—Matheson Radio Co., Inc., Boston, Mass.—License to use **830** old W. E. Type 106-B transmitter as an auxiliary transmitter using 500 watts power.  
 WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Construction **1230** permit to make changes in equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.  
 NEW—William F. Kollerker, Pittsfield, Mass.—Construction **1290** permit for a new station to be operated on **1290 kc.**, 250 watts, daytime.  
 NEW—Black River Valley Broadcasts, Inc., Watertown, New York **1420** —Construction permit for a new station to be operated on **1420 kc.**, 100 watts, 250 watts day, unlimited time.  
 NEW—World Broadcasting System, Inc., New York, N. Y.—Authority to transmit programs from the World Broadcasting System, Inc., to the Northern Electric Co., Ltd. (Canadian).

#### Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Construction **560** permit to install new equipment, erect a vertical antenna, increase power from 500 watts, 1 KW day to 1 KW and move transmitter from 801 Market St., Philadelphia, Pa., to 1300 feet northeast of Monument and City Line Ave., Merion Twp., Pennsylvania.  
 NEW—Cadillac Broadcasting Co., a Michigan Corporation, Dearborn, Mich.—Construction permit for a new station to be operated on **1140 kc.**, 500 watts, daytime.  
 WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—**1160** Construction permit to install a new transmitter, erect a vertical antenna and increase power from 5 KW to 25 KW, 10 KW day. Amended: Re-equipment.  
 WRAK—WRAK, Incorporated, Williamsport, Pa.—Construction **1370** permit to make changes in equipment (antenna) and move transmitter from 244 West Fourth Street, Williamsport, Pa., to 1631 W. 3rd, Williamsport, Pa.  
 WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—License **1410** to cover construction permit (B2-P-861) for new equipment and move of transmitter.  
 WCKY—L. B. Wilson, Inc., Covington, Ky.—Construction permit **1490** to install new equipment and increase power from 5 KW to 50 KW day and night.  
 WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of **1500** construction permit to make changes in equipment, move transmitter from 12897 Woodward Avenue, Highland Park, Mich., to site to be determined, Detroit, Mich., install vertical antenna and extend commencement and completion dates.

Amended: To give transmitter site as Woodrow Wilson and Pilgrim Streets, Detroit, Mich., and omit request for extension of commencement and completion dates.

NEW—The Escanaba Daily Press Co., Escanaba, Mich.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, daytime.

#### Third Zone

WQAM—Miami Broadcasting Co., Miami, Fla.—License to cover **560** construction permit (B3-P-987) for new equipment.  
 WQAM—Miami Broadcasting Co., Miami, Fla.—License to use old **560** W. E. D-87737 transmitter as an auxiliary transmitter.  
 WPTF—WPTF Radio Co., Raleigh, N. C.—License to cover **680** construction permit (B3-P-863) to move auxiliary transmitter.  
 WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction **900** permit to install new equipment, increase power from 1 KW to 5 KW, move transmitter from West 39th Street (highway 8 mi. w. of) Oklahoma City, Okla., to site to be determined, near Oklahoma City, Okla. Amended: Change power from 5 KW to 1 KW, 5 KW day, make changes in antenna and omit request for move to transmitter.  
 WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Construction **920** permit to install new equipment, increase power from 100 watts, 250 watts day to 250 watts, 500 watts day and change frequency from **1310 kc.** to **920 kc.** Amended: To move transmitter from Hall Street, Jackson, Tenn., to northwest of Jackson, Tenn.  
 WIS—Station WIS, Inc., Columbia, S. C.—Modification of construction permit (3-P-B-3258) for changes in equipment, increase in power, change of frequency and move of transmitter, requesting extension of completion date from 5-10-36 to 7-10-36.  
 WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Special **1180** experimental authorization to change hours of operation from limited to unlimited time and install directional antenna for the period to 8-1-36.  
 NEW—Southern Broadcasting Corp., New Orleans, La.—Construction **1200** permit for a new station to be operated on 100 watts, share WJBW. Requests facilities of WBNO. The frequency **1200 kc.** requested.  
 NEW—Bayou Broadcasting Co., Houston, Texas—Construction **1210** permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended: To change frequency from **1200 kc.** to **1210 kc.**  
 NEW—John S. Allen & G. W. Covington, Jr., Montgomery, Ala.—**1210** Construction permit for a new station to be operated on **1210 kc.**, 100 watts, daytime. Amended: To change transmitter site from 1500 feet off Narrow Lane Road, 4 miles south of Montgomery, Ala., to 1000 feet off Narrow Lane Road, 3½ miles southeast of Montgomery business section.  
 KUOA—KUOA, Inc., Fayetteville, Ark.—Construction permit to **1260** make changes in equipment, erect a new antenna, increase power from 1 KW to 2½ KW, move transmitter from Mount Sequoyah, Fayetteville, Ark., to John Brown University, Siloam Springs, Ark., and studio from Washington Hotel, 101 West Mountain Street, Fayetteville, Ark., to John Brown University, Siloam Springs, Ark.  
 WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Application for license filed by New Laurel Radio Station, Inc., for authority to operate Radio Station WAML.  
 WMBR—Florida Broadcasting Co., Jacksonville, Fla.—License to **1370** cover construction permit (B3-P-958) to make changes in equipment.  
 WACO—Central Texas Broadcasting Co., Inc., Waco, Texas—**1420** Voluntary assignment of license from Central Texas Broadcasting Co., Inc., to KTSA Broadcasting Co.  
 KOMA—National Radio Manufacturing Co., Oklahoma City, Okla. **1480** —Voluntary assignment of license from the National Radio Manufacturing Co. to Hearst Radio, Inc.

#### Fourth Zone

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of **550** license to change hours of operation from share KFUE to unlimited time. Amended: To request facilities of KFUE.  
 NEW—Thomas L. Evans and J. L. Milligan, Jefferson City, Mo.—**920** Construction permit for a new station to be operated on **920 kc.**, 500 watts, daytime.  
 WSBT—The South Bend Tribune, South Bend, Ind.—Construction **1010** permit to make changes in equipment, install directional antenna, change frequency from **1360 kc.** to **1010 kc.**, increase

power from 500 watts to 1 KW, change hours of operation from share WGES to unlimited time and move transmitter from 4½ miles west on U. S. 2, South Bend, Ind., to site to be determined, South Bend, Ind. Amended: For approval of transmitter site at about 4 miles southeast of center of South Bend on south side of Jackson Rd. ¼ mile east of Miami Highway, South Bend, Ind. To use directional antenna at night.

**WCLO**—Gazette Printing Co., Janesville, Wis.—Construction permit to move transmitter from Milwaukee Road, near Janesville, Wis., to Janesville, Wis. Amended: To give transmitter site as 1436 S. Oakhill Ave., Janesville, Wis., and to request changes in antenna.

**KSCJ**—Perkins Brothers Co., Sioux City Journal, Sioux City, Iowa  
**1330** —Modification of construction permit (B4-P-619) to make changes in equipment, change transmitter site from Sioux City, Iowa, to McLaughlin Farm, southeast quarter of northeast quarter-section 1, Sioux City, Iowa, extend commencement date to 15 days after grant and completion date to 90 days thereafter.

**WKBI**—WKBI, Incorporated, Cicero, Ill.—Modification of license  
**1420** to change specified hours as specified on license, from Central Standard Time to Eastern Standard Time.

**WHFC**—WHFC, Inc., Cicero, Ill.—Modification of license to  
**1420** change specified hours as specified on license, from Central Standard Time to Eastern Standard Time.

**WEHS**—WEHS, Incorporated, Cicero, Ill.—Modification of license  
**1420** to change specified hours as specified on license from Central Standard Time to Eastern Standard Time.

**NEW**—KMJB Broadcasting Co., by Myron J. Bennett, Pres.,  
**1450** Minot, N. D.—Construction permit for a new station to be operated on **1300 kc.**, 1 KW, unlimited time. Requests facilities of KLPM. Amended: To change frequency from **1300 kc.** to **1450 kc.**

#### Fifth Zone

**KFXM**—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San  
**1210** Bernardino, Calif.—Authority to install automatic frequency control.

**NEW**—Ed Klies, Helena, Mont.—Construction permit for a new  
**1210** station to be operated on **1210 kc.**, 100 watts, 250 watts day, unlimited time. Amended: To make changes in equipment.

**KEUB**—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price,  
**1420** Utah—Authority to install automatic frequency control.

**KEUB**—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price,  
**1420** Utah—Modification of construction permit (B5-P-648) for a new station, requesting changes in equipment and approval of transmitter and studio sites as 2.4 miles northwest Price on Highway 50, Price, Utah.

**NEW**—Harold M. Finlay and Mrs. Eloise Finlay, La Grande,  
**1500** Oreg.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, daytime.



# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

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### COPYRIGHT SUBCOMMITTEE APPOINTED

Representative Sirovich, chairman of the House Committee on Patents on Wednesday announced the following subcommittee to consider copyright legislation: Representative Lanham of Texas, chairman; Deen, of Georgia; O'Malley, of Wisconsin; Kramer, of California; Daly, of Pennsylvania; Barry, of New York; Perkins, of New Jersey; McLeod, of Michigan; Hartley, of New Jersey; and Risk, of Rhode Island. Mr. Lanham called a meeting of the subcommittee to be held on Thursday.

### SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- McGraw-Hill Publishing Company, New York City. (2-2077, Form A-2)
- Alabama-California Gold Mines Co., Tacoma, Wash. (2-2078, Form A-1)
- Potrero Sugar Company, New York City. (2-2081, Form A-1)
- Ashland Home Telephone Co., Ashland, Ky. (2-2082, Form A-1)
- Cascade Mining Corporation, Ypsilanti, Mich. (2-2085, Form A-1)
- Coastal Minerals Development, Inc., New Orleans, La. (2-2086, Form A-1)
- Skookum Gold Mines, Ltd., Toronto, Canada. (2-2087, Form A-1)
- General Equities, Inc., Minneapolis, Minn. (2-2088, Form A-1)
- Insurance Investors Company, Seattle, Wash. (2-2089, Form A-1)
- Bankers Incomes Shares, Ltd., St. Johns, Newfoundland. (2-2090, Form A-1)
- General Illinois Light Company, Peoria, Ill. (2-2093, Form A-2)
- W. Wallace Alexander, Inc., Philadelphia, Pa. (2-2095, Form A-1)

### PRALL ADDRESSES WOMEN'S RADIO COMMITTEE

Anning S. Prall, chairman of the Federal Communications Commission, on Wednesday addressed the Women's National Radio Committee at the Astor Hotel, New York City, in connection with the presentation of awards. Mr. Prall said:

"It is a privilege and a pleasure I assure you to compliment the Women's National Radio Committee for its devotion to a cause in which both the listening public and the broadcasting industry are vitally concerned.

"It is quite unnecessary to add that in its determination to improve the standards of radio programs the Women's Committee will always have the unqualified support of the Federal Communications Commission, of which I have the honor of serving as its Chairman.

"I had intended to devote full fifteen minutes this afternoon to the subject of the Freedom of Speech because frankness compels the admission that the political and economic crisis which has become world-wide in its effects has seriously undermined confidence in some of our cherished beliefs. I cannot do so because my time has been cut from fifteen minutes to eight. However, the objective of the Women's Committee and our Commission with respect to clearing the air of undesirable programs is closely related and the question

of free speech is so involved by legal restrictions that the elimination of obnoxious programs may depend entirely on the voluntary cooperation of the broadcasters. The Fourteenth Amendment to the Constitution guarantees the freedom of speech and the provisions of the Communications Act regarding censorship are very clear and definite. What is the justification for the feeling of political insecurity that fills the hearts of men? Who could have predicted that in the decades following a war intended to make the world safe for democracy the specter of dictatorships would become a reality? Who could have foretold that instead of the democratic form of government finding wider acceptance among the peoples of Europe we would see Lenin installed in Moscow, Hitler in Berlin, and Mussolini in Rome? Have the nations for all time rejected the ideal of democracy and with it all, the absolute repudiation of free speech? Apparently the peoples of other lands are willing to sacrifice much for economic and political security. For the moment at least fundamental liberties have been foresworn in an attempt to concentrate power in one or a few rather than in the many in order to insure the equivalent values of what our forefathers called 'life, liberty and the pursuit of happiness.' Freedom of speech, the laissez-faire policy in business and social life, the right of assembly, liberty of the press and radio, have been willingly sacrificed under the present European dictatorships.

"Fortunately, the English-speaking peoples, particularly in England and the United States, despite the perils of war and the economic disaster that followed, have not been willing to sacrifice such fundamental liberties, the attainment of which required centuries of effort and sacrifice.

"The battle for a free press and free speech was not won in a day or even in a century. The Supreme Court of the United States in the decision involving the 'Louisiana Newspaper Tax' case pointed out that it was a 'tax on knowledge' and a substitute for the older forms of direct censorship. It was a device in the form of a tax to limit the circulation of information to which the public is entitled.

"Can the lesser degree of freedom attach to the most recent medium of communication—the radio—an instrumentality as potent, or more so, for good or evil as the printing press itself?

"In the twinkling of an eye, this marvelous invention carries news items as well as recreational features, such as the drama and music, to remote areas of our land not served by the daily press, and its programs are heard by millions who have neither the desire, the time nor the facilities to read the daily paper.

"A message of plans proposed or work done spoken at the fireplace of the White House is heard at millions of hearthstones throughout the land. Issues of all kinds relating to the functions of government, such as the Constitution, finance, tariff, neutrality and various types of relief are presented to our countrymen by speakers of every type of status, race, political and religious belief in messages ranging from passionate praise to withering censure.

"It is inconceivable that, as in the dictator-ridden countries of Europe, or even in England where the radio is under state control, there could be imposed by the Communications Commission regulations that would mean a denial of the same degree of free speech over the radio as is enjoyed by the press of our country.

"But while that liberty should be granted and maintained, a degree of reasonable restriction should be preserved, namely, the protection of the government and its processes, including judicial action from violent disruption, and unlawfully created disrespect; the protection of individuals in good name and business reputation; and the protection of the morals of the public and of its right not to be defrauded or deceived.

"One might discuss at some length certain questions of discretion and propriety over and beyond the legal ones already implied. When this marvelous mechanism is used in violation of good taste as involved in either what is broadcast or the method employed, the problem becomes not one of further legal restriction but the de-

velopment of intelligence and taste both in the sponsors of a given program and the listening audience to which the appeal is made. It is a truism that you can legislate neither morals nor esthetic appreciation.

"In the conduct of the press and the radio our fundamental obligation is to respect freedom of speech. The search for truth shall keep us free.

"The freedom of the press within the legal limitations to which I have referred, which conditions bespeak the wisdom of experience, is a precious inheritance. That freedom must be extended to the radio. To the defense of that freedom of the press and the radio, we pledge as did our forefathers, our lives and our sacred honor."

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2763. Kroekel-Oettinger, Inc., Philadelphia** candy manufacturer, has been charged with unfair competition in selling to the trade candy so packed and assembled as to involve lottery when distributed to the consumer.

A candy assortment sold by this manufacturer to wholesalers, jobbers and retailers is said to have been made up of candies of uniform size together with certain larger pieces to be given as prizes to certain purchasers of the uniform sizes.

The complaint alleges that sale of candy to the purchasing public in this manner is a practice deemed contrary to public policy by the common law and criminal statutes. Specifically, violation of Section 5 of the Federal Trade Commission Act is charged.

**No. 2765.** Charging unfair competition and restraint of trade in the jobbing of automobile parts and accessories, a complaint has been issued against the **Motor and Equipment Wholesale Association**, with headquarters in **Chicago**, whose membership is said to represent a substantial volume of this class of jobbing business in the United States, occupying a dominant position in the parts and accessories trade.

Those named as respondents include the association, its officers and directors; the Automotive Trades Association of Greater Kansas City, Mo., a member; Mississippi Valley Automotive Jobbers Association (Iowa); Southwestern Automotive Wholesalers Association, Southwestern Jobbers Association, and 42 member companies in various cities.

The complaint charges the respondents with entering into agreements, combinations and conspiracies among themselves for elimination of price competition among jobbers, preventing the creation of new competition, and controlling parts and accessories prices. This program, according to the complaint, was accomplished through agreement and concerted action in (1) use of uniform and substantially identical resale prices fixed by manufacturers; (2) threats of boycott and actual boycott against manufacturers not complying with the program; (3) monopoly in the distribution of replacement parts, accessories and shop equipment through "legitimate jobbers"; (4) strict enforcement of rules for jobbers recognized as "legitimate"; and (5) establishment of "jobbing points," "ethical merchandising," or "clean merchandising" policies for promotion of the respondents' program, and holding local and regional group meetings at national shows and elsewhere, of which only meager and incomplete records have been kept so as to avoid providing evidence of agreements and to minimize detection.

**No. 2766.** Allegedly representing himself as a chemist in order to promote the sale of formulas and specifications for the manufacture of a wide variety of products, **L. W. Gibson**, 4700 North Racine Ave., **Chicago**, is named respondent in a complaint charging unfair methods of competition.

Gibson sells formulas for cosmetics, tooth paste, hair tonics, polishing compounds, soap, food products, adhesives, rat exterminators and other commodities, and, the complaint alleges, certain assertions he makes in advertisements, catalogues and other printed matter regarding his business are in violation of Section 5 of the Federal Trade Commission Act.

Among the respondent's alleged misrepresentations are assertions that he was educated in the science of chemistry, has had long experience in the commercial application of such science, and has spent large sums of money and devoted years to perfecting prac-

tical working formulas and processes for the manufacture of various products. The complaint also charges the respondent represents that in his establishment are laboratories equipped with modern apparatus, and that associated with him are graduates of leading American colleges whom he employs because of their sound knowledge of chemistry, their experience in the formation of money-making formulas, their success as manufacturers, and their ability to teach other manufacturers every phase of profitable production.

**No. 2768.** False representations in the sale of men's clothing are alleged in a complaint against **Jonas Schainuek & Son, Inc.**, with headquarters at 757 Broadway, **New York City**, from where it operates a chain of retail stores in **New York**, **Washington, D. C.**, and **Pittston**, **Wilkes-Barre**, **Scranton**, **Allentown**, **Harrisburg**, and **Hazleton**, **Pennsylvania**, and in other cities.

The complaint charges that the respondent company makes assertions in radio broadcasts that its "Factory-to-You Policy Saves You Money," and that labels attached to garments sold by the respondent bear such statements as "Maker to Wearer."

According to the complaint, the respondent company does not own or operate a factory where its products are manufactured, and the representations that it does tend to cause purchasers of such products to believe they obtain closer prices and superior quality in dealing direct with a manufacturer rather than with a retailer or middleman.

In newspapers, over radio and in other ways, the respondent corporation is said to advertise that it sells "Two Garments for One Low Price," when, according to the complaint, it does not sell two suits, two overcoats, or one suit and one overcoat for the price of one garment, nor does the purchaser save the cost of an additional garment through the medium of the respondent's sales plan, but pays the usual and ordinary retail price of two garments, or approximately so.

The respondent's practices, the complaint avers, violate Section 5 of the Federal Trade Commission Act, and not only deceive purchasers but tend to divert trade to the respondent from competitors who do not misrepresent their products.

**No. 2769.** Combination and conspiracy to suppress competition and create a monopoly in the ladies' garment and dress goods trade in the United States is alleged in a complaint issued against five associations whose membership represents a large portion of the national volume of business in these commodities. The complaint charges violation of the Federal Trade Commission Act.

Principal respondents named are the **Fashion Originators Guild of America, Inc.**, with headquarters at 512 7th Ave., **New York City**; **Michigan Avenue Guild of Chicago**; **Minneapolis Fashion Guild**; **Ladies' Ready-to-Wear Guild of Baltimore**; **National Federation of Textiles, Inc.**, 10 East 40th St., **New York City**; and the respective officers, directors and members of each organization.

Included as respondents are members of the three main divisions of the Fashion Originators Guild of America, Inc., namely the ladies' garment manufacturers, the textile merchants, and the affiliated members, which group consists of certain retail dealers in ladies' garments and accessories in various cities.

Principal charges of the complaint have to do with alleged efforts of the Fashion Originators Guild of America, Inc. (F. O. G. A.), and its associated respondents, to maintain its style protective program. According to the complaint, the Guild was organized ostensibly to establish fair trade practices among its members, and to promote a program to protect originators of fashions and styles against copying and piracy. This program is said to extend to textile merchants, retail dealers and non-member garment manufacturers who cooperate in the style protective program.

**No. 2770.** Disparagement of competitors' products on the part of the **Coolerator Company, Duluth, Minn.**, is alleged as an unfair method of competition in a complaint issued against that company.

The respondent company, a distributor of non-mechanical refrigerators using natural or artificial ice, is alleged to have made representations having a tendency to deceive buyers into the false belief that electric refrigerators are undesirable, ineffective and harmful.

According to the complaint, the respondent distributed a booklet called "Why Ice Is Best for Refrigeration," in which it was suggested that various gases used in electric refrigerators escape from the coils, permeate the food chamber and have a deleterious effect on foods; that foods kept in electric refrigerators dehydrate to such an extent that the nutritive properties are impaired, and other similar assertions.

## Stipulations

The Commission has issued the following cease and desist orders and stipulations:

**No. 1642. Barnum Laboratories, Inc., 2616 Independence Ave., Kansas City, Mo.,** engaged in the compounding and selling of cosmetics and toilet preparations, under the trade name of Barnum's Special Formula Laboratory, Inc., agrees to cease representing in advertising that its products are made by or under the personal supervision of Dr. Barnum, or that he renders any service to customers, when such is not the fact; that its products are a food for and penetrate the skin, possessing properties that will prevent or cure wrinkles and double chins, or that any of such products promote the growth of eyebrows and eyelashes. The respondent company also stipulates it will not use such expressions as "Only U. S. Government Standard Products Used," or any similar expression tending to mislead purchasers into the belief that, because the ingredients of which such products are made may conform to the requirements of the United States Pharmacopœia, these products are made under the supervision of the United States Government or have its endorsement.

**No. 1643. Leon Seelig, 3225 Harrison St., Kansas City, Mo., trading as Peck Products,** and engaged in the mail order business of selling a certain preparation commonly known as an emmenagogue, agrees to discontinue representing in advertising matter that such product is safe or harmless for self-administration.

**No. 1645. James Lees & Sons Co., Bridgeport, Pa.,** agrees that in the sale of its yarns and threads it will discontinue use of the word "Rayona," or any other similar word, as a trade name for its products, or in any other way which may cause purchasers to believe that the respondent's products are made from that material known to the trade and public as rayon, when such is not the fact.

**No. 1647. George A. White, 645 Merion Ave., Penfield, Pa.,** trading as the Church Mart, will cease representing in advertising matter, or in any other way, that his preparation, "Check-It," will prevent runs, breaks or snags in silk, chiffon or rayon hosiery, dresses and lingerie, or that use of such product makes fabrics treated with it proof against all spot-producing materials, or makes all colors fast.

**No. 1651. Walter L. Gerke, 107 Pike St., Seattle, Wash., trading as Gerke Mineral Co.,** signed a stipulation to cease and desist from circulating, in connection with the sale of his mineral water product, advertisements consisting of alleged letters from users of such product, which letters contain representations that the writers thereof have been healed or cured of any serious or chronic ailment through the use of the respondent's mineral water, and from circulating advertising matter containing representations which claim for the mineral water medicinal properties or therapeutic values greater than those it actually possesses.

**No. 1653. Chicago Mail Order Co., 511 South Paulina St., Chicago,** dealing in rubber toilet products, will discontinue use of the words "Spiral Spray" in advertising matter to designate syringes of a type other than those commonly understood to be a "spiral spray" syringe, and will cease using such words in any way which may tend to deceive purchasers as to the type of the products so advertised.

**No. 2368. Victor Soap Co., Concord and Scoville Avenues, Dayton, Ohio,** trading as **Royal Soap Co.,** and as **Heick Soap Co.,** has been ordered to discontinue unfair methods of competition, including the misrepresentation of the incomes salesmen may earn in selling the respondent's products.

Specifically, the respondent is prohibited from representing that it guarantees the financial success of its agents, that Victor agents are "cleaning up" in opening soap shops, or that they are easily earning incomes in excess of the average income made by the average agent employed by the respondent.

**No. 2738. Atlas China Co., Inc., 710 Wythe Ave., Brooklyn, N. Y.,** has been ordered to cease and desist branding chinaware products as "Limoges," or representing as Limoges certain porcelain or chinaware products which have not originated or been made in Limoges, France.

Findings are that for 150 years a vitreous, translucent and glazed ware has been made in Limoges, France, and has acquired a favorable reputation in Europe and America as a porcelain or china of superior quality, utility and beauty. The respondent's representations are held to have a tendency to deceive buyers into believing that its products were made in Limoges.

The order also directs the respondent to stop branding its articles with the words "French Decoration," or in any way representing

them as being decorated with French designs peculiar to France or to French artistry, when this is not the fact.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission early this week. The meeting was deferred because its members were attending hearings in connection with the Commission's telephone investigation. The meeting will be held later this week.

### HEARING CALENDAR

Monday, April 27

#### HEARING BEFORE AN EXAMINER

(Broadcast)

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—C. P. to move to Toledo, Ohio; **1210 kc.**, 100 watts, unlimited time.  
NEW—Community Broadcasting Co., Toledo, Ohio.—C. P., **1200 kc.**, 100 watts, daytime.

Tuesday, April 28

#### HEARING BEFORE AN EXAMINER

(Broadcast)

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—C. P., **740 kc.**, 2½ KW (daytime), limited time.

Wednesday, April 29

#### HEARING BEFORE AN EXAMINER

(Broadcast)

KUMA—Albert H Schermann, Yuma, Ariz.—Renewal of license, **1420 kc.**, 100 watts, specified hours.  
NEW—Continental Radio Co., Columbus, Ohio.—C. P., **1310 kc.**, 100 watts, unlimited time.

Thursday, April 30

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Steffen Ice & Ice Cream Co., Wichita, Kans.—C. P., **1210 kc.**, 100 watts, unlimited time.

### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

#### Examiner's Report No. I-187:

WCAO—The Monumental Radio Co., Baltimore, Md.—Modification of license, **600 kc.**, 1 KW, unlimited time. Present assignment: **600 kc.**, 500 watts, 1 KW LS, unlimited time.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Modification of license, **600 kc.**, 1 KW, specified hours. Present assignment: **600 kc.**, 500 watts, specified hours.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of license, **610 kc.**, 1 KW, unlimited time. Present assignment: **610 kc.**, 500 watts, unlimited time.

#### Examiner's Report No. I-189:

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—C. P., **1310 kc.**, 100 watts, unlimited time.

NEW—Royal Miller, Sacramento, Calif.—C. P., **1210 kc.**, 100 watts, daytime.

#### Examiner's Report No. I-164:

(Oral argument on petition for rehearing and reconsideration)  
KGCX—E. E. Krebsbach, Wolf Point, Mont.—C. P., **1450 kc.**, 1 KW, unlimited time. Present assignment: **1310 kc.**, 100 watts, 250 watts LS, specified hours.

### APPLICATIONS RECEIVED

#### First Zone

WMAS—WMAS, Inc., Springfield, Mass.—Construction permit to **560** make changes in equipment; change frequency from **1420 kc.** to **560 kc.**; increase power from 100 watts, 250 watts day, to

1 KW; move transmitter from 70 Chestnut St., Springfield, Mass., to Agawam, Mass., and studio from 70 Chestnut St., Springfield, Mass., to Hotel Stonehaven, Springfield, Mass.; and install directional antenna.

**WJZ**—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new equipment, increase power from 50 KW to 500 KW, and move transmitter from No. 1 River Rd., Bound Brook, N. J., to site to be determined.

**NEW**—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Construction permit for a new station to be operated on **1210 kc.**, 100 watts, unlimited time. Amended: Transmitter site and antenna to be determined.

**WNBC**—Wm. J. Sanders, New Britain, Conn.—Voluntary assignment of license from Wm. J. Sanders to State Broadcasting Corp.

**NEW**—Auburn Publishing Co., Auburn, N. Y.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended giving transmitter site as York Street, Auburn, N. Y.

**WMBQ**—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Construction permit to install new equipment. Amended to move studio and transmitter from 95 Leonard Street, Brooklyn, N. Y., to 217 Havermeyer Street, Brooklyn, N. Y., and make changes in antenna.

### Second Zone

**WWJ**—The Evening News Assn., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna.

**WWJ**—Evening News Assn., Detroit, Mich.—License to cover construction permit (B2-P-297) as modified for move of transmitter, new equipment, and increase in power.

**WCMI**—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

**NEW**—Owensboro Broadcasting Co., Owensboro, Ky.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to give studio site as 102 E. 3rd Street, Messenger & Inquirer Bldg., Owensboro, Ky.

**NEW**—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000-400000 kc.**, 40 watts.

**W8XEO**—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as Capitol City Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 15 watts.

**W3XER**—Philco Radio & Television Corp., Philadelphia, Pa.—License to cover construction permit for a new special experimental station to be operated on **42000-56000, 60000-86000 kc.**, 250 watts.

### Third Zone

**WPTF**—WPTF Radio Co., Raleigh, N. C.—Authority to determine operating power by direct measurement of antenna (1-KW auxiliary equipment).

**NEW**—State Capitol Broadcasting Assn. (R. B. Anderson, Pres.), Austin, Tex.—Construction permit for a new station to be operated on **1120 kc.**, 500 watts, 1 KW day, specified hours (all hours not used by WTAW), using directional antenna. Amended to make changes in directional antenna.

**NEW**—O. Lee Stone, Florence, S. C.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, daytime.

**KFPW**—Southwestern Hotel Co., Fort Smith, Ark.—Construction permit to make changes in equipment.

**KTAT**—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Voluntary assignment of license from KTAT Broadcast Co., Inc., to Raymond E. Buck.

**WRR**—City of Dallas Texas, Dallas, Tex.—Modification of construction permit (B3-P-889) for new equipment and move of transmitter, requesting further changes in equipment.

**WDOD**—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

**KPDN**—Pampa Daily News, Inc., Pampa, Tex.—License to cover **1310** construction permit (B3-P-382) as modified for a new station.

**WGPC**—Americus Broadcast Co., Albany, Ga.—Construction permit to install new equipment; move transmitter from 107 N. Jackson Street, Albany, Ga., to corner Pine and Jackson Sts., Albany, Ga., and studio from 107 N. Jackson Street, Albany, Ga., to 127½ N. Jackson Street, Albany, Ga.

**W4XBX**—Radio Station WSOC, Inc., Portable.—License to cover construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 7 watts.

**KNED**—Carter Publications, Inc., Portable-Mobile.—License to cover construction permit for a new broadcast pickup station to be operated on **1606, 2020, 2102, 2760 kc.**, 50 watts.

**NEW**—Memphis Commercial Appeal, Inc., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on **1606, 2020, 2102, 2760 kc.**, 35 watts.

### Fourth Zone

**KFRU**—KFRU, Inc., Columbia, Mo.—Construction permit to change hours of operation from share WGBF night, simultaneous daytime WGBF, to unlimited time, using directional antenna night, and to move transmitter from 1200 Broadway, Columbia, Mo., to 4 miles from center of city, Columbia, Mo.

**WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to change hours of operation from share WOS, KFRU night, simultaneous day, to unlimited time, using directional antenna.

**NEW**—KFLW Broadcasting Co., Myron J. Bennett, President, Mandan, N. Dak.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Requests facilities of KGCU.

**NEW**—C. E. Wilkinson Broadcasting Co., Inc., Mason City, Iowa.—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended to change name from Charles E. Wilkinson to C. E. Wilkinson Broadcasting Co., Inc., and change frequency from **1370 kc.** to **1210 kc.**

**NEW**—KMOK Broadcasting Co., Myron J. Bennett, Pres., Valley City, N. Dak.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time.

**WOC**—Tri-City Broadcasting Co., Davenport, Iowa.—Authority to **1370** install automatic frequency control.

**WRJN**—Racine Broadcasting Corp., Racine, Wis.—Modification of construction permit (B4-P-370) for equipment changes and move of transmitter, requesting further changes in equipment and extension of commencement and completion dates.

**NEW**—Creston News Advertiser Broadcasting Co., Creston, Iowa.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change name from W. E. Day to Creston News Advertiser Broadcasting Co.

**WKBB**—Sanders Brothers Radio Station, East Dubuque, Ill.—Construction permit to install a new transmitter.

**NEW**—Central States Broadcasting Co., Portable.—Construction permit for a new broadcast pickup station to be operated on **1606, 2020, 2102, 2760 kc.**, 30 watts.

### Fifth Zone

**NEW**—The Hebrew Evangelization Society, Inc., Los Angeles, Calif.—Construction permit for a new station to be operated on **570 kc.**, 1 KW, unlimited time.

**NEW**—Thomas M. Hammond, d/b as Ventura Broadcasting Co., Ventura, Calif.—Construction permit for a new station to be operated on **1210 kc.**, 100 watts, daytime.

**KVOA**—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Construction permit to make changes in equipment.

**NEW**—Mile High Radio Corp., Denver, Colo.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time.

**W6XKG**—Ben S. McGlashan, Los Angeles, Calif.—Construction permit for increase in power of general experimental station from 100 watts to 1000 watts.

**KABB**—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—License to cover construction permit for a new broadcast pickup station to be operated on **1646, 2090, 2190, 2830 kc.**, 100 watts.



**KGIR FILES ANSWER IN COPYRIGHT  
INFRINGEMENT SUIT**

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA

REMICK MUSIC CORPORATION, Complainant

—against—

K. G. I. R., Inc., Defendant

The defendant, answering the bill of complaint herein:

(1) Denies each and every allegation contained in Paragraphs I, X, XII, XIII, XIV, XV and XVI.

(2) Denies that it has any knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs II, IIa, IV, VI, VII, VIII, VIIIa, IX, and XI, and therefore denies the same.

(3) Upon information and belief, defendant admits that Stanley Murphy, also known as S. Murphy, and Percy Wenrich, also known as P. Wenrich, prior to the 5th day of November, 1909, wrote and composed the words and music of a musical composition, entitled, "Put On Your Old Grey Bonnet," but defendant is without knowledge as to any of the other allegations contained in paragraph V.

**FURTHER ANSWERING AND AS A FIRST AFFIRMATIVE DEFENSE, DEFENDANT SAYS:**

I. Upon information and belief, that on or about the 13th day of February 1914, there was organized under the laws of the State of New York, for the term of ninety-nine years, an unincorporated voluntary association of seven or more persons, composed of composers, authors and publishers of musical works known and designated as the American Society of Composers, Authors and Publishers (hereinafter, for brevity, referred to as "ASCAP"), for the purpose of granting licenses to users of musical works, in public entertainment, to give public performances for profit of the works in the repertory of said "ASCAP" (hereinafter referred to as the small performing rights), and to collect from such users royalties for the right to give such public performances, and to allow and distribute among the members of ASCAP the revenue so collected from such users, and that ASCAP, was, is, and at all times has been, duly empowered by all of its members in its and their behalf to license the small rights of all musical compositions at any time written, composed, published or copyrighted by members of ASCAP.

II. Upon information and belief, that the complainant, or its predecessors in interest, were at all times from on or about the 6th day of March, 1914, to at least the 31st day of December, 1935, duly elected members of said ASCAP, and that the complainant has been such member of ASCAP since the year of 1914, and that the complainant, and its predecessors, agreed duly to perform and abide by the articles of association and all by-laws, rules, regulations and resolutions of ASCAP, and of its Board of Directors, which might be in force at the time of their applications to membership, or might thereafter from time to time be adopted. That Percy Wenrich, also known as P. Wenrich, and Stanley Murphy, also known as S. Murphy, the composers and authors of the music and words of the composition "Put On Your Old Grey Bonnet," and the said Percy Wenrich, also known as P. Wenrich, and Stanley Murphy, also known as S. Murphy, are at the present time, at this date, and were at all times hereinbefore mentioned, duly elected members of ASCAP, and that the estate and heirs of Stanley Murphy, as well as Stanley Murphy in his lifetime, and the said Percy Wenrich, agreed in writing to duly perform and abide by the articles of association and all of the by-laws, rules, regulations and resolutions of ASCAP, and of its Board of Directors, which might be in force at the time of its application to membership, or might thereafter from time to time be adopted.

III. Upon information and belief, that under the articles of association of ASCAP, and by virtue of the aforesaid membership agreements of the complainant and of Percy Wenrich and Stanley Murphy in ASCAP, the exclusive right to grant licenses to others in respect of the small rights of "Put On Your Old Grey Bonnet," together with the entire copyright, were vested in ASCAP, in that the by-laws of said association provided, among other things, that each member, including the complainant herein, should execute to ASCAP documents and agreements constituting exclusive assignments to said ASCAP of all the copyrighted music owned by said members, or that which they should thereafter acquire dur-

ing their membership; that each of the aforesaid parties, complainant, Stanley Murphy and Percy Wenrich, executed certain documents in writing to ASCAP, particularly providing:

- A. An Assignment to the Society of the entire and exclusive right of public performance of all copyrighted compositions owned or controlled by such members.
- B. That each member shall thereafter assign from time to time such entire and exclusive right to all the copyrighted compositions or original compositions which he may in the future compose or the rights to which he may in the future acquire.
- C. That he shall not grant any individual licenses and that he will join with the Society in all suits for infringements of the exclusive right of public performance granted to the Society.
- D. Assigns to the Society the exclusive right to fix or determine the terms or conditions of any license or licenses covering any of the compositions assigned to the Society.

That the aforesaid documents and assignments have never been revoked or reassigned from said ASCAP and the title to said copyrighted musical composition "Put On Your Old Grey Bonnet" is no longer vested in complainant or its assigns, but on the contrary, both grand and small rights are now vested in ASCAP and its assignees and successors, if any, as herein set forth.

IV. Upon information and belief, that ASCAP, since 1914, has licensed users of musical compositions in respect of the small rights of musical works written and composed by its writer and composer members, and published by its publisher members, including since the date of its composition, "Put On Your Old Grey Bonnet," written and composed by the aforementioned Wenrich and Murphy, and published by the Complainant; that for such small rights, ASCAP has collected, under license agreements, from time to time made with users of the aforesaid musical compositions, royalties which it has supposedly divided among its members in the ratio of one-half thereof to the writer and composer members, and one-half thereof to the publisher members; that under such license agreements, the users of musical compositions have been licensed in respect of the small rights of each and every musical composition which has either been written and composed by a writer and composer member of ASCAP, of which has been published by a publisher member of ASCAP, and all such works are referred to hereinafter as being within the repertory of ASCAP, or its successors and assigns.

V. Upon information and belief, that in the year 1921, the conditions then prevailing in said ASCAP were such that it was deemed for the advancement and protection and mutual interest of the members thereof, and to their benefit, that each member should execute an assignment as set forth in paragraph 6 herein, of the rights in his works then existing or which might thereafter be written, composed or acquired by such member, that thereafter, complainant and said Wenrich and Murphy agreed between and with each other and with ASCAP (of which they were members), each in consideration of the agreement made by the other, that the small and entire rights of all the musical works then published by complainant and written or composed by said Wenrich and Murphy, or which thereafter, and for a period of five years, should be written, composed, or acquired by them, or any of them, should be deemed to be and was vested in ASCAP, and that said Wenrich and Murphy and the complainant should be and were thereafter deemed by reason of their membership in ASCAP and the agreements as aforesaid, to be owners in common of the small and entire rights of all musical works theretofore or thereafter composed by said Wenrich and Murphy and published by complainant; that this complainant permitted, approved and ratified the election to membership in ASCAP of the said Wenrich and Murphy and their right to participate to the extent of one-half of the revenue derived from the licensing of the small and entire rights of such musical compositions; and in all manners and respects, the complainant recognized the ownership in common of said Wenrich and Murphy in and to a one-half undivided interest in the small and entire rights of such musical compositions including "Put On Your Old Grey Bonnet."

VI. On information and belief, this complainant permitted ASCAP to represent and hold out that the said Wenrich and Murphy were owners in common with the complainant of the small and entire rights of the musical compositions written and composed by the said composers, including "Put On Your Old Grey Bonnet," and this complainant permitted the said ASCAP, during said period, to represent that it had the right to make licenses for the small and entire rights of such musical compositions, including "Put On Your Old Grey Bonnet," and said

ASCAP, in reliance upon the permission, acquiescence and ratification of this complainant, did enter into various agreements with users of music for the purpose of granting them license for the small rights of the works in the repertory of ASCAP, including the composition, "Put On Your Old Grey Bonnet," and including license agreements for broadcasting over and by means of radio broadcasting station KGIR, as hereinafter set forth.

VII. That ASCAP, under various agreements made and renewed from time to time, and now in force with defendant, and in full force and effect prior to January 11th, 1936, licensed the use of the small rights of and in the works in its repertory by broadcasting from, over and by means of the facilities of radio broadcasting station KGIR, and the National Broadcasting Company, of which defendant is an affiliated station, and that such license included the right to broadcast each such work, in its repertory, including the composition "Put On Your Old Grey Bonnet," for which license substantial royalties have been paid to ASCAP. That there is now outstanding and in force a valid license agreement, under which the small rights of the works in ASCAP's repertory, including the composition "Put On Your Old Grey Bonnet" may be put to commercial use for broadcasting purposes by radio broadcasting station KGIR, and that such license and right existed on the 11th day of January, 1936.

VIII. That the execution of the aforesaid license agreements and the making of the payments required thereunder was all done in good faith and in full reliance upon the representations made by ASCAP and this complainant and in reliance upon the acts and conduct of this complainant in having acquiesced in, ratified and approved of, at all the times hereinabove mentioned, the ownership by ASCAP of such rights derived from the author and composer members of said ASCAP in the manner aforementioned, upon information and belief that at all the times hereinbefore mentioned, and up to the 5th day of December, 1935, this complainant had representation upon the board of directors of said ASCAP, and this complainant was cognizant of the representations made by ASCAP to all users of music, respecting the ownership of the small and entire rights in complainant and the respective authors and composers of the compositions published by the complainant, and this complainant with full knowledge of such representations, and in furtherance of the same, and for the purpose of causing broadcasters to enter into license agreements in reliance upon such representations, aided, assisted and collaborated in the execution of license agreements, from time to time, between the said ASCAP and broadcasters, including the agreements hereinbefore set forth, and ratified the same and accepted benefits thereunder; and by reason of the premises, complainant is now estopped from asserting that any performance by this defendant, publicly, for profit of the composition, "Put On Your Old Grey Bonnet," was without a license from this complainant, and complainant's claim in such respect is made in bad faith and bad conscience and is inequitable.

IX. Upon information and belief, that when said Murphy and Wenrich became members of ASCAP, they were given standing and classification in ASCAP by reason of their creation and composition of a number of musical compositions; that complainant, at said time, had knowledge of the said applications made by the said Murphy and Wenrich and acquiesced therein, and in all manner consented and agreed that ASCAP should then acquire, exclusively, the small and entire rights in and to the said compositions, including "Put On Your Old Grey Bonnet."

X. Upon information and belief, that thereafter, said Wenrich and Murphy executed various agreements with the said ASCAP, under which they assigned and continued to assign to ASCAP, the small and entire rights in the compositions written by them, including the composition "Put On Your Old Grey Bonnet," that the said Wenrich and Murphy executed such contracts with ASCAP in the year of 1931, and re-executed such contracts at the end of the year of 1935, for a term of five years from January 1, 1936; that in and by the aforesaid contracts, the said Murphy and Wenrich vested exclusively and irrevocably in said ASCAP the small and entire rights in all musical works theretofore written and composed by them, including the composition "Put On Your Old Grey Bonnet," and the sole and exclusive rights to license for public performance for profit such compositions, including "Put On Your Old Grey Bonnet," presently vested in, and on and many years prior to the first day of January, 1936, vested in said ASCAP.

XI. Upon information and belief, that for many years, said Murphy and Wenrich have participated in the royalties derived by the said ASCAP from licenses to publicly perform for profit and compositions written and composed by them, including the composi-

tion, "Put On Your Old Grey Bonnet," with the knowledge, consent, approval and ratification of complainant.

XII. Upon information and belief, that in and about the year 1929, Warner Brothers Pictures, Inc., then and still engaged in the business of producing and distributing motion pictures, through the medium of a corporation known as the Music Publishers Holding Corporation, purchased the controlling interest in the issued and outstanding capital stock of the complainant and a number of other music publishers, members of ASCAP; which the complainant, as well as the other music publishers, members of ASCAP, which have been owned and controlled by Warner Brothers Pictures, Inc., and the Music Publishers Holding Corporation, as aforesaid, since the year 1929, have since said time, been represented on the board of directors of ASCAP and have had full knowledge of and acquiesced in and ratified each and every contract made between ASCAP and said complainant, Murphy and Wenrich as referred to in paragraph 6 herein, as well as other contracts made between ASCAP and users of musical works, including all of the contracts licensing the performance of such works, by, over, and by means of the facilities of broadcasting station KGIR; and the license now in force and effect, under which such rights to exercise, use and enjoy the small rights in and to the works in the repertory of ASCAP for broadcasting purpose by KGIR was made with knowledge, acquiescence, and consent, agreement, ratification and approval of this complainant and the other music publishers, members of ASCAP owned and controlled by Warner Brothers Pictures, Inc., and the Music Publishers Holding Corporation.

FURTHER ANSWERING AND AS A *SECOND* AFFIRMATIVE DEFENSE, DEFENDANT SAYS:

I. That defendant KGIR is affiliated with the National Broadcasting Company as an outlet station, although defendant is independently owned and operated; that the business and practice of radio is such that by reason of defendant's affiliation with a national network, the defendant must receive programs from said networks, and the defendant has no choice in the selection of the musical compositions carried by the said National Broadcasting Company for rendition or performance; that the performance of a musical score by the National Broadcasting Company is the same identical performance as given by defendant; that while a rendition might originate in Chicago in a studio, the performance in Butte, Montana, is the same identical performance as that given in Chicago, with the same performers rendering the same composition; that the performance complained of, if it occurred, originated in Chicago and a single performance was then given in Chicago and carried by wire to Butte, Montana, and rendered simultaneously with that same performance in Chicago; that on information and belief, the National Broadcasting Company was licensed by complainant and its agents for a valuable consideration for a term of five years beginning on June 5th, 1935, and ending during the year 1940, by which license complainant gave the National Broadcasting Company the right to use commercially the works and compositions in its musical repertory, including the musical composition "Put On Your Old Grey Bonnet," that said license is now in effect, is in full force and operation and was subsisting on January 11th, 1936; that it is inequitable and unjust that the complainant be permitted to restrict the use of or to secure a second payment from defendant for the use of said composition "Put On Your Old Grey Bonnet" when the performance complained of originated, if performed at all, in Chicago, Illinois, and the right to use and the right to perform said composition had been paid for by said license agreement existing between the National Broadcasting Company and complainant; that defendant received said performance from the National Broadcasting Company and that such performance was a single performance and the complainant having been paid for the use of said composition in Chicago is estopped from restricting the same "use" of said composition, merely because the same performance was carried over defendant's facilities to a larger audience; that the same performer who rendered the performance in Chicago under a license to use the same from complainant, rendered only one single performance for profit in both Chicago and Butte, Montana; that the use of such music on said performance having been paid for, the complainant and its agents are estopped from restricting, collecting or receiving payment twice for the same use of said composition.

FURTHER ANSWERING, AND AS A *THIRD* AFFIRMATIVE DEFENSE, DEFENDANT SAYS:

I. That the title to said musical composition "Put On Your Old Grey Bonnet" is no longer in complainant, and the complainant is no longer the owner or proprietor thereof, by reason of exclusive

and irrevocable assignments made by complainant to ASCAP; that the title of the said musical composition "Put On Your Old Grey Bonnet" has been further clouded by the appointment of a receiver for ASCAP in the State of Washington, whose title to said composition relates back to the 24th day of June, 1935, when said complainant was a duly elected and participating member of said ASCAP; that the State of Washington in its sovereign capacity proceeded by injunction proceedings against said ASCAP and all of its members in an action in personam in said state in the Superior Court of the State of Washington for Thurston County, for the purpose of enforcing its criminal laws against price fixing, extortion, conspiracy, and monopoly; that personal service was obtained upon said ASCAP and its members pursuant to the laws of Washington, and that under the Code Civil Procedure No. 1919 of the laws of New York, under which said ASCAP and its members including the complainant were organized, such action brought the entire membership of ASCAP before the Superior Court of the State of Washington for Thurston County, of said state, including this complainant; that the Superior Court, as aforesaid, in construing the contracts and assignments between complainant and ASCAP, and the contracts and assignments between complainant and ASCAP, and the contracts and membership agreements between complainant and ASCAP, and the contracts and membership agreements in said Society entered its written judgment to the effect that each member, including the complainant, the said Percy Wenrich and Stanley Murphy, upon being admitted to membership in said ASCAP, were obliged to and did execute identical contracts to said ASCAP and that these contracts constituted exclusive and irrevocable assignments to said ASCAP of all of the copyrighted music owned by said members, or that which they should thereafter acquire during their membership; that the said judgment in said cause, entitled State of Washington vs. ASCAP, et al., and each and every member thereof, in Cause No. 16114, Superior Court of the State of Washington for Thurston County, recited that under the law and by virtue of these irrevocable assignments to ASCAP the said title to the copyrights of the members of the said ASCAP, including the composition "Put On Your Old Grey Bonnet," was vested in the Society, and that the receiver, Tracy Griffin, who was thereafter appointed by operation of law, came into legal possession and proprietorship of said copyrighted musical compositions, including "Put On Your Old Grey Bonnet"; that this judgment was entered on the 7th day of August, 1935, and a receiver for ASCAP and the joint property of its members including complainant was appointed on the 13th day of August, 1935, that no appeal was ever taken from this judgment of a Court of Competent Jurisdiction, and the receiver, as aforesaid, has assumed legal control and the proprietorship of all the joint property, the copyrights, the performing rights, and the tangible and intangible property of ASCAP and its members, including the title to the musical composition "Put On Your Old Grey Bonnet," that the terms of said judgment vesting the title to the musical composition "Put On Your Old Grey Bonnet," as well as to the other works of complainant and said ASCAP into the receiver, Tracy Griffin, will appear more fully and at large in the copy thereof, which will be produced as may be required; that the title to said copyrighted musical composition "Put On Your Old Grey Bonnet" is manifestly clouded and there is not sufficient title, proprietorship, or ownership in the complainant to justify the intervention of this court, sitting as a court of equity, nor is there sufficient grounds for this court to construe a right which does not arise under the copyright laws of the United States of America or any act of Congress in relation thereto.

**FURTHER ANSWERING, AND AS A FOURTH AFFIRMATIVE DEFENSE, DEFENDANT SAYS:**

I. That the said complainant, being a member of said ASCAP on the 24th day of June, 1935, was convicted in the State of

Washington, in said cause as alleged hereinbefore, of extortion, conspiracy, and price fixing, and said judgment has never been appealed nor rescinded, and the property including this composition is vested in the receiver as aforesaid, and by reason of the matters and things therein set forth, complainant is guilty of breaching the equitable maxim relating to "Unclean Hands," that a copy of said judgment will be made available at the trial hereof, and the decision of the United States District Court for the Western District of Washington, Southern Division, upholding the right of the State of Washington to maintain the action as aforesaid on a removal action is reported in 13 Federal Supplement 141.

**FURTHER ANSWERING AND AS A FIFTH AFFIRMATIVE DEFENSE, DEFENDANT SAYS:**

I. That the matter in controversy herein does not arise under and by virtue of the Copyright law of the United States; that this controversy hinges on contracts, assignments, and license agreements between the various parties as hereinbefore enumerated, and the construction of such agreements does not involve any law of the United States; that the controversy does not involve the validity of said copyrighted composition "Put On Your Old Grey Bonnet," the validity thereof and the fact that it was copyrighted being admitted; that this controversy involves a question of title and rights under contracts, assignments, and subsisting license agreements, between complainant ASCAP, Tracy Griffin as receiver for ASCAP, Stanley Murphy and Percy Wenrich, and the alleged claim for infringement set forth in the bill of complaint herein is merely incidental to such controversy; that this suit for infringement cannot lie in a Federal Court until the matter of complainant's title to "Put On Your Old Grey Bonnet" has been determined in the proper form, or until rescission has been sought in the Superior Court of the State of Washington for Thurston County of that order, proceedings, and judgment entered by said Court of Competent Jurisdiction, whereby title of said composition was vested in Tracy Griffin, as receiver for ASCAP, which judgment remains unappealed from; that the complainant is estopped from asserting its title in and to said composition, as the judgment of said Court filed in the United States Copyright Office, became the law of the case, and the matter of title to this composition is now res adjudicata; that defendant had permission of both said ASCAP and the Receiver, Tracy Griffin, to commercially perform said composition, and subsisting licenses issued by the said complainant and its agents ASCAP, and the Receiver, Tracy Griffin, to defendant and National Broadcasting Company to publicly perform said composition were issued with the knowledge, consent and acquiescence in both law and fact, of said complainant.

II. That by reason of the premises, this Court is without jurisdiction of the subject-matter of this suit and of the parties herein.

WHEREFORE, defendant demands judgment, dismissing the bill of complaint herein, besides the costs and disbursements of this action and reasonable counsel fees and for such other and further relief as to the Court may seem just and equitable.

JOHN CLAXTON,  
Butte, Montana  
KENNETH C. DAVIS,  
1514 Northern Life Tower,  
Seattle, Washington  
RUSSELL, POST, DAVIS & PAINE,  
Exchange Building,  
Spokane, Washington

Solicitors for Defendant.



# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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Copyright, 1936. The National Association of Broadcasters

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#### STEVENS HOTEL SELECTED FOR NAB CONVENTION

The Board of Directors this week selected the Stevens Hotel as the place for holding the Fourteenth Annual Convention of the NAB on July 5, 6, 7 and 8.

Information concerning rates, etc., will be mailed to all members shortly.

#### NAB COPYRIGHT BUREAU

The Board of Directors, at a meeting held in Chicago, April 27, authorized the creation of a Bureau of Copyrights in the NAB. The report and plan of action as approved by the Board will be distributed for the information of the members.

#### BOARD ACTS ON HEARING

The Board of Directors this week authorized and directed the Managing Director to take such steps as are necessary to properly and adequately represent the NAB at the forthcoming general industry hearing called by the FCC for June 15.

#### FCC WINS MONOCACY CASE

Justice Jennings Bailey in the Supreme Court of the District of Columbia has upheld the Federal Communications Commission in an injunction proceeding filed against the Commission by the Monocacy Broadcasting Company.

The broadcasting company was granted a license by the Commis-

sion to erect a new station at Rockville, Md., but a protest was filed against the grant. The protest was later withdrawn but the Commission set the case for hearing. The Monocacy Company asked the District Supreme Court to enjoin the Commission against holding the hearing and to grant it the license. The Court refused to hold in favor of the broadcasting company.

#### RADIO COMMITTEE TO MEET

The American Section of the International Committee on Radio will meet at the University Club, this city, on May 5.

Anning S. Prall, chairman of the Federal Communications Commission, will speak and there will be discussion of the forthcoming meeting of the International Communications Conference to be held at Cairo.

#### WHEELER RADIO BILL PASSES SENATE

The Wheeler bill (S. 2243) relating to the allocation of radio facilities has passed the Senate just as it was favorably reported by the Senate Committee on Interstate Commerce. As it passed the bill is as follows:

That section 302 of the Communications Act of 1934 is hereby repealed.

SEC. 2. Subsection (b) of section 307 of such Act is amended to read as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a *fair, efficient, and equitable* distribution of radio service to each of the same."

#### MONAGHAN INTRODUCES RADIO AMENDMENT

Representative Monaghan of Montana has introduced a bill (H. R. 12421) to amend the Communications Act of 1934. The bill has been referred to the House Committee on Interstate and Foreign Commerce. Part of the bill deals with communication companies while another section provides for the striking out of the second sentence of Section 315 of the 1934 Act.

The second sentence which would be eliminated under the bill provides that "No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

The bill is as follows:

That section 207 of the Act of June 19, 1934, entitled the "Communications Act of 1934" is hereby amended by striking out all after the semicolon down to the period.

SEC. 2. Section 315 of such Act is hereby amended by striking out the second sentence.

*Make Your Plans Now to Attend the*  
**FOURTEENTH ANNUAL NAB CONVENTION**  
**STEVENS HOTEL** **CHICAGO, ILLINOIS**  
**JULY 5, 6, 7, and 8, 1936**

## GRANTING OF NEW LICENSE RECOMMENDED

J. Laurance Martin applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Tucumcari, N. M., to use 1200 kilocycles, 100 watts and unlimited time on the air.

Examiner P. W. Seward in Report No. I-219 recommends that the application be granted. He found that the applicant is qualified to erect and operate the proposed station; that the construction will conform to the regulations of the Commission; that its erection will not adversely affect the service of station WOAI and that it will serve the public interest.

### AGENDA FOR JUNE 15 HEARING

The Federal Communications Commission has issued the following formal notice of the informal engineering hearing to be held before it on June 15.

Notice is hereby given of an informal engineering hearing before the Commission en banc to be held in the offices of the Commission at Washington, D. C., beginning at 10 A. M., June 15, 1936, for the purposes of:

- (1) Determining the present and future needs of the various classes of services for frequencies above 30,000 kc., with the view of ultimately allocating such frequencies to services;
- (2) Securing for the public and the Commission a keener insight into the conflicting problems which confront the industry and the regulatory body in the application of the new frequencies to the service of the public;
- (3) Guiding experimentation along more definite lines as may be justified from the evidence presented at the hearing;
- (4) Reviewing present frequency allocations to services in the radio spectrum below 30,000 kc., and
- (5) Assisting the Government in its preparation for the International Telecommunications Conference at Cairo in 1938.

At this hearing neither individual applications nor individual assignments within service bands will be considered. However, in determining the width of the frequency band to be assigned to a service in any particular portion of the spectrum, it may be necessary to justify, from an engineering standpoint, the width of the band requested.

Persons appearing before the Commission at this hearing in behalf of a particular service such as maritime, police, aviation, aural broadcasting or television, should be prepared to furnish information as follows:

#### Evaluation of Services from the Standpoint of Public Need and Benefit

- (a) The dependence of the service on radio rather than wire lines.
- (b) The probable number of people who will receive benefits from the service.
- (c) The relative social and economic importance of the service, including safety of life and protection of property factors.
- (d) The probability of practical establishment of the service and the degree of public support which it is likely to receive.
- (e) The degree to which the service should be made available to the public, that is, whether on a limited scale or on an extended competitive scale.
- (f) Areas in which service should be provided and, in general, the points to which communication must be maintained.

#### Technical

- (a) The frequency bands required for a given service and the exact position thereof in the radio frequency spectrum; also the width of communication bands or channels within each portion required for station frequency assignments.
- (b) Suitability and necessity for particular portions of the spectrum for the service involved. This includes propagation characteristics and reliable range data.
- (c) Field intensity required for reliable service.
- (d) The number of stations required to enable efficient service to be rendered.
- (e) The distance over which communication must be maintained.
- (f) The relative amount of radio and other electrical interference likely to be encountered.
- (g) The relative amount of noise which may be tolerated in the rendering of service.

## Apparatus Limitations

- (a) The upper practical limit of the useful radio frequency spectrum and, in general, what higher limit can be expected in the future.
- (b) The operating characteristics of transmitters with respect to external effects and practicability in service for which intended, including frequency tolerances which should be prescribed.
- (c) Types of antennas which are available for service for which intended, and their practical limitations, including the best methods of obtaining the most effective use of frequencies.
- (d) Receivers available and in process of development, including data with respect to selectivity and practical usefulness for the service for which intended.

Persons who intend to testify at the hearing should prepare exhibits which show the requirements for frequency bands and positions in the frequency spectrum for the service in which interested. One copy of each exhibit should be furnished the Commission on or before June 1, 1936.

Cross examination of witnesses will be limited to questions by Commissioners or members of the Commission's technical or legal staffs; however, the Chairman may permit any question of any witness which may be submitted to the Chairman in writing.

Persons or organizations desiring to appear and testify will notify the Commission of such intention on or before June 1, 1936. In such notification the number of witnesses who will appear, the topic each will discuss, and the time expected to be occupied by each should be stated. This information is necessary in order more efficiently to organize the hearing.

### NEW STATION RECOMMENDED ON CONDITIONS

The Pittsburgh Broadcasting Company has applied to the Federal Communications Commission for a construction permit for the erection of a new station at Pittsburg, Kans., to use 790 kilocycles, 1,000 watts power and daytime operation.

Examiner George H. Hill in Report No. I-220 recommended that the application be granted "provided other applications now pending before the Commission for 100 watt stations are denied."

The Examiner states that there is a definite need for radio service in the Pittsburg area and "there appears to be local talent to meet the requirements of such a station." He found also that no objectionable interference would be caused any existing service by the operation of the proposed station.

### SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- The United States Graphite Co., Saginaw, Mich. (2-2096, Form A-2)
- Scott Paper Company, Chester, Pa. (2-2099, Form A-2)
- Diversified Royalty Co., Kansas City, Mo. (2-2100, Form A-1)
- Youngstown Sheet & Tube Co., Youngstown, Ohio (2-2101, Form A-2)
- Sterling, Inc., New York City. (2-2102, Form A-2)
- Hess Oil Company, Kansas City, Mo. (2-2103, Form A-1)
- Pickford-Laskey Productions, Inc., Hollywood, Cal. (2-2104, Form A-1)
- United Goldfields of Nova Scotia, Inc., Liverpool, Canada. (2-1748, Form A-1)
- Bullion Imports, Inc., Nogales, Ariz. (2-2105, Form A-1)
- Capital City Products Co., Columbus, Ohio (2-2106, Form A-2)
- Mid-West Abrasive Co., Detroit, Mich. (2-2107, Form A-1)
- Walton-Dodge Manufacturing Co., Detroit, Mich. (2-2108, Form A-1)
- Great Dike Gold Mines, Inc., San Francisco, Cal. (2-2109, Form A-1)
- Belmont Brewing Co., Martins Ferry, Ohio. (2-2110, Form A-1)
- Reed Roller Bit Company, Houston, Texas. (2-2111, Form A-2)
- United Gilpin Company, Denver, Colo. (2-2112, Form A-1)
- Perfection Grain Shocker Co., Minneapolis, Minn. (2-2114, Form A-1)
- Institutional Securities, Ltd., Jersey City, N. J. (2-2115, Form A-1)
- California Water & Telephone Co., San Francisco, Cal. (2-2116, Form A-2)
- Schwitzer-Cummins Co., Indianapolis, Ind. (2-2117, Form A-2)

Gold Mountain Mining & Milling Co., Denver, Colo. (2-2118, Form A-1)

Household Finance Corp., Chicago, Ill. (2-2120, Form A-2)

National Petroleum Corp., Dallas, Texas. (2-2121, Form A-1)

Southern States Oil Company, Charleston, S. C. (2-2122, Form A-1)

### NEW WISCONSIN STATION RECOMMENDED

The Central Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station to be located at Eau Claire, Wis., to use 1050 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-218 recommended that the application be granted. The Examiner states that there is undoubtedly a need for daytime service in the area proposed to be served; that no existing station would be adversely affected by interference from the proposed station, and the granting of the application would serve the public interest.

### RECOMMENDS AGAINST NORTH CAROLINA STATION

C. G. Hill, George D. Walker, and Susan H. Walker applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Winston-Salem, N. C., to use 1250 kilocycles, 250 watts power and daytime operation.

Examiner Ralph L. Walker, in Report No. I-217, recommended that the application be denied. He states that "the service which the applicants propose to render does not appear to differ materially from that which is or can be rendered through existing facilities. No substantial need is shown for additional service, nor does the record indicate that the proposed station could be successfully operated as a commercial project."

### RECOMMENDS AGAINST STATION CHANGE

Broadcasting Station KLO, Ogden, Utah, filed an application with the Federal Communications Commission asking that its location be changed and that its power be increased from 500 watts to 1,000 watts and 5,000 watts LS. The station operates on a frequency of 1400 kilocycles with unlimited time operation.

Examiner Ralph L. Walker in Report No. I-221 recommends that the application be denied. He found that operation of the station as proposed would reduce its signal strength in Ogden to or below the minimum strength necessary to afford satisfactory reception in that community. It would also, he states, result in a restriction of the good service area of the station in the retail trade area of Ogden lying north of the city.

### NATIONAL CONFERENCE ON EDUCATIONAL BROADCASTING

A group of organizations representing every important phase of American education has arranged the first National Conference on Educational Broadcasting in Washington, D. C., on December 10, 11, and 12. The Conference will be held in cooperation with the United States Office of Education and the Federal Communications Commission. The following organizations have been invited to sponsor the Conference: The American Association for Adult Education, The American Council on Education, The American Farm Bureau Federation, The General Federation of Women's Clubs, The Jewish Welfare Board, The International Council of Religious Education, The Institute for Education by Radio, The Institute of Radio Engineers, The National Advisory Council on Radio in Education, The National Association of Educational Broadcasters, The National Committee on Education by Radio, The National Catholic Educational Association, The National Congress of Parents and Teachers, The National Education Association, The National Grange, The Progressive Education Association, The Women's National Radio Committee, and The Workers Education Bureau.

The purpose of the meeting is to enable the large number of persons who are interested in educational broadcasting to discuss means by which radio may become a more effective instrument for education, both formal and informal; to serve as a clearing house for information on the latest technical and professional developments in educational broadcasting; and to enable persons representing all phases of the subject to become acquainted and to exchange ideas and experience.

In the last ten years complicated questions involving the use of radio in education have been raised in practically every educational conference held in the United States. In some instances individual organizations have met to discuss various phases of radio in education. The National Conference on Educational Broadcasting, however, will be the first meeting at which all interested groups will be represented.

The program will include such topics as schools of the air, radio music, speech, and drama, religious broadcasts, forums on the air, organization of listening groups, radio workshops, writing for radio, broadcasting to schools, use of radio programs by colleges and universities, use of radio by libraries and museums, developing use of electrical transcriptions for education, radio programs for children, problems of research in educational broadcasting, organizing audiences for radio programs, educational broadcasting in other countries, audience attitudes, exchange of programs for educational purposes, organizing the community on behalf of a radio station, and others. In addition to general sessions at which formal addresses will be given, smaller meetings will be held to discuss the more specialized interests of broadcasting.

All organizations interested in radio as a social force, nationally or regionally, are invited to participate. The broadcasting industry will be represented. Government officials and prominent educators from America and foreign countries will take part.

C. S. Marsh of the American Council on Education, 744 Jackson Place, Washington, D. C., is acting as Executive Secretary for the planning committee.

### WARNER BROTHERS SUITS

Warner Brothers have made official announcement that they have begun suits based on the alleged infringement of song copyrights owned by them against radio stations, night clubs and restaurants through various music publishing subsidiaries as follows:

Harms, Inc. vs. WADC, Akron, Ohio—"You Took Advantage of Me"—\$5,000.

Remick Music Corp. vs. WHIO, Dayton, Ohio—"Don't Bring Lulu" and "Quicker Than You Can Say Jack Robinson"—\$10,000.

Harms, Inc. vs. WBTM, Danville, Va.—"Take This Ring"—\$250.

Remick Music Corp. vs. WBTM, Danville, Va.—"Sweet Georgia Brown"—\$500. Two infringements alleged.

M. Witmark & Sons vs. WBTM, Danville, Va.—"I Live For Love," "Mine Alone," "Mother Machree," "In a Shanty in Old Shanty Town"—\$1,000.

M. Witmark & Sons vs. WMFJ, Daytona Beach, Fla.—"She's a Latin From Manhattan"—\$250.

Harms, Inc. vs. Royal Palm Club, Miami, Fla.—"Where Am I?"—\$250.

M. Witmark & Sons vs. Gay Paree Cafe, Sacramento, Calif.—"My Wild Irish Rose," "Am I Blue"—\$500.

Remick Music Corp. vs. Prima's Shim Sham Night Club, New Orleans, La.—"Chinatown, My Chinatown"—\$250.

Harms, Inc. vs. Prima's Shim Sham Night Club, New Orleans, La.—"Where Am I?"—\$250.

M. Witmark & Sons vs. Prima's Shim Sham Night Club, New Orleans, La.—"Lulu's Back In Town," "The Rose In Her Hair"—\$500.

Remick Music Corp. vs. Hotel Del Coronado, Coronado, Calif.—"Put On Your Old Grey Bonnet"—\$250.

Harms, Inc. vs. WALA, Mobile, Ala.—"Day Dreams"—\$250.

M. Witmark & Sons vs. WCAM, Camden, N. J.—"In The Vine Covered Church Way Back Home"—\$250.

Remick Music Corp. vs. Lucca Restaurant, Los Angeles, Calif.—"The Lady In Red"—\$250.

Harms, Inc. vs. Cine-Grill of Hotel Roosevelt, Los Angeles, Calif.—"April in Paris"—\$250.

Harms, Inc. vs. WOV, New York City.—"All Through the Night"—\$250.

M. Witmark & Sons vs. WTOC, Savannah, Ga.—"West of the Great Divide," "That Wonderful Mother of Mine," "In a Shanty in Old Shanty Town"—\$1,500.

M. Witmark & Sons vs. WGAR, Cleveland, Ohio—"My Wild Irish Rose"—\$5,000.

Music Publishers Holding Corp. vs. KMOX, St. Louis, Mo.—"Liza Lee"—\$5,000.

M. Witmark & Sons vs. Vanity Club, New Orleans, La.—"Lulu's Back In Town," "The Rose in Her Hair"—\$500.

M. Witmark & Sons vs. Club Plantation, New Orleans, La.—"Lulu's Back in Town" and "The Rose in Her Hair"—\$500.

Harms, Inc. vs. KOMA, Oklahoma City, Okla.—“Where Am I? (Am I In Heaven?)”—\$5,000.

Harms, Inc. vs. New Kenmore Hotel, Albany, N. Y.—“April In Paris” and “I Cover the Waterfront”—\$500.

M. Witmark & Sons vs. WBNO, New Orleans, La.—“You’re An Eyeful of Heaven”—\$250.

Harms, Inc. vs. WBNO, New Orleans, La.—“You and the Night and the Music”—\$1,750.

T. B. Harms Co. vs. WSMB, New Orleans, La.—“Two Hearts Carved On A Lonesome Pine”—\$5,000.

M. Witmark & Sons vs. WKI, San Francisco, Calif.—“That Old Irish Mother of Mine” and “Where the River Shannon Flows”—\$10,000.

Remick Music Corp. vs. WHIO, Dayton, Ohio—“Don’t Bring Lulu”—\$5,000.

New World Music Corp. vs. KTAT, Fort Worth, Texas—“I Got Rhythm”—\$5,000.

M. Witmark & Sons vs. New Kenmore Hotel, Albany, N. Y.—“My Wild Irish Rose”—\$250.

Remick Music Corporation vs. Savarin Restaurant, Buffalo, N. Y.—“Ev’ry Day”—\$250.

M. Witmark & Sons vs. Savarin Restaurant, Buffalo, N. Y.—“The Kiss Waltz” and “When Irish Eyes Are Smiling”—\$500.

Harms, Inc. vs. WGAR, Cleveland, Ohio—“Where Am I? (Am I In Heaven?)”—\$5,000.

Harms, Inc. vs. The Village Farm Barn, Ltd.—“Anything Goes” and “Brother, Can You Spare a Dime?”—\$500.

M. Witmark & Sons vs. The Village Farm Barn, Ltd.—“California, Here I Come”—\$250.

Remick Music Corp. vs. Restaurant La Rue Co., Inc.—“The Lady In Red”—\$250.

Harms, Inc. vs. WGR, Buffalo, N. Y.—“When Buddha Smiles”—\$5,000.

Harms, Inc. vs. WDOO, Chattanooga, Tenn.—“Let’s Swing It”—\$250.

New World Music Corp., vs. WHFC, Cicero, Ill.—“I Got Rhythm”—\$250.

Harms, Inc. vs. WHFC, Cicero, Ill.—“Dancing in the Dark”—\$250.

Remick Music Corp. vs. WGFC, Cicero, Ill.—“Don’t Give Up the Ship”—\$500.

T. B. Harms Co. vs. WGFC, Cicero, Ill.—“Every Now and Then” and “Madonna Mia”—\$500.

Harms, Inc. vs. WCHS, Charleston, W. Va.—“Let’s Pretend There’s a Moon”—\$250.

M. Witmark & Sons vs. WCSH, Portland, Me.—“When Irish Eyes Are Smiling,” “My Wild Irish Rose” and “That Old Irish Mother of Mine”—\$750.

M. Witmark & Sons vs. WHFC, Cicero, Ill.—“I’m Goin; Shoppin’ With You,” “The Words Are In My Heart,” “In a Shanty in Old Shanty Town,” “Lulu’s Back in Town”—\$1,000.

New World Music Corp. vs. Royal Palm Club, Miami, Fla.—“I Got Rhythm”—\$250.

Harms, Inc. vs. Roney Plaza Hotel, Miami Beach, Fla.—“Where Am I? (Am I In Heaven?)”—\$250.

Harms, Inc. vs. Palomar Cafe, Los Angeles, Calif.—“Night and Day”—\$250.

Harms, Inc. vs. Vanity Club, New Orleans, La.—“Where Am I? (Am I In Heaven?)”—\$250.

Harms, Inc. vs. New Bismarck Hotel, Chicago, Ill.—“Night and Day”—\$250.

Remick Music Corp. vs. Blackstone Hotel, Chicago, Ill.—“The Lady In Red”—\$250.

Harms, Inc. vs. Terrace Garden, Chicago, Ill.—“Anything Goes”—\$250.

M. Witmark & Sons vs. WNEW, Newark, N. J.—“I Like Mountain Music”—\$5,000.

Remick Music Corp. vs. WMEX, Boston, Mass.—“I Like Mountain Music”—\$5,000.

M. Witmark & Sons vs. WMEX, Boston, Mass.—“Weary”—\$5,000.

Harms, Inc. vs. WJAX, Jacksonville, Fla.—“Blue Moonlight”—\$500.

Harms, Inc. vs. WHBF, Rock Island, Ill.—“Born To Be Kissed”—\$500.

T. B. Harms Co. vs. WHBF, Rock Island, Ill.—“You’re An Angel (Playing Hookey From Heaven)”—\$500.

Harms, Inc. vs. Blackstone Hotel, Chicago, Ill.—“The Continental (You Kiss While You’re Dancing),” “Anything Goes,” “Where Am I? (Am I In Heaven?)” and “I Get a Kick Out of You”—\$1,000.

Remick Music Corp. vs. The Palmer House, Chicago, Ill.—“Moonlight Bay” and “Carolina in the Morning”—\$500.

M. Witmark & Sons vs. La Lune Club, New Orleans, La.—“Lulu’s Back In Town” and “The Rose in Her Hair”—\$500.

M. Witmark & Sons vs. Miami Biltmore Hotel, Coral Gables, Fla.—“Can’t You Hear Me Callin’ Caroline”—\$250.

Remick Music Corporation vs. WTFI, Athens, Ga.—“Chinatown, My Chinatown”—\$250.

Harms, Inc. vs. WTFI, Athens, Ga.—“Day Dreams”—\$500.

New World Music Corp. vs. St. Moritz-on-the-Park, Inc., N.Y.C.—“I Got Rhythm”—\$250.

New World Music Corp. vs. 870 Seventh Ave. Corp. (Park Central Hotel), New York City—“I Got Rhythm”—\$250.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2767.** A complaint alleging unfair methods of competition in the sale of tinted or colored enlargements of photographs and of frames therefor has been issued against **International Art Co.** and **American Discount Co.**, both with headquarters at 325 West Huron St., **Chicago**, and against their president, John C. Kuck. The complaint alleges that American Discount Co. is a “dummy corporation and collection agency” for International Art Co.

Under International Art Co.’s sales plan, its salesmen contact prospects, and, it is charged, offer to make from a family photograph furnished by the prospect, a genuine hand-painted oil portrait or picture with a sales value ranging from \$30 to \$60, when, in fact, according to the complaint, the finished product is merely a cheap photographic enlargement, tinted or colored by the use of crayons or pastels, and in no instance by the use of oil, and is not an original painting. The finished picture is said to cost about \$1.25, the cost of the frame ranges from 75¢ to \$1.75, and picture and frame allegedly are sold by the salesman for as much as they can obtain in any particular locality.

In order to induce prospects to sign orders, the respondent art company’s agents make various false and misleading representations, the complaint charges, including representations that it is appointing a limited number of purchasers as private exhibitors in any particular community where it sells pictures; that it intends to open a branch studio in such community; that it has won prizes in art in public exhibitions, and that it will enter baby pictures in a newspaper prize contest. Respondent’s contract blanks represent that it has branch offices in various cities in South America, Africa and Asia, when, according to the complaint, such is not a fact.

**No. 2771.** Charging unfair competition in the sale of “Grove’s Laxative Bromo Quinine Tablets,” a complaint has been issued against **The Grove Laboratories, Inc.**, 2630 Pine St., **St. Louis**.

On signs and counter placards furnished retail druggists in various parts of the country, the respondent company, according to the complaint, advertised its article by the representations “Stop that cold in its tracks,” “kill colds dead,” and “strike at the cold itself—not merely at the symptoms.”

These assertions are alleged to have been exaggerated and misleading, as the respondent company’s product, according to the complaint, neither kills colds dead, stops a cold in its tracks, nor has germicidal effect.

**No. 2772.** Unfair competition through representations that it is a manufacturer of handkerchiefs, when such is not a fact, is alleged in a complaint issued against **General Handkerchief Mfg. Co., Inc.**, 919 W. Roosevelt Rd., **Chicago**.

Use by the respondent company of the abbreviation “mfg.” in its trade name and of the words “manufactured” and “manufacturing” in circulars, letter-heads, advertising matter, and otherwise, in connection with the sale of handkerchiefs, constitutes violation of Section 5 of the Federal Trade Commission act, according to the complaint, which also charges that the respondent company caused itself to be listed as “General Handkerchief Manufacturing Co.” in the annual directory of the handkerchief industry.

**No. 2773.** Misrepresentation of certain building materials, constituting an unfair trade practice, is alleged in a complaint issued against **Standard Wall Covering Co., Inc.**, 1819 North 9th St., **Philadelphia**, manufacturer of fiber wall coverings.

Competing with companies selling wall coverings, including those made of ceramic or burned clay tile, and marble, the respondent



company is alleged to have advertised in some instances in a manner intended to convey the impression that its fiber products are clay tile and marble.

**No. 2774.** Charging unfair trade practices, in violation of the Federal Trade Commission Act, a complaint has been issued against **Twentieth Century Business Builders, Inc.**, 917 Furniture Mart Building, Chicago, and its resident manager, Edwin I. Gordon. The respondents are engaged in selling an alleged copyrighted sales promotion plan to retail merchants, and in offering the services of a business consultant. The respondents' practices, it is alleged, have resulted in unfair diversion of trade from competitors.

The sales plan, it is alleged, consists of furnishing to retailers advertising mats to be reproduced in local newspapers for displaying puzzles known as "Count the Dot" and "Count the Block," and of advertising merchandise sold by retailers in connection with the puzzles.

These advertisements are alleged to have represented that on a given day the retailer would give free of charge to the person most closely approximating the number of dots or blocks in the picture, certain described merchandise represented to be of considerable value.

**No. 2775.** A complaint alleging unfair methods of competition through use of a lottery scheme in connection with the sale of candy has been issued against **Helen Ardelle, Inc.**, 1401 E. 41st Seattle, Wash.

According to the complaint, the respondent corporation sells to wholesale and retail dealers certain assortments of boxes of candy, together with punch boards, each bearing a statement informing the purchasing public as to which numbers will win a box of candy.

The ultimate purchaser pays five cents to punch one of the numbers on a board, the complaint alleges, and if he obtains one of the winning numbers listed he receives a box of candy, while the purchaser obtaining other than a winning number receives nothing for his money.

**No. 2776.** Sale of candy by means of a lottery scheme is alleged as an unfair method of competition, in violation of Section 5 of the Federal Trade Commission Act, under a complaint issued against **Bonomo Candy and Nut Corporation**, 649 Morgan Ave., Brooklyn, N. Y.

The respondent corporation is said to pack candies in an assortment consisting of a number of pieces of uniform size and shape which retail for one cent. According to the complaint, a purchaser who selects a piece of candy with a center colored differently from the centers of the majority of pieces wins a box of candy as a prize.

Use of such lottery scheme, the complaint alleges, induces purchasers to buy the respondent's product in preference to the candy of competitors who do not resort to the same or equivalent sales method, and trade is thereby diverted to the respondent from such competitors.

**No. 2777. Plantation Chocolate Co., Inc.**, 3150 Janney Street, Philadelphia, is charged with unfair competition in promoting a sales lottery, under a complaint issued alleging violation of Section 5 of the Federal Trade Commission Act.

The lottery method is alleged to involve including in assortments of candy of uniform size and shape, several larger pieces and others having centers of a different color. Purchasers drawing such pieces different from the general run receive larger pieces of candy free, according to the complaint.

This practice is alleged to be of a type deemed contrary to public policy and to have a tendency to divert trade from competitors who do not use similar sales methods.

**No. 2778.** Use of unfair methods of competition is alleged in a complaint against **Vaughn C. Salter** and **Paul Tesson**, trading as **Falcon Camera Co.**, 8277 De Soto Ave., Detroit, and engaged in selling a sales promotional plan which offers cameras as premiums.

Retailers are persuaded by the respondents and their salesmen, the complaint alleges, to contract for the purchase of trade tickets at \$4.50 a thousand, generally in lots of 5,000, one of which the retailer gives to a customer with each merchandise purchase of a stipulated amount. When a customer has accumulated 25 tickets, he may forward them with 30 cents to the respondents, who, under the terms of a sales plan described in the complaint, ship to the customer a camera they have represented as a certain model Falcon camera, and a trial roll of film.

In sales talks, advertising literature, trade tickets, contracts and exhibits, the respondents are alleged to represent to retailers that they manufacture Falcon cameras and the films therefor; that they have put into operation a plan to increase the number of users of

Falcon cameras in order to increase the sale of films, which are the only ones that can be used in such cameras; that use of the sales plan by a retailer in conjunction with the distribution of cameras will increase his business and build up goodwill, and that the 30 cents remitted by each person who sends in trade tickets for redemption is not intended to apply to the purchase of the camera, but merely to cover the cost of packing and shipping, together with the cost of the trial roll of film.

According to the complaint, the respondents do not manufacture cameras or films; they ship to retailers' customers cameras that do not approximate in appearance or value the Falcon model promised; they are not interested in the sale of films, but principally in the sale of their promotion plan to obtain the profits resulting therefrom, and the 30 cents remittance does not cover solely the cost of packing and shipping, but actually represents the entire cost of the camera and one roll of film.

**No. 2780.** Charging unfair competition in the use of a lottery sales plan, a complaint has been issued against **Charles R. Luce**, trading as **Luce & Co.**, 350 Mercer St., Jersey City, N. J.

The practice complained of involves the sale of candy in assortments so that purchasers receiving certain pieces of a different color from the general run in the assortment are awarded a prize, consisting of a package of candy, according to the complaint.

This practice is alleged to result in diverting trade from competitors who do not use the same sales method, and to be of a type deemed contrary to public policy. Violation of the Federal Trade Commission Act is charged.

**No. 2781. A. C. Hynd Corporation**, 320 Franklin St., Buffalo, N. Y., is charged in a complaint with unfair competition in misrepresenting the therapeutic value of "Ku-Rill," a germicide manufactured and sold by the respondent corporation.

According to the complaint, "Ku-Rill" is not, as allegedly advertised by the respondent, a competent remedy for athlete's foot, pimples, and other skin diseases, does not kill 27 different kinds of disease germs or destroy the parasite that causes skin ailments, and does not banish every trace of red, cracked skin and make it clear and smooth again. Claims that the product excels other germicides are untrue, the complaint alleges.

**No. 2782.** A complaint has been issued against **Brown & Haley**, a corporation of 110 East 26th St., Tacoma, Wash., alleging unfair competition, in violation of Section 5 of the Federal Trade Commission Act, in the sale of candy. The respondent is charged with placing in the hands of others the means of conducting a lottery in the sale of its products.

Under the respondent corporation's sales plan, the complaint alleges, assortments of boxes of candy, together with punch boards, are distributed to retailers. Customers pay 5 cents to punch numbers on the board, and those who select certain numbers win a box of candy, while those who punch other numbers receive nothing.

### Stipulations

The Commission has issued the following cease and desist orders and stipulations.

**No. 01345. M. C. Bass, operating as National Sales Co., Walnut Ridge, Ark.**, agrees to discontinue representing that the "Astrological Life Reading" he sells is prepared especially for the individual purchasing the same or that it will advise one regarding money matters, home affairs, law suits, and other personal matters, and that his combination "Astrological Life Reading," "Fast Luck Powder" and "Good Luck Medallion" will bring one good luck, love, money and success in undertakings. The respondent also will cease selling any powder of the same or similar composition as "Fast Luck Powder" under any trade name, and stipulates that he will not publish any testimonial containing any representation contrary to his agreement with the Commission.

**No. 01350. Eunice Runge, trading as Wisconsin Institute of Horology, 524 E. Mason St., Milwaukee, Wis.**, and selling a correspondence course in watch making and repairing, has signed a stipulation to cease representations that by such course of instruction a person can learn the trade of watch repairing at home as well as in a shop, and that after completing the course, one can secure a well paying position or start in business. The respondent also will discontinue representing that there is an ever increasing scarcity of competent watch-makers or an equally increasing scale of wages, and that diplomas of the Wisconsin Institute of Horology are recognized officially by German "authorities," or that such diplomas, by inference or otherwise, confer the right to practice the trade of watch-making and repairing.

**No. 1641. Trading as Tourist Luggage Co., 136 West 21st St., New York City, Samuel Intner, Louis Aberman and**

**Abraham Boretz**, manufacturers of leather luggage, agree to cease and desist stamping or branding products made of split leather with the words "Cowhide Warranted," or "Cowhide," unless accompanied by the word "Split" or "Split Leather" stamped in immediate juxtaposition to "Cowhide" or "Cowhide Warranted" and in letters of equal size and conspicuousness. According to the stipulation, the respondent company had caused the word "split" to be placed at a distance from the phrase "Cowhide Warranted," having a tendency to deceive purchasers into the belief that the products were made of the whole cowhide and not of split leather.

**No. 1644. M. Hopkins, trading as Silverware Redemption Bureau, 1003 Santa Fe Building, Dallas, Tex.,** engaged in the sale of coupons and advertising matter for use by retailers in connection with the sale of their goods, agrees to stop certain alleged fictitious price markings and other misrepresentations in the sale and redemption of coupons exchanged for silver-plated ware. Hopkins, under the agreement, will no longer assert that the usual selling price of silverware sets offered as prizes by his retail customers is \$25.75, or any other exaggerated sum, nor that the offer of silverware premiums is a "special advertising offer," obtainable only with his coupons, when this is not true. He agrees to desist from furnishing retail customers with advertising matter in which it is not made known that a cash payment, in addition to the required coupons, is exacted before retailers' customers can obtain the silverware promised them.

**No. 1646. Oelerich & Berry Co., Inc., 854 Larrabee St., Chicago,** manufacturing food products such as molasses, syrups and jellies, will stop the use in advertising of the word "maple," either alone or in connection with other words, to describe a product not composed wholly of maple syrup, unless the representation is properly qualified. Provision is made that when this preparation is composed substantially of maple syrup, the word "maple," if used to describe it, shall be immediately accompanied by other words in conspicuous type to show clearly that the article is not made wholly of maple syrup.

**No. 1648. Oscar E. Minor, trading as "Craft Service," 542 Blossom Rd., Rochester, N. Y.,** is engaged in the sale of materials, tools and other merchandise to Boy Scouts and others interested in making craft work. He signed a stipulation to discontinue in advertising matter use of the words "Navajo Silver" as descriptive of certain metal products he sells and which are not composed of silver and not made by Navajo Indians. He also will cease using "ite" in connection with the word "silver" to imply that such metal products are composed of silver, and in the sale of leather jackets and other merchandise designated and referred to in advertising as "suede," will refrain from using that word, or any derivative thereof, so as to lead purchasers into the erroneous belief that such products are made from suede or leather, prepared from the skins of certain animals.

**No. 1649. Ring-less Cleaning Fluid Co., Inc., 125 West 33rd St., New York City,** distributing "Ring-less" and "Neverring" cleaning fluid, will no longer use on labels attached to containers of its product the representation "not injurious to the most delicate of materials," or other assertions implying that the colors of certain fabrics dyed with non-fast or fugitive dyes will not be injured by application of this fluid. The fluid also will not be represented as being capable of removing stains or spots of whatever kind or character from fabrics when this is not true, and the company will cease employing the word "Ring-less" as part of its trade name, or in any manner tending to convey the belief that the fluid will not leave a ring or mark when applied to certain fabrics for removal of spots.

Use of the word "Neverring" as a brand name for the respondent's preparation will be discontinued.

**No. 1650. Spiegel, May, Stern Co., 1061 West 35th St., Chicago,** dealers in general merchandise, agree to discontinue use in advertising matter of pictorial or other representations implying that the company keeps in stock or is able to obtain for the filling of orders products such as are pictorially or otherwise represented, when this is not a fact. The stipulation says that Spiegel, May, Stern Co. pictured in catalogues certain baseballs and playground balls and their pasteboard containers, and that on balls and containers were plainly visible depictions of the trade-mark, trade name, and numbers used exclusively by a competitor. Such markings identified these articles as products manufactured by the competitor, according to the stipulation, when in fact Spiegel, May, Stern Co., in filling orders, did not furnish the balls pictured in the advertising.

**No. 1652. New Jersey Laboratory Supply Co., 235 Plane St., Newark, N. J.,** entered into a stipulation to discontinue use of the word "Manufacturers" in advertising matter and the words "Manufacturer" or "Manufacturers" in any way which may tend

to lead purchasers to believe that it owns or operates a factory where it makes the scientific glass apparatus and instruments of precision it sells and distributes in interstate commerce, when such is not the fact.

**No. 1654. Tomlinson of High Point, Inc., High Point, N. C.,** furniture manufacturer, stipulates that it will cease using on labels or in advertisements the word "mahogany" to describe furniture, implying that such products are made of wood derived from trees of the mahogany tree family, when this is not true.

**No. 1655. Minnie I. Marshall, of Bellows Falls, Vt., trading as Green Mountain Gummed Tape Co.,** engaged in the sale and distribution of gummed sealing tape, will ban use of the word "Manufacturers" in advertising matter, when in fact she is not the owner or operator of a plant or factory in which the product advertised is made, but has filled orders with a sealing tape made in factories controlled by others. The respondent also agrees to stop employing the word "Manufacturers" in connection with the phrase, "We sell to jobbers only."

**No. 2718. Economy Rubber Products Co., 600 Burkhardt Ave., Dayton, Ohio,** selling "Tiger-Grip Tire Patches," has been ordered to cease and desist from making exaggerated and misleading representations as to the value and efficiency of its product, and concerning the earnings of its salesmen.

The respondent company is directed to discontinue representing in advertisements or circulars, on labels, or by radio broadcasts, that its tire patches renew old blown out tires instantly or restore such tires to their original quality; that they permanently repair blow-outs and rim cuts, by self-vulcanizing, or that they save motorists 50 per cent either in mileage or in cost in comparison with the mileage obtained from or the price paid for comparable tire patches of competitors.

**No. 2719. In an order entered against Michael Whitehouse, trading as International Tableware Co., 800 Washington Boulevard Bldg., Detroit,** he is directed to cease certain unfair methods of competition in the sale of tableware, dishes, also promotional sales plans.

The Commission found that the respondent sold trade cards to local merchants, at \$4.50 a thousand, for distribution among their customers according to the amount of merchandise sold to such customers, and agreed to redeem the trade cards with tableware or chinaware. This and other representations made by the respondent were not fulfilled, according to the Commission's findings.

Under the order, the respondent will discontinue representing in contracts, circulars or in advertisements that, free of charge, he will redeem with tableware and dishes the trade cards he issues, or that he will refund money paid by merchants for premiums delivered to their customers; that he will furnish sets of tableware, or any other merchandise, free of charge, to merchants for display and advertising purposes, and to become their sole property, and that the "gift boxes" of tableware he sells contain four pieces or any greater number of pieces than they actually do contain.

## FTC DISMISSES CASES

The Commission has announced the following dismissals:

**No. 2757. The Commission has entered an order of dismissal in its complaint, Docket No. 2757, as to the Biederman Furniture Co., of 801 Franklin Ave., St. Louis.**

In this complaint, the Retail Furniture Dealers' Association of St. Louis, its officers, and 42 merchant members, were named respondents, charged with violation of the Federal Trade Commission Act through combination and conspiracy to monopolize the sale and distribution of furniture and allied products in the St. Louis, Mo., and East St. Louis, Ill., trade area.

The Commission has ordered its complaint against the Biederman Company dismissed for the reason that evidence was presented to it to show that the Biederman Company resigned from the association some time prior to the issuance of the complaint, had ceased to participate in the activities of the association, and abandoned the practices charged against the association's members. The complaint was dismissed "without prejudice to the right of the Commission to reinstate should conditions warrant."

**No. 2381. The Commission has also entered an order dismissing its complaint against Van Kannel Revolving Door Co., 101 Clark Ave., New York City,** engaged in the manufacture and sale of wood and metal revolving doors.

Under the complaint, the respondent had been charged with violation of Section 7 of the Clayton Act in that it had acquired controlling stock in two competing companies, the Atchison Revolving Door Co., Independence, Kans., and Revolving Doors, Inc., New York City.

FEDERAL COMMUNICATIONS COMMISSION  
ACTION

HEARING CALENDAR

Monday, May 4

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Times Dispatch Publishing Co., Inc., Richmond, Va.—  
C. P., 1500 kc., 100 watts, unlimited time.

(Visual Broadcast)

NEW—National Television Corp., New York, N. Y.—C. P., 2000-  
2100 kc., 500 watts, Emission A3, A4, unlimited time.

Tuesday, May 5

HEARING BEFORE AN EXAMINER

(Broadcast)

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan &  
Bostwick, St. Albans, Vt.—C. P., 1390 kc., 1 KW, specified  
hours. Present assignment: 1370 kc., 100 watts, specified  
hours (request to move transmitter and studio).

NEW—F. N. Pierce, Taylor, Tex.—C. P., 1310 kc., 100 watts, day-  
time.

NEW—Eugene DeBogory, tr/as Tem-Bel Broadcasting Co.,  
Temple, Tex.—C. P., 1310 kc., 100 watts, daytime.

Wednesday, May 6

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Hunt Broadcasting Assn., Greenville, Tex.—C. P., 1200  
kc., 100 watts, daytime.

NEW—Voice of Marshall, Marshall, Tex.—C. P., 1500 kc., 100  
watts, specified hours.

NEW—Navarre Broadcasting Assn., Corsicana, Tex.—C. P., 1310  
kc., 100 watts, daytime.

NEW—Dorrance D. Roderick, El Paso, Tex.—C. P., 1500 kc., 100  
watts, unlimited time.

APPLICATIONS GRANTED

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted C. P. to  
make change in auxiliary equipment.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted  
special experimental authority to install synchronized or  
booster station at Lawrence, Mass., to operate synchronously  
with station WLLH, Lowell, Mass., on 1370 kc., with vari-  
able power of 10 to 100 watts, for period ending July 1,  
1936. Site to be determined.

NEW—Democrat-News Co., Inc., Lewistown, Mont.—Granted  
C. P. for new station to operate on 1200 kc., 100 watts, un-  
limited time. Site to be determined.

WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire  
and Vulcanizing Co., Nashville, Tenn.—Granted modification  
of C. P. approving proposed transmitter site at northeast  
corner Boscobal and 3rd St., Nashville, extend commence-  
ment date to two days after grant and completion date to  
100 days thereafter.

WHIS—Daily Teleg. Printing Co., near Bluefield, W. Va.—Granted  
modification of C. P. to make changes in equipment.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—  
Granted C. P. to make changes in equipment and increase  
day power from 2½ to 5 KW.

WCLO—Gazette Printing Co., Janesville, Wis.—Granted C. P. to  
move transmitter locally from Milwaukee Road near Janes-  
ville, to 1436 S. Oakhill Ave., Janesville, and install new  
vertical radiator.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted C. P. ap-  
proving transmitter site ¼ mile north of city limits of Marsh-  
field at the port of Koos Bay, and install new radiating  
system to comply with Rule 131.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted renewal of  
license for period May 1 to November 1, 1936.

Standard Radio, Inc., Hollywood, Calif.—Granted authority to  
deliver by express and parcel post, library service of pro-

grams in the form of electrical transcriptions, to station  
CHWC, Regina, Sask., Canada, and CFRB, Toronto, Ont.,  
Canada.

World Broadcasting System, Inc., New York City.—Granted au-  
thority to deliver sustaining programs consisting of elec-  
trical transcriptions, to the Northern Electric Company,  
Ltd., of the Dominion of Canada by express for transmission  
of Canadian and Newfoundland radio stations.

WCAO—Monumental Radio Co., Baltimore, Md.—Granted license  
to cover C. P., 600 kc., 500 watts night, 1 KW day, un-  
limited time.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted  
license to cover C. P., 920 kc., 1 KW night, 5 KW day,  
unlimited time.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted au-  
thority to determine operating power by direct measurement  
of antenna input in compliance with terms of Rule 137.

WPTF—WPTF Radio Co., Cary, N. C.—Granted license to cover  
C. P. authorizing move of auxiliary transmitter from Raleigh,  
N. C., to Cary, N. C., the same site as regular transmitter.

WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—  
Granted license to cover C. P. authorizing installation of  
new equipment.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted license  
to use old transmitter as an auxiliary, to operate with 500  
watts night and day, for emergency purposes only.

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted license to  
use old transmitter as an auxiliary for emergency purposes  
only, equipment for 1 KW.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted  
modification of license to change time of operation from  
½ time to unlimited.

KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Granted modifi-  
cation of license to increase time of operation from specified  
hours to unlimited.

KFXM—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San  
Bernardino, Calif.—Granted authority to install automatic  
frequency control equipment.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted  
renewal of license, 1430 kc., 500 watts, with an additional  
500 watts from local sunrise to local sunset only. Antenna  
current 3.7 amperes for 500 watts, 5.25 amperes for 1 KW.  
Antenna resistance 36.4 ohms.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Granted  
renewal of license for period May 1 to November 1, 1936;  
1430 kc., 500 watts night, 1 KW day, unlimited time.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted renewal  
of license for period May 1 to November 1, 1936; 250 watts,  
1340 kc., daytime only.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted re-  
newal of license for period May 1 to November 1, 1936;  
1320 kc., 500 watts night, 1 KW daytime, unlimited.

WKBH—WKBH, Inc., La Crosse, Wis.—Granted renewal of license  
for period May 1 to November 1, 1936.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted  
renewal of license for period May 1 to November 1, 1936.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted renewal of license  
for period May 1 to July 1, 1936.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—Granted license  
to cover C. P. as modified for new station to operate on  
1310 kc., 100 watts, daytime only.

WIS—Station WIS, Inc., Columbia, S. C.—Granted modification of  
C. P. to extend completion date from 5-10-36 to 7-10-36.

WNBC—William J. Sanders, New Britain, Conn.—Granted special  
temporary authority to operate unlimited time on the night  
of May 6, 1936, in order to broadcast a testimonial dinner  
being given in honor of Postmaster General James A. Farley.

NEW—Lynchburg Broadcasting Corp., Portable-Mobile (Lynch-  
burg, Va.)—Granted C. P. for new broadcast pickup sta-  
tion, frequencies 31100, 34600, 37600 and 40600 kc., 40  
watts.

W1XEH—Travelers Broadcasting Service Corp., Avon Mountain,  
Avon, Conn.—Granted license to cover C. P., frequency  
63500 kc., 150 watts, unlimited time, for rebroadcast of  
WTIC program and radiotelephone transmissions.

W10XGJ—Atlantic Broadcasting Corp., Portable-Mobile (New  
York, N. Y.)—Granted license to cover C. P., frequencies  
31100, 34600, 37600, 40600, 86000-400000, 401000 kc. and  
above, 50 watts.

KNEC—Puget Sound Broadcasting Co., Inc., Portable-Mobile  
(Tacoma, Wash.)—Granted license to cover C. P., frequen-

cies 1646, 2090, 2190 and 2830 kc., 40 watts; to be used for temporary broadcast pickup service only.

WGBE—Onondaga Radio Broadcasting Corp., Portable-Mobile (Syracuse, N. Y.).—Granted license to cover C. P. for new broadcast pickup station in temporary service; 1646, 2090, 2190 and 2830 kc., 45 watts.

WABA—Wodaam Corp., Mobile—in plane (Newark, N. J.).—Granted license to cover C. P. for broadcast pickup station in temporary service, frequencies 1622, 2060, 2150 and 2790 kc., 7½ watts.

### SET FOR HEARING

NEW—Glenn Van Auken, Indianapolis, Ind.—Application for C. P. for new station, 1050 kc., 1 KW daytime. Site to be determined.

NEW—Seaboard Investment Co., Inc., Montgomery, Ala.—Application for C. P. for new station, 610 kc., 500 watts night, 1 KW day, unlimited time.

NEW—William F. Kollecker, Pittsfield, Mass.—Application for C. P. for new station, 1290 kc., 250 watts, daytime. Site to be determined.

NEW—Smith, Keller & Cole, a partnership composed of Ralph E. Smith, A. H. Keller and H. Wadsworth Cole, San Diego, Calif.—Application for C. P. for new station, 1200 kc., 100 watts, daytime. Site to be determined.

NEW—Hildreth & Rogers Co., Lawrence, Mass.—Application for C. P. for new station, 680 kc., 1 KW daytime. Site to be determined.

NEW—Lillian E. Kiefer, Brooklyn, N. Y.—Application for C. P. for new station, 1500 kc., 100 watts, specified hours. Site to be determined.

NEW—Red River Valley Broadcasting Corp., Sherman, Tex.—Application for C. P. for new station, 1310 kc., 100 watts daytime. Site to be determined.

NEW—Tribune Printing Co., Jefferson City, Mo.—Application for C. P. for new station, 1310 kc., 100 watts, daytime. Site to be determined.

NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—C. P., already in hearing docket, amended to read: 1200 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.

KFPM—Voice of Greenville, Greenville, Tex.—C. P., already in hearing docket, amended to read: Install new equipment; change frequency from 1310 kc. to 1420 kc.; increase power from 15 watts, specified hours, to 100 watts, daytime only; and move station locally, site and antenna system to be determined with Commission's approval.

NEW—Ellwood W. Lippincott, Bend, Ore.—C. P., already in hearing docket, amended to read: 1500 kc., 100 watts, unlimited time. Site to be determined.

NEW—Ben S. McGlashan, San Diego, Calif.—C. P., already in hearing docket, amended to read: 550 kc., 250 watts, daytime only. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—John E. Fetzer, Benton Harbor, Mich.—C. P., already in hearing docket, amended to read: 1500 kc., 250 watts, daytime only. Exact transmitter site to be determined with Commission's approval.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—C. P., already in hearing docket, amended to read: Install new equipment; move transmitter locally, 1.55 miles northwest of Jackson, Tenn., 920 kc.; install directional antenna; 250 watts night, 500 watts day, unlimited time.

NEW—Dr. F. P. Carniglia, Monroe, La.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time.

NEW—George Harm, Fresno, Calif.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited time.

NEW—Edwin A. Kraft, Petersburg, Alaska.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval.

WHBC—Edward P. Graham, Canton, Ohio.—Application for modification of C. P. requesting extension of completion date from 4-27-36 to 7-27-36 (original C. P. authorized changes in equipment and increase in day power to 250 watts subject to Rule 131).

NEW—Luther E. Gibson, d/b as Times-Herald Publishing Co., Vallejo, Calif.—Application for C. P. for new station in vicinity of Mare Island Navy Yard between Vallejo and South Vallejo, Calif., to operate on 1320 kc., 250 watts, daytime only.

NEW—Arthur E. Seagrave, Lewiston, Maine.—Application for C. P. for new station, 1420 kc., 100 watts night, 250 watts day, unlimited. Site to be determined with Commission's approval.

J. L. Statler, M. D., d/b as Baker Hospital, Muscatine, Iowa.—Authority to furnish programs in the form of electrical transcriptions to stations in Canada and Mexico to be delivered by mail, express or by carrier.

WJBR—J. B. Roberts, Gastonia, N. C.—Consent to voluntary assignment of C. P. from J. B. Roberts to Virgil V. Evans (present assignment, under C. P. only, 1420 kc., 100 watts, unlimited time).

WJBR—Virgil V. Evans, Gastonia, N. C.—Modification of C. P. requesting approval of transmitter and studio sites at 214 So. St. Masonic Temple, Gastonia, and radiating system.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFBK, Sacramento, Calif.; KIDO, Boise, Idaho; KIEM, Eureka, Calif.; KMO, Tacoma, Wash; KOH, Reno, Nevada; KOY, Phoenix, Ariz.; KTBS, Shreveport, La.; WBCM, Bay City, Mich.; WCOA, Pensacola, Fla.; WFBC, Greenville, S. C.; WHIS, Bluefield, W. Va.; WHP, Harrisburg, Pa.; WIOD-WMBF, Miami, Fla.; WQBC, Vicksburg, Miss.; WROK, Rockford, Ill.; WSAI, Cincinnati, Ohio; WSAN and auxiliary, Allentown, Pa.; WSMK, Dayton, Ohio; WTFI, Athens, Ga.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Present license further extended on a temporary basis only, for the period May 1 to June 1, 1936, subject to such action as may be taken upon application for renewal pending before the Commission.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Present license further extended on a temporary basis only, for the period May 1 to June 1, 1936, subject to such action as may be taken upon application for renewal pending before the Commission.

WWL—Loyola University, New Orleans, La.; KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of present license for the period May 1 to June 1, 1936, subject to same conditions as contained in existing authorities to said stations, pending consideration of pending petition of Station WLWL and petitions in opposition thereto.

The following stations were granted renewal of licenses on a temporary basis only, subject to whatever action may be taken by the Commission upon pending applications for renewal of licenses:

KFAC, Los Angeles; WARD, Brooklyn, N. Y.; WBBC and auxiliary, Brooklyn, N. Y.; WLTH, Brooklyn, N. Y.; WSMB, New Orleans; WVFV, Brooklyn, N. Y.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon the renewal application and upon the petition of Station WSPD in opposition to the granting of renewal of license to this station. Also on condition that WFEA shall not permit nighttime signal intensity without attenuation of station radiated in the direction of station WSPD to be greater than 62.5 millivolts per meter at a distance of 1 mile from transmitter of WFEA.

The following stations were granted renewal of experimental visual broadcasting licenses in the experimental service, for the period May 1, 1936, to expire May 1, 1937, in exact conformity with existing license:

W6XAO, Los Angeles; W9XAL, Kansas City, Mo.; W9XD, Milwaukee, Wis.; W9XAK, Manhattan, Kans.; W3XE, Philadelphia, Pa.; W8XAN, Jackson, Mich.; W9XAT, Minneapolis, Minn.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted renewal of relay broadcasting license for experimental service, in exact conformity with existing license, for the period May 1, 1936, to May 1, 1937.

W8XAM—The Sparks-Withington Co., Jackson, Mich.—Same, except for special experimental station.

W3XDD—Bell Tel. Labs., Inc., Whippany (Morris Co.), N. J.—Same, except for the period April 29 to July 29, 1936.

W1XAC—Shepard Broadcasting Service, Inc., Quincy, Mass.—Same, except for the period May 21 to August 21, 1936.

## APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Applied for voluntary assignment of license, 660 kc., 500 watts, daytime.  
 WJIM—Harold F. Gross, M. Bliss Keeler and L. A. Veralluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Applied for C. P., 1010 kc., 500 watts, 1 KW LS, unlimited time.

The following application, heretofore set for hearing, was dismissed for failure of applicant to answer Commission letters and want of prosecution:

- NEW—The Attala Broadcasting Corp., Columbus, Miss.—Applied for C. P., 1200 kc., 100 watts, unlimited time.

## MISCELLANEOUS

- KFH—Radio Station KFH Co., Wichita, Kans.—Affirmed Commission's action of May 28, 1935, in granting application of KFH for C. P., 1300 kc., 1 KW, 5 KW LS, unlimited time, and dismissed protest of KFBI which had been designated for hearing, upon request of KFBI to withdraw said protest.  
 WCAC—Connecticut State College, Storrs, Conn.—Present license of this station cancelled, and call letters WCAC deleted, effective April 30, 1936, upon request of the College asking permission to discontinue operation of the station. WCAC was normally licensed for 600 kc., 500 watts power, with specified hours of operation.  
 KTSM—Tri-State Broadcasting Co., El Paso, Tex.—Granted petition to intervene at hearing of application of Dorrance D. Roderick for C. P. to establish a new station at El Paso to operate on 1500 kc., 100 watts, unlimited time.  
 KVOS—KVOS, Inc., Bellingham, Wash.—Denied motion to dismiss hearing to consider application for renewal of license scheduled for May 19, 1936, at Washington, D. C., before an examiner.  
 Winona Radio Service, Winona, Minn.—Granted request to take depositions in re application for new radio station.  
 KMMJ—M. M. Johnson Co., Clay Center, Nebr.—Granted request for postponement of hearing on application for increase in power until after application for assignment of license is acted upon.  
 WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Granted petition to postpone application for C. P. for increase in power set for hearing May 18, 1936, until Commission has acted upon application to transfer control of station to the Westinghouse Electric & Mfg. Co.  
 WELI—Patrick J. Goode, New Haven, Conn.—Granted request to postpone hearing on application for modification of license now fixed for May 13, 1936.  
 WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Granted permission to file answer to the appearance of Patrick J. Goode, who seeks modification of license of WELI at New Haven, Conn.

The Commission advanced the effective date of the following cases:

- Ex. Rep. 1-176—Symons Broadcasting Co., Spokane, Wash.—Effective date postponed to May 1, 1936, from April 28, 1936.  
 Ex. Rep. 1-182—C. C. Morris, Ada, Okla.—Effective date postponed to May 8, 1936, from May 5, 1936.  
 Ex. Rep. 1-111—University of Illinois, Urbana, Ill.—Effective date postponed to May 8, 1936, from May 5, 1936.

## ORAL ARGUMENT GRANTED

- NEW—Ex. Rep. 1-212: A. W. Hayes, Erie, Pa.—Oral argument granted to be heard September 10, 1936.  
 NEW—Watertown Broadcasting Corp., Watertown, N. Y.—Oral argument granted to be heard September 10, 1936.

## APPROVED MONITORS

The Commission approved the following monitors for use in broadcast stations in order to comply with Rule 139, and assigned approval numbers as given below:

Manufacturer's Name	Type	Approval No.
General Radio Company	Type 731-A	1551
RCA Manufacturing Company	Type 66-A	1552

## APPLICATIONS RECEIVED

### First Zone

- WTAG—Worcester Telegram Publishing Co., Inc., Worcester, 580 Mass.—License to cover construction permit (B1-P-986) to make changes in equipment.  
 NEW—Clarence C. Dill, Washington, D. C.—Construction permit 1230 for a new station to be operated on 1310 kc., 100 watts, unlimited time. Requests facilities of WOL if WOL is granted 1230 kc. Consideration under Section 307 (b).  
 NEW—John C. Looney, d/b as High Fidelity Broadcasting Service, Milton, Mass.—Construction permit for a new experimental broadcast station to be operated on 1570 kc., 1 KW, unlimited and variable time.  
 W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit to establish definite site of transmitter at 1450 Broadway, New York City, to be remotely controlled from 1440 Broadway, New York, N. Y.; change power from 1 KW to 100 watts; make changes in equipment; and extend commencement and completion dates to 4-15-36 and 9-15-36, respectively.  
 W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile.—License to cover construction permit for changes in equipment and increase in power of general experimental transmitter.

### Second Zone

- NEW—Harold F. Gross, Lansing, Mich.—Construction permit for 580 a new station to be operated on 580 kc., 500 watts, 1 KW day, unlimited time, to use directional antenna.  
 WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification of construction permit (B2-P-861) for authority to install new equipment and move transmitter, requesting further changes in equipment.

### Third Zone

- WPTF—WPTF Radio Co., Raleigh, N. C.—Special experimental 680 authorization to use transmitter as requested under license B3-L-301 as an auxiliary from local sunset to 11:00 p. m., EST, for period to 8-1-36.  
 KTRH—KTRH Broadcasting Co., Houston, Tex.—Modification of 1290 license to change power from 1 KW, 5 KW day, to 5 KW day and night.  
 NEW—A. H. Belo Corporation, Grapevine, Tex.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 31000, 86000-400000, 401000 kc., and above, 100 watts.  
 W3XEN—Havens & Martin, Inc., Portable-Mobile.—License to cover construction permit, as modified, for a new general experimental station.

### Fourth Zone

- WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction 970 permit to install new equipment and increase power from 5 KW to 25 KW.  
 NEW—Eau Claire Broadcasting Co., Eau Claire, Wis.—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.  
 KWKC—Charlotte Duncan, Admin., Lester E. Cox, Thomas L. 1370 Evans and C. C. Payne, Kansas City, Mo.—Construction permit to install new equipment; move studio from Werby Bldg., 29th and Main St., Kansas City, Mo., to Commerce Bldg., northwest corner 10th and Walnut, Kansas City, Mo., and transmitter from 3912 Main St., Kansas City, Mo., to Commerce Bldg., northwest corner 10th and Walnut Sts., Kansas City, Mo. Amended to change hours of operation from specified hours to unlimited and include C. C. Payne in partnership and as a party applicant.  
 KWKC—Wilson Duncan, tr. as Wilson Duncan Broadcasting Co., 1370 Kansas City, Mo.—Voluntary assignment of license from Wilson Duncan, tr. as Wilson Duncan Broadcasting Co. to Lester E. Cox, Thomas L. Evans and C. C. Payne. Amended to add name of C. C. Payne to partnership—assignees.  
 NEW—WHBY, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.  
 NEW—WHBY, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

W9XHW—Northwestern Broadcasting, Inc., Minneapolis, Minn.—  
License to cover construction permit for a new general experimental station.

#### Fifth Zone

KMJ—James McClatchy Co., Fresno, Calif.—Voluntary assignment of license from James McClatchy Co. to McClatchy Broadcasting Co.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—License to use W. E. D-87737 transmitter for auxiliary purposes.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Construction permit to make changes in equipment.

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Construction permit to make changes in equipment; increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day; change frequency from 1280 kc. to 900 kc.; and move transmitter from 5 miles south of town on 13th Street, Great Falls, Mont., to site to be determined, south of Great Falls, Mont. Amended to change frequency from 900 kc. to 950 kc. and omit request for facilities of KSEI.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to install a new transmitter, erect a new antenna and move transmitter from 185th Street and 15th Ave. N. E., Lake Forest Park, near Seattle, Wash., to 2600 26th Ave., Southwest, Seattle, Wash.

KWG—Portable Wireless Telephone Co., Inc., Stockton, Calif.—Voluntary assignment of license from Portable Wireless Telephone Co., Inc., to McClatchy Broadcasting Co.

NEW—Barney Hubbs, A. J. Crawford, Jack Hawkins and Harold Miller, d/b as Carlsbad Broadcasting Co., Carlsbad, N. Mex.—Construction permit for a new station to be operated on

1210 kc., 100 watts, unlimited time. Amended to change name from Carlsbad Broadcasting Co. to Barney Hubbs, A. J. Crawford, Jack Hawkins and Harold Miller, d/b as Carlsbad Broadcasting Co., and giving exact transmitter site as "La Huerta," approximately 1¼ miles north of Carlsbad, N. Mex.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day. Amended to make changes in antenna and move transmitter from 1231 Market St., San Francisco, Calif., to Bay View Park, San Francisco, Calif.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Consent to transfer control of corporation from Mrs. A. R. (Goldie) Hebenstreit to A. R. Hebenstreit, 444 shares capital stock.

NEW—The Tribune, Great Falls, Mont.—Construction permit for a new station to be operated on 950 kc., 1 KW, 5 KW day, unlimited time. Amended to change frequency from 950 kc. to 1280 kc., and request facilities of KFBB.

KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Voluntary assignment of license from The Bee Bakersfield Broadcasting Co. to McClatchy Broadcasting Co.

KFBK—James McClatchy Co., Sacramento, Calif.—Voluntary assignment of license from James McClatchy Co. to McClatchy Broadcasting Co.

NEW—Louis Wasmer, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—Louis Wasmer, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

Copyright, 1936. The National Association of Broadcasters

*Special*  
MAY 5, 1936

### REPORT ON COPYRIGHT

*There is printed below the full text of the Report and Recommendations of the Managing Director concerning the creation of a Bureau of Copyrights in the NAB as approved by the Board of Directors at a meeting held in Chicago, April 27, 1936.*

TO THE MEMBERS OF THE BOARD OF DIRECTORS  
OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS

By motion passed on February 3, 1936, at your last meeting, you instructed me to prepare and submit to the Board at an early date a detailed plan and program for the establishment and successful operation of a corporation having substantially the same purposes and powers as the Radio Program Foundation. In pursuance of that action I submit the following report. In doing so I want to take formal note of the assistance received from Mr. Walter J. Damm, Milwaukee, Wisconsin, to whom I am indebted for the music classifications contained in the report; also of the advice and counsel received by me from Messrs. Philip G. Loucks and Louis G. Caldwell, Washington, D. C., in formulating the basic principles embodied in the plan.

# Part I

## Foreword

### **Broadcasters Have Waged Copyright Fight For Ten Years**

For more than ten years the broadcasting industry in the United States has been endeavoring to solve what it calls the copyright problem.

The industry has at different times both supported and opposed copyright legislation in the Congress. It has instituted a lawsuit against the largest group of copyright proprietors in the world and has aided the Government in its suit against this same group. It has waged fierce fights against groups of copyright proprietors over terms and conditions in contracts and over methods of royalty payments. It has attempted on two occasions to establish and operate its own music source. It has expended many thousands of dollars; consumed many hours in discussion; considered many plans and proposals; and adopted many resolutions and reports. But today the problem remains unsolved.

The present copyright laws are antiquated and should be revised. The provision of the present law imposing minimum damages for infringement should be repealed. It is an anomaly in our law. No other nation in the world has a similar provision in its copyright laws. Other changes also are needed. But revision of the law, however favorable to broadcasters, will not in and of itself solve the problem.

A monopoly of music performing rights, if in violation of our laws, should be dissolved by the Government. But dissolution of the monopoly, however sweeping the decree, will not in and of itself solve the problem.

The broadcasting industry has learned one thing from its ten years of fighting. It has learned that it must give more attention to its own business and less to the business of copyright owners. Nobody knows whether the industry is paying too much or too little for its use of copyrighted music. As long as the present situation exists, nobody can find out.

### **Existing Licensing Agreements Offer No Promise For Solution**

Not a single license agreement in existence today holds any promise of a permanent solution of the problem. Not only is this true from the viewpoint of the broadcasters; but it is equally true from the viewpoint of the originator or creator of musical compositions. When broadcasting developed a new market for creative works, it found the author and composer allied with publishers. The publishers are commercial users of musical works in very much the same sense as broadcasters. Unlike conditions of a decade ago, the publisher and broadcaster now compete for the creation of the author and composer. It was simply a fact that the creator had disposed of a part of his valuable performing right to one class of customers before another class had risen to prominence. Broadcasters want, and are willing to pay generously for the works of the creator. Their interest is in the author and composer. They are not concerned with the profits or losses of the publishers or other users.

The problem has been made to appear more difficult than it really is. There are millions of musical compositions now in existence and many more millions will be written. But of the millions of works in existence, less than 800,000 are currently copyrighted in the United States. Of copyrighted and non-copyrighted musical works of all classes, about 35,000 compositions are active, that is, in ordinary day to day use. An average broadcasting station, operating full time, will perform about 75,000 separate selections in a year. If the same composition is performed once a week for fifty-two weeks, a library of 1,500 different compositions would supply the needs of a broadcast station. But



some numbers are performed more frequently and some less frequently, and 1,500 compositions would not be considered by any broadcaster as an adequate repertory. But, contrary to the popular belief, the broadcaster does not need all of the copyrighted music in the world; nor should he be required to pay for such extensive accessibility.

### **Broadcasting Industry Has Never Measured Actual Musical Needs**

The first task of the broadcaster, therefore, is to obtain some estimate of his actual musical needs. Having determined this, he should then set about acquiring on the best terms possible that music which will satisfy his needs. He should not endeavor to influence the price or prices asked by the copyright owner. If the price is disproportionate to the merit or value of a work or works, he has the option to refrain from use. As a member of an industry interested in a never-ending supply of new musical works, the broadcaster is desirous of encouraging the creator. He is interested in encouraging authors and composers to write for radio presentation. He will not forever be interested simply in acquiring performing rights of music written primarily for publication or for the stage, motion picture, dance hall or night club. As an art, broadcasting must develop creations written primarily for radio presentation and adapted to conditions peculiar to broadcasting. Any proper plan devised by broadcasters for the utilization of original creations must inevitably inure to the benefit of authors and composers. The use of such creations should determine the extent of compensation to authors and composers. Merit of such creations should determine the extent of their use.

### **Music Publishing Industry Custom Has Confused Copyright Ownership**

Basic difficulties have faced broadcasters and copyright owners in their attempts to work out a joint solution. Licensing agreements are entirely too vague as to rights conveyed thereunder. Existing agreements say simply to the licensee that in the event you perform a composition, the performing right of which is vested in the licensing group, that no infringement suit will be instituted. These agreements, when carefully analyzed, convey no definite affirmative rights but are more in the nature of forbearance of suits for infringement. This is so because no licensing group of any importance has furnished to its licensees a complete list of the works it owns or controls or has agreed to adequately indemnify the user in all cases where he exercises his best efforts to avoid infringement.

Perhaps one reason for the reluctance or refusal of licensing groups, up to the present time, to make available detailed and complete catalogs and adequately warrant title to all compositions listed therein, is the confusion which has resulted from private contracts between composers or authors and publishers or other users. This confusion is the result of custom in the music publishing industry which obtained before the advent of either broadcasting or sound motion pictures. The publisher may own the performing right or the composer may have reserved that right to himself and parted only with the right of publication. It is not always true, therefore, that a licensee may rely entirely upon the copyright notice imprinted upon the printed copy of a composition.

Until such time as each broadcaster has in his possession a complete catalog of the compositions in day to day use through which he is able to ascertain ownership of the performing rights therein, confusion will continue. Until that time arrives the broadcaster is left with no alternative except to avoid the use of all compositions, the performing right ownership of which is in doubt. With respect to each and every composition performed, the broadcaster must know (a) that he has a right to perform the particular work he is using; (b) that the proper legal or equitable owner has authorized the performance; and (c) that compensation is paid to the legal or equitable owner or his lawfully appointed agent.

## **Use Should Determine Basis of Compensation To Copyright Owner**

Much has been said and written about the so-called "per piece" plan. The plan has been commended as the only sound and scientific method for the licensing of performing rights and, at the same time, it has been condemned as impractical and unworkable. In these discussions mention is seldom made of the fact that so-called "grand rights" are nearly always obtained on a "per piece" or a "per performance" basis. But it is a fact that this method of obtaining "grand rights" has never been extended to the more extensively used "small rights." In existing licensing agreements "grand rights" are specifically withheld and are available in most instances only upon a "per performance" basis.

At the present time broadcasters are at a distinct disadvantage in checking their performances and entering such performances upon their program logs. But if for no other reason than to be in a position to defend against an infringement suit erroneously commenced, the broadcaster must be in a position to make proper entries on his log. This is now virtually impossible and will continue to be impossible until confusion over ownership of performing rights is abated and the stations are in possession of adequate information to check accurately.

It is a condition precedent to the institution of a "per piece," "per performance" or any measured service plan, that each station should have in its possession a complete catalog of the works it is licensed to perform and that accurate entries be kept on program logs at all times. Furthermore, broadcasters have a right to know what they have a right to perform under their licenses. They should not be put to the expensive and almost impossible task of trying to ascertain what they have no right to perform. In no other way can the constant danger of infringement, with its unfairness to both the broadcaster and the copyright owner, be avoided.

## **Performing Right Responsibility At Program Originating Point**

Where a program is originated at a single point for broadcasting over a group of stations, performing rights, with respect to all stations accepting the program, should be cleared at such originating point. This should be so irrespective of whether the originator of the program is a network, transcription or other company.

This should be so because a station broadcasting a network program, for example, does not know, and even by the exercise of the greatest degree of care cannot know, whether the composition next being broadcast is one for which he holds a valid license. Yet if there is included in the program a composition for which the station holds no valid license, the rule seems to be that he is just as liable as the originating station. The liability is the same whether the unlicensed composition occurs in a network or an electrically transcribed program.

Networks and transcription companies exercise the greatest possible care in avoiding the use of compositions for which their affiliated or accepting stations do not hold licenses; but should error occur the station actually broadcasting the number would be liable even though it had no way of knowing in advance that the composition was to be performed or did not know that the particular arrangement or adaptation from which the transcription was made was one for which it had no license.

In the case of network programs you have declared yourselves in favor of clearance of copyright at the source so that only the originating station will be held responsible for infringement and affiliate stations will be under no obligation to secure licenses with respect to such programs or to bear responsibility for any infringements that may occur therein. The same policy should apply with equal force to electrical transcriptions.

## **Payment of Copyright Royalties Presents Serious Policy Question**

The preceding section deals entirely with the matter of responsibility for clearing performing rights. It does not mention by whom payment of the royalties should be made. Custom in the industry is not uniform. Transcription companies, as a general rule, do not clear performing rights. Network companies clear performing rights for affiliates with respect to certain licensing groups but do not do so with respect to the largest and most important group. As a general proposition the station pays the performing right royalties whether the program is supplied by the network or transcription company.

The fee must be paid. Whether the fee should be paid by the network or transcription company for all stations taking a given program; whether it should be paid by the stations individually; or whether it should be divided up among the stations and network or transcription companies, is a serious policy question which is now, and perhaps always must be, a matter of private contract between the stations and originating companies directly concerned.

But this is true. All of the costs which go into program production must be paid by someone. If the originating company is required to add copyright performing fees to its other program production costs then it should have the right to adjust its station agreements to take into consideration this new cost item.

As pointed out before, this is a matter of contract between stations and originating companies. It would seem, however, that no distinction should be made between copyright costs and other items of cost which go into the production of the entire program.

In the final analysis the advertiser pays all of the costs which go into the production and broadcasting of his program; and copyright fees are just as much a part of this program cost as is the cost of talent, telephone lines, recording operations, and other items. In a few instances the copyright fee is passed on to the advertiser as a direct charge but the general practice is otherwise. It may be that the time has arrived when the advertiser should pay for the use made of music in his program as a direct charge and under a system whereby he might have the benefits which will accrue from a market in which copyright owners sell their rights in competition with each other and in which prices are fixed by such competition. This is a question of policy which cannot be answered in this report.

## **Adequate Financial Support and Competent Personnel Needed**

The Board of Directors of the National Association of Broadcasters has authorized the formation of a corporation as the vehicle for perfecting and executing a comprehensive copyright plan designed to effect a solution of the industry's copyright problem. The exact form of the corporation or organization is not discussed in this part of the report. But any corporation or organization created will be confronted with the necessity for raising money and finding competent personnel.

The ultimate object of the plan is to stabilize methods and practices in the performing rights field in so far as those methods and practices affect broadcasting. It seeks to achieve this through the creation of the machinery necessary to make competition among copyright owners effective and at the same time secure to the creators of original works the compensation which their works are able to command in an open and competitive market. It is not proposed that the corporation or organization should enter either the publishing, transcription or licensing businesses unless it becomes necessary to do so in order to achieve its objective. It recognizes that many, if not all, of the proposed functions can be performed by one or more existing agencies and that it would be far more desirable to utilize existing facilities than to duplicate them. At the same time, the plan is complete enough to duplicate any or all of them if that should become necessary.

The plan is divided into three principal parts:

1. Making available to broadcasters a complete and accurate catalog or index of active musical compositions.
2. Creation of a standard library of musical compositions taken, for the most part, from the public domain of music.
3. Establishment of a system for making available to the industry copyrighted musical works on a measured service basis.

Great flexibility should be given to the plan. In its administration it may be found advisable or necessary to eliminate some of the principles; modify others; or develop new ones. Practical considerations should govern each step in its development and wide discretionary powers should be given to its executive officers. Advantage should be taken of every opportunity to utilize existing facilities and the cooperation of copyright owners sought toward this end.

The plan should not be considered as a substitute for pending litigation or legislation except where such litigation or legislation is in direct conflict with the general objectives to be achieved.

## Part II

### Proposed Plan

1. The organization proposed to be organized under the resolution adopted by the Board of Directors of the National Association of Broadcasters should provide broadcasters with a complete and accurate catalog or index of all active musical compositions based upon minimum library requirements.
2. In the event such catalog or index is found to be unavailable, the organization should undertake a survey of the musical needs of the industry with a view to compiling its own catalog or index based upon minimum library requirements.
3. If it is found necessary to undertake such survey, the study should embrace:
  - A. Analyses of libraries of leading broadcasting companies.
  - B. Analyses of transcription libraries.
  - C. Analyses of the best phonograph collections.
4. From the information obtained from such survey there should be compiled a master index of all active musical compositions.
  - A. Three identical cards should be made for each composition included in the minimum library.
  - B. Each card should list
    - (a) Title of the composition
    - (b) Name of composer or composers
    - (c) Name of author or authors
    - (d) Publisher or copyright owner
    - (e) Date of copyright
    - (f) Name of arranger
    - (g) Licensing group controlling performing right
    - (h) Character of composition
    - (i) Type of composition
  - C. If the composition has been electrically transcribed, the card should also note
    - (a) Name of transcription company
    - (b) Library reference
    - (c) Name or names of performing artists
    - (d) Serial number or other identification
  - D. If the number has been phonographically recorded, the card should note
    - (a) Name of recording company or companies
    - (b) Name or names of performing artists
    - (c) Serial number or numbers
    - (d) Arrangement used, etc.
5. One set of cards in the master index should be filed alphabetically by title of composition.
6. A second set of cards in the master index should be filed by classes or types of composition. The following classifications are suggested:
  - A. Classical orchestrations
  - B. Classical song orchestrations

- C. Popular old dance orchestrations
- D. Popular new dance orchestrations
- E. Popular song orchestrations
- F. Popular song copies
- G. Classical song copies
- H. Hillbilly orchestrations
- I. Special arrangements for particular groups
- J. Modern impressions
- K. Brass band
  - a. Concert
  - b. Marches, etc.
- L. Vocal scores
- M. Hillbilly song copies
- N. String ensembles
- O. Foreign language song copies

7. A third set of cards should be arranged in detailed classifications as an aid to program directors in building programs. An example of this type of classification follows:

- A. Accordion solos and duets
  - African (Indian)
  - Agitados
  - Air
  - American music
  - Arabian music
  - Argentine
  - Aviation
- B. Ballets
  - Baritone solos with orch. accomp.
  - Birds (butterfly)
  - Bohemian music
  - Bolero
  - Brass band
    - 1. American marches
    - 2. American patriotic
    - 3. Baritone solos
    - 4. Bass solos
    - 5. Chime solos and Vibra-Harp solos
    - 6. Christmas
    - 7. Clarinet solos, duets, etc.
    - 8. College music
    - 9. Comedy songs
    - 10. Concert
    - 11. Fan Fares
    - 12. Flute solos. Piccolo duets, etc.
    - 13. Fox-trots—popular music
    - 14. Funeral march
    - 15. Galops—one-steps

16. German fox-trots & waltzes
  17. German marches & Polonaise
  18. German songs—vocal
  19. Guitar solos
  20. Horn solos
  21. Laendlers
  22. Lancers, Quadrilles, reels & hornpipes
  23. Mazurkas, Mazurs, Kujawiaki, Oberok & Menuetts
  24. Other foreign marches
  25. Overtures
  26. Polkas, Krakowiaks & Cakewalks
  27. Brass quartets
  28. Religious or Sacred
  29. Schottisches & Barn dances
  30. Tenor solos
  31. Trombone solos
  32. Trios
  33. Trumpet solos, trios & duets
  34. Waltzes—concert-dances
  35. Waltzes—popular-dances
- B. Brigadiers
- C. Canadian music
- Cello solos
  - Cello (duets, quartets, trios, etc.)
  - Characteristic dances
  - Children
  - Chinese
  - Christmas
  - Clarinet solos with orch. accomp.
  - College music
  - Light concert
  - Heavy concert
  - Cuban music
- D. Dance (Special rhythmic)
- Dance orchestrations
    1. Bird
    2. Children
    3. Comedy
    4. Day
    5. Dream
    6. Eyes
    7. Fall
    8. Flowers
    9. Home
    10. Kiss
    11. Luck
    12. Moon

- 13. Mother
- 14. Name
- 15. Night
- 16. Rain
- 17. Smile
- 18. Spring
- 19. Star
- 20. Summer
- 21. Sun
- 22. Water
- 23. Wedding
- 24. Winter
- Danish music
- Day and night
- Dramatic music
- Dutch
- E. Earth
  - Easter
  - Egyptian
  - English
- F. Fan fares
  - Fashions
  - Flowers
  - Flute solos with orch. accomp.
  - Flute and Clarinet duets with orch. accomp.
  - Folk songs (American)
  - Forest (Woods-trees)
  - Fraternal music
  - French
  - Funeral marches
- G. Galop
  - Gavottes
  - German
  - Grecian music
- H. Hawaiian
  - Hill Billy
  - Hungarian (Gypsy)
- I. India
  - Indian music
  - Intermezzo (Humoresque & Caprices)
  - Irish
  - Italian
- J. Japanese
  - Jewish
- K.
- L. Lullaby's
- M. Mazurkas



- Minuettes
- Modern Impressions
- Mother and Father
- Mountains (Hills, Cliffs)
- Musical comedy (Operettas & Comic Opera)
- M. Mysteriosos
- N. New Year
  - Nocturne
  - Northern music
  - Norwegian music
  - Novelty
- O. One steps
  - Operatic music
  - Opera selections
  - Oriental music
  - Overtures
  - Medley overtures
- P. Persian music
  - Piano solos
  - Piano solos with orch. accomp.
  - Piano duets
  - Piano duets with orch. accomp.
  - Picture tunes
  - Polish
  - Polkas
  - Processional marches
- Q.
- R. Religious
  - Reveries (Meditations, Barcolles & Romance)
  - Rhapsodies (Fantasias, Paraphrases)
  - Rube (Reels, Jigs, Hornpipes, Quadrilles & Lancers)
  - Rumbas
  - Russian music
- S. Saxophone solos with orch. accomp.
  - Schottisches
  - Scotch music
  - Seasons (Spring, summer, fall & winter)
  - Serenades (Berceuses, Idyll)
  - Slavonic music
    - Classical song orchestrations
    - Popular song orchestrations
  - South American music
  - Southern music
  - Spanish music
  - Sports
  - Standard marches
  - Stein songs (Toasts)

- String ensemble
- String quartets
- String trios (Violin, Piano & Cello)
- Suites
- Swedish music
- Swiss music
- Symphonies (Sonatas)
- T. Tangos
- Themes
- Trombone solos, with orch. accomp.
- Trumpet solos with orch. accomp.
- Trumpet duets with orch. accomp.
- Turkish music
- Two steps
- U.
- V. Valse concert
- Viola solos, duets, etc., with piano accomp.
- Violin solos with orch. accomp.
- Violin solos with piano accomp.
- Violin duets with orch. accomp.
- Vocal
  1. Vocal ensemble or chorus
  2. Male quartets
  3. Male trios
  4. Mixed quartets
  5. Trios (Sop., bar. & ten.)
  6. Six voices (Male Quartet, sop. & alto)
  7. Duets (Sop. & bar.)
  8. Duets (Sop. & ten.)
  9. Women's trios
- W. Waltzes (Dance)
- Water (Nautical, Nature)
- Wedding music
- Wood wind music
- Y.
- Z.

8. Information contained in the master index should be made available to all broadcasters.
  - A. The exact form in which the information should be made available should be decided after the master index is completed. It may be advisable to duplicate the three sets of cards or only one set. It may be found advisable to publish the breakdown described in Paragraph 7 in loose-leaf catalog form. Practical considerations of administration and use should govern decision in this step.
9. The master index should be constantly supplemented by cataloging:
  - A. Additional compositions not included in the minimum library.
  - B. Currently published compositions.
10. All or a part of this additional information should be supplied to broadcasters.

11. The organization should equip itself with adequate facilities to supply a copyright checking service to members.
  - A. Obviously, it would be impractical to include in broadcasters' indices the hundreds of thousands of cards listing compositions only occasionally used; but the organization should, as rapidly as possible, build up complete information on the musical literature of the world in order that its checking service will be both complete and accurate.
12. The organization should compile a standard library of music for broadcast stations.
  - A. Compositions included in the standard library should be available to broadcasters for their unlimited use without the payment of performing fees.
    - (a) Such compositions should be taken from the public domain of music by careful selection.
  - B. Compositions in the standard library should be arranged or otherwise adapted to sound or visual broadcasting presentation.
    - (a) Copies of such arrangements or adaptations should be made available to broadcasters.
  - C. Cards for such compositions should be inserted in the master index and duplicates sent to all broadcasters just as in the case of all other compositions. These compositions, however, should be listed on cards of different color in order that they may be readily distinguished from compositions the performance of which requires payment of fees to an individual or licensing group.
  - D. Compositions in the standard library should be electrically transcribed as rapidly as possible through arrangement between the organization and some transcription firm or firms and pressings of such compositions should be made available to all broadcasters.
13. The rights to perform compositions included in the standard library should be unlimited with respect to all broadcasters.
  - A. Disposition of rights, if any, other than rights necessary and proper to the use and maintenance of the library may be disposed of by private contract but no such contract shall in any manner impair the usefulness of the library.
14. The organization should warrant its rights in all compositions included in the standard library and should defend against all claims for infringement and agree to save broadcasters harmless in the event of recovery of judgment for infringement.
15. In addition to its other services, the organization may act as agent for broadcasters in the negotiations for radio rendition or performance rights of any rhapsody, concerto, symphony, or like work, or any opera, operetta, musical comedy, play or similar production which rendition or performance involves the so-called grand rights. Also it may act as agent for any broadcaster with respect to rentals necessary for such renditions or performances.
16. Under proper rules and regulations, the organization may classify broadcasters in accordance with their relative economic status and may provide classifications of musical works, under which rules and regulations copyright owners may list their compositions and set over against each a price per performance for each class of members.
  - A. With respect to compositions listed on a performance basis the organization shall have the power to collect from the broadcaster and pay over to the copyright owner all moneys due from such broadcaster and due to such copyright owner.

- B. Broadcasters shall send periodic statements of performances to the organization, upon request, certifying that the information contained therein is taken from the official program log. Should dispute arise broadcasters may be required to submit their complete official logs.
  - C. Compositions on a performance basis should be listed along with the cost per performance or other cost factor on cards in the master library and duplicates sent to all broadcasters. It may be found advisable to identify such per performances compositions through the use of cards of a different color.
17. The organization should suggest library methods, agreement forms, studio and remote control practices, and supply other information of a detailed nature which will enable broadcasters to minimize library expenses; facilitate their program operations; and avoid use of unowned or unlicensed copyrighted material.

## Part III

### Organization

In acting on my Report dated February 3, 1936, you approved the following recommendation;

“13. That the need for the immediate establishment of a corporation having substantially the same purposes and powers as the Radio Program Foundation be recognized and that the Managing Director be instructed to prepare and submit to the Board at an early date a detailed plan and program for the establishment of such a corporation and its successful operation.”

Further study and investigation has convinced me that the primary purposes and objectives outlined in this report can be accomplished successfully by a properly manned “Bureau of Copyrights” in the NAB. If such a Bureau is created no legal formalities will be required. The formation of a new corporation, of course, will require compliance with certain legal formalities. The important factor here is the achievement of results and I am now of the opinion that in the beginning, at least, the NAB, without the aid of a separate corporation, can accomplish much in respect of the three principal parts of the plan, namely:

1. Make available to broadcasters a complete and accurate catalog or index of active musical compositions.
2. Creation of a standard library of musical compositions taken, for the most part, from the public domain of music.
3. Establishment of a system for making available to the industry copyrighted musical works on a measured service basis.

Already substantial progress has been made with respect to (1) above. Mr. E. C. Mills, General Manager of the ASCAP, has extended to the NAB, under authority given him by the ASCAP Board of Directors, an invitation to copy their records concerning musical compositions. This invitation has been accepted. Conferences have been held and correspondence has been exchanged concerning minimum data required and the working out of a plan to compile complete information with respect to the musical selections used one or more times on the Network key stations during the years 1934 and 1935. This will make available to broadcasters an index of approximately 25,000 active musical selections and furnish the most important groundwork for the establishment of a per piece or measured service system. A continuing service will be supplied by the NAB which will keep such records up-to-date and provide for a gradual enlargement of the index. The ASCAP invitation imposes two conditions: (1) The NAB will be required to make copies of such index available to any broadcaster whether or not he is a member, and (2) it is to be definitely understood that under no circumstance does the ASCAP warrant or guarantee to others that the information contained in the index is correct.

Also, investigation and study made since the last Board meeting leads to the conclusion that the NAB can provide a standard library (No. 2, above) of musical compositions taken, for the most part, from the public domain. There is music of excellent quality available. It can be supplied through the medium of electrical transcriptions of high quality and at a cost which any station can afford to pay.

Moreover, should experience resulting from practical operation show the need for a separate corporation, the “Bureau of Copyrights” could be incorporated without impeding further progress.

## **Part IV**

### **Personnel**

Adequate provision should be made for the employment of competent personnel to carry the plan into successful operation.

Obviously there should be employed as Director of the Bureau of Copyrights a man of high academic training in music who has had extensive practical experience in the field of copyrights and their use in building radio programs.

## **Part V**

### **Finances**

It must be recognized at the outset that the plan can succeed only if it is adequately financed.

In the beginning it will be necessary only to provide funds for the employment of a Director of the Bureau of Copyrights and his staff; and necessary office space and equipment. But prosecution of the entire plan will require substantial expenditures and ways and means should be provided so that the NAB's income will be sufficient to meet them. This is a matter that must be passed upon by the membership.

## **Part VI**

### **Conclusion**

The plan herein submitted is far from perfect. Undoubtedly it will necessitate extensive revision and amplification in actual administration; but it is proposed as a framework upon which I believe a constructive solution to the industry's copyright problem can be found. It is my opinion that if adopted it will receive wholehearted cooperation from both member and nonmember stations. I am confident that with adequate financial support the plan will succeed. While progress will be slow, I believe that it will materially improve the quality of radio programs. I believe it will result in a new and more equitable formula for the payment for use of copyrighted music whereby authors and composers may be rewarded generously for their creative ability. And I believe that authors and composers ultimately will be encouraged to write music primarily for radio presentation.

I urge its adoption.

Respectfully submitted,

JAMES W. BALDWIN,  
*Managing Director.*

Washington, D. C.  
April 27, 1936.

# The National Association of Broadcasters

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 JAMES W. BALDWIN, Managing Director

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### DR. AIKEN RETAINED BY NAB

James W. Baldwin, Managing Director, has announced the retention of Dr. Charles B. Aiken to represent NAB at the hearings called by the Federal Communications Commission for June 15.

Dr. Aiken was born in New Orleans in 1902. He has a B.S. degree from Tulane University and an M.S., M.A., and Ph.D. from Harvard. During the summers of 1918-1921 he was a radio marine operator and was assistant operator of Station WAAB, Tulane University, 1922-1923.

In 1926-1928 Dr. Aiken was engaged in the development of apparatus for geophysical exploration and in field work with Mason, Slichter and Hay at Madison, Wis. He was a member of the technical staff of the Bell Telephone Laboratories in 1928-1935. From 1930-1935 he was supervisor in charge of broadcast receiver development and was also engaged in work on aircraft communication, field strength measuring, centralized radio systems, and common frequency broadcasting. He is assistant professor of electrical engineering, in charge of communication, at Purdue University this year, and has obtained a leave of absence to accept the NAB assignment.

Dr. Aiken is the author of papers dealing with amplifiers, detectors, frequency measurement, shared channel broadcasting, synchronized broadcasting, band width and receiver noise, and radio compass for aircraft. He is a member of the Institute of Radio Engineers, American Institute of Electrical Engineers, Phi Beta Kappa, and Sigma Xi.

### COURT UPHOLDS FCC

Chief Justice Martin of the United States Court of Appeals of the District of Columbia in a decision handed down this week upheld the Federal Communications Commission in the so-called Head of the Lakes Broadcasting Company case.

In January, 1934, Station KGFK, Moorehead, Minn., filed an application with the Commission to move to Duluth, Minn. The station operated on 1500 kilocycles, 100 watts power, and unlimited time. At the same time the City of Moorehead filed a protest with the Commission on the ground that public interest required that the station remain there. Also, Station WEBC, Superior, Wis., filed a protest on the ground that it would be adversely affected by removal of the station. The case was heard before an Examiner who recommended that KGFK be granted permission to move, which was later approved by the Commission. The Court of Appeals, after reviewing the facts, states "that this decision (of the Commission) is sustained by substantial evidence and that it is not arbitrary or capricious and accordingly it is hereby affirmed."

### SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

American Box Board Company, Grand Rapids, Mich. (2-2123, Form A-2)

### NOTES FOR THE SALES STAFF

Broadcast advertising in March increased 12.6% over the level of the corresponding month of 1935. Radio continues to show the most rapid increase of any major medium over the corresponding periods of previous years. (See Comparison with Other Media, page 1308.)

Regional network and national non-network business continue to show the greatest gains in advertising volume. (See Total Broadcast Advertising, page 1308.)

Electrical transcription and live talent business were the only forms of rendition in the national field to gain as compared with last March. Transcriptions alone increased in the local field. (See Non-network Advertising by Type of Rendition, page 1309.)

Automotive and food advertising throughout all portions of the medium, national non-network and regional network drug advertising and local financial advertising were among the fields showing important gains during the month. (See Comparison with 1935, page 1309.)

- American Box Board Company, Grand Rapids, Mich. (2-2124, Form A-2)
- Truax-Traer Coal Company, Chicago, Ill. (2-2125, Form A-2)
- T. O. Heinrich et al., Richmond, Va. (2-2126, Form D-1)
- Bayuk Cigars, Inc., Philadelphia, Pa. (2-2127, Form A-2)
- Motherlode Development Corporation, Atlanta, Ga. (2-2128, Form A-1)
- Lockheed Aircraft Corporation, Burbank, Calif. (2-2129, Form A-1)
- Bliss & Laughlin, Inc., Harvey, Ill. (2-2130, Form A-2)
- Seminole Provident Trust, Tulsa, Okla. (2-2131, Form A-1)
- A-B Stoves, Inc., Battle Creek, Mich. (2-2132, Form A-1)

### FCC AMENDS RULE 106.18

The Federal Communications Commission has announced the adoption of the following revision of its Rule 106.18:

Rule 106.18. Subpenas requiring the attendance and testimony of witnesses, and subpenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows:

- (1) Hearings before the Commission en banc:
  - By any Commissioner.
- (2) Hearings before a Division:
  - By a member of the Division.
- (3) Hearings before a Director:
  - (a) By a member of the Division which authorized the hearing.
  - (b) When a Director of any Division has been designated to hear testimony in any case such Director may sign and issue subpenas in that case.
- (4) Hearings before an Examiner:
  - (a) By a member of the Division which authorized the hearing.
  - (b) When an examiner has been designated to hear a case, he may sign and issue subpenas in that case.
  - (c) By the Chief Examiner or the Assistant Chief Examiner.

No subpoena shall be signed or issued in any event without recommendation thereon in advance by the Law Department; Provided, however, that if a hearing is held in the field and no representative of the Law Department is in attendance, examination and recommendation by the Law Department in advance shall not be required.

### NEW MEXICAN STATIONS PLANNED

According to the monthly Bulletin of the U. I. R., the construction of the following stations in Mexico is planned for 1936:

		Kilowatts	Kilocycles
Matamorow	XEQ	5	1010
Villa Acuna	XER	150	630
Atzacapotzalco	XEMG	0,007	1060
Ensenda	XEAN	0,2	1000
Tijuana	XEPO	0,25	1060
San Luis Polosi	XEFH	0,25	1250
Mexico	XEBZ	0,1	820
Mexico	XENC	0,05	810

### RECOMMENDS DENIAL OF RICHMOND APPLICATIONS

Broadcasting Station WMBG, Richmond, Va., requested authority of the Federal Communications Commission to change its frequency from 1210 to 1350 kilocycles, increase its power from 100 watts night and 250 watts LS, to 500 watts, hours of operation unlimited, and to change its transmitter site.

At the same time the Century Broadcasting Company, Inc., applied to the Commission for authority to establish a new station at Richmond, to use 1470 kilocycles, 100 watts power, and daytime operation only.

Examiner John P. Bramhall, in Report No. I-222, recommended that both of the applications be denied. In connection with the application of WMBG the Examiner found that there are some pending applications which involve the question of interference. Also the state and zone are overquota and that area is already being sufficiently served by radio.

The Examiner found in connection with the Century Company application that the need for additional daytime service was not shown in the area proposed to be served and the granting of the application would not be in the public interest.

### BROADCAST ADVERTISING IN MARCH

#### Developments of the Month

Broadcast advertising in March experienced the usual seasonal up-swing. Gross time sales of the medium totaled \$9,332,368 and were 14.6% above the February level. Radio broadcast advertising continued to show increases over the corresponding month of the preceding year and was 12.6% greater than in March 1935.

Regional network and national non-network advertising continued to show the greatest gains as compared to the preceding year. National network increases continued to taper off gradually, while local broadcast advertising showed confused tendencies. March volume in the latter field declined below the 1935 level.

Other than farm papers, radio broadcast advertising experienced the greatest gains during the month as compared to the corresponding period of the previous year. National farm paper volume increased 39.6% over the March 1935 level.

Increases in non-network revenue were fairly even throughout the entire medium as compared to March of last year. Regional station volume showed the most pronounced increases as compared to the previous month. Non-network advertising in the South and Middle Western States continued to show the greatest gains over the previous year's volume.

While announcement volume showed the greatest increase as compared to February, electrical transcription and live talent business were the only forms of rendition to show gains over March 1935. In the national non-network field, announcement volume experienced the most important increase over the preceding year's level, though it was closely seconded by both transcriptions and live talent programs. Transcription programs were

the only ones to show gains in the local field as compared to March of last year.

The most important gains in the national network field, as compared to March 1935, occurred in the automotive, accessory and cosmetic fields. Drug advertising fell off to a marked degree as did confectionery and household equipment volume.

Gains were fairly general throughout the regional network field, with drug, food, confectionery, household equipment and soap and kitchen supply volume showing the most marked increases.

Automotive, accessory, drug, food, beverage and household equipment advertising experienced the most important increases as compared to March of the previous year in the case of national non-network advertising. Trends were confused in local broadcast advertising. Principal gains included automotive, food and financial advertising. Retail broadcast advertising increased 3.5% over the March 1935 level.

### Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I

### TOTAL BROADCAST ADVERTISING

Class of Business	1936 Gross Time Sales		
	February	March	Cumulative Jan.-Mar.
National networks.....	\$4,785,804	\$5,400,252	\$14,926,616
Regional networks.....	92,432	112,546	300,318
National non-network.....	1,946,650	2,097,400	5,670,550
Local .....	1,316,950	1,722,170	4,611,880
Total .....	\$8,141,836	\$9,332,368	\$25,509,364

Total broadcast advertising volume increased 14.6% as compared to the preceding month. National network advertising rose 12.8% and regional network volume 21.8%. National non-network volume gained 7.7% as compared to February and local broadcast advertising rose 30.8%.

Compared to March 1935, radio advertising as a whole gained 12.6%. Principal increases occurred in the regional network and national non-network fields, the respective volume of which rose 45.5% and 42.6%. Local broadcast advertising declined 5.2% as compared to the corresponding month of last year.

### Comparison with Other Media

Advertising volume placed in national media during March is found in Table II.

TABLE II

### ADVERTISING BY MAJOR MEDIA

Advertising Medium	1936 Gross Time and Space Sales		
	February	March	Cumulative Jan.-Mar.
Radio broadcasting.....	\$8,141,836	\$9,332,368	\$25,509,364
National magazines <sup>1</sup> .....	11,240,096	13,481,404	32,977,625
National farm papers <sup>1</sup> ....	657,717	746,502	1,826,218
Newspapers <sup>2</sup> .....	36,511,000	48,242,000	124,033,000
Total .....	\$56,550,649	\$71,802,274	\$184,346,207

<sup>1</sup> Publishers' Information Bureau.

<sup>2</sup> Estimated.

Newspaper advertising showed the greatest increase in volume of any medium as compared to the preceding month, rising 32.1%. National magazine advertising increased 19.9%, while farm paper volume rose 13.5%.

The greatest increase as compared to March of last year occurred in the national farm paper field. Advertising revenues for this type of medium rose 39.6% as compared to March 1935. National magazine volume gained 9.2% and newspaper volume 5.8%.



### Non-network Advertising

Non-network advertising as a whole rose 17.0% as compared to February of the current year and 16.2% over the level of March of the preceding year.

Regional stations experienced the greatest rise in non-network volume as compared to the preceding month. Non-network advertising for this class of transmitter rose 26.3%. Clear channel and high-powered regional station volume increased 13.2% over the preceding month, while local station volume rose 7.3%.

Gains were fairly general as compared to March of the previous year and were as follows: Clear channel and high-powered regional stations 15.9%, regional stations 15.7%, local stations 18.7%.

Broadcast advertising by power of station is found in Table III.

TABLE III

### NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1936 Gross Time Sales		
	February	March	Cumulative Jan.-Mar.
Over 1,000 watts .....	\$1,580,270	\$1,788,350	\$4,858,520
250-1,000 watts .....	1,185,180	1,496,880	3,903,180
100 watts .....	498,150	534,340	1,520,730
Total .....	\$3,263,600	\$3,819,570	\$10,282,430

As compared to the previous month, non-network advertising rose most markedly in the New England-Middle Atlantic Area. Non-network revenues gained 34.9% in this district. Other gains were as follows: South Atlantic-South Central district, 12.0%; North Central States, 11.4%; Mountain and Pacific Area, 15.6%.

Non-network gains continued to be most pronounced in the South and Mid-Western portions of the country as compared to the preceding year. Non-network advertising rose 47.0% above the March 1935 level in the South Atlantic-South Central Area and 21.1% in the North Central Area. Mountain and Pacific State volume rose 5.8%, while New England-Middle Atlantic State non-network business declined 0.5%.

Non-network advertising by geographical areas is set forth in Table IV.

TABLE IV

### NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		
	February	March	Cumulative Jan.-Mar.
New England-Middle Atlantic Area .....	\$659,400	\$889,700	\$2,235,450
South Atlantic-South Central Area .....	676,600	757,660	2,065,670
North Central Area .....	1,324,000	1,474,330	4,084,730
Pacific and Mountain Area ...	603,600	697,880	1,896,580
Total .....	\$3,263,600	\$3,819,570	\$10,282,430

### Non-network Volume by Type of Rendition

Gains were general with regard to all types of rendition as compared to February. Announcement volume rose 25.8%, record 26.0%, live talent business 13.6%, and electrical transcriptions 16.3%.

In the national field, transcription volume rose 13.7% above the February level, while announcements increased 21.9%. Live talent business remained comparatively unchanged, rising 0.5%.

Local transcription volume rose 31.7% above the February level, while live talent business gained 33.2%. Records increased 17.3% and announcements 28.1%.

Transcription and live talent business were the only types of rendition to increase in volume as compared to March 1935. The former rose 50.9% and the latter 19.0%. Record volume declined 6.8% and announcements 9.6%.

In the national field, all forms of rendition rose materially as compared to March of the preceding year. Announcement volume increased 72.3%, transcriptions 56.5%, and live talent programs 47.1%. In the local field, transcription volume alone experienced a gain, rising 28.1%. Announcements declined 17.0% below the March 1935 level, record volume dropped 12.1%, and live talent business 0.8%.

National non-network and local broadcast volume by type of rendition is found in Table V.

TABLE V

### NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1936 Gross Time Sales						
	National Non-network		Local		Total		Cumulative Jan.-Mar.
	February	March	February	March	February	March	
Electrical transcriptions .....	\$694,775	\$789,680	\$118,995	\$156,660	\$813,770	\$946,340	\$2,549,570
Live talent programs.....	994,530	989,380	715,770	953,490	1,710,300	1,942,870	5,280,140
Records .....	2,670	7,980	53,430	62,700	56,100	70,680	183,970
Announcements .....	254,675	310,360	428,755	549,320	683,430	859,680	2,268,750
Total .....	\$1,946,650	\$2,097,400	\$1,316,950	\$1,722,170	\$3,263,600	\$3,819,570	\$10,282,430

### Sponsor Trends in March

March broadcast advertising experienced the usual seasonal upswing. Principal gains in the national network field included the following: automotive, cosmetics, food and household equipment. The most important decline was one of 11.4% in drug and pharmaceutical volume. Accessory, beverage, soap and kitchen supply and tobacco advertising showed the greatest gains as compared to February in the regional network field. Increases were fairly general with regard to national non-network advertising, with household equipment and soap and kitchen supply volume leading the field. Local automotive, accessory, clothing, beverage and household equipment volume experienced material increases during the month.

### Comparison with March 1935

Principal increases in the national network field as compared to the corresponding month of last year were as follows: automotive 34.3%, accessory 32.0%, cosmetics 24.1%, tobacco 18.3%. Drug and pharmaceutical advertising declined 38.9%, due principally to the application of the new network policies regarding this form of

radio sponsorship. Other declines of importance were as follows: clothing 43.5%, confectionery 37.5%, and household equipment 55.3%.

Principal gains in the regional network field included an approximate twelve-fold increase in drug and pharmaceutical volume, a rise of 44.2% in food advertising, a marked increase in confectionery, household equipment and soap and kitchen supply business. Several declines of minor importance occurred in the regional field.

Gains were quite general throughout the national non-network field. Principal among them were the following: automotive 101.8%, accessory 72.2%, drug and pharmaceuticals 26.3%, food stuffs 58.5%, beverages 37.6%, household equipment 44.4%, and tobacco 37.9%. The most important decline was one of 23.0% in confectionery volume.

Local broadcast advertising trends were highly confused. The most important gains were one of 56.6% in the automotive field and a rise of 56.7% in food volume. Clothing advertising declined 1.7%, while household equipment volume dropped 5.3%. Department and general store business decreased 11.6% as compared to March of last year. Broadcast advertising volume during March by national and local sponsoring groups is found in Table VI.

**TABLE VI**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
(March, 1936)

Type of Sponsoring Business	National Networks	Regional Networks	Gross Time Sales		Total
			National Non-network	Local	
1a. Amusements	—	—	\$14,100	\$31,000	\$45,100
1-2. Automobiles and accessories:					
(1) Automobiles	\$428,475	—	233,620	115,470	777,565
(2) Accessories, gas and oil	447,904	\$11,867	155,000	69,320	684,091
3. Clothing and apparel	42,878	348	44,290	248,500	336,016
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	444,822	14,265	499,800	65,400	1,024,287
(5) Toilet goods	1,161,925	2,260	120,250	21,920	1,306,355
6-8. Food products:					
(6) Foodstuffs	1,047,245	30,990	433,490	227,970	1,739,695
(7) Beverages	332,042	5,953	44,500	82,290	464,785
(8) Confections	120,640	5,893	56,300	4,080	186,913
9-10. Household goods:					
(9) Household equipment and furnishings	51,948	5,017	79,020	188,900	324,885
(10) Soap and kitchen supplies	320,492	9,942	60,000	11,880	402,314
11. Insurance and financial	52,885	535	27,620	87,730	168,770
12. Radios	121,340	—	11,300	15,940	148,580
13. Retail establishments	—	728	13,180	129,820	143,728
14. Tobacco products	380,415	9,240	43,660	4,500	437,815
15. Miscellaneous	447,241	15,508	261,270	417,450	1,141,469
<b>Total</b>	<b>\$5,400,252</b>	<b>\$112,546</b>	<b>\$2,097,400</b>	<b>\$1,722,170</b>	<b>\$9,332,368</b>

Details as to trends in the various fields of sponsorship are as follows:

1a. **Amusements.** National non-network volume 138.6% above February. Local up 38.5%. Compared to March 1935, national non-network up ninefold and local down 30.3%.

1. **Automotive.** Gains compared to February as follows: National network 15.8%, national non-network 0.4%, local 38.5%. Increases as against March 1935 as follows: National network 34.3%, national non-network 101.8%, local 56.6%.

2. **Gasoline and accessories.** Increases over February as follows: National network 8.9%, regional network 31.4%, national non-network 16.2%, local 39.8%. National network 32.0% above the March 1935 level. Regional network volume up 35.0% and national non-network 72.2%. Local down 3.7%.

3. **Clothing.** Compared to February, gains as follows: National network 25.8%, national non-network 10.1%, local 62.0%. Regional network down 43.5%. Declines from March 1935 level as follows: National network 43.5%, regional network 86.1%, and local 1.7%. National non-network up 81.3%.

4. **Drugs and pharmaceuticals.** National network volume 11.4% under February. Other gains as follows: Regional network 5.8%, national non-network 10.5%, local 0.8%. Regional network volume twelve times that of last March and national non-network up 26.3%. National network volume down 38.9% and local 36.5%.

5. **Toilet goods.** National network volume 19.0% ahead of February. Regional network down 32.7%. National non-network up 0.8% and local 17.8%. National network advertising 24.1% above last March and national non-network up 24.5%. Regional network volume down 71.2% and local 81.1%.

6. **Foodstuffs.** Gains over February as follows: National network 24.3%, regional network 3.9%, national non-network 18.7%, local 18.8%. Gains as compared to March of preceding year as follows: National network 6.0%, regional network 44.2%, national non-network 58.5%, local 56.7%.

7. **Beverages.** National network 11.1% below February and national non-network down 40.7%. Regional network up 40.9% and local 32.4%. Gains over March 1935 as follows: National network 16.6%, national non-network 37.6%, local 13.9%.

8. **Confectionery.** National network 13.3% above February. Regional network up 29.2% and national non-network 24.4%. Local down 3.3%. Declines as against March of preceding year as follows: National network 37.5%, national non-network 23.0%, local 60.9%. Regional network up 100.4%.

9. **Household equipment.** Gains over February as follows: National network 41.8%, regional network 11.1%, national non-network 22.7%, local 55.1%. National network 55.3% below pre-

vious March and local down 5.3%. Regional network up 241.8% and national non-network 44.4%.

10. **Soap and kitchen supplies.** Gains over February as follows: National network 19.8%, regional network 89.2%, national non-network 65.8%, local 362.3%. Increases as compared to last March as follows: National network 14.0%, regional network 138.2%, national non-network 29.6%, local 149.6%.

11. **Insurance and financial.** National network 8.9% above February and local up 43.9%. Regional network down 26.8% and national network 30.3%. Increases over preceding March as follows: National network 26.3%, regional network 30.5%, national non-network 102.4%, local 29.5%.

12. **Radio.** National network 25.3% over February and local up 47.6%. National non-network down 31.1%. Increases as compared to corresponding month of previous year as follows: National network 27.7%, national non-network 296.5%, local 18.8%.

13. **Department and general stores.** National non-network volume 31.0% below February. Local up 32.5%. Compared to March 1935, national non-network up 90.2% and local down 11.6%. Total down 6.5%.

14. **Tobacco products.** National network volume 12.3% over February. Regional network up 51.7%, national non-network 23.6%. Local down 27.4%. Gains as against last March as follows: National network 18.3%, regional network 12.5%, national non-network 37.9%. Local down 37.5%.

15. **Miscellaneous.** Gains compared to February as follows: National network 17.2%, regional network 44.5%, local 18.7%. National non-network down 5.4%. National network volume 120.2% ahead of March of last year. National non-network up 23.5%. Regional network down 3.6% and local 17.9%.

#### Retail Broadcast Advertising

Total retail broadcast advertising increased 34.2% as compared to the preceding month. Principal gains occurred in the automotive, filling station, retail clothing and house furnishing fields.

Radio advertising by retail establishments exceeded the March 1935 level by 3.5%. Gains were as follows: Automotive 70.7%, clothing 6.0%, grocery and delicatessen stores 75.4%, restaurants 25.7%, radio dealers 17.3%. Declines as compared to the preceding March were as follows: Filling stations and accessory stores 39.3%, drug stores 10.7%, beauty parlors 36.1%, beverage retailers 67.4%, confectionery stores 49.2%, household equipment dealers 17.1%, furniture stores 2.9%, hardware retailers 29.7%, department stores 6.5%, and miscellaneous establishments 6.2%. Broadcast advertising by retail establishments will be found in Table VII.

TABLE VII  
RETAIL BROADCAST ADVERTISING OVER  
INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	February	March
<b>Automobiles and accessories:</b>		
Automobile agencies and used car dealers	\$101,170	\$127,110
Gasoline stations, garages, etc.	22,995	45,100
Clothing and apparel shops	167,900	264,000
<b>Drugs and toilet goods:</b>		
Drug stores	21,020	14,020
Beauty parlors	5,280	7,210
<b>Food products:</b>		
Grocery stores, meat markets, etc.	62,920	81,370
Restaurants and eating places	23,280	20,370
Beverage retailers	5,320	1,100
Confectionery stores	1,700	1,320
<b>Household goods:</b>		
Household equipment dealers	31,710	44,960
Furniture stores	70,810	106,060
Hardware stores	6,750	13,800
Radio retailers	7,580	15,900
Department and general stores	117,095	143,728
Tobacco shops	625	125
Miscellaneous	78,920	86,870
<b>Total</b>	<b>\$725,075</b>	<b>\$973,043</b>

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2779.** Charging unfair disparagement of competitors' products in violation of the Federal Trade Commission Act, a complaint has been issued against **Sterling Products Corporation**, 118-120 East 25th St., **New York City**, trading as **Paul Hartmann Agency**, and engaged in selling surgical instruments and supplies at wholesale and retail.

The respondent company is alleged to have made assertions in catalogues and circulars to the effect that ethyl chloride tubes, ethyl chloride, distilled water and glass ampules sold by competitors were either "German-made" goods or were not "100 per cent American products," and originated, in whole or in part, in Germany. These representations, according to the complaint, were not true, as many of these products offered for sale on the American market were wholly American-made goods.

**Nos. 2783-2784.** Under complaints issued, the **Smoked Products Co.** and **The Smoked Salt Co., Inc.**, both of **Cincinnati**, and **Pennsylvania Salt Manufacturing Co.** and **General Laboratories, Inc.**, both of **Philadelphia**, are charged with unfair competition in the use of the term "smoked salt" in advertising their salt products and in describing the effects of their process.

The different respondents are alleged to have advertised their "Old Hickory Smoked Salt" by phrases such as "Curing with Old Hickory Smoked Salt gives that same delicious flavor which has made Virginia hams famous throughout the world," and "The curing salt that puts actual hickory smoke into your meats." The respondents are said to have advertised that their salt is exposed to smoke "just like meat is exposed to smoke in old-fashioned smoke houses," when, according to the complaint, this is not true.

**No. 2785.** **The American Lawn Mower Corporation**, trading as **Richmond School Furniture Co.**, 18th St., **Muncie, Ind.**, is named respondent in a complaint alleging unfair methods of competition in the sale of "Litho Plate" blackboards to the toy trade, and to a limited extent to schools.

The company allegedly advertises that its blackboards are unbreakable, are "better than slate," and that their surfaces are "slated" and not painted. The complaint charges that the respondent's blackboards are breakable, are not superior to slate, and the surfaces are painted.

According to the complaint, the writing surface is twenty-seven thousandths of an inch in thickness and contains such a minute quantity of slate flour that use of the term "slated surface" in advertising misleads and deceives purchasers.

**No. 2787.** Unfair methods of competition in the sale of furs and fur garments are alleged in a complaint issued against **Bernard**

**Licht**, trading as **Licht's Fur Factory**, 102 West 29th St., **New York City**.

Licht is alleged to represent in radio broadcasts and advertising matter that he is the owner of a factory and the manufacturer of the fur garments he sells, that he carries in stock thousands of such garments, and that the purchasers of his products avoid the middleman's profit, thereby realizing savings of as much as 50 per cent, when, according to the complaint, such assertions are not true.

As to the respondent's purported representations that he repairs without charge garments bought from him and provides free storage for the same, the complaint alleges that the amount of "free" repairs furnished is very limited, that he charges for materials necessary to make repairs, and that he does not give free storage, but charges customers for insurance against fire, burglary and theft on furs and fur garments stored by such customers.

**No. 2788.** **Duro-Test Corporation**, 583 Broadway, **New York City**, is named respondent in a complaint alleging unfair competition in the sale of incandescent lamps.

The respondent corporation, through its canvassers and in advertising matter, allegedly misrepresents that its lamps actually possess the electro-motive power and force indicated by the number of watts and volts marked thereon; that they are guaranteed to have a life performance of 2,000 hours, or to give service for a year, and to test correctly as to rated watts, volts and lumens; and that they produce more luminosity, consume less current, and are more economical than the lamps of competitors.

In connection with such alleged misrepresentations, the canvassers, for purposes of comparison, the complaint charges, demonstrate lamps of the respondent and those of competitors by operating them on a multiple socket, with the result that it is made to appear to purchasers that the respondent's lamps, marked falsely as to the number of watts and volts, use less current and produce the same amount, or more, of light, and at lower cost of operation than the lamps of competitors correctly marked with an equal or greater number of watts and volts.

**No. 2789.** A complaint has been issued charging **The Leader Novelty Candy Co., Inc.**, 23 Marcy Ave., **Brooklyn**, with unfair methods of competition.

This respondent company is alleged to have made representations in trade literature to the effect that it controls and operates factories and manufactures the candy it sells, when, according to the complaint, these are not the facts.

These representations, it is alleged, have a tendency to cause customers to believe that the respondent company is a manufacturer and that by dealing with it they eliminate the profits of middlemen and obtain other advantages not available in buying from a selling agency or middleman.

**No. 2790.** False representations in the sale of specially built shoes designed for ill-formed feet are alleged in a complaint against **Dr. H. B. Norton Shoe Co., Inc.**, trading as **The Foot Health Institute**, 1619 Chestnut St., **Philadelphia**. The complaint, charging violation of Section 5 of the Federal Trade Commission Act, also names as respondents **Dr. H. B. Norton** and **Benjamin Weinstein**, officers and owners of the controlling stock in the corporation.

The respondents are said to use the radio for the major portion of their advertising, and in broadcasts allegedly represent, among other things, that 90 per cent of all ordinary foot troubles are caused by ill-fitting shoes and can be successfully treated or cured by use of the respondents' shoes; that the respondents' shoes cure or relieve sufferers from arthritis, neuritis, lumbago or rheumatism to such an extent as to enable them to walk in absolute comfort; that 87 different bodily ailments result from feet that are not in good health, and that curvature of the spine and twisted pelvis can be caused by bad feet improperly fitted with shoes. According to the complaint, such assertions are grossly exaggerated and untrue.

**No. 2791.** Use of false and misleading advertising on the part of **Remsen Corporation**, 70 Pine St., **New York City**, in the sale of "Aspirin + Plus," is the basis of a complaint charging that corporation with unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The complaint alleges that the respondent corporation, in radio broadcasts and in other ways, represents that its product is a newer form of aspirin; that it combines aspirin with other ingredients which doctors say are necessary for quick, safe action; that it is the exact prescription many leading physicians always give when they prescribe aspirin, and that it is the safest and quickest way to relieve pain, and gives better results and more lasting relief.

**No. 2792.** Charging unfair competition in the sale of a book entitled "How to be Always Well," used in promoting the sale of health foods made in Canada and sold there and in the United States, a complaint has been issued against **Dr. Robert G. Jackson**,

trading under the name **Jackson Publishing Co.**, with offices in **Buffalo, N. Y.**

In advertisements, the respondent is alleged to have represented that the book offers the key to perfect health, "years in which you can have the energy and vitality of a 30-year-old"; immunity from sickness and disease, even such minor ailments as colds; freedom from "tiredness, edginess and nerves," and a new way to live, a way that will banish sickness and disease and add many active years to life.

These representations are alleged to have no foundation in fact, as, it is charged, there is no known system of diet, exercise or hygiene, or all three combined, which, if used, offers complete immunity from sickness and disease, and which will add 25 or more years to human life.

**No. 2793. Premier Peat Moss Corporation**, 150 Nassau St., **New York City**, is named respondent in a complaint charging unfair competition in the sale of imported peat moss. The respondent company is said to be the principal importer and distributor of Swedish peat moss in the United States.

The complaint points out that peat moss consists of vegetable matter partially decomposed in water, and that because of its great water-absorbing and moisture-retaining capacities, it is extensively used as a soil conditioner. A controlling influence in the sale of competing varieties of this product, according to the complaint, is the comparative weight, quality, absorbing capacity, and ash and moisture content.

Representations of the respondent company are alleged to have deceived purchasers into buying Swedish peat moss in preference to German peat moss under the erroneous belief that the United States Department of Agriculture recommends Swedish as preferable to German peat moss; that the New York State Experiment Station, Geneva, N. Y., demonstrated that the Swedish product's absorbing capacity is 25 per cent higher than that of the German; that ash content of Swedish moss is 40 per cent less than that of the German; that State experiment stations in New Haven, Conn., and Amherst, Mass., have made tests showing that Swedish peat moss contains 33 per cent less moisture than the German product, and affords savings in weight. These and other representations of like character, made in disparagement of German peat moss, were not true, according to the complaint.

**No. 2794.** Charging unfair representations in the sale of hosiery, a complaint has been issued against **Charles W. Cromer**, trading under the name of **Shalwin Hosiery Mills, Hagerstown, Md.**

Hosiery sold by this respondent company is alleged to have been marked in a manner tending to deceive buyers into believing that it was made in large part of silk and was of a quality and price higher than was actually the case.

In one type of men's hosiery, the top, heel, toe and sole were made of cotton and the remaining part of a mixture of rayon and silk, each thread consisting approximately of 60 per cent rayon and 40 per cent silk, according to the complaint. This article was alleged to have been marked as "Rayon—Reinforcing—Two threads pure silk." Among other markings alleged to have been used to designate respondent company's products were: "Pure Thread Silk—Reinforced with fine rayon—made in U. S. A."; "Shalwin—New Style split-foot Silk Hose are made of the finest materials and will give the wearer complete satisfaction," and "Pure thread silk—reinforced with art silk made in U. S. A."

**No. 2796.** Charging unfair competition in the sale of lumber products, a complaint has been issued against **Lumber Mills Co.**, 11 South LaSalle St., **Chicago**, alleging misrepresentation of the company's business and products.

Selling and distributing sash, windows, doors, molding, and other wood mill work, the respondent company is charged with using the word "Mills" in its corporate name on letterheads, order blanks, and other business literature when it is not itself a manufacturer, but engages solely in selling and distributing products.

The complaint points out that many wholesale and retail purchasers of wood products prefer to deal directly with a manufacturer because of closer prices, superior quality, and other advantages, and that the respondent's representations of itself as a manufacturer tend to deceive buyers.

#### Stipulations

The Commission has issued the following cease and desist orders and stipulations.

**No. 2158. W. A. Sheaffer Pen Co.**, of **Fort Madison, Iowa**, under an order to cease and desist, is directed to discontinue a resale price maintenance policy in violation of the Federal Trade Commission Act.

In the sale of fountain pens, automatic pencils, ink, desk sets and kindred articles, the respondent company is ordered to stop entering into contracts, agreements or understandings with its dealer purchasers to the effect that Sheaffer products are not to be advertised or sold at retail at prices less than those specified or fixed by the respondent company.

Under the order, the respondent company's resale price policy is not to be effected by promises or assurances on the part of purchasers to the respondent company or by cooperative methods between the respondent company and its dealers.

**No. 2551.** Under an order entered, the **Chicago Silk Co.**, 421 South Wells St., **Chicago**, has been directed to cease and desist from selling or disposing of hosiery or lingerie, free of charge, or at varying prices, by lot or chance.

The order requires the respondent company to discontinue selling its products by the use of push or punch cards. It also prohibits the company from supplying, mailing, or shipping to members of the public push or punch cards so prepared or printed as to enable such persons, by the use thereof, to sell hosiery or lingerie.

**No. 2572.** Under an order to cease and desist issued against **Samuel Horowitz**, trading as **Commercial Silk Co.**, **New York City**, he is directed to discontinue representing, by use of his trade name or through advertising literature, that he is a manufacturer, mill operator, or mill owner.

Engaged in the sale and distribution of silk greige goods and finished silk, the respondent is alleged to have advertised his business as that of a manufacturer.

#### FTC DISMISSES CASE

**No. 2343.** The Federal Trade Commission announces it had vacated and set aside an order to cease and desist, issued January 30, 1936, against **Rossett Manufacturing Corporation**, 8 Astor Place, **New York City**, engaged in the sale of hats and caps. The order had directed cessation of the representation that the respondent company was a manufacturer.

#### FEDERAL COMMUNICATIONS COMMISSION ACTION

##### HEARING CALENDAR

Tuesday, May 12

##### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Continental Radio Co., Toledo, Ohio.—C. P., 1200 kc., 100 watts, daytime.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—C. P. to move to Toledo, Ohio; 1210 kc., 100 watts, unlimited time.

NEW—Community Broadcasting Co., Toledo, Ohio.—C. P., 1200 kc., 100 watts, daytime.

Wednesday, May 13

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—C. P., 920 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, May 14

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license, 1200 kc., 100 watts, 250 watts LS, unlimited time.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—C. P., 1320 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1320 kc., 500 watts, 1 KW LS, unlimited time.

Friday, May 15

NEW—Albert Lea Broadcasting Corp., Albert Lea, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Winona Radio Service, Winona, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Daily News Corporation, St. Paul, Minn.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—Fred A. Baxter, Superior, Wis.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—C. P., 1200 kc., 100 watts, unlimited time.

#### APPLICATIONS GRANTED

WKBB—Sanders Bros. Radio Station, East Dubuque, Ill.—Granted C. P. to install new equipment.

**KGHL**—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted C. P. to move transmitter approximately 70 feet, install new equipment, and increase day power from 2½ KW to 5 KW.

**WCAO**—Monumental Radio Co., Baltimore, Md.—Granted C. P. to rebuild entirely auxiliary equipment to comply with Rule 132 and move same 60 feet from present site to site of main transmitter, using 250 watts for auxiliary purposes only.

**KFPY**—Symons Broadcasting Co., Spokane, Wash.—Granted C. P. to move transmitter and approve vertical radiator and transmitter site.

**KVOA**—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted C. P. to make changes in equipment.

**WREC**—WREC, Inc., Rochester, N. Y.—Granted modification of C. P. approving antenna and transmitter site at Mt. Read Blvd., ½ mile north of Lyell Ave., Rochester; extend commencement date to 60 days after grant and completion date to 6 months thereafter.

**WTRC**—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted modification of C. P. approving antenna system and transmitting equipment and move of transmitter to junction of State Highway 19 and Mishawaka Road, Elkhart.

**WRJN**—Racine Broadcasting Corp., Racine, Wis.—Granted modification of C. P. to install new equipment and extend commencement date to 30 days after grant, and completion date to 180 days thereafter.

**WBEN**—WBEN, Inc., Buffalo, N. Y.—Granted modification of C. P. approving antenna and transmitter site at R. F. D. No. 2, near Martinsville, N. Y.

**WOC**—Tri-City Broadcasting Co., Davenport, Iowa.—Granted authority to make changes in automatic frequency control equipment.

**WWJ**—Evening News Assn., Inc., Detroit, Mich.—Granted license to cover C. P. authorizing local move of transmitter, installing new equipment, and increasing day power to 5 KW; 920 kc., 1 KW night, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

**WTAG**—Worcester Telegram Pub. Co., Inc., Worcester, Mass.—Granted license to cover C. P. authorizing installation of new equipment; 580 kc., 500 watts, unlimited time.

**KOMO**—Fisher's Blend Station, Inc., Seattle, Wash.—Granted license to use old W.E. transmitter for auxiliary purposes only.

**WQAM**—Miami Broadcasting Co., Miami, Fla.—Granted license to cover C. P. authorizing installation of new equipment.

**WQAN**—E. J. Lynett (Prop., The Scranton Times), Scranton, Pa.—Granted consent to voluntary assignment of license to the Scranton Times (copartnership), E. J. Lynett, Wm. R. Lynett, Elizabeth R. Lynett, Edw. J. Lynett, Jr.

**KNOW**—KUT Broadcasting Co., Austin, Tex.—Granted authority to transfer control of corporation from Southwest Broadcasting Co. to Hearst Radio, Inc. (present assignment: 1500 kc., 100 watts, unlimited time).

**KTSA**—Southwest Broadcasting Co., San Antonio, Tex.—Granted consent to voluntary assignment of license to KTSA Broadcasting Company.

**WOV**—International Broadcasting Corp., New York, N. Y.—Granted authority to install new automatic frequency control equipment.

**W6XKG**—Ben S. McGlashan, Los Angeles, Calif.—Granted C. P. to make changes in equipment and increase power from 100 watts to 1 KW.

**W4XBZ**—Radio Station WSOC, Inc., Portable-Mobile (Charlotte, N. C.).—Granted license to cover C. P. (broadcast pickup station), frequencies 31100, 34600, 37600 and 40600 kc., 7 watts.

**KNED**—Carter Publications, Inc., Portable-Mobile (Fort Worth, Tex.).—Granted license to cover C. P. (temporary broadcast pickup), frequencies 1606, 2020, 2102 and 2760 kc., 50 watts.

**KABB**—Don Lee Broadcasting System, Portable-Mobile (San Francisco).—Granted license to cover C. P. for new broadcast pickup station, frequencies 1646, 2090, 2190 and 2830 kc., 100 watts.

**W10XCT**—Shepard Broadcasting Service, Inc., Portable-Mobile (Boston, Mass.).—Granted license to cover C. P. authorizing changes in equipment and increase power from 2 watts to 100 watts.

**W8XEO**—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as Capital City Broadcasting Co., Portable-Mobile (Lansing,

Mich.).—Granted license to cover C. P. for broadcast pickup station, frequencies 31100, 34600, 37600 and 40600 kc., 15 watts.

**W3XER**—Philco Radio & Television Corp., Philadelphia, Pa.—Granted license to cover C. P. for new special experimental station to be used for experimental transmission of the associated synchronized sound of visual broadcast station, frequencies 42000-56000 kc. and 60000-86000 kc., 250 watts.

#### SET FOR HEARING

**NEW**—Telegraph Herald, Dubuque, Iowa.—Application for C. P. for new station, 1340 kc., 500 watts, daytime. Site to be determined.

**NEW**—Advertiser Pub. Co., Ltd., Honolulu, T. H.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited time.

**NEW**—Harry J. Grant, Milwaukee, Wis.—Application for C. P. for new station, 1010 kc., 250 watts night, 500 watts day, unlimited time. Site to be determined.

**WCKY**—L. B. Wilson, Inc., Covington, Ky.—Application for C. P. to install new equipment and increase power from 5 KW to 50 KW.

**WHO**—Central Broadcasting Co., Des Moines, Iowa.—Special experimental authorization to install new equipment, increase power from 50 KW to 500 KW for period ending August 1, 1936. (To be heard by Broadcast Division.)

**WGL**—F. C. Zeig (Allen-Wayne Co.), Fort Wayne, Ind.—Application for voluntary assignment of license of station WGL from Fred C. Zeig to Westinghouse Electric & Mfg. Co.

**WJZ**—National Broadcasting Co., Inc., New York City.—Application for C. P. to install new equipment, move transmitter to site to be determined, install new radiator, and increase power from 50 KW to 500 KW. To be heard by Broadcast Division.

**KOMA**—National Radio Mfg. Co., Oklahoma City, Okla.—Application for consent to voluntary assignment of license to Hearst Radio, Inc.

**WACO**—Central Texas Broadcasting Co., Inc., Waco, Tex.—Application for consent to voluntary assignment of license to KTSA Broadcasting Co.

**KTAT**—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Application for consent to voluntary assignment of license from KTAT Broadcast Co., Inc., to Raymond E. Buck.

#### ORAL ARGUMENTS GRANTED

**NEW**—Ex. Rep. 1-214: Winona Broadcasting Co., Emmons L. Abeles, Secy., Winona, Minn.—Oral argument to be held September 10, 1936, involving applications for stations at Mankato, Ft. Dodge, Iowa; Clinton, Iowa; Hastings, Nebr.; Grand Island, Nebr.; Appleton, Wis.; and Wausau, Wis.

**WPAR**—Ex. Rep. 1-215: Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Oral argument to be held September 10, 1936.

**NEW**—Ex. Rep. 1-216: Mason City Broadcast Co., Mason City, Iowa.—Oral argument to be held June 11, 1936, involving applications of Northern Iowa Broadcasting Co., Mason City Globe-Gazette Co. and Mason City Broadcast Co.

#### ACTION ON EXAMINERS' REPORTS

**WNEW**—Ex. Rep. 1-79: Wodaam Corp., Newark, N. J.—Denied modification of license to increase daytime power from 2½ KW to 5 KW; 1250 kc., 1 KW night. Share with WNBI. Examiner R. L. Walker reversed. Order effective August 25, 1936.

**WNBF**—Ex. Rep. 1-88: Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Denied special experimental authority to operate on 1240 kc.; 500 watts, 1 KW-LS, unlimited time, make changes in equipment and move transmitter. Examiner Bramhall sustained. Order effective Sept. 1, 1936.

**NEW**—Ex. Rep. 1-116: Knox Broadcasting Co., Inc., Schenectady, N. Y.—Denied (Commissioner Prall dissenting) C. P. for new station to operate on 1240 kc., 1 KW; unlimited time. Examiner P. W. Seward reversed. Order effective Sept. 1, 1936.

**NEW**—Ex. Rep. 1-117: Wayne Broadcasting Co., Hamtramck, Mich.—Denied (Commissioner Prall dissenting), C. P. for new broadcast station to operate on 1370 kc., 100 watts; daytime. Examiner P. W. Seward reversed. Order effective Sept. 1, 1936.

**NEW**—Ex. Rep. 1-126: Utah Radio Educational Society, Walter P. Monson, Jr., Pres., Salt Lake City, Utah—Denied C. P.

for new station to operate on 1450 kc., 1 KW, unlimited time. Examiner Geo. H. Hill sustained.

NEW—Louis H. Callister, Provo, Utah—Dismissed with prejudice, application for C. P. for new station to operate on 1200 kc., 100 watts; unlimited time. Examiner sustained.

NEW—Paul Q. Callister, Salt Lake City, Utah—Denied C. P. for new station to operate on 1370 kc., 100 watts, unlimited time. Examiner sustained.

NEW—Great Western Broadcasting Assn., Inc., Logan, Utah—Denied C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. Examiner sustained.

NEW—Great Western Broadcasting Assn., Inc., Provo, Utah—Denied C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Examiner reversed.

NEW—Munn Q. Cannon, Logan, Utah—Dismissed with prejudice C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Examiner sustained.

NEW—Ex. Rep. 1-126: Jack Powers, Frank C. Carman, David G. Smith & Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah—Granted C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. Examiner sustained.

NEW—Cache Valley Broadcasting Service Co., J. A. & J. M. Reeder & L. R. Jensen, Logan, Utah—Denied C. P. for new station to operate on 1370 kc., 100 watts, unlimited time. Examiner sustained. Order in above cases effective Sept. 8, 1936.

NEW—Ex. Rep. 1-130—Dudley J. Connolly, Elliot Knight, Roy W. Knight & Fred Sullivan, d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—Denied C. P. for new station to operate on 1200 kc., 100 watts, daytime. Examiner P. W. Seward reversed. Order effective Sept. 8, 1936.

NEW—Ex. Rep. 1-163: Paul R. Heitmeyer, Salt Lake City, Utah—Denied C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner Seward reversed. Order effective Sept. 15, 1936.

NEW—Ex. Rep. 1-165: Fla. West Coast Broadcasting Co., Inc., Tampa, Fla.—Denied C. P. for new broadcast station to operate on 1370 kc., 100 watts, unlimited time. Examiner Bramhall sustained. Order effective Sept. 22, 1936.

NEW—Ex. Rep. 1-168: W. A. Patterson, Chattanooga, Tenn.—Granted C. P. for new station to operate on 1420 kc., 100 watts, daytime. Examiner Geo. H. Hill sustained. Order effective Sept. 8, 1936.

NEW—Ex. Rep. 1-171: Herbert Lee Blye, Lima, Ohio—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, daytime. (Transmitter site to be determined). Examiner Dalberg sustained. Order effective Sept. 29, 1936.

NEW—Ex. Rep. 1-173: Wyo. Radio Educational Assn. (Lester G. Baker, Pres.) Cheyenne, Wyo.—Denied C. P. for new station to operate on 630 kc., 500 watts night, 1 KW day, unlimited time. Examiner Seward sustained.

NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—Denied C. P. for new station to operate on 1210 kc., 100 watts night, 250 watts day; unlimited time. Examiner Seward reversed. Order effective Sept. 29, 1936.

NEW—Ex. Rep. 1-207: Champaign News-Gazette, Inc., Champaign, Ill.—Granted C. P. for new station to operate on 1370 kc., 100 watts, daytime. Examiner Geo. H. Hill sustained. Order effective August 18, 1936.

NEW—Ex. Rep. 1-211: Alfred C. Matthews, Cape May, N. J.—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts, specified hours. Examiner Bramhall sustained. Order effective August 25, 1936.

#### ACTION ON APPLICATIONS HEARD BY BROADCAST DIVISION

NEW—Portland Broadcasting System, Inc., Portland, Maine—Granted C. P. for new station to operate on 640 kc., 500 watts, limited time, using directional antenna. Order effective June 16, 1936.

WOI—Iowa State College of Agriculture & Mechanic Arts College Campus, Iowa—Granted renewal of license; 640 kc., 5 KW; daytime hours.

NEW—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Denied C. P. for new station to operate on 640 kc., 10 KW, unlimited time. Directional antenna after sunset at Los Angeles, non-directional antenna during daytime.

NEW—Irving D. Sisson, Pittsfield, Mass.—Denied C. P. for new station to operate on 640 kc., 1 KW. Daytime hours.

NEW—Eastland Company, Portland, Me.—Denied C. P. for new station to operate on 640 kc., 100 watts; daytime to sunset at Cleveland, but if application of WJAY for 640 kc. denied, daytime to sunset at Los Angeles (Fac. WRDO).

WAIU—Associated Radiocasting Corp., Columbus, Ohio—Denied modification of license to change frequency from 640 to 570 kc.; change power from 500 watts to 750 watts night, 1 KW day; change time from Ltd. to specified hours now assigned to WKBN.

KFUO—Evangelical Lutheran Synod, etc., Clayton, Mo.—Denied modification of license to change frequency from 550 to 640 kc.; increase power from 500 watts night, 1 KW day, to 1 KW; change hours of operation from sharing with KSD to specified. (Hours not used by WOI during daytime, and to operate from LS to sunset at Los Angeles; part facilities of WOI.)

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Denied modification of license to change frequency from 1200 kc. to 640 kc.; increase power from 100 watts to 500 watts. Unlimited time.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Denied C. P. to move transmitter; increase power from 500 watts to 5 KW; change frequency from 1410 to 640 kc.; install new equipment; unlimited time. Directional antenna.

WFLA-WSUN—Clearwater Chamber of Commerce, St. Petersburg Chamber of Commerce, Clearwater, Fla.—Denied special experimental authority to install new equipment; change frequency from 620 to 640 kc.; increase power from 250 watts night, 500 watts day, to 5 KW; unlimited time. Directional antenna.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Denied modification of license to change frequency from 610 to 640 kc.; change power from 500 watts day to 500 watts; change time of operation from daytime to limited.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—Denied C. P. to move transmitter locally; change frequency from 570 to 610 kc.; change equipment and power from 500 watts to 500 watts night, 1 KW day; change time from specified hours to unlimited. Directional antenna after sunset Youngstown.

WRDO—WRDO, Inc., Augusta, Maine—Granted renewal of license; 1370 kc., 100 watts; unlimited time. Order in all above cases effective June 16, 1936.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted renewal of license; 830 kc., 1 KW daytime. Dismissed application for modification of license to operate with power of 1 KW until sunset at Denver, and 500 watts thereafter, unlimited time. Order effective Oct. 6, 1936.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Denied C. P. to make changes in equipment; change location of transmitter; change frequency from 1230 to 830 kc., increase power from 1 KW night, 2½ KW day, to 5 KW unlimited time. (Facilities of WHDH.)

WEEU—Berks Broadcasting Co., Reading, Pa.—Denied modification of license to change power from 1 KW day to 500 watts night, 1 KW day, and change hours of operation from daytime to unlimited, 830 kc. Order effective Oct. 6, 1936.

WINS—American Radio News Corp., New York City, N. Y.—Denied special experimental authority to use power of 5 KW instead of 500 watts; unlimited time instead of limited; install new equipment. Order effective Oct. 13, 1936.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Denied C. P. to make changes in equipment, move transmitter, install directional antenna, and change hours of operation from limited to unlimited; 1180 kc., 1 KW night, 5 KW-LS. Order effective Oct. 13, 1936.

#### MISCELLANEOUS

WBAA—Purdue University, W. Lafayette, Ind.—Reconsidered and granted application for modification of license authorizing specified hours of operation on its present frequency of 890 kc., given some additional daytime heretofore used by WILL which has been authorized by the Commission to move from 890 to 580 kc., effective May 5, 1936.

WOW—Woodmen of the World Life Ins. Co., Omaha, Nebr.—Granted motion to reconsider and reopen application of WKZO, Inc., to move station locally, change power from 1 KW day. to 250 watts night, 1 KW day, and from daytime to unlimited operation. Grant made on Feb. 8, 1936.

but effective date was heretofore postponed until May 29, 1936.

- KWKC**—Charlotte Duncan, Kansas City, Mo.—Granted motion asking that Charlotte Duncan be substituted as party applicant in application of Wilson Duncan, d/b as Wilson Duncan Broadcasting Co., for renewal of license of KWKC.
- Kunsky Trendle Broadcasting Corp.**, Detroit, Mich.—Denied special petition asking Commission to have application considered for use of frequency of **990 kc.**, in lieu of **640 kc.**, and for authority to use a 3 unit directional antenna.
- Continental Radio Co.**, Toledo, Ohio—Denied motion for enlargement of issues on hearing and for reconsideration in part, concerning application of WALR to move from Zanesville to Toledo, Ohio, WALR application to proceed to hearing as at present scheduled upon protest of WJIM.
- Jesse H. Jay**, Miami Beach, Fla.—Denied petition for reconsideration and grant of application for C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited.
- Edward Hoffman**, St. Paul, Minn.—Granted petition to intervene and be made a party to proceedings on application of WISE Broadcasting Co., an application for new broadcast station at St. Paul, Minn., to operate on **630 kc.**, 250 watts, unlimited time.
- Virgil V. Evans**, Spartanburg, S. C.—Accepted answer of this respondent to appearance and statement of facts of Sun Publishing Co., Inc. (WTJS).
- Fred A. Baxter**, Superior, Wisc.—Granted order to take depositions in support of application for new station at Superior, Wisc.
- Memphis Commercial Appeal, Inc.**, Memphis, Tenn.—Granted motion for postponement of hearing on application for C. P. now scheduled for May 30, 1936, for new station at Mobile, Ala.
- KGBZ**—KGBZ Broadcasting Co., York, Nebr.—Granted motion asking Commission to postpone effective date of its order denying KGBZ renewal of license; effective date changed from May 8 to May 22, 1936.
- KWKC** (Now KCMO)—Charlotte Duncan, Administratrix, Kansas City, Mo.—Redesignated for hearing application for consent to assign license from Wilson Duncan, deceased, to Lester E. Cox and Thos. L. Evans, since application was amended recently to add a new partner. Also redesignated for hearing application of Charlotte Duncan, administratrix, Lester E. Cox and Thos. L. Evans for authority to install new equipment, move transmitter and studio and change hours of operation to unlimited.
- KHSL**—Golden Empire Broadcasting Co., Chico, Calif.—Granted petition asking leave to amend its application so as to ask for new frequency originally asked for **630 kc.**, amended to **1260 kc.**
- Thomas L. Evans & J. L. Milligan**, Jackson, Tenn.—Granted petition to intervene as respondents in re application of WTJS, Sun Publishing Co., Inc., for increase of power from 100 watts to 250 watts night, and from 250 watts day to 500 watts day.
- Southwest Broadcasting Co.**, Prescott, Ariz.—Granted order to take depositions in support of application for C. P. for establishment of a broadcast station at Prescott, to operate on **1500 kc.**, 100 watts night, 250 watts LS, unlimited time.
- Nathan N. Bauer**, Miami, Fla.—Granted order to take depositions in support of his application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited.
- Earl Weir**, St. Petersburg, Fla.—Granted order to take depositions in support of application for C. P. for new station at St. Petersburg, Fla., to operate on **1370 kc.**, 100 watts, unlimited time.
- Herbert Lee Blye**, Lima, Ohio—Granted amended position to intervene in proceedings of application of WALR to move from Zanesville to Toledo, Ohio.
- Mason City Globe Gazette Co.**, Mason City, Iowa—Questions raised by motion as to the sufficiency of exceptions to Examiner's Report 1-216, to be considered in connection with other questions involved in the oral argument fixed for June 11, after which all the matters will be disposed of together.

#### APPLICATION DENIED

- Uvalde Chamber of Commerce**, Uvalde, Tex.—Denied authority to transmit special Uvalde programs by remote control over station XEPN, Piedras Negras, Mexico, from 12:15 to 12:45 p. m. and from 8:45 to 9 p. m., CST, May 7 and 8, 1936.

#### APPLICATIONS DISMISSED

The following application, heretofore set for hearing, was dismissed for failure of applicant to answer form letter adopted by Broadcast Division requiring applicants to signify their desire to be heard within 10 days after receipt of said form letter:

**KFKA**—Mid-Western Radio Corp.—Applied for modification of license, **880 kc.**, 1 KW, shares time with KPOF.

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- KJR**—Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.—Applied for C. P., **970 kc.**, 10 KW, unlimited time.
- NEW**—Foreign Lands Corp., Honolulu, T. H.—Applied for C. P., **600 kc.**, 1 KW, unlimited time.
- NEW**—Isadore Goldwasser, Tuscaloosa, Ala.—Applied for C. P., **1370 kc.**, 100 watts, unlimited time.
- NEW**—Ellwood W. Lippincott, Bend, Ore.—Applied for C. P., **1500 kc.**, 100 watts, unlimited time.
- NEW**—H. L. Corley, Trinidad, Colo.—Applied for C. P., **1370 kc.**, 100 watts, unlimited time.

#### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

**KADA**, Ada, Okla.; **KASA**, Elk City, Okla.; **KCRJ**, Jerome, Ariz.; **KDLR**, Devils Lake, N. Dak.; **KFJI**, Klamath Falls, Ore.; **KFOR**, Lincoln, Nebr.; **KFPW**, Fort Smith, Ark.; **KFVS**, Cape Girardeau, Mo.; **KFXJ**, Grand Junction, Colo.; **KFXM**, San Bernardino, Calif.; **KFXR**, Oklahoma City, Okla.; **KGBX**, Springfield, Mo.; **KGCX**, Wolf Point, Mont.; **KGEK**, Sterling, Colo.; **KGEZ**, Kalispell, Mont.; **KGFJ**, Los Angeles, Calif.; **KGFW**, Kearney, Nebr.; **KGHI**, Little Rock, Ark.; **KINY**, Juneau, Alaska; **KIT**, Yakima, Wash.; **KIUL**, Garden City, Kans.; **KMED**, Medford, Ore.; **KPPC**, Pasadena, Calif.; **KRMD**, Shreveport, La.; **KSUN**, Lowell, Ariz.; **KTSH**, El Paso, Tex.; **KVOL**, Lafayette, La.; **KVOS**, Ardmore, Okla.; **KWG**, Stockton, Calif.; **KXRO**, Aberdeen, Wash.; **WABI**, Bangor, Maine; **WALR**, Zanesville, Ohio; **WBAX**, Wilkes-Barre, Pa.; **WBBL**, Richmond, Va.; **WBOW**, Terre Haute, Ind.; **WBRB**, Red Bank, N. J.; **WBRE**, Wilkes-Barre, Pa.; **WCAT**, Rapid City, S. Dak.; **WCLO**, Jansville, Wis.; **WCLS**, Joliet, Ill.; **WCPO**, Cincinnati, Ohio; **WEBQ**, Harrisburg, Ill.; **WEMP**, Milwaukee, Wis.; **WEST**, Easton, Pa.; **WEXL**, Royal Oak, Mich.; **WFAS**, White Plains, N. Y.; **WFDL**, Flint, Mich.; **WGBB**, Freeport, N. Y.; **WGH**, Newport News, Va.; **WGNV**, Chester Township, N. Y.; **WHAT**, Philadelphia; **WHBU**, Anderson, Ind.; **WJAC**, Johnstown, Pa.; **WJBY**, Gadsden, Ala.; **WJIM**, Lansing, Mich.; **WJW**, Akron, Ohio; **WKBO**, Harrisburg, Pa.; **WLBC**, Muncie, Ind.; **WLNH**, Laconia, N. H.; **WLVA**, Lynchburg, Va.; **WMFR**, High Point, N. C.; **WMPC**, Lapeer, Mich.; **WOL**, Washington, D. C.; **WOMT**, Manitowoc, Wis.; **WPAX**, Thomasville, Ga.; **WSBC**, Chicago; **WSIX**, Springfield, Tenn.; **WSOC**, Charlotte, N. C.; **WTJS**, Jackson, Tenn.; **WTAX**, Springfield, Ill.; **WBEO**, Marquette, Mich.

#### APPLICATIONS RECEIVED

##### First Zone

- NEW**—Fred J. Hart, Honolulu, T. H.—Construction permit for a **600** new station to be operated on **600 kc.**, 250 watts, unlimited time.
- WREC**—WREC, Inc., Memphis, Tenn.—License to cover construction permit (B1-P-161) as modified for new equipment, move of transmitter, increase in power, and to use directional antenna night.
- WREC**—WREC, Inc., Memphis, Tenn.—Authority to determine **600** operating power by direct measurement of antenna.
- WICC**—The Southern Connecticut Broadcasting Corp., Bridgeport, **600** Conn.—Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of WCAC.
- WTHT**—The Hartford Times, Inc., Hartford, Conn.—Modification **1200** of construction permit (B1-P-360) for a new station. requesting change of hours of operation from daytime to unlimited, using 100 watts power. Requests facilities of WNRI.
- WCAP**—Radio Industries Broadcast Co., Asbury Park, N. J.—**1280** Construction permit to make changes in equipment (antenna).

##### Second Zone

- NEW**—Voice of Detroit, Inc., Detroit, Mich.—Construction permit for a new station to be operated on **1140 kc.**, 500 watts,

- 1 KW day, unlimited time. Amended to change frequency from 1140 kc. to 1120 kc. and transmitter and studio sites from Detroit, Mich., to site to be determined, Detroit, Mich.
- WHIO**—Miami Valley Broadcasting Corp., Dayton, Ohio.—Modification of construction permit (B2-P-838) for changes in equipment and increase in power, requesting further changes in equipment and extend commencement date from 5-17-36 to 2 months after grant and completion date to 6 months thereafter.
- WGH**—Hampton Roads Broadcasting Corp., Newport News, Va.—**1310** Construction permit to install a vertical antenna and move transmitter from 4th Floor, Warwick Hotel, 2400 West Avenue (Waterfront), Newport News, Va., to Jefferson Avenue, end, Newport News, Va.
- NEW**—The Exponent Co., Clarksburg, W. Va.—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, daytime.
- WHK**—Radio Air Service Corp., Cleveland, Ohio.—License to use **1390** old W.E. D-87737 as an auxiliary transmitter.

### Third Zone

- WPTF**—WPTF Radio Co., Raleigh, N. C.—Authority to determine operating power by direct measurement of antenna (1-KW auxiliary equipment).
- WSPA**—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Construction permit to install a new transmitter, erect a vertical antenna and increase power from 1 KW to 5 KW.
- KMLB**—Liner's Broadcasting Station, Inc., Monroe, La.—License **1200** to cover construction permit (B3-P-872) for move of transmitter and install new antenna.
- WRR**—City of Dallas Texas, Dallas, Tex.—License to cover construction permit (B3-P-889) as modified for new equipment and move of transmitter.
- NEW**—The Sherman Broadcasting Assn. (J. B. Knight, Pres.), Sherman, Tex.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, daytime (request of attorney).
- NEW**—Asheville Daily News (Harold H. Thoms, owner), Asheville, N. C.—Construction permit for a new station to be operated on **1400 kc.**, 100 watts, unlimited time. Amended to change frequency from **1400 kc.** to **1370 kc.**

### Fourth Zone

- WGN**—WGN, Inc., Chicago, Ill.—Construction permit to install **720** new equipment; increase power from 50 KW to 500 KW; move transmitter from Villa Road, about 4 miles east of Elgin, Ill., to site to be determined; equipment also to be determined.
- WCLO**—Gazette Printing Co., Janesville, Wis.—Modification of **1200** construction permit (B4-P-1038) for changes in equipment and increase in power, requesting approval of antenna and exact transmitter site at 1436 S. Oakhill Avenue, Janesville, Wis.

- WHBU**—Anderson Broadcasting Corp., Anderson, Ind.—Modification of construction permit (B4-P-438) for changes in equipment and increase of power, requesting further changes in equipment.
- NEW**—Hannibal Broadcasting Co., Hannibal, Mo.—Construction **1310** permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended giving exact transmitter site as 120 E. Broadway, Hannibal, Mo.
- WMBH**—Joplin Broadcasting Co., Joplin, Mo.—Construction **1380** permit to make changes in equipment; install directional antenna for night use; change frequency from **1420 kc.** to **1380 kc.**; increase power from 100 watts, 250 watts day, to 500 watts; move transmitter from 1334 Roosevelt Ave., Joplin, Mo., to 1 mile east of city limits of Joplin, Mo., and studio from 1334 Roosevelt Ave., Joplin, Mo., to 401 Main Street, Keystone Hotel, Joplin, Mo.
- KGNF**—Great Plains Broadcasting Co. (a corporation), North **1430** Platte, Nebr.—Construction permit to make changes in equipment.

### Fifth Zone

- KLZ**—KLZ Broadcasting Co., Denver, Colo.—Modification of **560** construction permit (5-P-B-3274) for new equipment, increase in power, and move of transmitter, requesting changes in equipment and extension of commencement and completion dates. (Application resubmitted in new name.)
- KFPY**—Symons Broadcasting Co., Spokane, Wash.—Authority to **890** transfer control of corporation from Symons Investment Co. to T. W. Symons, Jr., 164-2/3 shares common stock.
- KIT**—Carl E. Haymond, Yakima, Wash.—Construction permit to **1250** install a new transmitter; erect a vertical antenna; change frequency from **1310 kc.** to **1250 kc.**; increase power from 100 watts, 250 watts day, to 250 watts, 500 watts day; and move transmitter from 109½ East Yakima Ave., Yakima, Wash., to site to be determined, Yakima, Wash.
- KERN**—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif. **1370** —Construction permit to install a new transmitter and erect a new antenna.
- NEW**—The Southwest Broadcasting Co., La Junta, Colo.—Construction permit for a new station to be operated on **1370** **1370** kc., 100 watts, unlimited time.
- KICA**—Western Broadcasters, Inc., Clovis, N. Mex.—Modification **1370** of license to change hours of operation from specified hours to unlimited time.
- KWYO**—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Construction permit to make changes in equipment; erect a **1370** vertical antenna; increase power from 100 watts, 250 watts day; and move transmitter from corner Adair and West Fourth Streets, Sheridan, Wyo., to 1.2 miles north of Sheridan, Wyo.
- NEW**—Geo. P. Allison and Thos. R. Waters, Jr., d/b as Skagit **1420** Broadcasting Assn., Whitney, Wash.—Construction permit for a new station on **1420 kc.**, 100 watts, unlimited time.



# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### BROADCAST ADVERTISING: FIRST QUARTER 1936

#### Developments of the Month

Broadcast advertising during the first quarter of the current year totaled \$25,509,364, a gain of 11.4% over the corresponding period of 1935. Indications point to the beginning of the stabilization of radio advertising at a post-depression level, in that the aforementioned growth in volume is comparable to one of 19.6% for the first quarter of the preceding year as against the corresponding three months of 1934.

Principal gains during the period under consideration occurred in the regional network and national non-network fields, in keeping with the trends in evidence during the major portion of the past year. National network and local broadcast advertising gained but slightly over the corresponding months of 1935.

Radio continued to show the greatest rate of increase among major media, though it was surpassed with national farm papers, whose volume rose 37.0% as compared to the corresponding period of 1935.

Regional stations showed the greatest gains in non-network volume, reflecting the rise in national non-network business. The South and Middle West continued to experience the most pronounced rise in non-network advertising.

Electrical transcriptions led the field as far as type of rendition was concerned. This was true in both national non-network and local broadcast advertising. Live talent volume gained, while record and announcement business declined as compared to the corresponding quarter of the previous year.

Accessory and gasoline, beverage and tobacco advertising experienced important increases in the national network field. A rise of 117.9% in the miscellaneous classification indicated a continued trend toward more diversified use of network advertising. Drug advertising declined 31.7% as a result of network policies in this field, while confectionery and household equipment advertising also declined materially.

Gains were general in the regional network field, with drug, food, beverage, tobacco and soap and kitchen supply advertising showing the most important increases. Gains likewise were general in the national non-network field, with automotive, food, beverage and tobacco volume experiencing the most significant rise. Local broadcast advertising showed confused tendencies, with automotive volume leading the increases and drug advertising showing the most important decline.

#### Total Broadcast Advertising

Total broadcast advertising during the first quarter of the current year is set forth in Table I.

TABLE I

#### TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	Gross Time Sales First Quarter	
	1935	1936
National networks .....	\$14,107,206	\$14,926,616
Regional networks .....	193,299	300,318
National non-network .....	4,035,182	5,670,550
Local .....	4,545,023	4,611,880
<b>Total .....</b>	<b>\$22,880,710</b>	<b>\$25,509,364</b>

Compared to a gain of 11.4% on the part of the medium as a whole, national network advertising increased 5.8% as compared to the corresponding three months of the preceding year. National network volume seems particularly to be approaching a point of stabilization, since this gain is comparable to a rise of 23.9% during the first three months of last year as against the same period of 1934.

National non-network volume rose 40.5% as against the same quarter of 1935, while regional network advertising increased 55.9%. Gains in 1935 over the corresponding period of the preceding year averaged in the neighborhood of 10.0%. Local broadcast advertising rose but 1.5% as compared to a 1935 increase of 13.3%.

#### Composition of Broadcast Advertising

The marked rise of regional network and national non-network advertising has changed the composition of the medium's business to an interesting degree. Whereas national network volume during the first quarter of 1935 comprised 61.3% of the gross billings of the medium, it comprised but 58.5% during the corresponding months of the current year. Regional network volume increased from 0.8% of the medium's total, while national non-network advertising rose from 17.3% to 22.2%. Local broadcast advertising, on the other hand, declined in importance from 20.6% to 18.1%. This constituted a further decline in relative importance from 22.0% during the first quarter of 1934.

#### Comparison with Other Media

Advertising volume in major media during the period under consideration is found in Table II.

TABLE II

#### ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales First Quarter	
	1935	1936
Radio broadcasting .....	\$22,880,710	\$25,509,364
National magazines <sup>1</sup> .....	30,968,794	32,977,625
National farm papers <sup>1</sup> .....	1,333,264	1,826,218
Newspapers <sup>2</sup> .....	117,474,000	124,033,000
<b>Total .....</b>	<b>\$172,656,768</b>	<b>\$184,346,207</b>

<sup>1</sup> Publishers' Information Bureau.

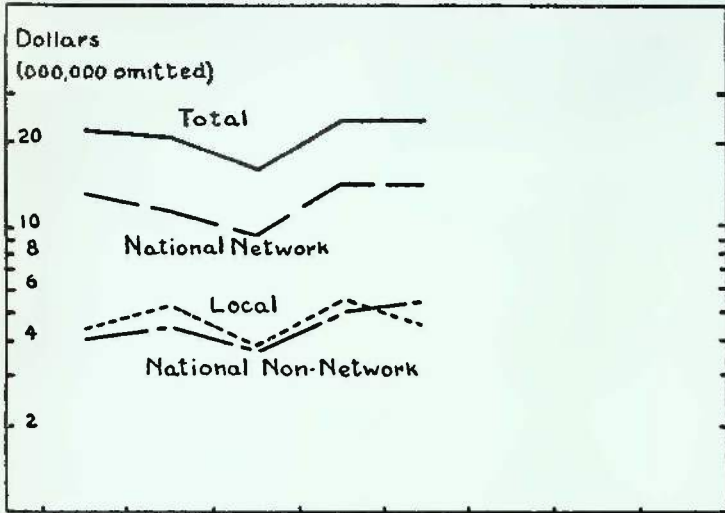
<sup>2</sup> Estimated.

Compared to a rise of 11.4% in broadcast advertising during the period under consideration, national magazine volume increased 6.5%, while newspaper lineage rose 5.6%. National farm paper volume showed the greatest relative increase, rising 37.0% above the level of the first quarter of 1935.

#### Non-network Advertising

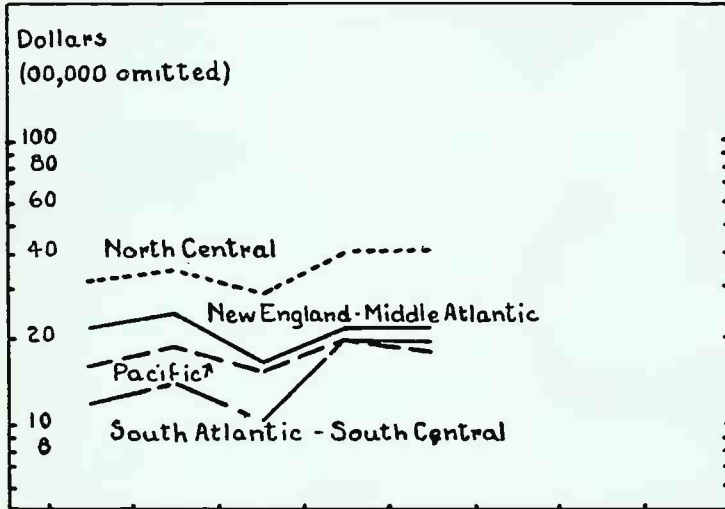
General non-network advertising rose 19.7% during the period under consideration. As noted previously, national non-network advertising was responsible for practically all of this gain. Regional stations experienced the most marked increase in non-network advertising, and in doing so reflected the rising national non-network volume. Non-network revenues for this class of transmitter rose 20.2% as compared to the corresponding period

**RADIO BROADCAST ADVERTISING VOLUME  
BY QUARTERS**  
January, 1935, to April, 1936



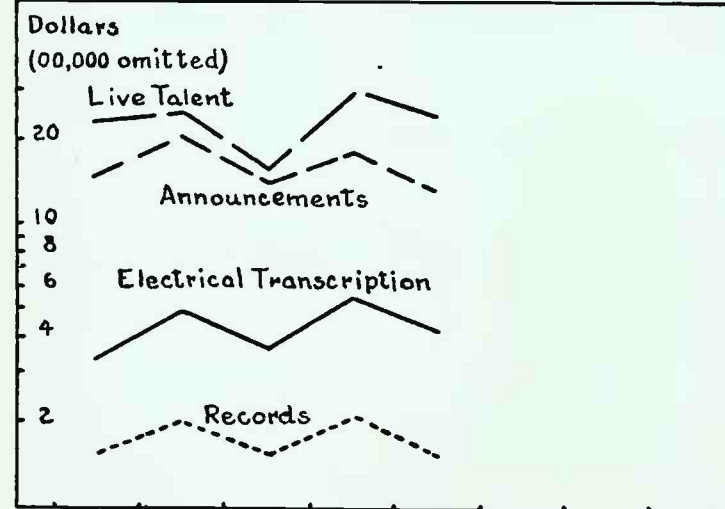
Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

**NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS (QUARTERLY)**  
January, 1935, to April, 1936



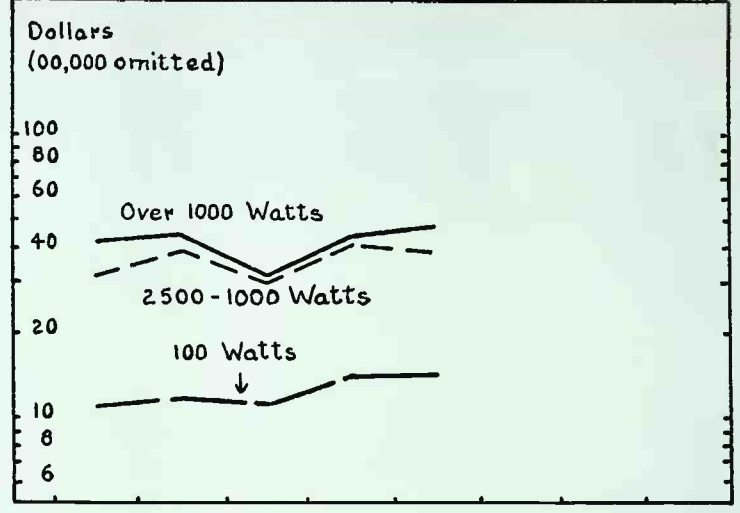
Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

**LOCAL ADVERTISING BY TYPE OF RENDITION (QUARTERLY)**  
January, 1935, to April, 1936



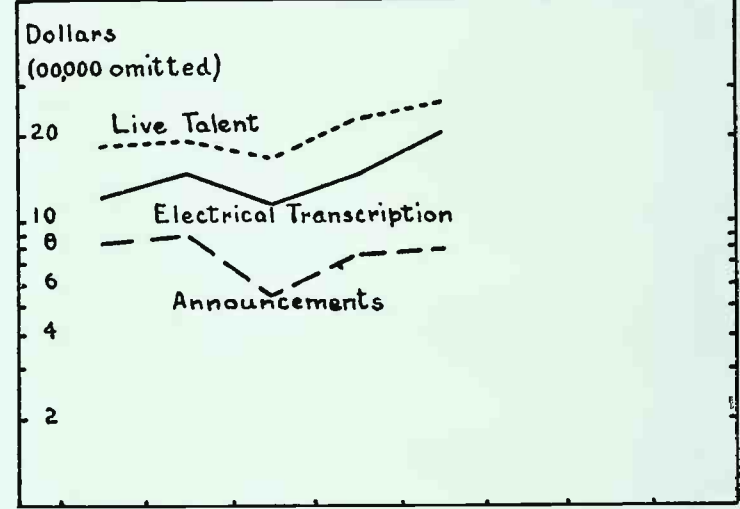
Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

**NON-NETWORK ADVERTISING BY STATION  
POWER (QUARTERLY)**  
January, 1935, to April, 1936



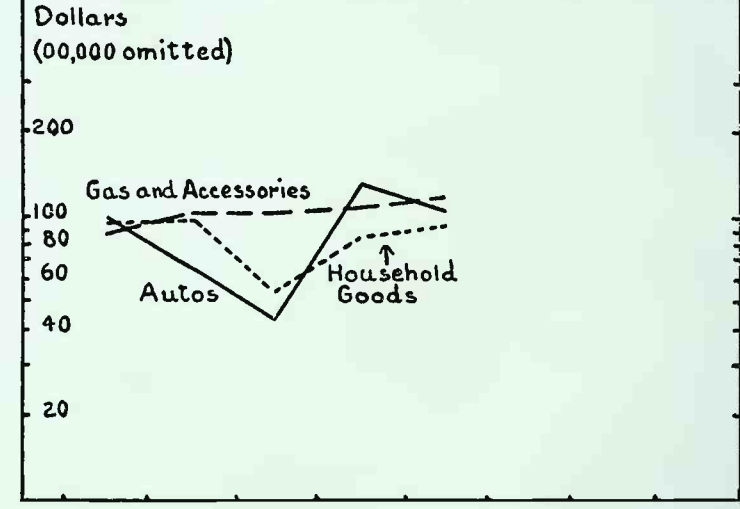
Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

**NATIONAL NON-NETWORK ADVERTISING  
BY TYPE OF RENDITION (QUARTERLY)**  
January, 1935, to April, 1936



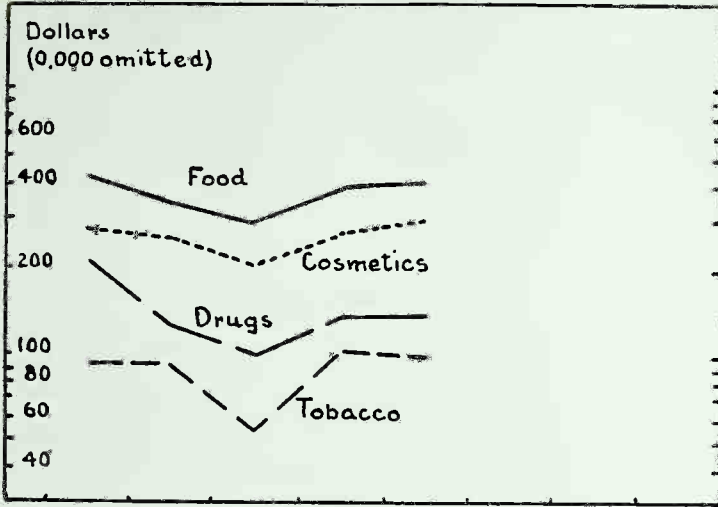
Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

**NATIONAL NETWORK ADVERTISING BY  
PRODUCT CLASSES (QUARTERLY)**  
January, 1935, to April, 1936

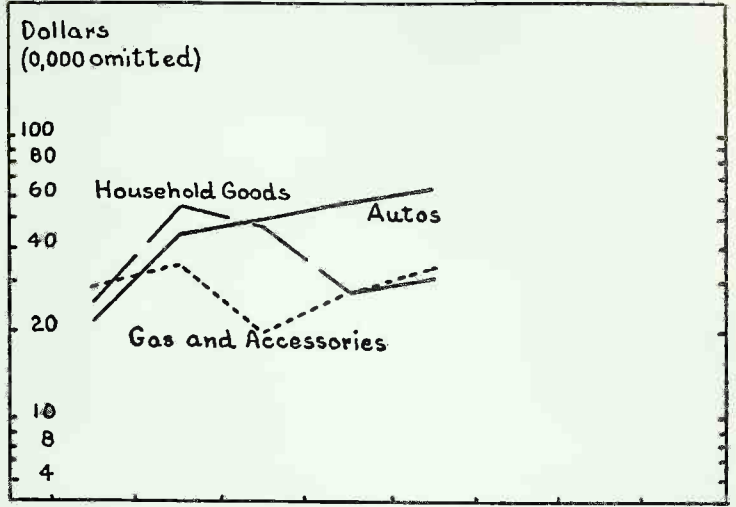


Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

**NATIONAL NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)**  
January, 1935, to April, 1936



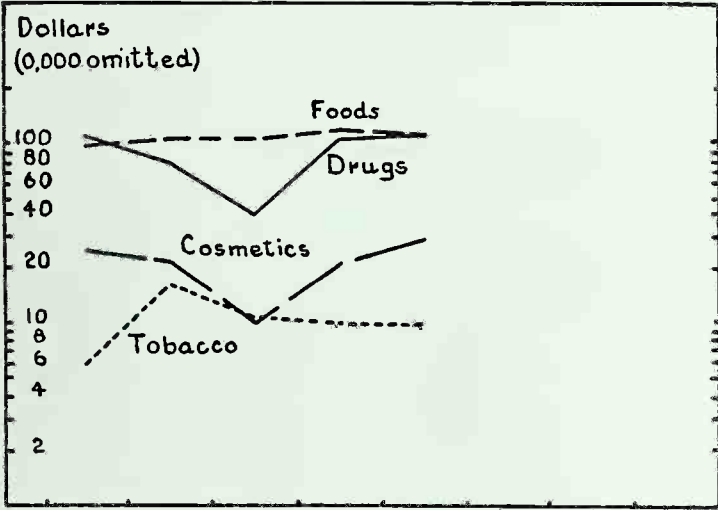
**NATIONAL NON-NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)**  
January, 1935, to April, 1936



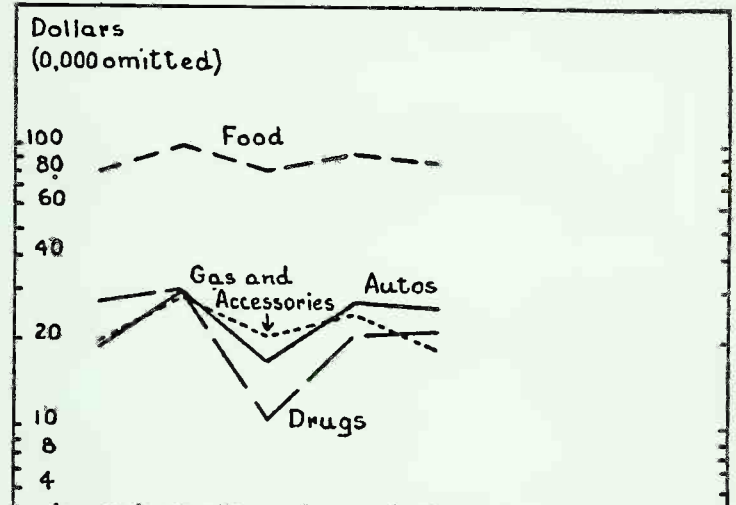
Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

**NATIONAL NON-NETWORK ADVERTISING BY PRODUCT CLASSES (QUARTERLY)**  
January, 1935, to April, 1936



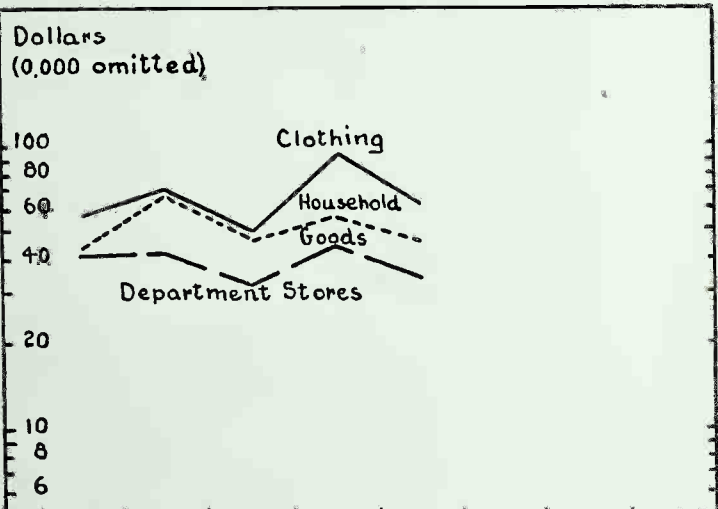
**LOCAL ADVERTISING BY PRODUCT CLASSES (QUARTERLY)**  
January, 1935, to April, 1936



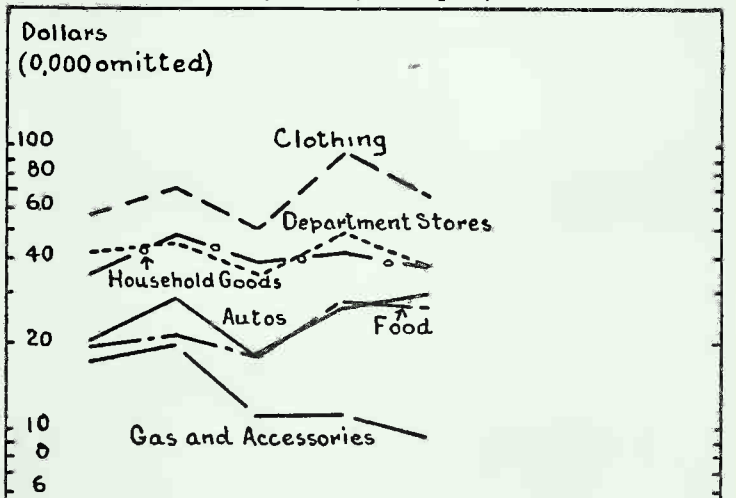
Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

**LOCAL ADVERTISING BY PRODUCT CLASSES (QUARTERLY)**  
January, 1935, to April, 1936



**BROADCAST ADVERTISING BY RETAIL ESTABLISHMENTS (QUARTERLY)**  
January, 1935, to April, 1936



Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

Jan. 1935 | Apr. 1935 | July 1935 | Oct. 1935 | Jan. 1936 | Apr. 1936 | July 1936 | Oct. 1936

of last year. Clear channel and high-powered regional station non-network business increased 16.0%, while local station volume gained 2.4%. The relatively slight gain with regard to the last-mentioned class of transmitter was due to the confused tendencies in the local broadcast advertising field. Broadcast advertising by power of transmitter is found in Table III.

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	Gross Time Sales First Quarter	
	1935	1936
Over 1,000 watts .....	\$4,186,955	\$4,858,520
250-1,000 watts .....	3,244,755	3,903,180
100 watts .....	1,148,495	1,520,730
Total .....	\$8,580,205	\$10,282,430

The most pronounced gains in non-network advertising continued to occur in the South and the Middle West. Non-network advertising in the South Atlantic-South Central States rose 54.5% as compared to the first quarter of 1935, while revenues in the North Central States increased 27.2%. Mountain and Pacific State non-network volume gained 5.9%, while non-network advertising in the New England-Middle Atlantic States dropped 0.4%. Broadcast advertising, other than network, for major geographical districts is presented in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	Gross Time Sales First Quarter	
	1935	1936
New England-Middle Atlantic Area . . .	\$2,245,050	\$2,235,450
South Atlantic-South Central Area . . .	1,335,080	2,065,670
North Central Area .....	3,209,960	4,084,730
Pacific and Mountain Area .....	1,790,115	1,896,580
Total .....	\$8,580,205	\$10,282,430

Advertising by Type of Rendition

Electrical transcriptions and live talent programs were the only forms of rendition to gain as compared to the first quarter of the preceding year. Of the two, transcriptions showed the greater gain, increasing 55.3% in volume. Increases occurred in both the national and local fields, rising 64.0% in the former and 21.8% in the latter. National live talent volume continued its marked rise of more than a year's duration, increasing 44.5% as against the corresponding three months of 1935. Local live talent volume rose 6.7%. Total live talent business increased 23.1% during the period under consideration.

Records declined 6.2%, while announcements dropped 7.5%. National announcement business decreased 3.1%, while local volume dropped 9.8%.

Broadcast advertising volume by type of rendition is set forth in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

(First Quarter)

Type of Rendition	National Non-network		Local		Total	
	Gross Time Sales		Gross Time Sales		Gross Time Sales	
	1935	1936	1935	1936	1935	1936
Electrical transcriptions .....	\$1,300,745	\$2,133,735	\$341,391	\$415,835	\$1,642,136	\$2,549,570
Live talent programs .....	1,886,008	2,716,880	2,402,467	2,563,260	4,288,475	5,280,140
Records .....	17,666	15,370	178,477	168,600	196,143	183,970
Announcements .....	830,763	804,565	1,622,688	1,464,185	2,453,451	2,268,750
Total .....	\$4,035,282	\$5,670,550	\$4,545,023	\$4,611,880	\$8,580,205	\$10,282,430

The continued rise of electrical transcription and live talent volume and the decline, especially in the announcement field, have resulted in marked changes in the composition of non-network advertising with regard to type of rendition. These changes are presented in Table VI. The rise in local transcription business is the direct result of the development of transcription libraries, so prominent during the fall and winter of the current season.

TABLE VI

RELATIVE PROPORTION OF VARIOUS TYPES OF RENDITION USED IN NON-NETWORK BROADCAST ADVERTISING

(First Quarter)

Type of Rendition	Percentage Represented by Rendition Type			
	National Non-network		Local	
	1935	1936	1935	1936
Electrical transcriptions ..	32.1%	37.6%	7.5%	9.0%
Live talent programs .....	44.2%	47.9%	52.8%	55.6%
Records .....	4%	3%	3.9%	3.7%
Announcements .....	23.3%	14.2%	35.8%	31.7%
Total .....	100.0%	100.0%	100.0%	100.0%

Broadcast Advertising Sponsorship

Trends in broadcast advertising sponsorship during the period under consideration were largely the continuation of tendencies previously noted in the current season. Automotive advertising continued to experience marked gains, especially in the national non-network and local fields. Food advertising rose materially, as did beverage volume. Drug and pharmaceutical advertising declined in the national network and local fields, though rising materially with regard to regional networks and national non-network volume. Tobacco advertising increased generally.

Principal gains in the national network field, as compared to the first quarter of last year, were as follows: automotive, 12.1%; accessories and gasoline, 43.4%; beverages, 27.2%; tobacco 14.8% and miscellaneous, 117.9%. The latter is a significant indication of a widening variety of sponsorship of national network advertising. Drug and pharmaceutical volume declined 31.7%, while confectionery advertising dropped 37.4%.

Regional network volume rose quite generally, principal increases being the following: drugs and pharmaceuticals, 179.5%; foodstuffs, 50.3%; beverages, 178.4%; soaps and kitchen supplies, 229.8%; tobacco, 132.1%. Gains likewise were general in the national non-network field. Automotive advertising rose 185.6%, while other increases were as follows: foodstuffs, 51.3%; beverages, 77.8%; and tobacco, 67.9%.

Local broadcast advertising registered considerably smaller gains. Automotive advertising rose 41.3%, food volume 11.5% and clothing business 6.6%. Drug volume decreased 23.2%, and gasoline and accessory advertising 8.4%.

Broadcast advertising by various sponsoring product and service groups is found in Table VII.

**TABLE VII**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
**(First Quarter)**  
**1936**

Type of Sponsoring Business	National Networks	Regional Networks	Gross Time Sales		Total
			National Non-network	Local	
1a. Amusements	—	—	\$28,580	\$95,980	\$124,560
1-2. Automobiles and accessories:					
1. Automobiles	\$1,136,853	—	682,310	273,725	2,092,888
2. Accessories, gas and oils	1,274,598	\$32,785	376,100	189,825	1,873,308
3. Clothing and apparel	105,741	1,848	118,320	626,080	851,989
4-5. Drugs and toilet goods:					
4. Drugs and pharmaceuticals	1,454,898	41,622	1,396,000	219,870	3,112,390
5. Toilet goods	3,076,412	9,680	310,010	63,550	3,459,652
6-8. Food products:					
6. Foodstuffs	2,799,343	89,654	1,131,790	634,150	4,654,937
7. Beverages	1,063,495	15,085	162,920	233,810	1,475,310
8. Confections	353,217	17,231	137,750	25,800	533,998
9-10. Household goods:					
9. Household equipment and furnishings	127,031	16,727	192,335	440,905	776,998
10. Soaps and kitchen supplies	831,904	16,090	140,230	21,690	1,009,914
11. Insurance and financial	136,791	2,524	68,040	219,210	436,565
12. Radios	310,971	—	42,140	37,890	391,001
13. Retail establishments	—	728	43,175	351,240	395,143
14. Tobacco products	1,078,213	21,840	101,970	15,475	1,217,498
15. Miscellaneous	1,177,149	34,504	738,880	1,162,680	3,113,213
<b>Total</b>	<b>\$14,926,616</b>	<b>\$300,318</b>	<b>\$5,670,550</b>	<b>\$4,611,880</b>	<b>\$25,519,364</b>

Details as to trends in the various sponsoring product and service groups are as follows:

1a. **Amusements.** National non-network business increased 105.1% as compared to the first quarter of last year. Local volume decreased 19.9%.

1. **Automotive.** National network advertising rose 12.0%. National non-network advertising increased 185.6%, while local volume gained 41.3%.

2. **Accessories and gasoline.** National network volume rose 43.1% over the level of the first quarter of the preceding year. Regional network advertising increased 29.6%, national non-network business 29.1%, while local advertising decreased 8.4%.

3. **Clothing.** National network advertising dropped off 26.6% from the level of the first three months of 1935, while regional network advertising decreased 80.8%. National non-network business rose 59.4% and local advertising 6.6%.

4. **Drugs and pharmaceuticals.** National network volume decreased 31.7% and local volume 23.2%. Regional network advertising increased 179.5%, while national non-network volume rose 24.3%.

5. **Toilet goods.** National network advertising rose 12.3% and national non-network business 18.8%. Regional network volume decreased 3.9% and local volume 13.6%.

6. **Foodstuffs.** Increases were as follows: Regional networks 50.3%, national non-network 51.3%, and local 11.5%. National network volume decreased 3.9%.

7. **Beverages.** General increases occurred in the field and were as follows: National networks 27.2%, regional networks 178.4%, national non-network 77.8%, local 12.9%.

8. **Confectionery.** Regional network advertising increased 211.0% as against the corresponding period of last year. Other portions of the medium decreased as follows: National networks 37.4%, national non-network 13.0%, and local 3.6%.

9. **Household equipment.** National network advertising decreased 35.9%. Regional network volume rose 53.2%, while national non-network business gained 24.4%. Local advertising increased 1.3%.

10. **Soaps and kitchen supplies.** Increases were as follows: National networks 6.7%, regional networks 229.8%, national non-network 22.6%, local 120.0%.

11. **Insurance and financial.** National network advertising increased 1.5% and regional network volume rose more than five-fold. National non-network advertising gained 21.2% and local advertising 25.0%.

12. **Radios.** National network advertising gained 9.9%. National non-network volume increased practically tenfold. Local advertising declined 1.6%.

13. **Department and general stores.** National non-network advertising rose 162.1%, while local volume declined 16.5%. Total department store advertising decreased 9.6%.

14. **Tobacco products.** General increases occurred in this field

and were as follows: National networks 14.8%, regional networks 132.1%, national non-network 67.9%, local 46.2%.

15. **Miscellaneous.** National network advertising rose 117.9% and regional network volume 12.2%. National non-network advertising gained 19.2%, while local volume dropped 1.8%.

#### Retail Broadcast Advertising

Broadcast advertising by retail establishments during the first quarter of the current year is presented in Table VIII.

**TABLE VIII**  
**RETAIL RADIO ADVERTISING OVER**  
**INDIVIDUAL STATIONS**  
**(First Quarter)**

Type of Sponsoring Business	Gross Time Sales	
	1935	1936
Automobiles and accessories:		
Automobile agencies and used car dealers	\$215,620	\$304,210
Gasoline stations, garages, etc.	184,285	95,880
Clothing and apparel shops	589,320	668,450
Drugs and toilet goods:		
Drug stores	50,430	56,415
Beauty parlors	29,983	21,370
Food products:		
Grocery stores, meat markets, etc.	128,011	204,880
Restaurants and eating places	47,630	62,040
Beverage retailers	17,129	19,220
Confectionery stores, etc.	6,465	11,950
Household goods:		
Household equipment retailers	112,977	108,670
Furniture stores	254,954	250,950
Hardware stores	36,618	26,940
Radio retailers	38,506	34,860
Department and general stores	437,202	395,143
Tobacco shops	4,814	3,090
Miscellaneous	239,145	241,110
<b>Total</b>	<b>\$2,393,089</b>	<b>\$2,505,178</b>

General retail broadcast advertising rose 4.7% as compared to the corresponding quarter of the preceding year. Gains were as follows: automotive, 41.1%; clothing, 13.4%; drugs and pharmaceuticals, 11.9%; grocery and delicatessen stores, 60.0%; restaurants, 30.3%; beverage retailers, 12.2%; confectionery stores, 84.8%; and miscellaneous retailers, 0.8%.

Decreases in the retail field were as follows: filling stations and accessory stores, 48.0%; beauty parlors, 28.7%; household equipment dealers, 3.8%; furniture stores, 1.6%; hardware dealers, 26.4%; radio retailers, 9.5%; department and general stores, 9.6%.



**NAB REPORTS**

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**HOUSE COMMITTEE REPORTS RADIO BILL**

The House Committee on Interstate and Foreign Commerce has made a favorable report on S. 2243, which has already passed the Senate, relating to the allocation of radio facilities. This bill was introduced in the Upper House by Senator Wheeler. The House Committee reported the bill without any changes as follows:

"That section 302 of the Communications Act of 1934 is hereby repealed.

"Sec. 2. Subsection (b) of section 307 of such Act is amended to read as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

**DAILY NEWS WITHDRAWS APPEAL**

The Daily News Corporation, of St. Paul, Minn., has withdrawn its appeal in the United States District Court for the District of Columbia in connection with a decision of the Federal Communications Commission.

The Commission granted a construction permit to Edward Hoffman for the erection of a new broadcast station at St. Paul, Minn., to use 1370 kilocycles. The Daily News appealed to the court on the ground that they also had an application for the same frequency. They have now withdrawn their appeal.

**RAYBURN RADIO AMENDMENT**

Representative Rayburn of Texas has introduced a bill (H. R. 12646) in the House to amend section 318 of the Communications Act of 1934. The bill, which has been referred to the House Committee on Interstate and Foreign Commerce, is as follows:

"That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"Sec. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this

**PLEASE RETURN CARDS**

Members are requested to expedite the return of cards mailed them on which provision is made for naming delegates and alternates to the NAB Convention at Chicago, Illinois, July 5-8, 1936.

Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles."

**FCC MODIFIES RULE 229**

**Assigns Additional Frequencies to Broadcasting**

The Federal Communications Commission on May 13 adopted the recommendation of its Engineering Department to modify its existing Rule 229, in which is assigned frequencies to various classes of stations and services.

The band 1500 to 1600 kc. was assigned to broadcasting. This does not mean, however, that there will be any immediate change in the existing policy of maintaining stations on the 1530, 1550 and 1570 kc. frequencies in the experimental status, nor is it contemplated that other frequencies will be assigned to stations at this time.

Another change was the elimination of experimental visual broadcasting in the 2000 to 3000 kc. band, on the basis that the consensus of engineering opinion and the inspection of reports submitted by visual broadcast stations reveal that these frequencies are not particularly suited for television and that at present there is no indication that these frequencies will ever be adequate for the transmission of visual broadcast programs which will be of sufficient quality to command public interest.

The frequencies thus released were made available to government departments, intercity police communication services and to point-to-point telegraph stations in the fixed public service.

25600 to 26600 kc. was assigned to broadcasting in accordance with the provisions of Article 7 of the International Regulations to which the United States is a party. No specific change in existing policy is involved in this assignment.

Four frequencies in the band 40000 to 42000 kc. were assigned to experimental broadcasting, for the special purpose of ascertaining

*Make Your Plans Now to Attend the*  
**FOURTEENTH ANNUAL NAB CONVENTION**  
**STEVENS HOTEL** **CHICAGO, ILLINOIS**  
**JULY 5, 6, 7, and 8, 1936**

facts with respect to frequency modulation, a hitherto unused system of modulation as applied to broadcasting.

The text of the Orders follows:

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

Commission Order No. 14

At a general session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of May, 1936:

The Commission, having under consideration Rule 229 of its Rules and Regulations, has determined that in order to prevent interference between stations and to carry out the provisions of the Communications Act, the public convenience, interest and necessity requires that said Rule 229 be revised in part for the following reasons:

1. There is a need for the allocation of additional frequencies for police, broadcast and fixed services.
2. The frequency bands, 2000 to 2100 kilocycles and 2750 to 2850 kilocycles, are no longer suitable for visual broadcasting because a satisfactory picture or image in keeping with the present state of the art cannot be transmitted on frequencies within said bands.
3. There is a need for a greater frequency separation from other services in the operation of relay broadcast (formerly broadcast pickup) stations.

IT IS ORDERED That, Rule 229 be, and it is hereby, amended by striking out so much of said Rule as relates to the frequencies listed below and substituting in lieu thereof the following:

<i>"Frequencies (kc.)</i>	<i>Allocation</i>	<i>"Frequencies (kc.)</i>	<i>Allocation</i>
1510	Broadcast	2776	Fixed
1520	"	2780	"
1530	"	2784	"
1540	"	2788 } 2790	Relay Broadcast
1550	"	a h 2792 }	Government
1560	"	2796	General Communication
1570	"	2800	"
1580	Government	2804	Police (Intercity Telegraph)
1584	"	2808	" " "
1586	"	2812	" " "
1590	Broadcast	2816	General Communication
1596	State Police (temporary)	h i 2820 }	
1600	Broadcast	2824 }	i 2822
2000	Amateur	2828 }	
a 2004	Government	2832 }	2830
2008	General Communication	2836	Relay Broadcast
2012	"	2840	Fixed
2016	"	i a 2844	"
2020 } 2022	Relay Broadcast	2848	Government
2024 }		2848	Fixed
2028	General Communication	5135	Police (Intercity Telegraph)
i 2032	Government	5140	" " "
2036	Police (Intercity Telegraph)	5195	" " "
2040	" " "	25600	Guard band for government assignment
2044	" " "	25625	25900 kc.
2048	General Communication	25650	Broadcast
a 2032	Government	25675	"
2036 }		25700	General Experimental
2060 }	2058	25725	Broadcast
2064 }		25750	"
2068	General Communication	25775	25770
2072	"	25800	Government
i 2076	Government	25825	Guard band for government assignment
2080	General Communication	25850	25770 kc.
2084	"	25875	Broadcast
2088 }		25900	"
2092 }	2090	25925	"
a 2096	Relay Broadcast	25950	"
	Government	25975	"
2752	General Communication	26000	General Experimental
2756 }		26025	Broadcast
2760 }	2758	26050	"
2764 }		26075	"
i 2768 }		26100	"
a h i 2772 }	i 2770	26125	"
	Government	26150	"
		26175	"
		26200	26190
		26225	Government
		26250	Guard band for government assignment
		26275	26190 kc.
		26300	26220
		26325	Government
		26350	Guard band for government assignment
		26375	26220 kc.
		26400	Government
		26425	Guard band for government assignment
		26450	26280 kc.
		26475	26280
		26500	Government
		26525	Broadcast
		26550	"
		26575	"
		26600	"
		40300	Broadcast Experimental
		41200	"
		41600	"
		41800	"

"All frequencies allocated as General Experimental frequencies are also available for assignment to broadcast service on an experimental basis.



"Hereafter in Rule 229 whenever the words 'relay broadcast' appear, there will be substituted the words 'international broadcast.' Whenever the words 'broadcast pickup' appear, there will be substituted the words 'relay broadcast.'"

IT IS FURTHER ORDERED That said amendment to Rule 229 shall be effective at 3:00 A. M., E.S.T., July 1, 1936.

By the Commission,  
JOHN B. REYNOLDS,  
*Acting Secretary.*

IT IS FURTHER ORDERED That as to all licensees or pending applicants who consent prior to July 1, 1936, to the change in frequency resulting from the reallocation made by said Order No. 14, all outstanding licenses or applications for instruments of authorization be and the same are hereby modified in accordance with said allocation effective at 3:00 A. M., E.S.T., July 1, 1936.

By the Commission,  
JOHN B. REYNOLDS,  
*Acting Secretary.*

## FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

### Commission Order No. 15

At a general session of the Federal Communications Commission held at its office in Washington, D. C., on the 13th day of May, 1936:

The Commission, having under consideration the requirements of Section 303(f) of the Communications Act of 1934 and having adopted by its Order No. 14 an amendment to its Rule 229 which contemplates a change in the frequency of certain existing stations:

IT IS ORDERED That, public notice of said order is hereby given to all existing licensees, or pending applicants for instruments of authorization, whose frequency or frequencies heretofore assigned or applied for may be changed by the provisions of said Order, and that opportunity is afforded, prior to July 1, 1936, to indicate in writing to the Commission whether or not such change is consented to by such licensee.

IT IS FURTHER ORDERED That any licensee or pending applicant not consenting to said change in frequency assignment shall upon application by it be accorded a public hearing to determine whether such change will promote public convenience and interest or will serve public necessity or whether the provisions of the Communications Act of 1934 will be more fully complied with by such changes.

IT IS FURTHER ORDERED That as to any non-consenting licensee or pending applicant, the effective date of said Order No. 14 shall be postponed until after a determination upon such public hearing.

## SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- International Television Radio Corp., Jersey City, N. J. (2-2133, Form A-1)
- Naragansett Racing Association, Inc., Pawtucket, R. I. (2-2136, Form A-1)
- Standard Tractor Corporation, Jefferson, Ohio. (2-2137, Form A-1)
- Shamrock Oil & Gas Corp., Amarillo, Texas. (2-2138, Form A-1)
- Colonial Mortgage Company, Baltimore, Md. (2-2139, Form A-1)
- Union Compress & Warehouse Co., Memphis, Tenn. (2-2140, Form A-2)
- Lisarbo Andreas, S. A., Rio de Janeiro, Brazil. (2-2141, Form A-1)
- James C. Auchincloss et al., New York City. (2-2142, Form F-1)
- Casco Products Corporation, Bridgeport, Conn. (2-2143, Form A-2)
- McDowell Mines, Inc., Denver, Colo. (2-2144, Form A-1)
- Gregory-Bates Mining Co., Black Hawk, Colo. (2-2146, Form A-1)
- Jeannette Glass Company, Jeannette, Pa. (2-2147, Form A-2)
- Metropolitan Personal Loan Co., Allentown, Pa. (2-2149, Form A-1)
- Curtiss-Wright Corporation, Wilmington, Del. (2-2150, Form A-1)

## STATION CHANGES

The Federal Communications Commission has issued the following statement containing alterations and corrections (italicised) for the month of April:

Call Letter	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
KANS	Wichita, Kans.	Charles C. Theis	100w	1210	U (C. P. only)	...	...
<i>Effective 7-21-36</i>							
KBST	Big Spring, Tex.	Big Spring Herald Broadcasting Co.	100w	1500	U (C. P. only)	...	...
<i>Effective 7-28-36</i>							
KDNC	Lewistown, Mont.	Democrat News Co., Inc.	100w	1200	U (C. P. only)	...	...
KEHE	Los Angeles, Calif. T-Santa Monica	Evening Herald Publishing Co.	500w 1kw-LS	780	S-KELW	0.5	0.85
KFH	Wichita, Kans.	Radio Station KFH Co.	1kw	1300	U	0.5	0.85
KFIZ	Fond du Lac, Wis.	The Reporter Printing Co.	100w	1420	U	0.1	0.1
KFJZ	Fort Worth, Tex.	Fort Worth Broadcasters, Inc.	100w	1370	U	0.1	0.2
KFYO	Lubbock, Tex.	Plains Radio Broadcasting Co.	100w	1310	U	0.1	0.2
KGBZ	<i>Strike out all particulars</i>	<i>Effective 5-8-36</i>					
KGHL	Billings, Mont.	Northwestern Auto Supply Co., Inc.	1kw 2½kw-LS	950	U	0.5	0.75
<i>Effective 7-28-36—780kc. S.A. 780—Exp.</i>							
KICA	Clovis, N. Mex.	Western Broadcasters, Inc.	100w	1370	S. H.	0.07	0.08
KIDW	Lamar, Colo.	The Southwest Broadcasting Co.	100w	1420	S. H.	0.04	0.09
KIEM	Eureka, Calif.	Redwood Broadcasting Co., Inc.	500w	1450	U	0.3	0.3
KIRO	Seattle, Wash.	Queen City Broadcasting Co.	250w	650	L-WSM	0.5	0.5
S.A. .... 1kw. .... 710 U—Exp.							

Call Letter	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
KLZ	Denver, Colo. C. P. T-nr.	KLZ Broadcasting Co. Denver .....	1kw 5kw-LS	560	U	0.5	0.85
KMA	Shenandoah, Iowa	May Seed and Nursery Co.	1kw 2½kw-LS	930	S-KGBZ	0.5	0.75
<i>Effective 5-8-36...U</i>							
KMED	Medford, Ore.	Mrs. W. J. Virgin	100w 250w-LS	1310	U	0.1	0.2
KOMO	Seattle, Wash.	Fisher's Blend Station, Inc.	**250w ..... 1kw 5kw-LS	1410	S. H. U	0.5	0.85
KPDN	Pampa, Tex.	Pampa Daily News, Inc.	100w	1310	D	...	...
<i>C. P. covered by license</i>							
KPLT	Paris, Tex.	The North Texas Broadcasting Co.	100w	1500	D (C. P. only)	...	...
<i>Effective 7-28-36</i>							
KRBC	Abilene, Tex.	Reporter Broadcasting Co.	100w	1420	U (C. P. only)	...	...
<i>Effective 8-4-36</i>							
KWSC	Pullman, Wash.	State College of Washington	1kw 2kw-LS C. P. 5kw-LS	1220	S-KTW	0.39	0.73
WADC	Tallmadge, Ohio	Allen T. Simmons	1kw 2½kw-LS C. P. 5kw-LS	1320	U	0.5	0.85
WAIM	Anderson, S. C.	Wilton E. Hall	100w	1200	U	...	0.5
WAYX	Waycross, Ga.	E. F. Sapp & S. F. Sapp, trading as Waycross Broadcasting Co.	C. P. 1kw ..... 100w	630	D U (C. P. only)	...	...
<i>Effective 7-7-36</i>							
WBNY	Buffalo, N. Y.	Roy L. Albertson	100w 250w-LS	1370	All hours except those WSVS operates	0.1	0.16
<i>C. P. covered by license</i>							
WCAC	<i>Strike out all particulars</i>						
WCLO	Janesville, Wis.	Gazette Printing Co., Inc.	100w C. P. 250w-LS	1200	U	0.1	0.2
WDAE	Tampa, Fla.	Tampa Times Co.	1kw S. A. 2½kw-LS—Exp. C. P. 1kw-5 kw-LS	1220	U	0.5	0.85
WEED	Nr. Rocky Mount, N. C.	Wm. Avera Wynne	100w C. P. 250w-LS	1420	U-D S-WCHV night	0.05	0.2
WFOY	St. Augustine, Fla.	Fountain of Youth Properties, Inc.	100w	1210	U (C. P. only)	...	...
<i>Effective 7-14-36</i>							
WIBA	Madison, Wis.	Badger Broadcasting Co., Inc.	1kw 5kw-LS	1280	U	0.5	0.85
WJAS	Pittsburgh, Pa.	Pittsburgh Radio Supply House	1kw 5kw-LS	1290	U	0.5	0.85
<i>Strike out effective 5-19-36 5kw-LS</i>							
WJRD	Tuscaloosa, Ala.	James R. Doss, Jr.	100w	1200	D (C. P. only)	...	...
<i>Effective 8-11-36</i>							
WKAQ	San Juan, Puerto Rico	Radio Corporation of Porto Rico	1kw	1240	U	...	...
WNAC	Boston, Mass. T-Quincy	Shepard Broadcasting Service, Inc.	1kw 2½kw-LS C. P. 5kw-LS	1230	U	0.5	0.85
WNLC	New London, Conn.	Thames Broadcasting Corp.	100w	1500	D (C. P. only)	...	...
<i>Effective 7-21-36</i>							
WORL	Boston, Mass. T-Needham	Broadcasting Service Organization, Inc.	500w	920	D	...	0.3
WSAI	Cincinnati, Ohio <i>Strike out T-Mason</i>	Crosley Radio Corp.	1kw 2½kw-LS	1330	U	0.5	0.75
WSYR- WSYU	Syracuse, N. Y. C. P. T-Syracuse	Central New York Broadcasting Corp.	250w 1kw	570	U	0.5	0.5

\*\* See Abbreviations—Lists of January 1, 1936.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2795.** A complaint has been issued against **Federal Civil Service Training Bureau**, 508 South Dearborn St., **Chicago**, alleging unfair methods of competition in the sale of correspondence courses of instruction designed to prepare students for examinations for various Federal Civil Service positions. John Hartford, owner of the correspondence school, and Harvey E. Wagley, a creditor in active charge of the business, also are named as respondents in the complaint, which charges violation of Section 5 of the Federal Trade Commission Act.

Use of the name "Federal Civil Service Training Bureau" is alleged to imply that such bureau is connected with or is an agency of the United States Government or of the Civil Service Commission, when, according to the complaint, neither the respondents nor their school has any such connection.

**No. 2797.** **Anthony J. Hildreth** and **Joseph Fischler**, trading as **Sanitas Fundoshi Co.**, 7508 Linwood Ave., **Cleveland**, are named respondents in a complaint alleging unfair competition in the sale of a suspensory which they manufacture from cloth imported from Japan.

The complaint charges the respondents advertise in magazines and folders that their product restores health, is scientifically designed to preserve strength, and has certain other properties not found in similar articles made of cloth.

**No. 2798.** Imitation of the product of a competitor in violation of the Federal Trade Commission Act is alleged in a complaint issued against **John H. Meyer**, trading as **Med-Dental Systems Co.**, 1015 Schmidt Building, **Cincinnati**, and engaged in the sale of accounting systems designed for doctors and dentists. The respondent's practices are said to constitute unfair competition.

The complaint charges that the respondent's accounting systems are exact copies of the well-known "McCaskey System" of accounting sold by the McCaskey Register Company, Alliance, O., which has been in business since 1909.

In 1934, the Med-Dental Systems Co. was organized as a copartnership by the respondent Meyer and Victor T. Griswold, the latter previously having been in the employ of the McCaskey Company, according to the complaint, and in the course of such employment is said to have become familiar with the details of the "McCaskey System."

The copartnership was dissolved in 1935, Meyer remaining in charge of Med-Dental Systems Co., which, the complaint alleges, continued to sell accounting systems patterned from samples and forms Griswold obtained from the McCaskey Company. The respondent also is alleged to have copied the McCaskey Company's sales promotional literature, as well as the size, shape and general appearance of that company's cabinets and desks which house the accounting systems.

**No. 299.** **The Rieser Co., Inc.**, 119 West 40th St., **New York City**, manufacturer of tissues, has been charged with unfair competition in violation of the Federal Trade Commission Act, in a complaint. The company maintains a factory at Shamokin, Pa.

Tissue products sold by this respondent company, according to the complaint, were labeled "Mentho-Kerchief, the Mentholated Tissue Handkerchief." These articles were also alleged to have been described on the label as being capable of relieving head colds, sinus and hay fever, and of clearing the nasal passages. The respondent is also charged with representing that doctors recommend Mentho-Kerchief.

These representations are alleged to have had a tendency to deceive buyers into believing that the respondent's product has been recommended by doctors as a cure, remedy or relief for sinus trouble, hay fever and head colds, when, according to the complaint, these are not the facts, and such relief obtained by sufferers from head colds, if any, would be limited to a possible momentary clearing of the nasal passages, causing a relief so slight and temporary as to be negligible.

The complaint points out that the tissue products of the respondent are not handkerchiefs as the term is understood.

### Stipulations

The Commission has issued the following cease and desist orders and stipulations:

**No. 1664.** **Harry Gritz**, 1335 Seventh St., **N. W., Washington, D. C.**, trading as "Army & Navy Store," agrees to stop ad-

vertising his business by use of the words "Army & Navy," in violation of the Federal Trade Commission Act prohibiting unfair methods of competition.

Gritz' merchandise is described in the stipulation of facts as consisting only to a limited extent of goods formerly owned by the Army and Navy, but mainly of articles purchased through regular commercial channels and not made for or formerly owned by the Federal Government. Gritz is said to deal mostly in workingmen's clothing and camping outfits and supplies.

The stipulation points out that Army and Navy surplus stocks have for some time been practically exhausted, and the only classes of such goods now procurable by dealers are articles which have become obsolete, worn out, or damaged in storage, and a few salvaged surplus items such as canteens, mess kits, pup tents, and the like.

According to the stipulation, Gritz displayed the caption "Army & Navy Store" on a sign in front of his store, and advertised through use of the phrase "Army & Navy." He agrees to stop advertising in any way which would deceive buyers into believing that the merchandise he sells consists of Army and Navy surplus products, when such is not the fact.

**No. 1665.** **William P. Jacobs**, trading as **Easpirin Co.**, **Clinton, S. C.**, and selling "Easpirin," the principal active element of which is said to be aspirin, agrees to cease advertising, without proper qualification, to the effect that there is not the slightest risk of weakening the heart or causing depression of the heart by use of his product. The stipulation provides that nothing therein shall be construed as preventing the respondent from making proper therapeutic claims and recommendations for his article, which are based on reputable medical opinion or recognized medical or pharmaceutical literature.

**No. 1666.** **Keep Klean Cover Co., Inc.**, 2828 Pine St., **St. Louis**, manufactures automobile accessories, including a reflector type advertising device for automobile tire covers. The respondent company agrees to cease branding its product with "Pat. No. 1,947,549" or with other words and figures which may tend to deceive buyers into believing that the corporation is owner of or controls a subsisting patent on its article, when this is not true.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission on the usual meeting day, Tuesday. A meeting will be held later this week.

### HEARING CALENDAR

Monday, May 18

#### HEARING BEFORE THE COMMISSION EN BANC

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—C. P. to move transmitter; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp.; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license; 1400 kc., 500 watts, unlimited time (requests facilities of WARD, WVFW & WLTH). Present assignment: 1400 kc., 500 watts, share WLTH, WARD & WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WARD, WLTH & WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license (aux. transm.); 1400 kc., 500 watts, share WARD, WLTH & WVFW.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license; 1400 kc., 500 watts, unlimited time (requests facilities of WARD, WLTH & WBBC). Present assignment: 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—C. P. to make changes in equipment; 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Transfer of control of Corp.; 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WARD, WVFW & WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp.; 1400 kc., 500 watts, share WARD, WVFW & WBBC.

NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P.; 1400 kc., 500 watts, unlimited time (requests facilities for WBBC, WLTH, WARD & WVFW).

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license; 1400 kc., 1 KW, unlimited time (requests facilities for WBBC, WLTH, WARD & WVFW). Present assignment: 1300 kc., 1 KW, share WBBH, WFAB & WHAZ.

Tuesday, May 19

### HEARING BEFORE AN EXAMINER

(Broadcast)

KVOS—KVOS, Incorporated, Bellingham, Wash.—Renewal of license; 1200 kc., 100 watts, unlimited time.

KVOS—KVOS, Incorporated, Bellingham, Wash.—Transfer of control of corporation; 1200 kc., 100 watts, unlimited time.

Wednesday, May 20

### HEARING BEFORE AN EXAMINER

(Broadcast)

WOL—American Broadcasting Co., Washington, D. C.—C. P.; 1230 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.

Thursday, May 21

### HEARING BEFORE AN EXAMINER

(Broadcast)

KXL—KXL Broadcasters, Portland, Ore.—Renewal of license; 1420 kc., 100 watts, 280 watts, LS, shares with KBPS.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—C. P.; 1290 kc., 1 KW, 5 KW-LS, unlimited time. Present assignment: 1290 kc., 1 KW, 1 KW-LS, unlimited time.

Friday, May 22

### HEARING BEFORE AN EXAMINER

(Broadcast)

KUMA—Albert H. Schermann, Yuma, Ariz.—Renewal of license; 1420 kc., 100 watts, specified hours.

### APPLICATIONS RECEIVED

#### First Zone

WB2A—Westinghouse Electric & Mfg. Co., Springfield, Mass.—550 Construction permit to install a new transmitter and directional antenna, change frequency from 990 to 550 kc., move transmitter from 625 Page Blvd., East Springfield, Mass. to Agawam, Mass., and studio from Hotel Bradford, 275 Tremont St., Boston, Mass., to 140 Chestnut St., Springfield, Mass. Also change hours of operation from unlimited when synchronized with WBZ to unlimited time.

WNYC—City of New York, Dept. of Plant and Structures, New York, N. Y.—810 Modification of construction permit (B1-P-678) for new equipment and move of transmitter, requesting to make changes in directional antenna. Amended: To request extension of completion date from 6-1-36 for 180 days.

WABI—Community Broadcasting Service, Bangor, Me.—1200 Construction permit to install a new transmitter, erect a vertical antenna, increase power from 100 watts to 100 watts night, 250 watts day, change hours of operation from specified

hours to unlimited time and move transmitter from Park Street, Bangor, Maine, to Brewer, Maine.

WOL—American Broadcasting Company, Washington, D. C.—1310 Construction permit to erect a vertical antenna and move transmitter and studio from 1111 H St., N. W., Washington, D. C., to 1627 K St., N. W., Washington, D. C.

NEW—Edwin H. Armstrong, New York City—Construction permit for a general experimental station on 41600, 86500, 111000 kc., 40 KW.

W2XE—Atlantic Broadcasting Corp., Wayne, N. J.—Construction permit to increase power to 10 KW and replace transmitter.

#### Second Zone

WKBN—WKBN Broadcasting Corp., Youngstown, O.—Authority 570 to install automatic frequency control.

NEW—Lincoln Memorial University, Middlesboro, Ky.—Construction 1210 permit to erect a new broadcast station to be operated on 1210 kc., 100 watts power, unlimited time.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—1230 Construction permit to install new equipment, directional antenna, change frequency from 1310 kc. to 1230 kc., increase power from 100 watts to 250 watts, 500 watts day, hours of operation from share WHAT to unlimited time and move transmitter. Amended: To omit request for move of transmitter.

WSPD—The Toledo Broadcasting Co., Toledo, O.—License to 1340 cover construction permit (B2-P-715) for equipment changes, and increase in power from 1 KW night, 2½ KW day to 1 KW night, 5 KW day.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—1370 License to cover construction permit (B2-P-934) to install auxiliary transmitter.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—License 1410 to cover construction permit (B2-P-861) for new equipment and move of transmitter.

NEW—National Broadcasting Co., Inc., Cleveland, O.—Construction permit for general experimental station for 25700, 26000, 27100, 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000, 401000 kc., and above 25 watts.

NEW—National Broadcasting Co., Inc., Cleveland, O.—License to cover 31100, 34600, 37600, 40600 kc., 25 watts.

NEW—National Broadcasting Co., Inc., Cleveland, O.—License to cover 25700, 26000, 27100, 31600, 35600, 38600, 41000, 86000-400000, 401000 kc., 25 watts.

W10XGA—Miami Valley Broadcasting Corp., Portable-Mobile—License to cover construction permit for 31100, 34600, 37600, 40600 kc., 2.5 watts.

#### Third Zone

WGCM—WGCM, Incorporated, Mississippi City, Miss.—Modification 1210 of construction permit (B3-P-421) to change frequency, power, equipment and time, requesting extension of commencement and completion dates from 1-28-36 and 7-28-36 respectively to 30 days after grant and 180 days thereafter.

WAYX—E. F. Sapp & S. F. Sapp, d/b as Waycross Broadcasting 1200 Co., Waycross, Ga.—Modification of construction permit (B3-P-574) to make changes in equipment and for approval of antenna, studio and transmitter site at 620 Plant Ave., Waycross, Georgia.

NEW—H. A. Hamilton, Asheville, N. C.—Construction permit for 1200 a new station to be operated on 1370 kc., 100 watts, daytime. Amended: To change frequency from 1370 to 1200 kc., and change time from daytime to unlimited time, using 100 watts power.

NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—1310 Construction permit for a new station to be operated on 1310 kc., 100 watts power, unlimited time.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Texas—1500 Authority to install automatic frequency control.

#### Fourth Zone

KMA—May Seed & Nursery Co., Shenandoah, Iowa—Construction 930 permit to move transmitter from Elm & Lowell Sts., Shenandoah, Iowa, to 1¼ mile from Shenandoah, Iowa, and make changes in equipment (antenna). Amended: To change time from shares with KGBZ to unlimited time.

WJJD—WJJD, Incorporated, Chicago, Ill.—Modification of license 1130 to change hours of operation from 6 a. m. CST, to local sunset at Salt Lake City, Utah, to 6 a. m. EST, to local sunset at Salt Lake City, Utah.

WJBC—Wayne Hummer & H. J. Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Voluntary assignment of construction permit (B4-P-571) from Wayne Hummer & H. J. Dee, d/b as Kaskaskia Broadcasting Co. to Arthur Malcolm McGregor & Dorothy Charlotte McGregor.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—1230 License to cover construction permit (B4-P-144) for equipment changes and increase in power from 1 KW to 1 KW night, and 5 KW day.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—1230 Authority to determine operating power by direct measurement of antenna power.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Extension of special authorization to operate on 1230 kc., 500 watts power, unlimited time, using directional antenna at night, for period from 6-1-36 to 12-1-36.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of 1440 construction permit (B4-P-590) as modified for equipment changes, and move of transmitter, to further request change in equipment, and to extend commencement and completion dates from 2-8-36 and 8-6-36 to immediately and 3 months after grant, respectively.

#### Fifth Zone

KGW—Oregonian Publishing Co., Portland, Ore.—Modification of 620 license to change power from 1 KW, 5 KW day to 5 KW day and night.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification 890 of construction permit (B5-P-332) for approval of antenna and transmitter site at E½ of E½ of N½ of Lot 10, Section 4, Township 24 N. Range 43 E. W. M. Spokane, Wash.

KOMO—Fisher's Blend Station, Incorporated, Seattle, Wash.—920 Modification of license to change power from 1 KW night; 5 KW day to 5 KW day and night.

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Construction permit to make changes in equipment, erect a vertical antenna, increase power from 100 watts to 100 watts, 250 watts day and move transmitter from corner Adair and West Fourth Streets, Sheridan, Wyoming, to 1.2 miles N. of Sheridan, Wyoming. Amended: To change type of equipment from composite to Doolittle and Falknor.

#### Puerto Rican Zone

WPRP—Julio M. Conesa, Ponce, P. R.—License to cover construction permit (1-P-B-2940) as modified for a new station on 1420 kc., 100 watts night; 250 watts day power, specified hours.



# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### FOOD BILL ORDERED REPORTED

The House Committee on Interstate and Foreign Commerce on Wednesday ordered that a favorable report be made on the Pure Food and Drug Bill. This bill passed the Senate during the last session of Congress and has been pending in the House committee for a long time. As the bill was ordered reported it places advertising under the Federal Trade Commission instead of the Department of Agriculture.

### CAUTION—ALDRICH BLAKE ENJOINED

On Tuesday, May 19, 1936, Justice Bailey of the Supreme Court of the District of Columbia permanently enjoined Aldrich Blake and Aldrich Blake, Inc., from violating the Securities Act of 1933 in the sale of agreements entitling the purchaser to oil on a when, as and if produced basis. Justice Bailey held that such agreements, although purporting to pay for oil at the rate of one cent a barrel, were in fact investment contracts or certificates of interest in a profit-sharing agreement and therefore a security within the meaning of said Act.

Aldrich Blake had failed to file five copies of his continuity with the Securities and Exchange Commission five days before broadcasting same over a radio station, as required by Rule 800(d) of the General Rules and Regulations of the Securities and Exchange Commission under the Securities Act of 1933, which rules are authorized under the provisions of Section 10(d) of said Act. This Act defines a prospectus to mean, among other things, any communication by radio which offers any security for sale, with certain exceptions such as the existence of a written prospectus which was sent to prospective purchasers and complies with the provisions of Section 10 of said Act.

It is our understanding that Aldrich Blake has been using other radio stations and that he will endeavor to do so in the future. While there are certain exemptions with reference to registration statements and prospectuses, the only safe thing to do is to contact the Securities and Exchange Commission prior to authorizing any broadcast involving the sale of the security. The section of said Act relating to fraudulent interstate transactions contains no exemptions and includes not only fraudulent transactions but also those in which there may be an omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading. The primary responsibility for filing the prospectus with this Commission is upon the user of such prospectus but broadcasting stations should not fail to take reasonable precautions to see that the Securities Act of 1933, as amended, has been complied with.

### LICENSE RENEWAL RECOMMENDED

Broadcasting Station WSMB, New Orleans, La., applied to the Federal Communications Commission for a renewal of its license. The station operates on 1320 kilocycles, 1,000 watts power and unlimited time.

Examiner George H. Hill, in Report No. I-223, recommended that the application for renewal be granted "without restriction of radiation toward Des Moines, Ia."

The Examiner found that the station is rendering a meritorious service. He states that "Station KRNT is already limited by the operation of Station WADC to an extent which renders it unnecessary for WSMB to restrict its radiation in the direction of KRNT. The operation of WADC limits KRNT to its 4 millivolt per meter contour, whereas Station WSMB, operating with 1,000 watts power without restricting radiation toward KRNT, would limit KRNT only to its 2.3 millivolt per meter contour."

### ASCAP AIDS DEFENSE OF WARNER SUITS

Approximately one hundred thirty-five complaints in actions commenced by the Warner Brothers' publishing interests have been referred by broadcasters to the American Society of Composers, Authors and Publishers for defense. Broadcasters have followed this course in reliance upon the provision of the contract between ASCAP and broadcasters, which provides that ASCAP agrees to indemnify, save and hold harmless and defend the broadcasting station from and against suits brought against the broadcaster with respect to renditions of compositions contained in ASCAP's repertory, and in accordance with the further provision of the contract which requires the broadcaster to deliver to ASCAP any process or pleading served upon it, so that ASCAP can assume charge of the defense of the action.

ASCAP has, in every case in which a complaint has been referred to it, caused its general counsel, Nathan Burkan, Esq., to prepare an appropriate answer, and has forwarded such answer to the broadcaster, with the request that it be filed by the broadcasting station's local counsel. In requesting local counsel so to act in filing the answer, ASCAP has assured broadcasting stations, in writing, that the appearance of such counsel in the suit would not prejudice the station's claim for defense by and indemnity from ASCAP.

The NAB is informed that ASCAP intends to furnish the services of its general counsel, and to make available the necessary information and evidence, without charge to any broadcaster who avails himself of such services. ASCAP takes the position that the basic questions involved in the Warner Brothers litigation will be disposed of in a few test cases, and it is expected that ASCAP will assume charge of the trial and of the prosecution of appeals in such test litigation. If ASCAP is correct, it is clear that a considerable number of cases now pending will never come to trial, since the issues involved therein will be disposed of by the precedents set in these test cases.

ASCAP takes the position, however, that it is definitely relieved of any obligation to defend or indemnify the station in those cases in which the broadcaster fails to comply with the provisions of the contract requiring the broadcaster to deliver pleadings to ASCAP, and permitting ASCAP to assume charge of the defense in cooperation with counsel for the broadcasting station.

## FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

## RECOMMENDS POWER INCREASE ON CONDITION

Broadcasting Station WDBO, Orlando, Fla., operating on a frequency of 580 kilocycles, with unlimited time using 250 watts with 1,000 watts experimentally, applied to the Federal Communications Commission to use 1,000 watts regularly.

Examiner Ralph L. Walker, in Report No. I-224, has recommended that the application be granted "(1) if the application of WCHS for 1,000 watts night power is granted and (2) if the pending application of WDBO for authority to move the station is granted; otherwise that the application be denied."

The Examiner states that the reception of programs of WDBO is unsatisfactory in a large portion of the area which would normally be considered as within its primary service radius because of interference from a station outside the United States operating on a frequency of five kilocycles removed from it.

## DECISION IN ASCAP CASES

Judge Frederick H. Bryant, in the United States District Court for the northern district of New York, has handed down a decision in two ASCAP cases against Elm Lodge, Inc., in which he criticises the practice of attorneys for the Society frequenting night clubs to gain evidence on which to base a case. The decisions are as follows:

### UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

In Equity No. 2870

GENE BUCK, as President of the American Society of Composers, Authors and Publishers, and FAMOUS MUSIC CORPORATION, Plaintiff,

*against*

ELM LODGE, INC., Defendant.

*and*

In Equity No. 2872

GENE BUCK, as President of the American Society of Composers, Authors and Publishers, and HARMS, INC., Plaintiffs,

*against*

ELM LODGE, INC., Defendant.

#### Appearances:

Earl I. Freshman, Esq., Attorney, Syracuse, New York, Solicitor for the plaintiffs; and Louis D. Frohlich, Esq., Attorney, 1450 Broadway, New York City, N. Y., of Counsel for the plaintiffs.

Albert Averbach, Esq., Attorney, Syracuse, N. Y., Solicitor for the defendant.

BRYANT, D. J.

The defendant, at times mentioned in the complaint, operated a restaurant, or night club, near Syracuse, New York, with a table seating capacity of about 200. Each evening, for entertainment, there was a floor show and an orchestra.

It is the contention of the plaintiffs, in each case, that the defendant, without having obtained a license, allowed its orchestra to play copyright pieces.

Plaintiffs, in each action, ask that defendant be enjoined and restrained from publicly performing the compositions named, and seek judgment for \$250.00 with costs. Defendant, by answer in each case, denies the playing of the pieces and alleges invalidity of copyrights because of lack of originality. It also, by counterclaim, asks damages alleged to have been sustained through plaintiffs' publicizing the bringing of the actions, etc.

Plaintiffs in the first entitled action base their alleged cause of action upon an alleged rendition of a composition entitled "Champagne Waltz." The second entitled action is based upon an alleged rendition of the compositions entitled "Continental," "Then I'll Be Tired Of You," and "Night And Day." The two actions were tried together without a jury.

In the first entitled action, defendant is entitled to a judgment of dismissal of the complaint with costs. He is not entitled to recover upon his alleged counterclaim. Findings may be presented upon notice.

In the second entitled action the plaintiffs are entitled to judgment with costs. Findings may be presented on notice.

Plaintiffs, in each case, are entitled to copyright protection of the compositions named. The present suits are for penalties rather

than for actual damages. Before a penalty is decreed, the evidence should clearly show unlicensed rendition.

In the first entitled action the alleged violation rests upon the testimony of one witness. I do not consider the testimony of this witness reliable enough to support a verdict.

In the second case, a witness, the one referred to above, testified that the three compositions, last above named, were played by an orchestra in defendant's place on December 5th, 1934. From the evidence, I doubt if he was there on that particular night. However, there is not any question but that he was at defendant's Night Club some evening about that time. On his evidence, uncorroborated, I would not predicate a violation. In this case he is supported by an orchestra leader and a piano player.

The leader of the orchestra, which played at defendant's place from the latter part of November until about December 5th, positively stated that, during that period, his orchestra played "Continental" every night and "Night And Day" part of the time. A piano player, who played with the orchestra one night, testified that the orchestra played "Night And Day." He gave his reasons for remembering that particular selection. This testimony is undisputed except that both witnesses testified they played the night of December 5th, while defendant's evidence tended to show the orchestra, in which they played, closed its engagement on the night of the fourth. Regardless of this dispute, the evidence is of sufficient weight to sustain plaintiffs' allegations.

Cases of this kind have received considerable adverse criticism. The methods used by plaintiff, American Society of Composers, Authors and Publishers, in the present cases, will not tend to allay the criticisms.

An official of the Society testified that it is not the policy of the Society to make inducements to orchestra leaders and players to advise when they have played copyright pieces in unlicensed places. Manifestly, the Society has no scruples against depending upon orchestra leaders and players to prove its cases. It has done so in the present instance. Inasmuch as orchestra leaders have the choice of selections, a proprietor of an unlicensed place, however innocent, may be placed in the toils of the Society through a bribable leader and an unscrupulous investigator.

I am not in accord with the practice of attorneys, who are directly or indirectly retained by the Society, frequenting Night Clubs with the hopes that they may hear a composition played upon which they can base a case and obtain a fee, and then take the witness stand to prove the alleged violation. Such conduct cannot have the sanction of this Court.

Dated May 7th, 1936.

FREDERICK H. BRYANT,  
*United States District Judge.*

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them:

**No. 2800.** A complaint has been issued against **Canterbury Candy Makers, Inc.**, 93 Marion St., **Seattle, Wash.**, charging unfair methods of competition through sale to wholesalers and retailers of assortments of candy so packed as to involve the use of a lottery scheme when distributed to consumers. One such assortment was sold together with a punchboard, according to the complaint. These methods of competition are alleged to have caused diversion of trade to the respondent company from competitors.

**No. 2801.** Alleging unfair competition in the sale of encyclopedias, a complaint has been issued against the **Times Sales Co., Inc.**, **The Times Sales Co.**, **William and George G. Heim**, and **Edward B. Seegar**, all having their place of business at 1524 Chestnut St., **Philadelphia**. The respondents Heim are officers in both firms and are copartners of Seegar in the Times Sales Co., according to the complaint.

The respondents are said to offer for sale sets of "The Times Encyclopedia," sometimes known as "The Times Encyclopedia and Gazetteer," together with a 10-year loose-leaf extension service, a membership in a bureau of research, and subscriptions to certain magazines.

Purchasers of this so-called "combination sale" sign a contract which, according to the complaint, describes the terms and time of payments and sets forth that the signer does not have an understanding of any kind with the respondents' salesmen other than the terms printed in the contract, and that the contract is not subject to change or cancellation.



However, the complaint charges, the respondents' salesmen represent to prospects that the contract is open to change, and, by writing on the face thereof, alter the terms or time of payments and substitute subscriptions to magazines other than those named in the contract, but which are preferred by purchasers.

**No. 2803.** Improper labeling of whiskey is alleged in a complaint issued against **C. O. Taylor Distributing Co.**, 444 West Grand Ave., **Chicago**, a wholesale distributor of alcoholic liquors. The respondent's practices are said to constitute unfair competition and to be in violation of Section 5 of the Federal Trade Commission Act.

By abbreviating the word "Distributing" to "DIST." in its corporate name, and by use of such abbreviation on stationery, labels, and in advertising matter, the respondent company, it is charged, implies that it is a distilling company and manufactures its products by the process of distillation, when, according to the complaint, it does not own or operate a plant where such products are distilled.

**No. 2804.** Charged with unfair methods of competition in the sale of a purported mineral water, **Richard R. Soberanes**, trading as **Tarzana Mineral Water Co.**, 1485 North Vine St., **Hollywood, Calif.**, is named respondent in a complaint. Soberanes also has a branch office and place of business at **Tarzana, Calif.**

In radio broadcasts and in various kinds of advertising matter, the respondent allegedly represents that his product will prevent and cure, or is beneficial in the treatment of many diseases and afflictions, including rheumatism, liver ailments, stomach troubles, high blood pressure, diabetes and acidosis. The complaint charges these representations are not true, and that the respondent's water does not possess the curative and beneficial qualities claimed for it.

The respondent also is said to advertise that the diet of the average citizen is "sadly" deficient in sodium, calcium and magnesium, and that such deficiency can be supplied by drinking this mineral water. According to the complaint, the average diet is not lacking in the important mineral elements named, and the respondent's product does not act on the human body in any manner different from any pure, potable water, and does not contain any elements or medicinal properties in sufficient quantities to render it of greater benefit than any pure drinking water.

### Stipulations

The Commission has issued the following cease and desist orders and stipulations:

**No. 1656.** **Landschaft & Bonning, Inc.**, 424 Main St., **Buffalo, N. Y.**, an advertising agency, agrees to discontinue false and misleading advertising in connection with the sale of a book, "How to be Always Well," which recommends a system of diet devised by and cereal products distributed by Dr. Robert G. Jackson, Toronto, Canada. According to the stipulation, Dr. Jackson is a client of the agency, which places his advertisements in various periodicals and also superintends the sale of his health book. The agency agrees, among other things, to cease representing, either in advertisements or in the book itself, that use of the diet, exercise, or hygiene advocated by Dr. Jackson gives immunity from sickness and disease, or from such minor ailments as colds, or prolongs life from 25 to 50 years.

**No. 1657.** **Mirrolike Manufacturing Co.**, 35 Queens Boulevard, **Long Island City, N. Y.**, engaged in the sale of "Mirrolike White Shellac," signed a stipulation to discontinue use on labels of the word "shellac" alone or in conjunction with the word "white" so as to imply that the product is composed of shellac gum, cut or dissolved in alcohol. The stipulation provides that if shellac gum is the principal ingredient in the respondent's product, the word "shellac" shall be accompanied by the word "compound," and if shellac gum is not the predominant element, the word "substitute" shall be used in connection with the word "shellac," and in each case the words "compound" and "substitute" shall be in type equally as conspicuous as that in which the word "shellac" is printed. The respondent corporation also will desist from using on its labels the words "Guaranteed 5½ lbs. cut" to designate a product which does not actually contain the indicated amount of gum to each gallon of liquid used therewith.

**No. 1658.** **Ossola Bros., Inc.**, 1800 Penn Ave., **Pittsburgh**, stipulates it will cease and desist from use of the words "Imported from Italy," either in English or Italian, as a brand for its olive oil products; or if such product is composed in substantial part of oil produced in and imported from Italy, and the words "Imported from Italy" are used to describe the same, such words shall be accompanied by others to indicate the product is not composed wholly of oil produced in and imported from Italy. According to the stipulation, the respondent corporation caused advertisements

of its product to be broadcast in the Italian language from a Pittsburgh radio station.

**No. 1659.** **Lederle Laboratories, Inc.**, 30 Rockefeller Plaza, **New York City**, engaged in the sale of "Poultry Worm Tablets Lederle," agrees to discontinue advertising to the effect that its products "have an insoluble coating" or are "enteric coated," so as to imply that the tablets or the coating thereon remains insoluble until they reach the intestines, then are dissolved at the point of infection.

**No. 1660.** **McCormick & Co.**, 400 Light St., **Baltimore**, entered into a stipulation that, in the sale of pepper, it will cease using in advertisements the statement, "Don't pay for dust, dirt, stems and stones that are ground up in cheap pepper," so as to imply that the price asked for pepper indicates the amount of foreign substance therein. The respondent also agrees to discontinue making any representations tending to disparage brands of pepper sold by competitors.

**No. 1661.** **Toolinda Mahler, trading as D. J. Mahler Co.**, 3124 Pawtucket Ave., **East Providence, R. I.**, manufacturing toilet requisites and an electrical apparatus, agrees to stop representing that the use of the apparatus is the only method of permanently destroying superfluous hair or preventing its regrowth. The respondent agrees also to stop advertising that use of the device by self-application is safe, easy, painless, permanent or harmless, without at the same time qualifying the allegations by the condition that proper care and skill are required in its application.

The respondent company agrees not to represent that use of the apparatus for removal of warts, moles, birthmarks, red veins, freckles and other similar facial blemishes by self-application is safe, unless it is explained that this could be done with safety only by a skilled dermatologist.

The respondent agrees to stop representing that any person named Daniel J. or D. J. Mahler now owns the company, and to cease publishing purported literature or letters in his name, either with or without his portrait, tending to confuse customers into believing that D. J. Mahler, founder of the company, is still living and offering them his services.

**No. 1662.** **Montgomery, Ward & Co.**, in the sale of a facial cream, designated it "Footlight Turtle Oil Cream," when, according to the stipulation, the oil content of this product did not consist entirely of turtle oil and did not possess the properties and values advertised.

The respondent company agrees to stop using the words "turtle oil," independently or in conjunction with other words, as a trade name for its facial cream product, implying that the oil content of the preparation is composed wholly of turtle oil; unless, when such oil content is substantially turtle oil, the words "turtle oil," if used to describe it, shall be immediately accompanied by other words clearly indicating the actual oil content.

The respondent company also agrees to cease making other representations implying or tending to deceive buyers into believing that its facial cream, when applied externally, will nourish the skin, act as a corrective for wrinkles, or aid the skin of all users to retain a youthful complexion, when these are not the facts.

**No. 1663.** Trading as "**Marcelle Laboratories**" and "**Footlight Products Co.**," **C. W. Beggs & Sons, Inc.**, 1741 North Western Ave., **Chicago**, manufacturer of "Footlight Turtle Oil Cream," entered into a stipulation of facts similar to that in the Montgomery Ward case, and agreed to discontinue the same representations regarding its product.

**No. 2651.** An order has been issued requiring **Newark Felt Novelty Co., Inc.**, 416 Morris Ave., **Newark, N. J.**, to cease and desist from selling certain articles made of second-hand material unless they are clearly marked so that purchasers will not mistake them as being made of new material.

Specifically, the order directs the respondent company to cease selling baseball caps manufactured from felts obtained from second-hand, old, used and discarded men's and women's felt hats, unless and until there is stamped upon or attached to such caps in a conspicuous place, words clearly indicating that they are not made from new and unused felts, but manufactured from felts obtained from second-hand and discarded felt hats.

**No. 2724.** Under an order, **Gustave Goldstein**, trading as **Humania Hair & Specialty Manufacturing Co.**, 10-12 East 23rd St., **New York City**, is directed to cease and desist using false advertising in the sale of hair goods, cosmetics, or toilet preparations.

The respondent will cease representing that he is a manufacturer of hair and specialty goods, an importer of hair goods, or that some of the wigs he sells are imported French wigs made of the finest quality soft French hair,

Among other representations to be discontinued by the respondent are that his "Magic Shaving Powder" does not affect the growth of hair or injure the skin, that "Ro-Zol Face Bleach" is an effective remedy for skin diseases, and that some of his ointments and creams, sold under various trade names, rid the skin of blemishes and pimples, while others lighten dark skin "almost over night" and permit the desired shade to be retained, without injurious effects.

### FTC DISMISSES CASES

The Federal Trade Commission has announced that it has dismissed and set aside the following cases:

**No. 2450.** The Commission has issued an order closing its case against **Distillers Importing Corporation**, 485 Madison Ave., New York City, charged in a Commission complaint with unfair competition through use of the word "Distillers" in its corporate name when the company was not engaged in distilling liquor but was an importer and wholesaler.

The Commission based its closing order on the fact that the respondent company has surrendered its permits, is undergoing dissolution, has not further engaged in interstate commerce in the importation or sale of alcoholic beverages, and on the fact that it appears unlikely the respondent will resume such importation or sale.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution of the complaint under its regular procedure, should the facts warrant such action.

**Nos. 1773-2071.** The Commission has vacated and set aside orders to cease and desist issued in April, 1934, against two Philadelphia candy companies, **Quaker City Chocolate & Confectionery Co.**, 2134 Germantown Ave., and **Sol Bloek and Sidney Blumenthal**, trading as **Rittenhouse Candy Co.**, Worth and Herbert Sts.

The Commission has issued against these respondents amended and supplemental complaints alleging practices similar to those alleged in the original complaints, involving the use of an alleged lottery scheme in the sale of package candies, and has ordered the cases reopened for taking of further testimony.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

#### HEARING CALENDAR

Monday, May 25

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Dorrance D. Roderick, El Paso, Tex.—C. P., 1500 kc., 100 watts, unlimited time.

Tuesday, May 26

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Brockway Co., Watertown, N. Y.—C. P., 1270 kc., 250 watts, daytime.

Wednesday, May 27

#### HEARING BEFORE AN EXAMINER

NEW—Metro Broadcasting Co., Los Angeles, Calif.—C. P., 820 kc., 250 watts, limited with WHAS.

NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Calif.—C. P., 1160 kc., 250 watts, daytime.

KYA—Hearst Radio, Inc., San Francisco, Calif.—C. P., 1230 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1230 kc., 1 KW, unlimited time.

Thursday, May 28

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Jefferson Broadcasting Co., Ormond O. Black, Pres., Birmingham, Ala.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

NEW—J. R. Maddox and Dr. W. B. Bair, d/b as Chattanooga Broadcasting Co., Chattanooga, Tenn.—C. P., 590 kc., 1 KW, unlimited time.

NEW—Lookout Broadcasting Corp., Chattanooga, Tenn.—C. P., 1420 kc., 100 watts, daytime.

NEW—Wilton Harvey Pollard, Huntsville, Ala.—C. P., 1200 kc., 100 watts, unlimited time.

Friday, May 29

#### HEARING BEFORE AN EXAMINER

(Broadcast)

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to transfer control of corporation to WJR, The Goodwill Station; 1450 kc., 500 watts, 1 KW LS, unlimited time.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Authority to transfer control of corporation to U. B. Company; 610 kc., 500 watts, daytime.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Authority to transfer control of corporation to U. B. Company; 1390 kc., 1 KW, 2½ KW LS, unlimited time.

#### APPLICATIONS GRANTED

KGNF—Great Plains Broadcasting Co. (a corporation), North Platte, Nebr.—Granted C. P. to make changes in equipment.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted C. P. to make changes in equipment, using approved type of "A" cut crystal and oscillator circuit.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted C. P. to install directional antenna; move transmitter to — on Glen Rock — Elizabeth Pk. Rd., 1.6 miles east of Norfolk, Va.; increase night power from 500 watts to 1 KW, with directional antenna subject to approval; 780 kc., 1 KW day, unlimited time.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted transfer of control of The Voice of the Orange Empire, Inc., Ltd., from the estate of J. S. Edwards, deceased, to J. S. Edwards, Inc.

WREC—WREC, Inc., Memphis, Tenn.—Granted license to cover C. P., 600 kc., 1 KW directional antenna night, 2½ KW LS, unlimited. Also granted authority to determine operating power by direct measurement.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Granted consent to voluntary assignment of license from R. B. Broyles, tr/as R. B. Broyles Furniture Co., to The Birmingham News Co.

NEW—Louis Wasmer, Inc., Portable-Mobile, Spokane, Wash. (2 appls.)—Granted C. P. for broadcast pickup station in the experimental service; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

NEW—The Evening News Assn., Portable-Mobile (Detroit, Mich.)—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 3 watts.

W8XO—The Crosley Radio Corp., Mason, Ohio.—Granted renewal of special experimental station license, in exact conformity with existing license, for the period May 21 to August 21, 1936.

#### SET FOR HEARING

NEW—The Birmingham News Co., Birmingham, Ala.—Application for C. P. for new station, frequency 590 kc., 500 watts night, 1 KW day, unlimited time; site to be determined.

KIT—Carl E. Haymond, Yakima, Wash.—Application for C. P. to install new equipment, change frequency from 1310 kc. to 1250 kc., erect a vertical radiator at site to be determined with Commission's approval, and increase night power from 100 watts to 250 watts, day power from 250 watts to 500 watts.

NEW—Mile High Radio Corp., Denver, Colo.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited time; site to be determined.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—Application for C. P. for new station, 1410 kc., 500 watts, unlimited time; site to be determined.

NEW—The Metropolis Co., Jacksonville, Fla.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited time; site to be determined.

NEW—Neil O. Davis and F. M. Gleason, d/b as North Georgia

Broadcasting Co., Rossville, Ga.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited time; site to be determined.

NEW—Owensboro Broadcasting Co., Owensboro, Ky.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time; site to be determined.

KNX—Western Broadcast Co., Los Angeles, Calif.—Application for consent to transfer control of Western Broadcast Co. (licensee of KNX) from Guy C. Earl, Jr., and five other parties, to the Columbia Broadcasting System. To be heard June 29 before the Broadcast Division. Also remanded application for renewal of license to docket for further hearing on June 29, 1936.

## MISCELLANEOUS

KCMO—Charlotte Duncan, Administratrix, Lester E. Cox, and Thos. L. Evans, Kansas City, Mo.—Reconsidered and granted application for renewal of license and for assignment of license to Lester E. Cox, Thos. L. Evans, and C. C. Payne.

NEW—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted permission to file its appearance and statement of facts to be proved in re application for new broadcast station to operate on 630 kc., 1 KW, unlimited time, to be located at Mobile, Ala.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Denied petition asking Commission to reconsider and grant without hearing application for C. P. to make changes in equipment and to increase daytime power from 2½ KW to 5 KW.

WCBD—WCBD, Inc., Zion City, Ill.—Denied petition asking Commission to reconsider and grant without hearing application for modification of license for authority to move its studio to Chicago.

KOB—New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. Mex.—Granted petition requesting postponement of hearing on renewal of license, now scheduled for May 25, 1936, pending formal application now being prepared for the assignment of the station license.

NEW—Struble, Strong, Fagan, Dalles, Ore.—Granted request for an order to take depositions in support of application for a new broadcast station at Dalles, Ore.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Suspended grant made March 27, 1936, and designated for hearing application to operate unlimited daytime and share with WFAM (South Bend, Ind.) at night, because of the protests of WSBC, WEDC, and WCRW, all of Chicago.

NEW—R. J. Laubengayer, Salina, Kans.—Denied petition asking Commission to reconsider and grant without hearing application for permit to erect and operate new broadcast station at Salina, using 100 watts on 1500 kc., full time.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted request for order to take depositions as intervener for use at hearing in opposition to application of Memphis Commercial Appeal, Inc., for new station at Mobile, Ala.

## ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-77 (in part): G. D. Goff, Tampa, Fla.—Denied C. P. for new station to operate on 1500 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval), reversing Examiner Geo. H. Hill. Order effective August 25, 1936. (Action taken May 1, 1936.)

WBNX—Ex. Rep. No. 1-134 (in part): Standard Cahill Co., Inc., New York City.—Granted C. P. to make changes in equipment, move transmitter, and increase power from 250 watts to 1 KW, 1350 kc., share time with WAWZ, sustaining Examiner John P. Bramhall. Order effective September 15, 1936. (Action taken May 1, 1936.)

## APPLICATIONS RECEIVED

### First Zone

NEW—Old Colony Broadcasting Corp., Brockton, Mass.—Construction permit for a new station to be operated on 680 kc., 250 watts, daytime.

WELI—Patrick J. Goode, New Haven, Conn.—Modification of 930 license to change hours of operation from daytime to unlimited time, requesting 250 watts night, 500 watts day power and change frequency from 900 kc. to 930 kc. Amended to install directional antenna.

NEW—Harriett M. Alleman and Helen W. McLellan, d/b as Cape 1210 Cod Broadcasting Co., Barnstable Township, Mass.—Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time.

### Second Zone

NEW—Valley Broadcasting Co., Cleveland, Ohio.—Construction 890 permit for a new station to be operated on 890 kc., 1 KW, unlimited time.

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for a 950 new station to be operated on 780 kc., 1 KW, unlimited time. Amended to change frequency from 780 kc. to 950 kc.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Authority 1330 to determine operating power by direct measurement of antenna.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of 1500 construction permit (B2-P-637) for changes in equipment, requesting to install new equipment, make changes in antenna, and extend commencement and completion dates.

NEW—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Construction permit for an experimental visual broadcasting station and synchronized sound track for 60000-86000 kc. band on specific frequencies of 62750 kc. for visual broadcasting and 66000 kc. for synchronized sound track. Visual power 4 KW, sound track power 1 KW.

W8XAL—Crosley Radio Corp., Mason, Ohio.—Modification of license to add frequency 9590 kc.

### Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.— 780 Modification of construction permit (B3-P-621) for changes in equipment and increase in power, requesting to install a new directional antenna, change transmitter site from intersection U. S. Highways 64 and 70, Memphis, Tenn., to ¾ mile northwest of 5 Points—intersection U. S. Highway No. 70 and Macon Road, near Memphis, Tenn., and extend commencement and completion dates.

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, daytime.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—License 1310 to cover construction permit (B3-P-42) for a new station.

W4XC—Wade Dellinger, Portable.—Modification of license to change from telegraph service to broadcast. Licensed for 31600, 35600, 38600, 41000, 86000-100000 kc., 15 watts.

### Fourth Zone

NEW—Daily News Corp., St. Paul, Minn.—Construction permit 630 for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change frequency from 1370 kc. to 630 kc., and power from 100 watts to 250 watts.

WJJD—WJJD, Inc., Chicago, Ill.—License to cover construction 1130 permit (B4-P-362) for move of transmitter.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—License to 1370 cover construction permit (B4-P-384) for a new station.

NEW—KMJB Broadcasting Co., by Myron J. Bennett, Pres., 1450 Minot, N. Dak.—Construction permit for a new station to be operated on 1450 kc., 1 KW, unlimited time, facilities of KLPM. Amended to change equipment and give transmitter site as site to be determined, Ward County, North Dakota.

### Fifth Zone

KGW—Oregonian Publishing Co., Portland, Ore.—Construction 620 permit to make changes in equipment.

**NEW**—The Tribune, Great Falls, Mont.—Construction permit for **950** a new station to be operated on **1280 kc.**, 1 KW, 5 KW day, unlimited time. Amended: Change frequency back to **950 kc.** from **1280 kc.** and omit request for KFBB's facilities.

**KGY**—KGY, Inc., Olympia, Wash.—Authority to install auto-**1210** matic frequency control.

**KGY**—KGY, Inc., Olympia, Wash.—Construction permit to in-**1210** stall a new transmitter.

**NEW**—Ed Klies, Helena, Mont.—Construction permit for a new **1280** station to be operated on **1210 kc.**, 100 watts, 250 watts day, unlimited time. Amended to change equipment, change frequency from **1210 kc.** to **1280 kc.**, and power from 100

watts, 250 watts day, to 1 KW, 5 KW day, facilities of KFBB.

**KSLM**—Oregon Radio, Inc., Salem, Ore.—Authority to make **1370** changes in automatic frequency control.

**WDNC**—Durham Radio Corp., Durham, N. C.—Authority to **1500** transfer control of corporation from George Watts Hill, Herbert Bleuthenthal, Harris Newman and John Sprunt Hill to The Durham Herald Company, 684 shares common stock.

#### Puerto Rican Zone

**WKAQ**—Radio Corporation of Porto Rico, San Juan, Puerto Rico.

**1240** License to cover construction permit (B4-P-743) for changes in equipment and move of transmitter.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### REPORTS ON BROADCAST STATION REVENUE

Total receipts of the 77 broadcast stations in the Pacific Coast states from the sale of radio time during 1935 amounted to \$6,441,623, according to announcement of the Bureau of the Census, Department of Commerce. These figures were obtained in the new census of business series on the broadcasting business.

In the same series the Bureau announced that total receipts from the sale of time by the 30 broadcast stations in Texas in 1935 amounted to \$2,220,821.

### HOUSE RADIO BILL REPORTED

The House Committee on Interstate & Foreign Commerce has made a favorable report on H. R. 12646 which provides for the amendment of Section 318 of the Communications Act of 1934. As reported the bill is as follows:

That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles."

### RECOMMENDS LICENSE RENEWAL FOR WLBG

Three applications have been filed with the Federal Communications Commission all dealing with 880 kilocycles, 500 watts power and daytime operation. Station WPHR, Petersburg, Va., operating on this frequency asks for license renewal; the Petersburg Broadcasting Company asks for the facilities of WPHR to erect a new station at Petersburg, Va., and WLBG, at Petersburg, Va., asks to move its transmitter from Petersburg to Richmond, Va.

Examiner John P. Bramhall, in Report No. I-225, recommends that the application of the Petersburg Broadcasting Company and of WLBG be denied and that the application of WLBG for license renewal be granted.

### SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Owings Mills Distillery, Inc., Owings Mills, Md. (2-2153, Form A-1)  
John Irving Shoe Corp., Boston, Mass. (2-2154, Form A-2)  
Bridgeport Brass Co., Bridgeport, Conn. (2-2155, Form A-2)  
Kendall Refining Co., Bradford, Pa. (2-2156, Form A-2)  
Black & Decker Mfg. Co., Towson, Md. (2-2157, Form A-2)  
Silver Strike Mining Co., Murray, Ida. (2-2158, Form A-1)  
Harden Chemical Corp., Cincinnati, Ohio (2-2159, Form A-1)  
Lawrence Warehouse Co., San Francisco, Cal. (2-2160, Form A-2)  
Owens-Illinois Glass Co., Toledo, Ohio. (2-2161, Form A-2)  
Soulshy-Belle Mining Co., Kansas City, Mo. (2-2164, Form A-1)  
Bolivian Bondholders Protective Committee, New York City. (2-2165, Form D-1)

### NEW REBROADCAST RULE

The Federal Communications Commission has issued a new rule, No. 177, effective July 1, dealing with rebroadcasting. It is as follows:

177. (a) The licensee of a regular broadcast station may, without authority of the Commission, rebroadcast a program of another United States regular broadcast station upon notice to the Commission and upon the express authority of the licensee of the station originating the program.

(b) No licensee of any other class of broadcast station (international, visual, high frequency, experimental or special) shall rebroadcast the program of any United States radio station without written authority first having been obtained from the Commission.

(c) No licensee of a regular broadcast station shall rebroadcast the program of any other class of United States radio station without written authority first having been obtained from the Commission.

(d) No licensee of any class of broadcast station shall rebroadcast the program of any foreign radio station without written authority first having been obtained from the Commission. In case a program is transmitted entirely by telephone facilities in which a section of such transmission is by radio, the broadcast of this program is not considered a rebroadcast.

(e) An application for authority to rebroadcast the program of any radio station shall be accompanied by the written consent of the station originating the program.

(f) In case of a rebroadcast where the program is transmitted by several broadcast stations, such as a chain program, the person legally responsible for distributing the program or the chain facility may obtain the authorization for the entire rebroadcast.

(g) Authority will not be granted to rebroadcast in the United States the programs of an international broadcast station located within the limits of the North American Continent, except upon a satisfactory showing that no wire or other facilities exist for transmitting the program to the area served by the station proposing the rebroadcast.

(h) A licensee of an international broadcast station may authorize the rebroadcast of its program by any station outside the limits of the North American Continent without permission from the Commission, provided, however, that the station rebroadcasting the programs cannot be received consistently in the United States.

## FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

177.1 No person shall be permitted to locate, use or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

## NEW RULES PROMULGATED BY FCC

The Federal Communications Commission, through its Broadcast Division has promulgated new rules concerning all broadcast stations except regular broadcast stations in the band 550 to 1500 kilocycles. The Commission has made the following official statement in this connection:

The Broadcast Division on May 21, promulgated new rules and regulations concerning all broadcast stations except regular broadcast stations in the band 550 to 1500 kilocycles. These broadcast stations are as follows:

- Relay broadcast stations (formerly broadcast pickup stations).
- International broadcast stations (formerly experimental relay stations).
- Visual broadcast stations, including television and facsimile.
- High-frequency broadcast stations (formerly general experimental stations authorized to operate as broadcast stations).
- Experimental broadcast stations.
- Special broadcast stations (formerly experimental broadcast stations on the frequencies of 1530, 1550 and 1570 kilocycles).

These new rules provide certain new restrictions and principles of operation that are fully set out in the attached copy of the new rules. All outstanding rules concerning these stations which are in conflict with the new rules are automatically cancelled.

The name "relay" broadcast station now applies to stations which were formerly called broadcast pickup stations. The new name "relay" is considered more in keeping with the actual service rendered by these stations. In the future these stations will be licensed only to the holders of regular broadcast station licenses. Two groups of frequencies are provided, one in the medium frequency band and the other in the very high frequency band. In both groups the licensees are required to notify the Commission two days before each operation for the purpose of relaying programs to be broadcast. Certain of the frequencies in the medium frequency band have been changed by two kilocycles to provide better frequency separation from other services. All licensees of these stations should read the new rules governing these stations carefully as certain other changes have been made.

The name "international" broadcast station now applies to those stations which were formerly called experimental relay stations. These stations are licensed for international service. There are certain new principles set out in the new rules that the licensees of these stations should study carefully.

The frequency bands 2000 to 2100 kilocycles and 2750 to 2850 kilocycles have been dropped for the television service. Experience to date has shown that a satisfactory picture in keeping with the development of the art cannot be transmitted successfully in these narrow bands. The stations now assigned these frequencies which are carrying on active programs of research and experimentation will be assigned specific frequencies in the bands 42,000 to 56,000 kilocycles and 60,000 to 86,000 kilocycles. One license will authorize both the visual and aural broadcast. There are certain other principles of operation involved in the new rules which the licensees of these stations should study carefully.

High-frequency broadcast stations are required to carry on active programs of research to hold a license. Licensees not carrying on this active program cannot be considered as making proper usage of the assignment and full consideration will be given at the time of the renewal of license.

Experimental broadcast stations are provided for specific experimentation along lines other than those prescribed by other broadcast rules. Certain frequencies throughout the entire useful radio spectrum are made available for this purpose by Rule 229 as modified.

The name "special broadcast station" applies to stations formerly named "experimental" stations licensed to operate on the frequencies of 1530, 1550, and 1570 kilocycles. The new rules provide that all rules that apply to regular broadcast stations (Rules 69 to 181, inclusive) shall apply to special broadcast stations. This means

that these stations must have frequency monitors, modulation monitors, protected equipment, etc.

It will be necessary to modify several of the outstanding licenses to comply with the new frequency allocation as provided in Rule 229 as modified by the Commission on May 13, 1936. The Broadcast Division's new rules as discussed above provide an allocation in compliance with the frequencies made available by the action of the Commission. A careful comparison should be made between your existing licenses with respect to the frequencies and class of broadcast service and that provided in the new rules and regulations. It may be necessary to change either or both.

So that these requirements may be discussed thoroughly and understood, an informal engineering conference is scheduled for June 8, 1936, at which all licensees affected should be represented, or should supply information to the Broadcast Division of the Commission as to the new frequencies that they desire in keeping with the new rules. All licensees of television broadcast stations should especially be present so that a definite assignment of a visual and aural frequency can be made in either the 42,000-56,000 kilocycle band or the 60,000-86,000 kilocycle band. If the licensees are not present so that an agreeable change of frequency can be effected, the Commission will, on July 1, 1936, issue a modified license specifying the frequency that it deems best in keeping with public interest, convenience and necessity, as provided in Rule 229 as modified.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2802.** Charging a conspiracy resulting in restraint of trade in the interstate sale of rubber heels and soles, a complaint has been issued against **The I. T. S. Co.**, 135 Maple St., **Elyria, O.**, **The National Federation of Master Shoe Rebuilders**, 1124 Chester Ave., **Cleveland**, and **George Benson, C. C. Zeigler, Walter L. Green, and S. L. Orenstein**, individually and as officers of the association, representing all members.

The I. T. S. Co., wholesale dealer in rubber heels and soles, the shoe rebuilders' association, and its officers acting individually, are alleged to have entered into an agreement and conspiracy to close the natural channels of distribution to wholesalers and manufacturers who sell their products to the 5-and-10¢ stores, and to cause shoe manufacturers, shoe findings jobbers, repairers and hardware stores to boycott and refuse to deal with manufacturers and wholesalers who sell their goods to such stores.

In pamphlets, trade literature and advertisements, The I. T. S. Co. is alleged to have represented to shoemakers, jobbers and shoe repairers that they should not buy rubber heels or soles made by manufacturers selling heels or stick-on soles to the 5-and-10¢ stores, and that every such article these manufacturers and wholesalers sell to such stores means that the shoe repairer is "cheated out of a heel or tap job." The I. T. S. Co. is alleged to have represented that it "has always been on the side of the shoemaker and jobber" and has "never sold to the 5-and-10¢ stores, any chain store, or shoe manufacturer."

Advising shoemakers and jobbers that it would like to give them information as to what concerns are selling to 5-and-10¢ stores, The I. T. S. Co. is alleged to have explained that it would be unethical for it to do so, but that such information would be furnished by S. L. Orenstein, executive secretary of the National Federation of Master Shoe Rebuilders.

The association is said to have responded to requests for information by forwarding a list of manufacturers and wholesale rubber heel and sole dealers who did not sell their products to 5-and-10¢ stores.

**No. 2805.** Charging unfair competition in the sale of interlinings used in the manufacture of garments, a complaint has been issued against **Charles A. Saretsky**, 246 West 38th Street, **New York City**, jobber and converter of interlinings.

The respondent is alleged to have labeled or permitted purchasers to attach a tag furnished by the respondent to each garment manufactured in part from the respondent's interlining, such tag or label allegedly containing lettering such as the following: "This garment is interlined with lamb's wool filling" or "This garment is interlined with 100 per cent wool filling."

The respondent's product is not "lamb's wool filling" nor "100 per cent wool filling," according to the complaint, but is an inferior product made in part of wool or reworked wool or shoddy, adulterated with cotton, and the cloth to which such filling is attached,

and which forms a part of the completed interlining, is alleged to be composed entirely of cotton.

**No. 2806.** Unfair competition in the sale of candy is alleged in a complaint issued against **March of Time Candies, Inc.**, 446 North Hermitage Ave., **Chicago**.

The complaint alleges that the respondent corporation packs candy in assortments so as to involve a lottery scheme whereby the ultimate purchaser of a piece of candy may win, without additional cost, a package or a bar of candy.

Such a sales method, the complaint charges, tends to divert trade to the respondent from competitors who do not use the same or a similar scheme in the sale of their products.

**No. 2807.** Under a complaint issued, **United Distillers (of America), Ltd.**, 33 North La Salle St., **Chicago**, is charged with unfair competition in the wholesaling of alcoholic beverages. The respondent corporation, which also has a place of business in Baltimore, is a subsidiary of United Distillers of Canada (Ltd.) and the exclusive agent in the United States for the products of its parent company.

By use of the word "Distillers" in its corporate name in advertising and on stationery and labels on bottles, United Distillers (of America) Ltd., is said to represent that it is a distiller and manufactures its products through the process of distillation, when, the complaint alleges, it is not a distiller and does not own or operate a plant where the beverages it sells are distilled.

**No. 2808.** Use of lottery in the sale of candy to the consumer is alleged as an unfair method of competition in a complaint issued against **D. Goldenberg, Inc.**, and **Frank Rabinowitz**, trading as **Novelty Sweets Co.**, 2019 East Arizona St., **Philadelphia**.

Assortments of candy of uniform size and shape sold by the respondents were arranged so that some purchasers drew prizes consisting of larger pieces of candy, according to the complaint.

Such practice is against public policy and tends to divert trade from competitors who do not use such a plan in the sale of their products, it is charged in the complaint.

**No. 2809.** False and misleading representations in advertising an electric comb designed for use in treating the hair and scalp are alleged in a complaint issued against **G. Lindholm Co., Inc.**, 316 Flatbush Ave., **Brooklyn, N. Y.**

The respondent company, in radio broadcasts, newspapers and other advertising matter, is said to represent that use of its product, known as "Evans Dermectro Electric Comb," checks dandruff and falling hair in a few days, imparts new life to dry, dull hair, and causes it to become lustrous, thick and wavy, arrests baldness, and restores gray hair to its original color. The complaint charges that such assertions are untrue, and that the electric comb so advertised does not perform any function other than that which may be accomplished by an ordinary comb.

According to the complaint the respondent company advertises that "A thousand-dollar guarantee goes with every comb," and represents that the purchase price will be refunded if purchasers are not satisfied with the comb after a 7-day trial. The complaint describes this purported guarantee as vague and misleading, and alleges that it does not go with every comb, and that the \$1,000 has not been posted so as to be available to a purchaser in event the guarantee is broken.

**No. 2810.** Fraudulent representations in the sale of receptacles for storing clothing is alleged as an unfair method of competition in violation of the Federal Trade Commission Act in a complaint issued against **Mortimer Alfred Gersten** and **Lee Gersten**, trading as **Gersten Brothers**, 516 West 34th St., **New York City**.

Manufacturing corrugated fibre storage receptacles, chests and closets, the respondents are alleged to have been in unfair competition with other dealers in storage receptacles by use of misleading assertions concerning the protection from moths afforded by their own fibre products.

The respondents are alleged to have branded their receptacles as "Cedarol Closets" and "Cedarol Chests," falsely representing them to the trade as being effective against the ravages of moths, because of the presence of cedar oil in their construction.

**No. 2811.** A complaint alleging unfair competition in the sale of a medicinal preparation and treatment for eczema has been issued against **Dr. J. E. Cannaday**, 316 South Ohio Ave., **Sedalia, Mo.**

Among the representations allegedly made by Dr. Cannaday in various advertising media, and which the complaint charges are false and exaggerated, are that use of his preparation and treatment effects a cure and brings permanent relief in all cases of eczema.

Dr. Cannaday is said to have circulated testimonials in which various persons made statements to the effect that they had suffered from eczema and had been relieved or cured by the use of his product, when, the complaint charges, many had not been cured

or completely restored to health. He also is alleged to have made claims that he cured numerous persons, but, according to the complaint, was without personal knowledge as to the ailment from which such persons were suffering and as to the extent to which they benefited by use of his product.

**No. 2812.** **Millinery Quality Guild, Inc.**, and **Uptown Creators' Guild**, both of **New York City**, and their 27 members who design, manufacture and sell ladies' hats of fine grade are alleged, in a complaint, to be engaged in unfair practices in restraint of trade, which are injurious to manufacturers and retailers of stylish millinery, as well as to the purchasing public.

All members of the guilds are located in New York City, except one in San Francisco, and are recognized leaders in the field of ladies' hats so far as style and design are concerned. They are said to manufacture hats wholesaling at not less than \$8 each, and to have approximately 1600 retail dealers throughout the country buying their products under a so-called "Declaration of Cooperation" entered into with the respondent Millinery Quality Guild, Inc.

Under this "Declaration of Cooperation", the complaint alleges, retailers are coerced and compelled to recognize the property rights in styles created by guild members; to refrain from purchasing copies of styles pirated from guild members, and, in placing an order for millinery, to stamp on such order notice to the seller to the effect that the order is placed only with the manufacturer's warranty that the hats so ordered are not copies of styles originated by the members of either guild.

**No. 2813.** Named respondent in a complaint, **Dermolav Laboratories, Inc.**, 1700 Broadway, **New York City**, engaged in the manufacture and sale of preparations for use on the scalp, is charged with unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Advertising in tabloid newspapers, in magazines, and in other ways, the respondent corporation represents, the complaint charges, that its "Dermolav Liquid Scalp Peel" and "Dermolav Scalp Compound" grow hair and cure a disease causing baldness, and that treatment with these Dermolav preparations has certain other beneficial effects on the hair and scalp.

These representations are alleged to be untrue, as is the assertion that "Dermolav Liquid Scalp Peel" is a harmless liquid for removing congested skin from the scalp, when, according to the complaint, its use may result in serious injury.

**Nos. 2814-2815-2816.** Three companies selling tableware labeled "Dirigold" are named as respondents in complaints charging unfair competition in violation of the Federal Trade Commission Act. The respondent companies are **American Dirigold Corporation, Kokomo, Ind.**; **Dirigold Metals Corporation, Barrington, Ill.**; and **Dirigold Distributors, Inc., Chicago**.

The respondents are charged with making representations indicating that their tableware articles contain gold, when, according to the complaints, this is not a fact. The Kokomo and Barrington companies manufacture alloy and tableware made therefrom, while the Chicago concern sells tableware.

Among advertising descriptions used by the three respondents were, according to the complaint, the following: "No home need be denied the rare luxury and beauty of gold on the table and in the home"; "Dirigold is truly—the ultimate gift of a Golden Age", and "Dirigold—the fashionable and exquisite ware that possesses the color and lustrous beauty of gold!"

The name "Dirigold" is said to be stamped on each article sold by the respondents, and to occupy the most prominent part of their trade-marks, used in advertising literature and other printed matter. The word "Dirigold" also appears in their corporate names. The complaints charge that use of this name applied to articles containing no gold is misleading in that it implies and serves as a representation that such products contain at least some gold. In fact, according to the complaints, the alloy and the products made therefrom, as sold by the respondents, consist chiefly of aluminum and copper, and the articles are highly polished and so finished that they are of the color, lustre and appearance of 14-carat gold.

**No. 2817.** Misrepresentation of the nature and effect of "St. Joseph Aspirin" is alleged in a complaint issued against **Plough, Inc., Memphis, Tenn.**, which sells that product in interstate commerce. Violation of Section 5 of the Federal Trade Commission Act is charged.

The respondent corporation, in newspaper and magazine advertisements, is said to represent that "St. Joseph Aspirin" gives quicker relief than and is superior to other aspirin, and is fully effective for pains and colds; that it exceeds in purity and accuracy of ingredients rigid standards set by the United States Government; that cellophane wrappings protect its purity and benefit it materially; that aspirin requires cellophane wrappings, under usual and normal conditions of sale, to protect it from deterioration caused

by moisture, and that failure to so wrap it decreases its value or potency.

### Stipulations

The Commission has issued the following cease and desist orders and stipulations:

**No. 01350. Harriett Hubbard Ayer, a corporation, 323 East 34th St., New York City,** selling an "eyelash and eyebrow grower", agrees to stop advertising that the product will increase the length of eyelashes and eyebrows and promote their growth. The respondent admits in its stipulation that, according to scientific authority, no product capable of increasing the growth of hair on any part of the body has at the present time been discovered.

**No. 01353. Lucky Tiger Manufacturing Co., 6th and Delaware Sts., Kansas City, Mo.,** will cease advertising that its "Lucky Tiger Ointment" is a competent treatment for many skin and scalp ailments, unless the representations are limited to assertions that the ointment is only a palliative for relief of superficial conditions; that it is an effective remedy for athlete's foot, or is useful for anything more than relief from itching, burning and surface irritations; or that it will prevent infection, unless representations to this effect are qualified by statements that the ointment may be of value because of its antiseptic or germicidal qualities, but only when in proper contact with the germ. The respondent company further agrees not to publish any testimonial containing any representation contrary to the stipulation.

**No. 01354. C. H. Sisson, trading as Sisson Drug Co., Columbus, O.,** selling Sisson's Formula Tablets Nos. 1, 2 and 3, stipulates he will discontinue representing that the preparations, alone or in combination, are a competent treatment for rheumatism, unless he qualifies such representations by limiting the claims for the preparations' therapeutic value to rheumatism caused by uric acid. The respondent also agrees to stop representing that his products are an effective treatment for sciatica, neuritis or lumbago, and that other preparations, not based upon the theory that rheumatism and kindred ailments are caused by the formation of uric acid crystals, are ineffective for the treatment of such ailments. The respondent's claim that he employed a German chemist to develop the formula for his No. 1 tablet will be discontinued.

**No. 01355. Servex Laboratories, Ltd., 6405 Selma Ave., Hollywood, Calif.,** engaged in selling hygiene products for women, agrees to cease representing that its "Servex Jelly" is an antiseptic or possesses definite bactericidal action, unless the formula is so modified that the preparation will meet competent tests for antiseptic and germicidal properties under the conditions prescribed for its use. The respondent will discontinue representing that "Servex Jelly" and "Servex Powder" are endorsed or prescribed by physicians as safe antiseptics for use in treating certain infections, and will desist from using in its corporate name the word "Laboratories" until it actually maintains a place where scientific investigations are conducted.

**No. 01356. H. J. Laird and G. J. Warren, trading as Paraguayan Mate Co., 749 Washington St., New York City,** selling a beverage commonly known as Yerba Mate and designated "Viril-A-Tea", agree to cease representing, among other things, that Yerba Mate is a new discovery, a general tonic, or is more than a temporary stimulant; that it restores vitality, is almost a "cure-all" for a wide variety of ailments, fortifies the body against infection, and is a substitute for alcohol and essential in the diet. The respondents admit Yerba Mate has been used as a beverage for many years, particularly in South America. They agree that the name "Viril-A-Tea", will be discontinued, and that the name substituted therefor will not imply that Yerba Mate will produce any effect contrary to the terms of the stipulation.

**No. 01357. Charles Allen, operating as Allen Medicine Co., 323 North Grand Ave., St. Louis,** engaged in the sale of Allen's Gas Tablets, will discontinue representations that these tablets produce any beneficial effect other than that resulting from use of a laxative, that they are an effective remedy for gas or stomach disorders, and that they are a tonic and do not contain anything harmful to the human system.

**No. 01359. General Insulating & Manufacturing Co., 705 Olive St., St. Louis,** selling "Gimco Rock Wool," an insulating material, agrees to stop asserting that its article will withstand a constant flame of 1350 degrees without effect on the material; that a thin layer of dust over a surface of reflective insulations will reduce their insulating value to practically nothing; that "Gimco Rock Wool" will stop heat loss or will give a building "a positive barrier" against the rays of the sun, and that all drafts can be eliminated by use of this insulating material.

**No. 01360. C. L. Smith and E. J. Dwyer, trading as C. L. O. Smith Co., 820 North Michigan Ave., Chicago,** agree to

cease advertising that their cod liver oil product, called "Kiel-Oil", when fed to poultry, will increase egg production, prevent rickets, lessen mortality, provide greater resistance to disease, and other representations. The respondents also agree to stop advertising that "Kiel-Oil" contains Vitamin E, that it is a pure cod liver oil, and conforms to requirements of the United States Pharmacopoeia. In their stipulation the respondents admit that vitamin deficiencies in poultry may be due to confinement, lack of sufficient sunshine, or other causes, and that feeding poultry the respondents' product will not result in improvement of the poultry or eggs, unless the poultry is deficient in nutritional elements contained in the product.

**No. 01361. Gordon Bannerman, trading as Antiseptic Eye Remedy Co., 11422 Lorain Ave., Cleveland,** stipulates that he will discontinue advertising that his preparation, designated "Eye-Res" is a competent remedy in the treatment of tired, strained, congested or aching eyes, that it is antiseptic and will guard against infection, or that it is of any special merit therapeutically.

**No. 01362. International Correspondence Schools, Scranton, Pa.,** in its stipulation admits that the I. C. S. phonographic system of instruction in languages was used to a limited extent, at one time, by the Government in its naval and military academies for aiding students whose work was not up to standard, but that it is not now so used.

**No. 01363. M. L. Clein & Co., Atlanta,** will cease representations that its "Mentho-Mulsion" is a competent treatment for coughs, except for coughs due to colds; that it is safe, and that it is an effective remedy for "smoker's cough."

**No. 01364. Arthur Sachs, trading as Eugenia Sachs Laboratories, 309 Fifth Ave., New York City,** agrees to stop representing that any of the respondent's cosmetics will grow eyelashes or increase or promote the growth or length of eyelashes. Among products sold by the respondent are "Saxalur Eyelash Grower," "Allura Eyelash Grower" and "Allura Creme Mascara."

**No. 01365. O. H. D., Inc., 3 East Front St., Wilmington, Del.,** entered into an agreement to cease representations that "Oxy Indian Cough Syrup" will relieve colds and coughs, unless the representations are limited to claims that the product brings relief only for coughs and colds of a mild nature, and to those types of such ailments definitely known to be within the therapeutic limits of the preparation; that it relieves colds or coughs instantly or with the first dose, and that it contains no opiates or habit-forming drugs. The respondent company will stop designating its preparation as "Indian" unless labels and advertising matter clearly state that the preparation is not of Indian origin.

**No. 01370. Venus Health Corporation, 815 South Hill St., Los Angeles,** engaged in the sale of "V-76 Tablets" and "Venus Fat Reducing Tablets", agrees to stop representing that "V-76 Tablets" are competent in the treatment of gastritis, stomach distress, indigestion, and other ailments; that they are effective in restoring normal bowel activity, and are safe or harmless. As to Venus Tablets, the respondent company agrees to cease representing that any reduction in weight experienced by any person is due entirely to the use of these tablets; that the Venus method is either a drugless or a safe or sane way to start reducing, or that any person who is overweight may reduce to normal by the Venus method.

**No. 01371. Stephen V. and Anthony V. Gimino, trading as Elite Publishing Co., 214 Grand Street, New York City,** in the sale of a booklet, "Collection of Successful Business Plans", agree to stop alleging that the chance for success in an independent business is greater than that in a salaried position, unless this assertion is substantiated by authentic data; that their plans have been "approved"; that they do not involve any risk or require investment, and that the booklet is free of charge, unless in fact it is sent without payment of money by the recipient or the rendering of service. In their stipulation, the respondents admit that they have no evidence to substantiate the assertion that the chance for success in an independent business is sixteen times greater than that of a salaried position, as was advertised.

**No. 01372. Mrs. Dean Ladd Kidder, widow and executrix of the will of the late William V. Kidder, trading as Pyroil Co., 559 LaFollette Ave., LaCrosse, Wis.,** in the sale of a graphited lubricant, agrees to ban the representation that this lubricant, called "Pyroil", contains a special solvent to remove carbon; will produce a perfectly smooth surface where deep scoring has occurred; will more than double the life of an automobile or increase its usefulness 50 to 150 per cent, and other representations.

**No. 01373. George H. Sanders, Walter C. Schad, and Art Ede, operating as Aura Laboratories, 1587 Broadway, New York City,** are dealers in a device recommended for correcting protruding ears, known as "Aura Primset". The respondents aver in their stipulation that the device consists of adhesive tabs and glue, and that while it may cause temporary correction, permanent



relief cannot be had in all cases by use of the device. The respondents agree to stop advertising that "Aura Primset" is endorsed by physicians as the best method for correcting misshapen or protruding ears; that the device will give permanent relief; that normal setting of protruding ears is brought about immediately through use of this device and without resort to surgery; that the apparatus trains the muscles of the ear to stay back normally, thus effecting a permanent relief from deformity in the oldest cases, and other representations.

**No. 2526. Mid West Mills, Inc.,** 1726-28 Arcade Place, Chicago, jobber of upholstering fabrics and other furniture material, has been ordered to cease and desist representing by use of its corporate name, in advertising literature or in any other manner, that it is a manufacturer, mill operator, or mill owner.

Findings are that the respondent used the phrase "Jobbers and Converters" along with its corporate name, and the word "Mills" in its corporate name. The company, according to the findings, is not a manufacturer of the merchandise in which it deals.

**No. 2772. General Handkerchief Mfg. Co., Inc.,** 919 W. Roosevelt Rd., Chicago, has been ordered to discontinue representing through its corporate name, letterheads, circulars, advertising literature, or in any other manner, that it manufactures the handkerchiefs it sells in interstate commerce.

The Commission found that the respondent company used the letters "Mfg." and the words "manufacturers," "manufactured" and "factory" in such manner as to cause customers or prospective customers to believe it owned or operated a factory, when such was not the case.

### FTC ORDERS VACATED

**No. 1790.** An order entered in April, 1934, against **Pasquale Margarella**, 477 Broome St., New York City, directing him to cease and desist from unfair competition in the sale of candy, has been vacated and set aside by the Federal Trade Commission.

At the same time, the Commission issued an amended and supplemental complaint against Margarella, alleging that he sells to wholesalers and jobbers assortments of candy so packed as to involve the use of a lottery scheme when sold to consumers. The unfair practices charged in the amended and supplemental complaint are similar to those involved in the original complaint.

**No. 2784.** The Commission has also dismissed charges of unfair competition in the sale of salt products made in a complaint issued April 24, 1936, against **General Laboratories, Inc., of Philadelphia.**

Dismissal was ordered because of dissolution of the company.

The complaint charged the Pennsylvania Salt Manufacturing Company and its subsidiary, General Laboratories, Inc., with unfair competition in the use of the term "smoked salt" in advertising their products and process.

The dismissal order applies only to General Laboratories, Inc.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

#### HEARING CALENDAR

Monday, June 1

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Nathan N. Bauer, Miami, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Earl Weir, St. Petersburg, Fla.—C. P., 1370 kc., 100 watts, unlimited time.

Tuesday, June 2

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Saginaw Broadcasting Co., Saginaw, Mich.—C. P., 1200 kc., 100 watts, 250 watts LS, specified hours.

NEW—Harold P. Gross and Edmund C. Shields, Saginaw, Mich.—C. P., 950 kc., 500 watts, daytime.

WKBZ—Karl L. Ashbacher, Muskegon, Mich.—Modification of license, 1200 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1500 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Wolverine Broadcasting Co. (John E. Fetzer), Ann Arbor, Mich.—C. P., 800 kc., 1 KW, daytime.

NEW—WRBC, Inc., Youngstown, Ohio.—C. P., 890 kc., 1 KW, unlimited time.

NEW—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as The Port Huron Broadcasting Co., Port Huron, Mich.—C. P., 1370 kc., 250 watts, daytime.

Thursday, June 4

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

##### Examiner's Report No. I-170:

NEW—Ralph Perez Perry, Santurce, Puerto Rico.—C. P., 1340 kc., 250 watts, unlimited time.

##### Examiner's Report No. I-191:

NEW—F. W. Atkinson, Watsonville, Calif.—C. P., 1310 kc., 250 watts, daytime.

##### Examiner's Report No. I-199:

KFJM—University of North Dakota, Grand Forks, N. Dak.—C. P., 1410 kc., 1 KW, unlimited time. Present assignment: 1370 kc., 100 watts (SA Exp. 250 watts LS), unlimited time.

##### Examiner's Report No. I-206:

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, daytime.

##### Examiner's Report No. I-209:

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., 1270 kc., 1 KW, shares with WASH. Present assignment: 1270 kc., 500 watts, shares with WASH.

WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., 1270 kc., 1 KW, shares with WOOD. Present assignment: 1270 kc., 500 watts, shares with WOOD.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of license, 1270 kc., 1 KW, unlimited time. Present assignment: 1270 kc., 500 watts, unlimited time.

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Robert Raymond McCulla, Oak Park, Ill.—C. P., 1500 kc., 100 watts, unlimited time.

Friday, June 5

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Southwest Broadcasting Co., Prescott, Ariz.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

NEW—W. P. Stuart, Prescott, Ariz.—C. P., 1500 kc., 100 watts, unlimited time.

#### APPLICATIONS GRANTED

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted license covering C. P. authorizing changes in equipment.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted license to cover C. P. authorizing installation of auxiliary transmitter; 1370 kc., 100 watts night, 250 watts day.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 5 KW; 610 kc., 1 KW night.

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Granted license to cover C. P. authorizing erection of new station to operate on 1500 kc., 100 watts, unlimited time.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted consent to transfer control of New Jersey Broadcasting Corp. (licensee of Station WHOM), from Harry F. O'Mealia and the O'Mealia Outdoor Advertising Co., to Paul F. Harron and Joseph Lang; 1450 kc., 250 watts, unlimited time.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Granted modification of C. P. extending commencement date to 6-1-36 and completion date to 11-30-36.

- KLZ—KLZ Broadcasting Co., Inc., Denver, Colo.—Granted modification of C. P. to install new equipment, extend commencement date to 60 days after grant and completion date to 6 months thereafter.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted modification of C. P. to install new equipment, extend commencement date to 2 months after grant and completion date to 6 months thereafter.
- WCLO—Gazette Printing Co., Janesville, Wis.—Granted modification of C. P. approving antenna and transmitter site.
- WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted license to use old transmitter as auxiliary transmitter; 1390 kc., 1 KW night, 2½ KW day, unlimited time; 1 KW for emergency purposes only.
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted license to use old transmitter for auxiliary purposes only; 610 kc., 1 KW night, 5 KW day, unlimited time; 1 KW for auxiliary purposes.
- WCAO—Monumental Radio Co., Baltimore, Md.—Granted license to use old W. E. transmitter for auxiliary purposes only; 600 kc., 500 watts night, 1 KW day, auxiliary purposes (present assignment, 600 kc., 500 watts night, 1 KW day, unlimited).
- KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Granted modification of C. P. to make changes in equipment and approve transmitter and studio sites.
- WHIS—Daily Teleg. Printing Co., Bluefield, W. Va.—Granted license to cover C. P. authorizing installation of new equipment and move of transmitter; 1410 kc., 250 watts night, 500 watts day, unlimited time.
- WPRP—Julio M. Conesa, Ponce, P. R.—Granted license to cover C. P. authorizing erection of new station to operate on 1420 kc., 100 watts night, 250 watts day, specified hours.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted license to cover C. P. authorizing installation of new equipment; 1370 kc., 100 watts night, 250 watts day.
- WICC—The Southern Conn. Broadcasting Corp., Bridgeport, Conn.—Granted modification of license to change hours of operation from specified to unlimited and facilities of WCAC; 600 kc., 500 watts night, 1 KW day, specified hours (all hours not used by WCAC).
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted C. P. to make changes in equipment.
- KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted C. P. to make changes in equipment and install 2,600-ft. concentric transmission line.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of C. P. to extend completion date from 5-30-36 to 11-30-36.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted license to cover C. P. authorizing move of transmitter locally; installing new antenna and equipment; increase day power from 1 to 5 KW; also granted authority to determine operating power by direct measurement of antenna input.
- KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Granted authority to determine operating power by direct measurement of antenna input.
- WPTF—WPTF Radio Company, Raleigh, N. C.—Same as above (for auxiliary equipment, 1 KW).
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted authority to install automatic frequency control equipment.
- WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted authority to install automatic frequency control.
- KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Granted authority to install automatic frequency control.
- WTAG—Worcester Telegram Pub. Co., Inc., Worcester, Mass.—Granted license for auxiliary transmitter; 580 kc., 500 watts, emergency purposes only.
- KVOL—George H. Thomas, Robert M. Dean, Louis M. Sepaugh, T. B. Lanford, a partnership, d/b as Evangeline Broadcasting Co., Lafayette, La.—Granted voluntary assignment of license of station KVOL from George H. Thomas, Robert M. Dean, Louis M. Sepaugh, T. B. Lanford, a partnership trading as Evangeline Broadcasting Co., licensee, to Evangeline Broadcasting Co., Inc.
- NEW—WGCM, Inc., Portable-Mobile (temp. b/c pickup).—Granted C. P. for new broadcast pickup station in the temporary emergency service; frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.
- NEW—Memphis Commercial Appeal, Inc., Portable-Mobile (temp. b/c pickup).—Granted C. P. for new broadcast pickup station in the temporary service; frequencies 1606, 2020, 2102 and 2760 kc., 35 watts.
- NEW—Central States Broadcasting Co., Portable (temp. b/c pickup).—Granted C. P. for new broadcast pickup station in the temporary service; frequencies 1606, 2020, 2102 and 2760 kc., 30 watts.
- NEW—WHBY, Inc., Portable-Mobile (exp. gen. exp.), 2 applications.—Granted C. P. for new general experimental station to be used as broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.
- NEW—WJR, The Goodwill Station, Portable-Mobile.—Granted C. P. for new general experimental broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 40 watts.
- W9XHW—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Granted license to cover C. P. for general experimental broadcast station; frequencies 31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above, 50 watts.
- W10XGA—Miami Valley Broadcasting Corp., Portable-Mobile.—Granted license to cover C. P. for general experimental broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 2.5 watts.
- W3XEN—Havens & Martin, Inc., Portable-Mobile.—Granted license to cover C. P. for general experimental broadcast pickup station; frequencies 31100, 34600, 37600 and 40600 kc., 40 watts.
- W2XR—John V. L. Hogan, d/b as The Scientific Broadcasting Service, Long Island City, N. Y.—Granted consent to voluntary assignment of license to Interstate Broadcasting Co., Inc.

#### SET FOR HEARING

- NEW—KLA, Inc., La Grande, Ore.—Application for C. P. for new station; 1100 kc., 250 watts, daytime.
- NEW—John S. Allen and G. W. Covington, Jr., Exchange Hotel Bldg., Montgomery, Ala.—Application for C. P. for new station; 1210 kc., 100 watts, daytime.
- NEW—Fred J. Hart, Honolulu, T. H.—Application for C. P. for new station; 600 kc., 250 watts, unlimited time, site to be determined.
- NEW—Bayou Broadcasting Co., Houston, Tex.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time.
- NEW—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time, site to be determined.
- NEW—Thomas L. Evans and J. L. Milligan, Jefferson City, Mo.—Application for C. P. for new station; 920 kc., 500 watts, daytime, site to be determined.
- NEW—Harold M. Finlay and Mrs. Eloise Finlay, La Grande, Ore.—Application for C. P. for new station; 1500 kc., 100 watts, daytime, site to be determined.
- NEW—H. Wimpy, Albany, Ga.—Application for C. P. for new station; 1420 kc., 100 watts night, 250 watts day, unlimited time, site to be determined.
- NEW—Eau Claire Broadcasting Co., Eau Claire, Wis.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time, site to be determined.
- KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—C. P., already in hearing docket, amended to read: Make changes in equipment, move transmitter to site to be determined, change frequency from 1280 kc. to 950 kc., increase day power from 2½ KW to 5 KW.
- KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license application, already in hearing docket, amended to read: Change operating time from sharing with KFUD to unlimited time. Requests facilities of KFUD.
- NEW—Ed Klies, Helena, Mont.—C. P. (amended), 1280 kc., 1 KW night, 5 KW day, unlimited, site to be determined.
- WHBC—Edward P. Graham, Canton, Ohio.—Consent to voluntary assignment of license and C. P. to Ohio Broadcasting Co.
- WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Consent to transfer of control of corporation from Fred C. Zieg, C. R. Durbin and J. A. Beckers to Westinghouse Electric & Mfg. Co.
- NEW—Cacha Valley Broadcasting Co., Logan, Utah.—C. P. amended to read: 1200 kc., 100 watts, unlimited time.
- WGN—WGN, Inc., Chicago, Ill.—C. P. to install new equipment and antenna, increase power from 50 KW to 500 KW; site

to be determined. To be heard before the Broadcast Division.

**KTRH**—KTRH Broadcasting Co., Houston, Tex.—Application for modification of license to increase night power from 1 to 5 KW. (Present assignment, 1290 kc., 1 KW night, 5 KW day, unlimited time.) To be heard before the Broadcast Division.

**WDOD**—WDOD Broadcasting Corp., Chattanooga, Tenn.—Application for modification of license to increase night power from 1 to 5 KW. (Present assignment, 1280 kc., 1 KW night, 5 KW day, unlimited time.) To be heard before the Broadcast Division.

**WCRW**—Clinton R. White, Chicago, Ill.—Renewal of license, 1210 kc., 100 watts, specified hours. Temporary license granted subject to whatever action may be taken on renewal application.

**KICA**—Western Broadcasters, Inc., Clovis, N. Mex.—Application for modification of license to change hours of operation from specified hours to unlimited time.

**KVOE**—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Application for renewal of license; 1500 kc., 100 watts, unlimited time.

**NEW**—The Tribune, Great Falls, Mont.—C. P., already in hearing docket, amended to read: 950 kc., 1 KW night, 5 KW day, unlimited, site to be determined.

**NEW**—C. E. Wilkinson Broadcasting Co., Inc., Mason City, Iowa.—C. P., already in hearing docket, amended to read: 1210 kc., 100 watts, unlimited time, site to be determined.

**WSBT**—The South Bend Tribune, South Bend, Ind.—C. P., already in hearing docket, amended to read: Make changes in equipment; install directional antenna for nighttime operation; change frequency from 1360 kc. to 1010 kc.; increase power from 500 watts, sharing with WGES to 1 KW, unlimited time; move transmitter and approval of proposed transmitter site at 4 miles southeast of center of South Bend on So. Jackson Rd., ¼ mile east of Miami Highway.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFJB, Marshalltown, Iowa; KFXD, Nampa, Idaho; KIUJ, Santa Fe, N. Mex.; KMLB, Monroe, La.; KWTN, Watertown, S. Dak.; WAIM, Anderson, S. C.; WCMI, Ashland, Ky.; WCOL, Columbus, Ohio; WDAH, El Paso, Tex.; WEBR and auxiliary, Buffalo, N. Y.; WEDC, Chicago; WFBG, Altoona, Pa.; WGCM, Mississippi City, Miss.; WHBF, Rock Island, Ill.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WJBW, New Orleans; WKOK, Sunbury, Pa.; WMBG, Richmond, Va., and auxiliary; WMFF, Plattsburg, N. Y.; WNBH, New Bedford, Mass.; WRAW, Reading, Pa.; WROL, Knoxville, Tenn.; WSJS, Winston-Salem, N. C.; WTEL, Philadelphia, Pa.; WTRC, Elkhart, Ind.

**W1XBS**—American-Republican, Inc., Prospect Township, Conn.—Granted renewal of experimental broadcast station license for the period June 1, 1936, to December 1, 1936, in exact conformity with existing license.

**W2XR**—John V. L. Hogan, d/b as the Scientific Broadcasting Service, Long Island City, N. Y.—Granted renewal of experimental broadcast station license for the period June 1, 1936, to December 1, 1936, in exact conformity with existing license.

**W9XBY**—First National Television, Inc., Kansas City, Mo.—Granted renewal of experimental broadcast station license for the period June 1, 1936, to December 1, 1936, in exact conformity with existing license.

**W6XAI**—Pioneer Mercantile Co., Bakersfield, Calif.—Granted renewal of experimental broadcast station license for the period June 1 to December 1, 1936, in exact conformity with existing license.

### MISCELLANEOUS

**NEW**—Lookout Broadcasting Corp., Chattanooga, Tenn.—Granted postponement of hearing scheduled for May 20, 1936, to consider application for C. P. for new station to operate on 1420 kc., with 100 watts daytime.

**WCAE**—Pittsburgh Publishing Co., Pittsburgh, Pa.—Reconsidered renewal of license effective April 1, 1936, authorizing operation on 1220 kc., 1 KW night, 5 KW day, full time, with the use of the transmitter and antenna system described in license, because of protest of WREN, Tonganoxie, Kans. Authorized temporary continuance of use of facilities pend-

ing hearing and decision on application for regular renewal of license.

**WPAX**—H. Wimpy, Thomasville, Ga.—Retired to the closed files application for C. P. to make changes in equipment, increase power, and move transmitter, since applicant has failed to comply with requirements of Commission's letters.

### APPLICATIONS DISMISSED

The following stations, heretofore set for hearing, were dismissed at request of applicants:

**NEW**—Northern Broadcasting Corp., Watertown, N. Y.—Applied for C. P., 1270 kc., 250 watts, daytime.

**NEW**—Ben L. Taylor, Phil B. Whitaker and Mrs. Phil B. Whitaker, Chattanooga, Tenn.—Applied for C. P., 1200 kc., 100 watts, daytime.

**KFEQ**—KFEQ, Inc., St. Joseph, Mo.—Applied for C. P., 680 kc., 5 KW, daytime.

**KOOS**—Pacific Radio Corp., Marshfield, Ore.—Applied for modification of license, 1390 kc., 250 watts, unlimited time.

**KWBG**—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Applied for C. P., 1120 kc., 1 KW, unlimited.

**NEW**—Evans Broadcasting Co., Kansas City, Mo.—Applied for C. P., 1370 kc., 100 watts, unlimited time.

**NEW**—Southland Broadcasting Corp., Chattanooga, Tenn.—Applied for C. P., 1200 kc., 100 watts, daytime.

### ORAL ARGUMENTS

**NEW**—Ex. Rep. 1-217: C. G. Hill, Geo. D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Oral argument to be held September 17, 1936.

**NEW**—Ex. Rep. 1-218: Central Broadcasting Co., Eau Claire, Wis.—Oral argument to be held September 17, 1936.

**NEW**—Ex. Rep. 1-220: A Staneart Graham, E. B. Baxter, and Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—Oral argument to be held September 17, 1936.

### APPROVED MODULATION MONITOR

The Commission approved the following Modulation Monitor for use in broadcast stations to comply with Rule 139 and assigned approval number as given below:

<i>Manufacturer's Name</i>	<i>Type</i>	<i>Approval No.</i>
RCA Mfg. Company	Type 66-B	1553

### APPLICATION DENIED

**Evening Herald Pub. Co., Los Angeles, Calif.**—Denied special authority to operate unlimited time pending the filing of and action on application for license to cover C. P.

### APPLICATIONS RECEIVED

#### First Zone

**WTAG**—Worcester Telegram Publishing Co., Worcester, Mass.—580 Construction permit to install directional antenna, move transmitter from 20 Franklin Street, Worcester, Mass., to Shrewsbury St., Holden, Mass., and increase power from 500 watts to 1 KW.

**WEEI**—The Edison Electric Illuminating Co. of Boston, Boston, Mass.—590 Voluntary assignment of license from The Edison Electric Illuminating Co. of Boston to WEEI Broadcasting Corp.

**NEW**—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—630 Construction permit for a new station to be operated on 630 kc., 250 watts, 500 watts day, unlimited time. Requests facilities of Station WMAL.

**WNAC**—Shepard Broadcasting Service, Inc., Boston, Mass.—1230 Modification of construction permit (B1-P-1083) for increase in power from 1 KW, 5 KW day, to 5 KW day and night, and changes in antenna. Directional antenna night.

**KHBC**—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—1400 License to cover construction permit (B-P-552) as modified for a new station.

**WCNW**—Arthur Faske, Brooklyn, N. Y.—1500 Construction permit to make changes in antenna and move transmitter from 1525 Pitkin Avenue, Brooklyn, N. Y., to 195 Varick Avenue, Brooklyn, N. Y.

**NEW**—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 100 watts.

- NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.
- W1XEQ—E. Anthony & Sons, Inc., Fairhaven, Mass.—License to cover construction permit for a new general experimental station.
- NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new general experimental station to be operated on 25700, 26000, 27100 31100, 31600, 34600, 35600, 37600,\* 40600, 41000 kc., 100 watts. \*(also 38600 kc.).
- NEW—National Broadcasting Co., Inc., New York, N. Y.—License to cover frequencies 31100, 34600, 37600, 40600 kc., 100 watts.
- NEW—National Broadcasting Co., Inc., New York, N. Y.—License to cover 25700, 26000, 27100, 31600, 35600, 38600, 41000 kc., 100 watts.
- NEW—The WATR Company, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.
- W2XKI—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit for a new special experimental station.

### Second Zone

- NEW—Valley Broadcasting Co., Youngstown, Ohio.—Construction permit for a new station to be operated on 780 kc., 1 KW, unlimited time.
- WHAS—The Courier-Journal Co. and The Louisville Times Co., 820 Louisville, Ky.—Special experimental authorization to install new equipment, increase power from 50 KW to 500 KW, and move transmitter from Rural Route No. 1, near Jeffersontown, Ky., to site to be determined, Oldham County, Kentucky, for period to 8-1-36.
- WHAS—The Courier-Journal Co. and The Louisville Times Co., 820 Louisville, Ky.—Construction permit to install a vertical antenna and move transmitter from Rural Route No. 1, near Jeffersontown, Ky., to site to be determined, Oldham County, Kentucky.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—License to cover construction permit (B2-P-264) for new equipment and increase in power.
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of construction permit (B2-P-506) for new equipment, increase in power, and move of transmitter, requesting changes in equipment and extend commencement and completion dates.
- WCOL—WCOL, Inc., Columbus, Ohio.—Construction permit to 1210 make changes in equipment.
- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.
- NEW—L. Martin Courtney, Toledo, Ohio.—Construction permit 1420 for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended to make changes in equipment.
- NEW—John E. Fetzer, Benton Harbor, Mich.—Construction permit 1500 for a new station to be operated on 1500 kc., 250 watts, daytime. Amended to request 100 watts, 250 watts daytime, unlimited time, contingent upon the granting of WKBZ's application for 1200 kc.
- W8XHU—Pittsburgh Radio Supply House, Portable-Mobile.—License to cover construction permit for a new general experimental station.
- NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.
- NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 86000-400000 kc., 2 watts.
- NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 86000-400000 kc., 40 watts.
- NEW—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—Construction permit for a new general experimental station to be operated on 31600 kc., 100 watts. Amended to read: 31600, 35600, 38600, 41000 kc., 100 watts.

### Third Zone

- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 Modification of construction permit (B3-P-621) for changes

in equipment and increase in power, requesting extension of completion date from 7-19-36 to 1-19-37.

- KFPL—C. C. Baxter, Dublin, Tex.—Modification of construction 1310 permit (B3-P-345) as modified to extend commencement and completion dates.
- W4XBS—Memphis Commercial Appeal, Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station.
- W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—License to cover construction permit for a general experimental station.

### Fourth Zone

- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—License 1210 to cover construction permit (B4-P-438) for changes in equipment and increase in power.
- WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Construction permit to install new antenna, move studio from R. F. D. No. 1, E. Dubuque, Ill., to Hotel Julien, Dubuque, Iowa, and transmitter from same address to site to be determined, Julien Township, Iowa.
- NEW—William Six, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above, 15 watts.
- NEW—Frank O. Knoll and Julian F. McCutchan, St. Cloud, Minn.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

### Fifth Zone

- KIRO—Queen City Broadcasting Co., Seattle, Wash.—License to 650 cover construction permit (B5-P-766) for changes in equipment and to move transmitter and studio.
- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of license to change frequency from 950 kc. to 630 950 kc., power from 250 watts daytime to 250 watts day and night, and hours of operation from daytime to unlimited time. Amended to change requested frequency from 630 kc. to 1260 kc.
- KRSC—Radio Sales Corp., Seattle, Wash.—Construction permit 1120 to install new equipment.
- KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Modification of construction permit (B5-P-546) to make changes 1200 in equipment, for approval of transmitter and studio sites at 2½ miles south of city (Bonny View Tract), Redding, Calif., and for approval of antenna system.
- KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Construction 1200 permit to install new equipment, change frequency from 1200 kc. to 1170 kc., power from 100 watts to 250 watts, 500 watts day.
- NEW—Cache Valley Broadcasting Co., Logan, Utah.—Construction 1200 permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change frequency from 1370 kc. to 1200 kc.
- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Oregon.—License 1210 to cover construction permit (B5-P-1010) to make changes in equipment.
- KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Construction 1280 permit to install a new transmitter, erect a new antenna, and move transmitter from 5 miles south of town on 13th Street, Great Falls, Mont., to near Great Falls, Mont.
- KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modification of construction permit (B5-P-559) giving exact transmitter 1320 site as Yellowstone Highway, near Idaho Falls, Idaho, and install vertical antenna. Amended to change transmitter site from Yellowstone Highway, near Idaho Falls, Idaho, to near Idaho Falls, Idaho.
- NEW—J. D. Keating, Harvey Wells, L. J. Keating, Joe M. Meyer and L. C. Keating, d/h as Vancouver Broadcasting Co., Vancouver, Wash.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.
- NEW—W. P. Stuart, Prescott, Ariz.—Construction permit for a 1500 new station to be operated on 1500 kc., 100 watts, unlimited time, facilities of KPJM. Amended: Transmitter site and antenna to be determined.
- NEW—Standard Radio, Inc., Hollywood, Calif.—Authority to transmit electrical transcriptions to foreign countries (CKAC, Montreal, Quebec; CHNS, Halifax, N. S.; CFRN, Edmonton, Alberta, Canada; CKPC, Brantford, Ont., Canada; and other Canadian stations.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### FCC PROMULGATES NEW RULES

The Federal Communications Commission has promulgated general rules and regulations applicable to relay broadcast, international broadcast, visual broadcast, high frequency broadcast, and experimental broadcast stations, effective July 1.

In connection with these new regulations the Commission issued the following statement:

The Broadcast Division on May 21, promulgated new rules and regulations concerning all broadcast stations except regular broadcast stations in the band 550 to 1500 kilocycles. These broadcast stations are as follows:

- Relay broadcast stations (formerly broadcast pickup stations).
- International broadcast stations (formerly experimental relay stations).
- Visual broadcast stations, including television and facsimile.
- High-frequency broadcast stations (formerly general experimental stations authorized to operate as broadcast stations).
- Experimental broadcast stations.
- Special broadcast stations (formerly experimental broadcast stations on the frequencies of 1530, 1550 and 1570 kilocycles).

These new rules provide certain new restrictions and principles of operation that are fully set out in the attached copy of the new rules. All outstanding rules concerning these stations which are in conflict with the new rules are automatically cancelled.

The name "relay" broadcast station now applies to stations which were formerly called broadcast pickup stations. The new name "relay" is considered more in keeping with the actual service rendered by these stations. In the future these stations will be licensed only to the holders of regular broadcast station licenses. Two groups of frequencies are provided, one in the medium frequency band and the other in the very high frequency band. In both groups the licensees are required to notify the Commission two days before each operation for the purpose of relaying programs to be broadcast. Certain of the frequencies in the medium frequency band have been changed by two kilocycles to provide better frequency separation from other services. All licensees of these stations should read the new rules governing these stations carefully as certain other changes have been made.

The name "international" broadcast station now applies to those stations which were formerly called experimental relay stations. These stations are licensed for international service. There are certain new principles set out in the new rules that the licensees of these stations should study carefully.

The frequency bands 2000 to 2100 kilocycles and 2750 to 2850 kilocycles have been dropped for the television service. Experience to date has shown that a satisfactory picture in keeping with the development of the art cannot be transmitted successfully in these narrow bands. The stations now assigned these frequencies which are carrying on active programs of research and experimentation will be assigned specific frequencies in the bands 42,000 to 56,000 kilocycles and 60,000 to 86,000 kilocycles. One license will authorize both the visual and aural broadcast. There are certain other principles of operation involved in the new rules which the licensees of these stations should study carefully.

High-frequency broadcast stations are required to carry on active programs of research to hold a license. Licensees not carrying on this active program cannot be considered as making proper usage

of the assignment and full consideration will be given at the time of the renewal of license.

Experimental broadcast stations are provided for specific experimentation along lines other than those prescribed by other broadcast rules. Certain frequencies throughout the entire useful radio spectrum are made available for this purpose by Rule 229 as modified.

The name "special broadcast station" applies to stations formerly named "experimental" stations licensed to operate on the frequencies of 1530, 1550, and 1570 kilocycles. The new rules provide that all rules that apply to regular broadcast stations (Rules 69 to 181, inclusive) shall apply to special broadcast stations. This means that these stations must have frequency monitors, modulation monitors, protected equipment, etc.

It will be necessary to modify several of the outstanding licenses to comply with the new frequency allocation as provided in Rule 229 as modified by the Commission on May 13, 1936. The Broadcast Division's new rules as discussed above provide an allocation in compliance with the frequencies made available by the action of the Commission. A careful comparison should be made between your existing licenses with respect to the frequencies and class of broadcast service and that provided in the new rules and regulations. It may be necessary to change either or both.

So that these requirements may be discussed thoroughly and understood, an informal engineering conference is scheduled for June 8, 1936, at which all licensees affected should be represented, or should supply information to the Broadcast Division of the Commission as to the new frequencies that they desire in keeping with the new rules. All licensees of television broadcast stations should especially be present so that a definite assignment of a visual and aural frequency can be made in either the 42,000-56,000 kilocycle band or the 60,000-86,000 kilocycle band. If the licensees are not present so that an agreeable change of frequency can be effected, the Commission will, on July 1, 1936, issue a modified license specifying the frequency that it deems best in keeping with public interest, convenience and necessity, as provided in Rule 229 as modified.

The rules themselves are as follows:

"These Rules and Regulations are effective July 1, 1936.

*General Rules and Regulations Applicable to Relay Broadcast, International Broadcast, Visual Broadcast, High Frequency Broadcast, and Experimental Broadcast Stations.*

980. The operating frequency of the broadcast stations as listed in Table I shall be maintained within plus or minus the percentage of the assigned frequency as given in Table I.

Station	Tolerance
Relay Broadcast	
(a) 1622 to 2830 kc.	0.04%
(b) 31,100 to 40,600	0.05%
International Broadcast	0.01%
Visual Broadcast	
(a) Television	0.05%
(b) Facsimile	0.05% or less as required
High Frequency Broadcast	0.01%
Experimental Broadcast	0.05% or less as required

## FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

981. (a) The licensee of each broadcast station listed in Rule 980, except relay broadcast stations, shall operate at the transmitter a frequency monitor independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice and shall have an accuracy sufficient to determine that the operating frequency is within the allowed tolerance.

(c) The licensee of each relay broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance.

(d) The frequency of all stations listed in Rule 980 shall be checked at each time of beginning operation and as often thereafter as necessary to maintain the frequency within the allowed tolerance.

982. (a) Licenses for the following classes of broadcast stations will be normally issued for a period of one year expiring as follows:

<i>Class of Station</i>	<i>Date of Expiration</i>
Relay Broadcast	
(a) 1622 to 2830 kc.	October 1
(b) 31,100 to 40,600 kc.	November 1
International Broadcast	December 1
Visual Broadcast	
(a) Television	February 1
(b) Facsimile	March 1
High Frequency Broadcast	April 1
Experimental Broadcast	May 1

(b) Each licensee shall submit the application for renewal of license at least 60 days prior to the expiration date (Rule 103.15).

(c) A supplemental report shall be submitted with each application for renewal of license of a station operating on frequencies allocated on an experimental basis in accordance with the regulations governing each class of station.

983. (a) No frequency allocated on an experimental basis to broadcast stations listed in Rule 980 will be assigned exclusively to any licensee. In case interference will be caused by simultaneous operation, licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

(b) The Commission may from time to time require the licensee of a station assigned frequencies on an experimental basis to conduct experiments that are deemed desirable and reasonable for the development of the service.

(c) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license on the experimental frequencies shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(d) A licensee of a station assigned a frequency or frequencies on an experimental basis is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation or transmission of programs, provided, however, licensees of experimental broadcast stations which are licensed to conduct special intermittent experiments, such as to develop and test commercial broadcast equipment, are required to operate only when there is a need therefor.

(e) A supplementary statement shall be filed with and made a part of each application for construction permit for a broadcast station which requests any frequency above 30,000 kilocycles, confirming the applicant's understanding:

1. That all operation upon these frequencies is on an experimental basis.
2. That these frequencies may not be the best suited to the particular service assigned.
3. That they may not be allocated eventually for such service.

984. (a) The licensee of each class of broadcast station listed in Rule 980 shall maintain adequate records of the operation, including:

1. Hours of operation.
2. Program transmitted.
3. Frequency check.
4. Pertinent remarks concerning transmission.
5. Research and experimentation conducted.
6. And any additional information specified in the regulations governing each class of station or for completing the supplemental report as required.

(b) The above information shall be made available upon request by authorized Commission representatives.

985. The licensee of each class of broadcast station listed in Rule 980 may make any changes in the equipment that are deemed desirable or necessary, provided:

1. That the operating frequency is not permitted to deviate more than the allowed tolerance.
2. That the fidelity of transmission is not impaired.
3. And that the power output complies with the regulations governing the same.

986. All classes of broadcast licenses authorize A<sub>3</sub>, A<sub>4</sub> and/or special emission. In case A<sub>1</sub>, or A<sub>2</sub> emission, or both, is necessary or helpful in carrying on any phases of experimentation, application setting out fully the needs should be made to, and authority therefor received from, the Commission.

987. In case all the general rules and regulations and the specific rules governing each class of broadcast station do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as deemed necessary for operation in the public interest, convenience, and/or necessity.

## RELAY BROADCAST STATIONS

1000. The term "relay broadcast station" means a station licensed to transmit over short distances where wire facilities are not available, programs or orders concerning such programs for broadcast by one or more regular broadcast stations in the band 550 to 1600 kilocycles.

1001. (a) A license for a relay broadcast station will be issued only to the licensee of a regular broadcast station; provided, however, in cases where it is impractical, impossible, or prohibited by laws or regulations for the licensee of a regular broadcast station to install, operate or maintain the necessary equipment under its legal control, the Commission may grant special temporary authority for each event to other persons to operate as a relay broadcast station equipment already licensed for another service, or equipment which may be installed under Section 319(b) of the Communications Act of 1934 without a construction permit.

(b) The licensee of a relay broadcast station is authorized to transmit commercial or sustaining programs and orders concerning such programs to its regular broadcast station and other broadcast stations transmitting the same program simultaneously, but is not authorized to transmit programs to be broadcast solely by other regular broadcast stations.

(c) Each application for temporary authority to operate a relay broadcast station from a person other than a licensee of a regular broadcast station shall be accompanied by an application for authority to broadcast the program from the licensee of the regular broadcast station proposing the broadcast.

(d) An application for special temporary authority to operate another class of station as a relay broadcast station shall specify a group of frequencies allocated in Rule 1003; provided, however, in case of events of national interest and importance which cannot be transmitted successfully to the nearest available wire facilities on these frequencies, other frequencies under the jurisdiction of the Commission may be requested, if it is shown that the operation thereon will not cause interference to established stations; and, provided further, that in no case will the Commission authorize the use of the international broadcast frequencies for this purpose.

(c) An application for special temporary authority to operate on frequencies not allocated by Rule 1003 or to operate another class of station as a relay broadcast station must be received by the Commission not less than ten days prior to the actual event to be broadcast, and shall contain complete information concerning the frequencies requested, the license of the station to be used, and the information specified in Rule 1002 (b), (1) (2) (3) (4). In case of emergencies, which shall be fully explained in the application, the Commission may waive the ten-day requirement specified herein.

1002. (a) The license of a relay broadcast station does not authorize operation except as provided in subsections (b), (c) and (d) of this Rule.

(b) An application which may be submitted either by letter or telegram, for authority to operate temporarily a relay broadcast station for each event or series of associated events to be broadcast, must be received at least two days before the first proposed operation, and shall include:

1. A statement as to the period of use desired.
2. Identification and succinct description of the event proposed to be broadcast.
3. A statement concerning the availability of wire facilities.
4. Location of the program transmitter and receiver.

(c) Relay broadcast stations licensed on the experimental frequencies allocated in Rule 1003 (c) may be operated at any time for experimental purposes without notice to the Commission if no interference results to established stations and the program transmitted is not rebroadcast.

(d) In case of events occurring about which the licensee had no means of obtaining information two days in advance, such as earthquakes, aeroplane accidents, fires, etc., the application to and authority from the Commission as required in subsection (b) of this rule will be waived, provided the Commission is advised by telegram sent before the broadcast as to the details of the events and the expected duration of the broadcast.

1003. (a) The following groups of frequencies are allocated for assignment to relay broadcast stations:

<i>Group A</i>	<i>Group B</i>	<i>Group C</i>
1622 kc.	1606 kc.	1646 kc.
2058	2022	2090
2150	2102	2190
2790	2758	2830

(b) One group including four frequencies will be assigned each station. The first application from any metropolitan area shall specify group A, the second group B, and the third group C, the fourth group A again, etc. Outstanding assignments not following this order will not be changed unless a need therefor develops. Additional applications shall specify the next unassigned group in sequence or any other group if it appears interference will be avoided thereby.

(c) The following groups of frequencies are allocated for relay broadcast stations on an experimental basis and may be changed without prior notice or hearing (experimental frequencies):

<i>Group D</i>	<i>Group E</i>
31,100 kc.	Any four frequencies above
34,600	86,000 kc. except in band
37,600	400,000 to 401,000 kc.
40,600	

(d) All four frequencies in Group D will be assigned each station. Applicants may request any four specific frequencies under Group E which appear most suitable for the experimental work to be conducted. The licensee of a station on Group D or E shall carry on research and experimentation for the advancement of relay broadcast art and development of these very high frequencies for relay broadcast services.

(e) Applications for authority to construct a station for operation on the experimental frequencies shall include a statement concerning the research and experiments to be conducted. The research and experiments shall indicate reasonable promise of substantial contribution to the development of the program relay services.

(f) A license authorizes operation on only one of the four assigned frequencies at any one time. In case it is desired to transmit programs and spoken orders concerning such programs simultaneously, two licenses are required though each will specify the same group of frequencies.

1004. In case two or more stations are licensed for the same group of frequencies in the same area and have been authorized to operate under Rule 1002 (b), the licensees shall endeavor to select frequencies to avoid interference. If a mutual agreement to this effect cannot be reached, the Commission shall be notified and it will specify the frequencies on which each station is to be operated.

1005. A relay broadcast station shall be operated with a power output not in excess of that necessary to transmit the program and orders satisfactorily to the receivers, and in no event greater than the licensed power.

1006. The licensee of a relay broadcast station assigned the experimental frequencies under Rule 1003 (c) shall submit a supplemental report with and made a part of each application for renewal of license as follows:

1. Number of hours operated for experimental purposes.
2. Developments in the relay broadcast service.
3. Propagation characteristics of the frequencies assigned with regard to relay broadcast service.
4. All developments or major changes in equipment.
5. Any other pertinent developments.

## INTERNATIONAL BROADCAST STATIONS

1010. The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. Frequencies for these stations are allocated from bands assigned (between 6,000 and 26,600 kilocycles

for broadcasting by Article 7, General Radio Regulations, annexed to the International Telecommunication Convention, Madrid, 1932.

1011. A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of the international broadcast service.
2. That the station will render an international broadcast service.
3. That the program production and experimentation will be conducted by qualified persons.
4. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
5. That the public interest, convenience and necessity will be served through the operation of the proposed station.

1012. (a) Licensees of international broadcast stations shall not broadcast programs for which they receive directly or indirectly any form of compensation but may transmit the programs of regular broadcast stations, including commercial stations, if the call letters when identifying both stations are given on their respective assigned frequencies only and the statement is made over the international broadcast station that the regular program of a broadcast station (identify by call letters) is being broadcast. In case of the rebroadcast of the program of any broadcast station, Rule 177 applies.

(b) No additional charge, direct or indirect, shall be made by the broadcast licensee for simultaneous transmissions by the international broadcast station and commercial accounts shall not be solicited by licensees of broadcast stations or by others upon representation that the program will also be transmitted by the international broadcast station.

(c) Programs of regular broadcast stations shall be transmitted only when they are of special international service or when programs for international service are not available.

(d) Station identification and program announcements shall be made with international significance suited for the foreign nation or nations for which the service is intended or in which the reception is believed to be best on account of the frequency, season and hour of operation.

1013. (a) The following groups of frequencies are allocated for assignment to international broadcast stations on an experimental basis:

<i>Group A</i>	<i>Group B</i>	<i>Group C</i>	<i>Group D</i>
6020 kc.	9510 kc.	11,710 kc.	15,110 kc.
6040	9530	11,750	15,150
6060	9570	11,770	15,170
6080	9590	11,790	15,190
6100		11,810	15,210
6140		11,830	15,230
		11,850	
		11,870	
		11,890	

<i>Group E</i>	<i>Group F</i>	<i>Group G</i>	<i>Group H</i>
15,250 kc.	17,760 kc.	21,460 kc.	25,625 kc.
15,270	17,780	21,480	25,650
15,290	17,800	21,520	25,675
15,310		21,540	25,725
15,330			25,750
			25,800
			25,825
			25,850
			25,875

(b) A separate license and call letters will be issued for each frequency except where frequencies in two or more groups are required to maintain a particular international broadcast service to certain foreign country or countries, one frequency from each of the groups required will be authorized by one license and call letters. In such cases these frequencies shall be used consecutively during a day as required and they shall not be used simultaneously either on the same transmitter or different transmitters.

(c) Not more than one frequency in any such group in subsection (a) of this rule will be assigned to a licensee unless it is satisfactorily shown that different foreign countries will be served by means of directional antennas.

(d) An applicant shall select the frequency which it is believed is best suited to the experiments to be conducted, for reception in

the foreign country for which the service is intended, and for a minimum of interference to other international broadcast stations.

(e) Applicants shall file a separate application for each frequency or frequencies requested in different groups as provided in subsection (b) of this rule.

1014. (a) No international broadcast station will be licensed for a power output rating less than 5 kilowatts.

(b) While conducting apparatus experiments and in case adequate signal is delivered in the foreign country being served, the operating power output may be less than 5 kilowatts.

1015. A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

1. The number of hours operated on each frequency.
2. A list of programs transmitted of special international interest.
3. Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.
4. Research and experiments being carried on to improve transmission and to develop international broadcast and the frequencies assigned.
5. All developments or major changes in equipment.
6. Any other pertinent developments.

## VISUAL BROADCAST STATIONS

### Television and Facsimile Broadcast Stations

1030. The term "visual broadcast station" means a station carrying on the broadcasting of images for general public reception. There are two classes of visual broadcast stations, namely: television broadcast stations and facsimile broadcast stations.

1031. The term "television broadcast station" means a station licensed for the transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public. The transmission of the synchronized sound (aural broadcast) is considered an essential phase of television broadcasting and one license will be issued for both visual and aural broadcast as hereinafter set out.

1032. The term "facsimile broadcast station" means a station licensed to transmit images of still objects for record reception by the general public.

1033. Licenses for visual broadcast stations will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of the visual broadcast art.
2. That the program of research and experimentation will be conducted by qualified engineers.
3. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
4. That the public interest, convenience and/or necessity will be served through the operation of the proposed station.

1034. (a) Licensees of visual broadcast stations shall not transmit programs either aural, visual or record, for which they receive directly or indirectly, any form of compensation.

(b) In the case of experimental televising of the production of a commercial broadcast program, all commercial announcements not a part of the entertainment continuity shall be eliminated from the television broadcast except the mere statement of the name of the sponsor or product or the televising of the trade mark, symbol, slogan or product of the sponsor; provided, however, when the program transmission is incidental to the experiments being conducted and not featured and subject to interruptions as the experiments may require, the commercial announcements may be broadcast aurally.

(c) No additional charge, direct or indirect, shall be made by the licensee of a regular broadcast station for simultaneous transmission by a television broadcast station and commercial accounts shall not be solicited by licensees of regular broadcast stations or by others upon the representation that the program will also be transmitted by a television broadcast station.

(d) The synchronized sound (aural) program of a television broadcast station may be broadcast by a regular broadcast station provided:

1. That no announcements or references shall be made over the regular broadcast station regarding the operation of the television broadcast station, except the mere statement that the program being transmitted is the synchronized sound program of a television broadcast station (identify by call letters).
2. That the call letters when identifying the television broadcast station and the broadcast station shall be given on their respective assigned frequencies only.

1035. (a) The following groups of frequencies are allocated by bands for television broadcast stations on an experimental basis and may be changed without prior notice or hearing:

<i>Group A</i>	<i>Group B</i>	<i>Group C</i>
42,000 to 56,000 kc.	60,000 to 86,000 kc.	Any two adjacent frequencies above 110,000 kc. except in the band 400,000 to 401,000 kc.

(b) A license for a television broadcast station will authorize the use of two adjacent frequencies in any one group. The lower carrier frequency shall be for visual broadcast and the higher carrier frequency for the aural broadcast.

(c) A licensee will be granted only one station in each frequency group for operation in the same service area.

(d) An application may be made for two adjacent frequencies (one for the visual and the other for the aural carrier) in any frequency group. However, if it is desired to operate in more than one frequency group, it will be necessary to make separate applications, one for each.

(e) Applicants shall specify the band width required for the proposed transmission.

(f) Carrier frequencies shall be so selected that no emission from any cause will result outside the bands specified in subsection (a) of this rule.

(g) An applicant shall select the frequency which is believed suited for the experiments to be conducted and will cause the least or no interference to established stations.

1036. (a) No frequencies are specifically allocated for facsimile broadcast stations but an applicant may request any frequency specified in Rule 1073 which will cause the least or no interference to established stations.

(b) Each application shall specify the frequency or frequencies desired and the maximum modulating frequencies proposed to be employed.

(c) The operating frequency of a facsimile broadcast station shall be maintained in accordance with the frequency assignments as shown by Rule 980 provided, however, where a more strict adherence to the assigned frequency is necessary to prevent interference, the Commission will specify the tolerance.

(d) A facsimile broadcast station authorized to operate on frequencies regularly allocated to other stations or services shall be required to abide by all rules governing the stations regularly operating thereon, which are applicable to facsimile broadcast stations and are not in conflict with Rules 980 to 986, inclusive, and Rules 1030 to 1039, inclusive, excluding Rule 1035.

1037. The power output rating of a visual broadcast station shall not be in excess of that necessary to carry forward the program of research. The operating power may be maintained at the maximum rating or less, as the conditions of operation may require.

1038. A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

1. Number of hours operated for transmission of visual programs.
2. Comprehensive report of research and experimentation conducted.
3. Conclusions and program for further developments of the visual broadcast service.
4. All developments and major changes in equipment.
5. Any other pertinent developments.

## HIGH FREQUENCY BROADCAST STATIONS

1050. The term "high frequency broadcast station" means a station licensed on the very high frequencies for transmission of aural programs for general public reception. The frequencies for these stations are above 25,000 kilocycles and are allocated for this service on an experimental basis subject to change without notice or hearing.



1051. A license for a high frequency broadcast station will be issued only after a satisfactory showing has been made in regard to the following among others:

1. That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of very high frequency broadcasting.
2. That data will be taken on the ground wave propagation characteristics of these frequencies; on the shadows cast by buildings, hills, large bridges, etc.; on the noise level in different parts of the city; on the field intensity necessary to render good broadcast service; and on other allied phases of broadcast coverage.
3. That the research and experimentation will be conducted by qualified engineers.
4. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
5. That the public interest, convenience and necessity will be served through the operation of the proposed station.

1052. (a) Licensees of high frequency broadcast stations shall not broadcast programs for which they receive directly or indirectly any form of compensation but may transmit the programs of regular broadcast stations, including commercial programs, if the call letters when identifying the stations are given on their respective assigned frequencies only and the statement is made on the high frequency broadcast station that the program of a regular broadcast station (identify by call letters) is being broadcast. (In case of the rebroadcast of the program of a broadcast station, see Rule 177.)

(b) No additional charge, direct or indirect, shall be made by the broadcast licensee for simultaneous transmissions by the high frequency broadcast station nor shall commercial accounts be solicited by licensees of regular broadcast stations or others upon representation that the program will also be transmitted by a high frequency broadcast station.

1053. (a) The following groups of frequencies are allocated for high frequency broadcast stations on an experimental basis and may be changed without prior notice or hearing:

<i>Group A</i>	<i>Group B</i>	<i>Group C</i>	<i>Group D</i>
25,950 kc.	26,400 kc.	31,600 kc.	40,300 kc.
26,050	26,450	35,600	41,200
26,100	26,500	38,600	41,600
26,150	26,550	41,000	41,800

*Group E*

Any four frequencies above 86,000 kc., except in the band 400,000 to 401,000 kc.

(b) Frequencies in groups A and B will be assigned exclusively for amplitude modulation with a band width for high fidelity transmission (30 kilocycles maximum). Frequencies in groups C and E will be assigned for either amplitude modulation with the above band width of frequency modulation with a total band width not greater than 200 kilocycles. Frequencies in group D will be assigned exclusively for frequency modulation with a band width of not greater than 200 kilocycles.

(c) In groups A, B and D only one frequency from each group will be assigned a licensee for operation in the same service area. A separate license and call letters will be assigned for each frequency. In group C all four frequencies and in group D any four frequencies will be authorized by each license. A license authorizes operation on only one of the four assigned frequencies at any one time.

(d) An applicant shall file separate application for each frequency requested in groups A, B or D. Each application therefor shall specify all four frequencies in group C and any four frequencies in group E.

(e) An applicant shall select the frequency which it is believed is best suited for the experiments to be conducted and which will cause the least or no interference to established stations.

(f) A licensee operating on a frequency in groups A or B shall request reports concerning any reception outside the North American Continent during operation from 10 a. m. to 2 p. m. local standard time. The request for reports shall be made at the time of station identification and at least every thirty minutes.

1054. (a) No high frequency broadcast station will be licensed for an output power rating greater than 1000 watts unless the

applicant can show that greater power is needed to carry on a special program of research.

(b) While conducting apparatus experiments and in case adequate signal for reliable service can be delivered with less power, the operating output may be reduced accordingly.

1055. Each high frequency broadcast station transmitter shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.01 percent of the assigned frequency.

1056. A supplemental report shall be filed with each and made a part of the application for renewal of license and shall include statements of the following, among others:

1. The number of hours operated.
2. Data taken in compliance with Rule 1051 (2).
3. Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.
4. Research and experiments being carried on to improve transmission and to develop broadcasting on the very high frequencies.
5. All developments or major changes in equipment.
6. Any other pertinent developments.
7. Comprehensive summary of all reports received. See Rule 1053 (f).

### EXPERIMENTAL BROADCAST STATIONS

1070. The term "experimental broadcast station" means a station licensed to carry on development and research for the advancement of broadcast services along lines other than those prescribed by other broadcast rules.

1071. (a) Licenses for experimental broadcast stations will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and development which cannot be successfully carried on under any of the classes of broadcast stations already allocated.
2. That the program of research has reasonable promise of substantial contribution to the development of broadcasting.
3. That the program of research and experimentation will be conducted by qualified persons.
4. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
5. That the public interest, convenience and necessity will be served through the operation of the proposed station.

(b) A separate experimental broadcast station license will be issued for each development proposed to be carried forward. When it is desired to carry on several independent developments, it will be necessary to make a satisfactory showing and obtain a license for each.

1072. (a) A licensee of experimental broadcast stations shall broadcast programs only when they are necessary to the experiments being conducted. No regular, program service shall be broadcast unless specifically authorized by the license.

(b) A licensee of experimental broadcast stations shall not broadcast programs for which it receives, directly or indirectly, any form of compensation but may transmit the programs of regular broadcast stations, including commercial programs, if the call letters when identifying the stations are given on their respective assigned frequencies only and a statement is made on the experimental broadcast station that the program of a regular broadcast station (identify by call letters) is being broadcast in connection with the experimental work. (In case of the rebroadcast of the program of a broadcast station see Rule 177.)

1073. (a) The following frequencies are allocated for assignment to general experimental stations in services other than broadcast and for experimental broadcast stations:

	1,614	23,100
2,396	} 2,398	25,700
2,400		26,000
3,490	} 3,492.5	27,100
3,495		30,100
		31,100
		31,600

4,795	} 4,797.5	33,100
4,800		34,600
6,420	} 6,425	37,100
6,430		37,600
8,650	} 8,655	38,600
8,660		40,100
12,855	} 12,862.5	40,600
12,870		41,000
17,300	} 17,310	86,000 to 400,000
17,320		401,000 and above

(b) A license will be issued for more than one of these frequencies upon a satisfactory showing that there is need therefor.

(c) The frequencies suited to the purpose and in which there appears to be the least or no interference to established stations shall be selected.

(d) In cases of important experimentation which cannot be conducted successfully on the frequencies allocated in subsection (a) of this Rule, the Commission may authorize experimental broadcast stations to operate on any frequency allocated for broadcast stations or any frequencies allocated for other services under the jurisdiction of the Commission upon satisfactory showing that such frequencies can be used without causing interference to established services.

1074. (a) The operating frequency of an experimental broadcast station shall be maintained in accordance with the frequency tolerance as shown by Rule 980, provided, however, where a more strict adherence to the assigned frequency is necessary to prevent interference, the Commission will specify the tolerance.

(b) The power output rating of an experimental broadcast station will not be in excess of that necessary to carry on the program of research. The operating power may be maintained at the maximum rating or less, as the conditions of operation may require.

1075. A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following, among others:

1. The number of hours operated.
2. Comprehensive report on research and experiments conducted.
3. Conclusions and program for further development of the broadcast service.
4. All developments and major changes in equipment.
5. Any other pertinent developments.

1076. An experimental broadcast station authorized to operate on frequencies regularly allocated to other stations or services, shall be required to abide by all rules governing the stations operating regularly thereon which are applicable to experimental broadcast stations and are not in conflict with Rules 980 to 986 inclusive, and Rules 1070 to 1075 inclusive.

### SPECIAL BROADCAST STATIONS

970. (a) The following frequencies are allocated for assignment to special broadcast stations on an experimental basis: 1530, 1550 and 1570 kilocycles. Two or more stations may be licensed for simultaneous operation on each frequency.

(b) Licenses for special broadcast stations will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development and practical application of high fidelity broadcasting, and will be in addition to and advancement of the work done by regular broadcast stations.
2. That the program of research and experimentation includes a thorough study of advanced antenna design, field intensity surveys and plans for a comprehensive analysis of the response of listeners.
3. That the transmitter and all studios will be equipped so as to be capable of high fidelity transmission.
4. That the operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.
5. That the programs transmitted, either sponsored or sustaining, will not interfere with the proper prosecution of the program of research and experimentation.
6. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program of research and experimentation.
7. That the program of research and experimentation will be reasonably independent of the income derived from sponsored programs.
8. That the public interest, convenience and necessity will be served through the operation of the proposed station.

(c) The Commission may require from time to time a licensee of a special broadcast station to conduct experiments that are deemed desirable and reasonable for the development of the service.

(d) The program of research and experimentation as offered in compliance with the requirements of obtaining a license for a special broadcast station, shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The authorized power of a special broadcast station will not exceed 1 kilowatt. However, the licensee may operate at less than the authorized power where such operation facilitates experimentation.

(f) The licensee of a special broadcast station is not required to adhere to a regular schedule, but shall actively conduct a program of research and experimentation or transmission of programs.

(g) A supplemental report shall be filed with and made a part of each application for a renewal of license of a special broadcast station and shall include statements of the following in the order designated:

1. Comprehensive summary of all research and experimentation conducted.
2. Conclusions and outline of proposed program for further research and development.
3. Number of hours operated, including percentage of sponsored programs.
4. Fidelity characteristics of the equipment, including the transmitter, studio equipment and the telephone lines over which the programs are regularly carried from the studio to the transmitter and the methods used to determine such characteristics.

(h) All rules applying to regular broadcast stations shall apply equally to special broadcast stations, except where in conflict with any term of this rule.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### DAVIS AMENDMENT REPEALED

The House of Representatives on Monday repealed the Davis amendment as provided for in S. 2243 introduced by Senator Wheeler. The identical bill passed the Senate a short time ago and the bill now goes to the President for his signature. As the bill passed the House and as it will become law it reads as follows:

"Be it enacted, etc., That section 302 of the Communications Act of 1934 is hereby repealed.

"SEC. 2. Subsection (b) of section 307 of such act is amended to read as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

### TEXAS BROADCASTERS ORGANIZE

At a meeting held in Fort Worth, May 23, the Texas broadcasters formed a permanent organization, selecting T. Frank Smith, KXYZ, Houston, President; Ralph S. Bishop, KFJZ, Fort Worth, Vice President; James R. Curtis, KFRO, Long View, Secretary-Treasurer; and Hugh Half, WOAI, San Antonio; Dick Niles, KRGV, Weslaco; O. L. Taylor, KGNC, Amarillo; and Earl Yates, KGKL, San Angelo, Directors.

Almost every station in the State was represented at the meeting. James W. Baldwin, Managing Director, attended the meeting.

### NOTICE OF AMENDMENTS

June 4, 1936.

#### TO ALL MEMBERS:

In pursuance of the provisions contained in Article IX and By-Law 17 of the Constitution and By-Laws of the National Association of Broadcasters, Inc., notice is hereby given that certain amendments to the Constitution and By-Laws of the National Association of Broadcasters, Inc., as hereinafter described, will be presented for consideration at the annual membership meeting in Chicago, Illinois, July 6-8, 1936.

### NOTES FOR THE SALES STAFF

Radio broadcasting still continues to gain as compared to the corresponding periods of last year. (See Total Broadcast Advertising, page 1353.)

The marked growth in the use of electrical transcriptions is particularly to be noted. (See Non-network Volume by Type of Rendition, page 1354.)

Especially to be noted are the types of sponsors which are making the greatest use of transcriptions in the national and local fields. (See Non-network Volume by Type of Rendition, page 1354.)

Lagging local broadcast advertising volume should be a challenge to sales staffs. (See Total Broadcast Advertising, page 1353.)

The Board of Directors, at a formal meeting held on April 27, 1936, by unanimous agreement proposed the following amendment to the By-Laws of the National Association of Broadcasters, Inc.:  
By-Law No. 1.

Strike out all of the first paragraph and insert the following in lieu:

"Effective September 1, 1936, bi-monthly dues of active members shall be payable January 1, March 1, May 1, July 1, September 1, and November 1, on the following basis:"

E. B. Craney (KGIR, Butte, Montana), has proposed the following amendments to the Constitution of the National Association of Broadcasters, Inc.:

#### Article V, Section (b)

Strike out the period (.) after the word "years" in line 5 and insert the following:

" , provided, that one Director of each class shall be elected by and from the active members of each radio zone (as defined in the Communications Act of 1934), and provided further, that one of the Directors from each such zone shall be a member representing a local station."

#### Article V, Section (c)

Strike out the words "in addition to" and "such" in line 2.

Strike out all of lines 3 and 4.

Insert after the word "provided" in line 2 the following:

"and the active members of each zone shall elect such additional Directors as may be needed to fill the places of those from their respective zones whose terms expire on the date of such annual meeting."

#### Article VI

Insert after section (d) a new section as follows:

"(e) To more effectively carry out the objects set forth in this article of this Constitution and in order to more effectively preserve the present system of American broadcasting, it shall be the duty of the Directors of this Association to immediately put into effect and operation, upon such terms and conditions to the membership as may be necessary, a plan designed to make the facilities of all licensed broadcasting

## FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

stations in these United States available impartially to all bonafide non-profit organizations, or groups of like character. That such facilities shall be equally available on the stations operated by members of this Association in time units of 5% or such other and increased percentages or allotments of time as the membership may hereafter approve, provided, however, such allotments of time in excess of 5% shall not be used on any one member station until that amount has been used on all member stations. It is the intentment of this amendment that radio time should be thus given to only bona-fide groups or bodies of non-profit organizations or character including religious, fraternal, educational labor organizations, and such other organizations as the Directors shall hereafter define as being non-profit, who will furnish their own programs, defray all costs and expenses therefor, and conduct them under their own supervision and responsibility. It shall be the duty of the Directors of this Association to make such rules, regulations, and provisions as are necessary and proper to carry out the terms of this amendment, and they have power to create a special department of this organization for that purpose. All programs of non-profit organizations carried over national networks shall count as part of the said time and the member affiliated stations agree, by the passage of this amendment, and their membership agreements herein, to allot solely by the provisions of this amendment for the purpose herein."

#### **HALL & McCREARY COMPANY MUSIC**

The Hall and McCreary Company of Chicago, Illinois, have addressed to broadcasting stations a form letter with reference to musical selections contained in their catalog and which permits the stations to use such music with the understanding that the station shall purchase a certain amount of their music.

The Managing Director has queried the publishers concerning this proposition and with the view of learning whether the publishers would agree to indemnify the stations against loss or damage sustained by the use of their copyrighted musical selections. In a letter just received by the NAB, the publishers advise that they cannot furnish the guarantee asked for. Member stations are advised against the use of any copyrighted musical selection under terms and conditions which do not adequately provide for indemnity against loss or damage sustained by the performance of such selections.

#### **POWER INCREASE RECOMMENDED FOR WGBF**

Broadcasting Station WGBF, Evansville, Ind., applied to the Federal Communications Commission to increase its daytime power from 500 to 1,000 watts. The station operates on 630 kilocycles.

Examiner R. H. Hyde in Report No. I-232 has recommended that the application be granted. He states that the use of increased daytime power by the station would tend to satisfy the need for increased service in the area served. The Examiner found also that no substantial increase in objectionable interference to the reception of other stations may be expected from the proposed change.

#### **RADIO CENSORSHIP CHARGED**

Oswald F. Schuette, president of the Short Wave Institute in a letter to the Federal Communications Commission charged it with an attempt to establish a censorship over broadcasting by its Rule 177 (d), effective July 1. He contends that this rule would create a censorship over the rebroadcast of foreign programs in violation of the Communications Act, and would be a step toward the censorship of domestic programs.

#### **CHANGES RECOMMENDED FOR WHB**

Broadcasting Station WHB, Kansas City, Mo., applied to the Federal Communications Commission to change its frequency from 850 to 1120 kilocycles, from daytime to full time operation and its power from 1,000 watts to 500 watts at night and 1,000 watts until local sunset.

Examiner Melvin H. Dalberg, in Report No. I-229 recommended that the application be granted. The Examiner found that a regional station, such as suggested by WHB "would be of interest and advantage to the community involved." He says further in connection with this application that "the record in this case clearly shows that the other broadcasting stations now serving Kansas City, which are of the highest excellence in their respective spheres, cannot satisfactorily render a local service at nighttime by reason of their network commitments." There are some chances of inter-

ference, says the Examiner, "but they are slight." He thinks that public interest would be served by granting the application.

#### **RECOMMENDS POWER INCREASE FOR WIRE**

Broadcasting Station WIRE, Indianapolis, Ind., operating on a frequency of 1400 kilocycles, unlimited time applied to the Federal Communications Commission to increase its nighttime power from 500 to 1,000 watts and its daytime power from 1,000 to 5,000 watts.

Examiner R. H. Hyde, in Report No. I-226 recommends that the application be granted on certain conditions. He says that "it is recommended that the application of WIRE for a construction permit be granted, subject however to conditions requiring that the antenna system be so constructed as to prevent any increase in the field intensity broadcast nighttime hours in the directions of Brooklyn, and Tulsa, requiring the submission of satisfactory proof of performance in accordance with the foregoing condition, and requiring the painting and illuminating of the antenna towers for protection of air traffic."

#### **CASE DISMISSED WITH PREJUDICE**

The Farmers & Bankers Life Insurance Company, applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Wichita, Kans., to use 1210 kilocycles, 100 watts power and unlimited time on the air.

Examiner R. H. Hyde in Report No. I-228 recommends that the case be dismissed with prejudice. When the case was called for hearing the applicant failed to enter appearance and no evidence was offered in support of the application.

#### **SECURITIES ACT REGISTRATIONS**

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- G. A. Dye, Tulsa, Okla. (2-2167, Form A-1)
- Lava Cap Gold Mining Co., Ansonia, Conn. (2-2169, Form A-1)
- Thorrez & Maes Mfg. Co., Jackson, Mich. (2-2170, Form A-1)
- Barlow & Seelig Mfg. Co., Ripon, Mich. (2-2171, Form A-1)
- Herring-Hall-Marvin Safe Co., Hamilton, Ontario (2-2172, Form A-1)
- Unified Debentures Corp., Newark, N. J. (2-2173, Form E-1)
- The Paraffine Companies, Inc., San Francisco, Cal. (2-2174, Form A-2)
- Pressed Metals of America, Inc., Port Huron, Mich. (2-2175, Form A-2)
- F. L. Jacobs Co., Detroit, Mich. (2-2176, Form A-2)
- Iniskin Drilling Co., Los Angeles, Cal. (2-1900, Form A-1)

#### **ADDITIONAL TIME FOR KGDM DENIED**

Broadcasting Station KGDM, Stockton, Cal., operating on 1100 kilocycles, 1,000 watts power daytime applied to the Federal Communications Commission that it be allowed "to resume operation after the dominant stations in the First Zone suspended operation at night."

Examiner Ralph L. Walker in Report No. I-227 recommends that the application be denied. The Examiner found, among other things, that "the use of 1,000 watts as proposed by the applicant would result in serious interference of an existing Canadian station and a resultant curtailment of the present good service area of that station." He also calls attention to the fact that California and the Fifth Zone are already overquota for nighttime service.

#### **DENY NEW CALIFORNIA STATION RECOMMENDED**

The Union-Tribune Publishing Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at San Diego, Cal., to use 1420 kilocycles unlimited time, 100 watts and 250 watts LS.

Examiner Ralph L. Walker in Report No. I-231 recommends that the application be denied. In his conclusion the Examiner states that:

"The record fails to disclose in detail the type and character of service which the applicant proposes to render, and does not reveal any substantial need in the San Diego area for additional broadcast service. The proposed station would cause objectionable interference to, and result in the curtailment of the present good service area of an existing station in the State of Arizona. The granting of the present application would further increase the existing over-

quota status of the State of California and the Fifth Zone in violation of the Rules and Regulations of the Commission."

### WISN RECOMMENDED FOR POWER INCREASE

Broadcasting Station WISN, Milwaukee, Wis., applied to the Federal Communications Commission to increase its power from 250 watts and 1,000 watts LS to 1,000 watts day and night, and to change the location of its transmitter. The station now operates unlimited time on 1120 kilocycles.

Examiner Melvin H. Dalberg in Report No. 230 recommends that the application be granted. The Examiner found that there is need for improved nighttime service in the area served by the station and he states that granting the application would be in the public interest.

## BROADCAST ADVERTISING IN APRIL

### Developments of the Month

Broadcast advertising volume in April amounted to \$8,829,488. Gross time sales of the medium experienced the usual seasonal decline, dropping 5.4% from the level of the preceding month. Local broadcast advertising showed the normal counter tendency during the month and rose 12.5% above the March level. The local rise is a reflection of the usual upswing in retail trade at this time of the year. Principal gains in non-network volume as compared with March occurred with regard to regional and local stations, due to the greater importance of local business on these types of transmitters than on clear channel stations.

Radio broadcast advertising continued to gain as compared with the corresponding period of the preceding year. Gross time sales were 9.5% above those of April 1935. Regional network and national non-network volume continued to show the greatest relative gains. Local radio advertising continued to lag behind the general field and was but 0.4% above the previous April. Local stations continued to show the greatest increase in non-network volume.

Electrical transcriptions showed the greatest gain as compared with both March and the corresponding month of last year. This was true with regard to both national and local business. Trends as to the volume of radio advertising sponsored by various product and service groups were fairly confused during the month. Declines were general as compared with March. Principal increases during the month included national non-network and local automotive advertising; regional network, national non-network, and local gasoline and accessory volume; local clothing and department store advertising and national non-network and local household equipment business.

Automotive advertising continued to show the most important gains as compared with the corresponding month of 1935. The marked rise in the miscellaneous group with regard to national network sponsorship indicated a continued trend toward a wider use of that portion of the medium. Regional network and national non-network gasoline and accessory advertising gained materially, while national non-network food volume also rose.

Advertising by retail establishments increased 12.3% above the March level, but remained 0.1% below that of the corresponding month of last year.

### Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I  
TOTAL BROADCAST ADVERTISING

Class of Business	1936 Gross Time Sales		
	March	April	Cumulative Jan.-Apr.
National networks	\$5,400,252	\$4,830,251	\$19,756,867
Regional networks	112,546	113,647	413,965
National non-network	2,097,400	1,937,800	7,608,350
Local	1,722,170	1,947,790	6,559,670
<b>Total</b>	<b>\$9,332,368</b>	<b>\$8,829,488</b>	<b>\$34,338,852</b>

Total broadcast advertising declined 5.4% as compared to the preceding month. National network volume decreased 10.6%, while national non-network business dropped 7.1%. Regional network volume rose 1.0%, contrary to the usual seasonal trend. Local broadcast advertising experienced the normal upswing for April and rose 12.5%.

Broadcast advertising continued to register gains as compared with the corresponding period of the preceding year. Total volume was 9.5% above the April 1935 level. Gains throughout the various portions of the medium were as follows: national networks 9.8%, regional networks 38.5%, national non-network 17.8%, local broadcast advertising 0.4%.

### Comparison with Other Media

Advertising volume placed in major media during the month under consideration is found in Table II.

TABLE II  
ADVERTISING BY MAJOR MEDIA

Advertising Medium	1936 Gross Time and Space Sales		
	March	April	Cumulative Jan.-Apr.
Radio broadcasting	\$9,332,368	\$8,829,488	\$34,338,852
National magazines	13,481,404	14,527,792	47,505,417
National farm papers	746,502	721,304	2,547,522
Newspapers	48,242,000	50,498,000	174,531,000
<b>Total</b>	<b>\$71,802,274</b>	<b>\$74,576,584</b>	<b>\$258,922,791</b>

National magazine volume gained 7.8% as compared with March, while newspaper lineage rose 4.7%. Both increases were in the nature of normal seasonal rises. National farm paper advertising decreased 3.4%.

All media gained as compared with the corresponding period of the preceding year. The greatest increase was experienced by national farm papers, whose volume increased 20.8%. National magazine volume rose 11.0%, while newspaper lineage increased 8.1%.

### Non-network Advertising

Non-network advertising as a whole increased 1.7% above the March level, local gains more than offsetting national non-network declines. Clear channel station non-network volume declined 2.4% over the month, while regional and local station advertising increased 5.2% and 5.8%, respectively.

Local station non-network volume continued to show the greatest relative gain as compared with the previous year, exceeding the April 1935 level by 21.6%. Clear channel station non-network advertising increased 4.2% and regional station business 9.0%. Total non-network advertising gained 8.4% as compared with last April.

Broadcast advertising by power of station is found in Table III.

TABLE III  
NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1936 Gross Time Sales		
	March	April	Cumulative Jan.-Apr.
Over 1,000 watts	\$1,788,350	\$1,745,470	\$6,603,990
250-1,000 watts	1,496,880	1,574,800	5,477,980
100 watts	534,340	565,320	2,086,050
<b>Total</b>	<b>\$3,819,570</b>	<b>\$3,885,590</b>	<b>\$14,168,020</b>

Non-network advertising in the South and Mid-West increased 5.5% and 4.8%, respectively, as against the preceding month. New England-Middle Atlantic State volume declined 3.1%, while that of the Mountain and Pacific States dropped 2.8%.

Compared with April of the previous year, New England-Middle Atlantic State volume decreased 9.5%, while Pacific and Mountain State business dropped 1.7%. The greatest gain was experienced in the South Atlantic-South Central States where non-network advertising increased 40.1% above that of last April. Non-network volume in the North Central States rose 12.7%.

Non-network advertising by geographical areas is set forth in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1936 Gross Time Sales		Cumulative Jan.-Apr.
	March	April	
New England-Middle Atlantic Area .....	\$889,700	\$861,840	\$3,097,290
South Atlantic-South Central Area .....	757,660	799,590	2,865,260
North Central Area.....	1,474,330	1,545,580	5,630,310
Pacific and Mountain Area..	697,880	678,580	2,575,160
<b>Total .....</b>	<b>\$3,819,570</b>	<b>\$3,885,590</b>	<b>\$14,168,020</b>

Non-network Volume by Type of Rendition

Principal development of the month was the rise of electrical transcription volume in both the national and local fields. National transcription business increased 9.5% above the March level. Local volume rose 66.9%. In the national field, live talent sponsored program volume declined 22.4%, while announcements dropped 6.6% below March. Local live talent volume decreased 2.6%. Local record business increased 14.1% and announcements 25.0%.

The marked growth in national and local transcription business also constituted the outstanding development of the month as compared with April of last year. National transcription business increased 50.7% and local volume 61.4%. The rise in transcription volume continues a trend which has been particularly marked since the beginning of the current year.

The use of transcriptions in the national non-network field is comparatively widely scattered. The proportion of total non-network business represented by transcriptions on the part of the principal groups using them is as follows: automotive 86.0%, gasoline and accessories 35.0%, foodstuffs 60.0%, drugs 35.0%, tobacco 50.0%, miscellaneous 50.0%. In the local field, clothing, foodstuffs, and household equipment volume was represented by transcriptions to the extent of approximately 40.0%. In the case of department stores, transcriptions comprised about 45.0% of total volume.

Live talent volume declined 4.1% below the April 1935 level in the local field and rose but 2.2% in the national field. The local decline represents a definite trend which has existed for several months. In the case of national live talent volume, the relatively small increase during April seems to be an indication that the marked rise which has taken place in this field during the past two and one-quarter years is approaching the stabilization point.

Announcements continued to decline, dropping 2.5% in the national field and 6.0% in the local field. Local record advertising decreased 9.5%.

National non-network and local broadcast advertising volume by type of rendition is found in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1936 Gross Time Sales							
	National Non-network		Local		Total		Cumulative Jan.-Apr.	
	March	April	March	April	March	April		
Electrical transcriptions .....	\$789,680	\$865,070	\$156,660	\$261,530	\$946,340	\$1,126,600	\$3,676,170	
Live talent programs.....	989,380	767,920	953,490	928,260	1,942,870	1,696,180	6,976,320	
Records .....	7,980	6,050	62,700	71,550	70,680	77,600	261,570	
Announcements .....	310,360	298,760	549,320	686,450	859,680	985,210	3,253,960	
<b>Total .....</b>	<b>\$2,097,400</b>	<b>\$1,937,800</b>	<b>\$1,722,170</b>	<b>\$1,947,790</b>	<b>\$3,819,570</b>	<b>\$3,885,590</b>	<b>\$14,168,020</b>	

Sponsor Trends in April

Declines were general in the national network field as against March. The only increases were the following: beverages 21.9%, confectionery 17.6%, and tobacco 14.6%. Trends were fairly mixed with regard to regional network advertising. The principal increase is a 31.3% gain in gasoline and accessory volume.

Declines were fairly general in the national non-network field, though some increases of importance occurred. These were as follows: automotive 10.6%, gasoline and accessories 13.0%, house-

hold equipment 49.1%, and soap and kitchen supplies 13.5%. Trends were spotty in the local field. Principal increases were with regard to automotive, gasoline, clothing, house furnishings, and department store advertising.

Comparison with April 1935

Trends were rather confused in the national network field as compared with last April. Important gains were as follows: automotive 42.6%, cosmetics 21.4%, beverages 50.0%, and miscel-

TABLE VI

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS (April, 1936)

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Non-network	Local	Total
1a. Amusements .....	—	—	\$1,940	\$39,560	\$41,500
1-2. Automobiles and accessories:					
(1) Automobiles .....	\$353,530	—	258,360	150,240	762,130
(2) Accessories, gas and oil.....	388,052	\$15,582	175,080	84,180	662,894
3. Clothing and apparel.....	28,925	468	37,050	275,620	342,063
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	366,473	6,479	353,530	51,280	777,762
(5) Toilet goods .....	1,076,331	5,405	71,920	21,890	1,175,546
6-8. Food products:					
(6) Foodstuffs .....	882,926	32,264	391,920	237,170	1,544,280
(7) Beverages .....	404,925	9,486	40,690	87,000	542,101
(8) Confections .....	142,069	2,174	24,660	10,970	179,873
9-10. Household goods:					
(9) Household equipment and furnishings.....	36,450	4,594	117,820	223,720	382,584
(10) Soap and kitchen supplies .....	318,106	11,292	68,070	11,380	408,848
11. Insurance and financial.....	32,995	514	26,100	71,320	130,929
12. Radios .....	109,507	166	12,360	16,680	138,713
13. Retail establishments .....	—	910	10,320	150,790	162,020
14. Tobacco products .....	397,829	10,890	74,720	4,660	488,099
15. Miscellaneous .....	292,133	13,423	273,260	511,330	1,090,146
<b>Total .....</b>	<b>\$4,830,251</b>	<b>\$113,647</b>	<b>\$1,937,800</b>	<b>\$1,947,790</b>	<b>\$8,829,488</b>

aneous 76.0%. Important declines included the following: drugs 33.2%, confectionery 22.2%, household equipment 57.7%, and financial advertising 23.0%.

There was a general increase with regard to regional network advertising. Principal gains were as follows: gasoline and accessories 40.3%, beverages 602.7%, confectionery 210.6%, soaps and kitchen supplies 271.7%.

Increases also were fairly general with regard to national non-network volume. The main gains in this field were as follows: automotive 45.2%, gasoline and accessories 54.9%, foodstuffs 34.6%, and radios 253.1%. Important declines included the following: beverages 24.5%, confectionery 58.2%.

The principal gains in the local field were a rise of 25.8% in automotive advertising and an increase of 84.1% in radio set volume. Clothing advertising fell 2.8% below the April 1935 level, while department store advertising decreased 6.0%.

Broadcast advertising volume during April by national and local sponsoring groups is found in Table VI.

Details as to trends in the various fields of sponsorship are as follows:

1a. **Amusements.** National non-network volume 86.2% below March and local 27.6% above. National non-network 70.0% under last April and local down 16.8%.

1. **Automotive.** National network advertising 17.5% below March. National non-network business up 10.6% and local 30.1%. Gains compared with last April as follows: national networks 42.6%, national non-network 45.2%, and local 25.8%.

2. **Gasoline and accessories.** Gains over March as follows: regional networks 31.3%, national non-network 13.0%, and local 21.4%. National network down 13.4%. Increases as compared with April 1935 as follows: national networks 3.1%, regional networks 40.3%, national non-network 54.9%. Local down 4.6%.

3. **Clothing.** National networks 32.4% below March and national non-network down 16.3%. Regional networks up 34.5% and local 10.9%. Declines from last April level as follows: national networks 42.3%, regional networks 92.1%, and local 2.8%. National non-network up 4.7%.

4. **Drugs and pharmaceuticals.** Declines from the preceding month as follows: national networks 17.6%, regional networks 54.5%, national non-network 29.3%, and local 21.6%. Decreases from level of April of previous year as follows: national networks 33.2%, regional networks 3.4%, national non-network advertising 2.3%, and local 62.1%.

5. **Toilet goods.** Regional network volume more than double that of March. Declines in other fields as follows: national networks 7.4%, national non-network 40.2%, and local 0.1%. National network volume 21.4% above last April and local up 2.8%. Regional network business down 1.3% and national non-network 17.3%.

6. **Foodstuffs.** Regional network volume 4.1% above March. Other declines as follows: national network 15.7%, national non-network 9.6%, and local 4.0%. Gains as compared to corresponding month of previous year as follows: national networks 9.9%, regional networks 112.1%, national non-network 34.6%, and local 1.8%.

7. **Beverages.** Increases over preceding month as follows: national networks 21.9%, regional networks 59.3%, and local 5.7%. National non-network down 8.6%. Increases over April 1935 as follows: national networks 50.0%, 602.7% for regional networks, and local 3.8%. National non-network down 24.5%.

8. **Confectionery.** National network volume 17.6% above March and local up 168.9%. Regional network advertising down 63.1% and national non-network 56.2%. Regional network business 210.6% above April 1935. Other portions of the medium down as follows: national networks 22.2%, national non-network 58.2%, local 2.5%.

9. **Household equipment.** National and regional networks down 29.8% and 8.4%, respectively. National non-network and local up 49.1% and 18.4% as compared to March. Declines from April of last year as follows: national networks 57.7%, regional networks 53.3%, and local 1.6%. National non-network business up 25.5%.

10. **Soap and kitchen supplies.** National network volume 0.7% below March and local down 4.2%. Regional network and national non-network business up 13.5% and 13.6%, respectively. Gains over last April as follows: national networks 7.1%, regional networks 271.7%, and local 31.3%. National non-network business down 11.3%.

11. **Insurance and financial.** Declines from March level as follows: national networks 37.6%, regional networks 3.9%, national non-network 5.5%, and local 18.7%. National network volume down 23.2% as compared to April 1935. Regional net-

work volume gained materially. National non-network business rose 64.5% and local 16.3%.

12. **Radios.** National network business 9.8% below March. Regional network volume up materially. National non-network business up 9.4% and local 4.6%. Gains compared to last April as follows: national networks 15.7%, national non-network 253.1%, and local 84.1%.

13. **Department and general stores.** National non-network business down 21.7% as compared to March, and local up 16.2%. Regional network up 25.0%. Compared to April of last year, national non-network down 24.7% and local 6.0%. Regional network business up materially.

14. **Tobacco products.** Gains over preceding month as follows: national networks 4.6%, regional networks 17.9%, national non-network 71.1%, and local 3.6%. Gains over April 1935 as follows: national networks 14.1%, regional networks 10.0%, and national non-network 23.0%. Local down 47.3%.

15. **Miscellaneous.** National networks and regional networks below March by 34.7% and 13.4%, respectively. National non-network and local business up 84.1% and 20.1%, respectively. General gains as against last April as follows: national networks 76.0%, regional networks 5.2%, national non-network 45.1%, and local 13.9%.

### Retail Broadcast Advertising

Broadcast advertising by retail establishments increased 12.3% as compared with the preceding month. Gains were fairly general, the principal ones being as follows: automotive 15.5%, clothing 11.2%, drug stores 35.7%, household equipment dealers 65.9%, furniture stores 5.6%, and hardware stores 42.6%. Grocery stores declined 22.7% and gasoline stations and accessory stores 20.4%.

Total broadcast advertising by retail establishments decreased 0.1% as against April of last year. Trends within various groups were spotty. Important gains were as follows: automotive 23.2%, food retailers 9.9%, furniture stores 20.4%, and radio retailers 48.4%. Significant declines were as follows: filling stations and accessory stores 34.8%, restaurants 18.4%, household equipment dealers 4.5%, hardware stores 36.3%, and department stores 7.0%. Broadcast advertising by retail establishments is found in Table VII.

TABLE VII

### RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1936 Gross Time Sales	
	March	April
Automobiles and accessories:		
Automobile agencies and used car dealers	\$127,110	\$146,820
Gasoline stations, garages, etc.....	45,100	35,890
Clothing and apparel shops.....	264,000	293,660
Drugs and toilet goods:		
Drug stores .....	14,020	19,020
Beauty parlors .....	7,210	8,650
Food products:		
Grocery stores, meat markets, etc.....	81,370	62,900
Restaurants and eating places.....	20,370	20,720
Beverage retailers .....	1,100	1,570
Confectionery stores .....	1,320	1,350
Household goods:		
Household equipment dealers.....	44,960	74,610
Furniture stores .....	106,060	112,030
Hardware stores .....	13,800	24,030
Radio retailers .....	15,900	13,430
Department and general stores.....	143,728	162,020
Tobacco shops .....	125	—
Miscellaneous .....	86,870	116,450
Total .....	\$973,043	\$1,093,150

### FEDERAL TRADE COMMISSION ACTION

#### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2818.** Alleging unfair competition in the sale of candy, a complaint has been issued against the **Vogan Candy Corporation**, 329 N. E. Eleventh Avenue, **Portland, Oregon**.

The complaint alleges that the respondent corporation packs candy in assortments so as to involve a lottery scheme whereby the ultimate purchaser may win, without additional cost, a package or a bar of candy. The punchboard device is used, according to the complaint.

Use of such a sales method, the complaint charges, tends to divert trade to the respondent from competitors who do not use the same or a similar scheme in the sale of their products.

**No. 2819.** Disparagement of the product of a competitor is alleged in a complaint issued against **Hoffman Beverage Co.**, 402 Grove St., Newark, N. J.

In soliciting the sale of and selling its product, the respondent corporation is said to have published disparaging representations, among which were assertions that "The vat-fresh taste of Hoffman Bottled Beer is due to the fact that Hoffman Beer is not heat-treated after bottling. \* \* \* You taste the difference at the first sip. The only unpasteurized bottled beer in America."

According to the complaint, labels on bottles containing Hoffman Beer bear the statement that "Because of extraordinary biological control pasteurizing this beer is avoided. Thus its fine vat quality is fully retained."

**No. 2820.** **Jean Vivadou and Henry G. Lubin**, trading as **Jean Vivadou Co.**, 135 W. 20th St., New York City, and engaged in the manufacture and sale of "De Marsay" toilet sundries, are named respondents in a complaint alleging unfair methods of competition in violation of section 5 of the Federal Trade Commission Act.

The respondents allegedly represent in advertising matter and in other ways that one of their products, "Lagoona," is a "wonder" sea sponge spawned in Southern Pacific waters and contains the alchemy of the waters of the Pacific ocean; that it is taken to the laboratories of a nationally known chemist, treated with ultraviolet rays, and becomes "an aid to good health." The complaint charges that all of these representations are untrue, and that "Lagoona," instead of being a sea sponge possessing therapeutic value, is a vegetable known as a loofah, which grows on land and resembles a gourd.

**No. 2821.** Evasion of State tobacco taxes and use of counterfeit tax stamps to obtain sales advantages over competitors, are alleged in a complaint charging a **West Memphis, Ark.**, tobacco firm with unfair methods of competition in violation of the Federal Trade Commission Act. The respondents named are **Henry Loeb, Jr.**, and **Martha Huffman**, trading as **West Memphis Cigarette Co.**

Although doing business in Memphis, Tenn., where most of their competitors are situated, the respondents are alleged to operate an additional place of business at West Memphis, Ark., across the Mississippi River from Memphis, Tenn., enabling them to assist retail dealers illegally to evade the Tennessee tobacco tax, and to disrupt, injure and destroy the business and goodwill of competitors.

Distributing well known brands of cigars also sold by competitors, the respondents, according to the complaint, approach certain retail customers of competitors having in their possession boxes bearing the brand names of the well known cigars and cancelled Tennessee tobacco tax stamps, and sell to many such retailers boxes of these brands on which no Tennessee tobacco tax has been paid and which do not contain the cancelled tax stamps. This practice is alleged to enable retailers to refill their boxes containing cancelled tax stamps with cigars on which no tax has been paid, in violation of Tennessee laws.

**No. 2822.** A complaint has been issued against **Martin J. Leyden**, 168½ Thomas St., Seattle, Wash., charging unfair methods of competition in the sale of "Leyden's Hair Tonic."

The complaint alleges as false and exaggerated the respondent's claims, made in newspaper advertisements and in advertising literature, that his product removes dandruff completely, stops hair from falling and starts it to grow, stops itching scalp and restores new life to hair.

**No. 2823.** Alleging unfair competition in the sale of packaged mineral salts, a complaint has been issued against **Soap Lake Products Corporation**, 2013 Fourth Ave., Seattle, Wash., distributor of "Mother Nature Soap Lake Salts," and other products obtained from Soap Lake, Wash.

In advertising literature and radio broadcasts, the respondent is alleged to have asserted that its mineral products would prevent or cure or would be beneficial in the treatment of rheumatism, neuritis, athlete's foot, poison oak or ivy, hyperacidity, and other ailments. According to the complaint, these representations are exaggerated and misleading, as the beneficial properties, if any, of the respondent's products, are limited to laxative and diuretic action. The complaint alleges that the packaged products have no

therapeutic value for treatment of the diseases and afflictions named.

**No. 2824.** Unfair competition through use of advertising matter falsely implying Government or State approval of products is alleged in a complaint against **Service Products, Inc.**, 125 Rivington St., New York City, trading as **West Point Laboratories**, and **Sam, Harry and Irving Hagler**, individually and as officers of the respondent company.

Engaged in compounding toilet articles such as hair tonic, bay rum and lotions, which they sell to dealers and the public, the respondents are alleged to have advertised by means of the phrase "West Point—Natural Vegetable Oil—Hair Tonic—West Point Laboratories, N. Y.," together with a picture of a cadet in full military uniform. This advertising was presented in such a way, according to the complaint, that it conveyed the impression that the respondents' products were made according to United States Government specifications or adopted by the War Department for use of the West Point cadets. Such representations were false, deceptive, and misleading, according to the complaint, and in violation of the Federal Trade Commission Act.

**No. 2826.** **Charles N. Miller Co.**, 16 Medford St., Boston, is charged with unfair competition in the sale of candy, in violation of the Federal Trade Commission Act, under a complaint.

Assortments of candy sold by the respondent firm are so arranged as to involve use of a lottery scheme when sold and distributed to consumers, according to the complaint,

### Stipulations

The Commission has issued the following cease and desist orders and stipulations:

**No. 01366.** **Albert S. Broel**, trading as **American Frog Canning Co.**, 3800 Jefferson Highway, New Orleans, selling canned frog products, live frogs, and a course of instruction in frog culture, agrees to stop advertising that the supply of wild frogs is either exhausted or has been practically exterminated. The respondent is alleged to have advertised that "We use large quantities of frogs every year and this huge demand, together with other markets, has exhausted the wild supply."

Other representations to be discontinued are the assertions: That frog meat has dietary value in treating diabetes or stomach disorder; that the respondent's system of frog culture is recognized as the most successful in the world; that the course of instruction is given free, so long as it is furnished only to purchasers of breeder frogs and its cost is included in the purchase price, and other representations.

**No. 01367.** **The Piso Co., Warren, Pa.**, agrees to stop asserting that "Piso's for Coughs" is a competent treatment or effective remedy for coughs, unless the allegation is limited to the preparation's value as an expectorant cough mixture, of benefit in coughs due to colds and minor throat irritations.

**No. 01368.** **Evelyn Corper**, trading as **Keystone Co.**, and **Keystone Service**, Box 4026, Philadelphia, selling imitation diamonds and rings, stipulates that she will cease advertising that any of her products are free, unless in fact they are sent to applicants without requiring payment. The respondent also agrees to stop alleging by pictorial representation or otherwise that a ring is included with imitation diamonds, when the offer applies only to imitation diamonds. Among other representations to be discontinued is one to the effect that any offer made in connection with the sale of the respondent's products is for a limited time, unless it is made clear that a definite time limit is fixed and adhered to by the respondent and orders are refused after expiration of such time.

**No. 01369.** **D. A. Prosser**, an individual, operating as **Old Dominion Service**, Petersburg, Va., selling a scheme recommended for winning money and bringing luck, called "The Magic Star System," agrees to stop representing that a "universal good luck charm" or coin or token possesses the virtue of making the carrier lucky, or that "The Magic Star System" is scientific and correct in principle, or based on research. The respondent is said to have advertised that "We give you scientific calculations and mathematical formulas so arranged to manipulate and to forecast winning results."

**No. 01374.** **Leon M. Nelson**, operating as **Nelson Laboratories**, 29 North Garfield Ave., Alhambra, Calif., dealing in "Nelson's Dental Plate Cleaner" and "Nelson's Dental Plate Brush", recommended for cleaning false teeth, agrees to stop alleging that the dental plate cleaner sterilizes false teeth, is a scientifically compounded antiseptic or will not scratch or injure the plate, and that use of the dental plate cleaner results in improved health. The re-



spondent stipulates that in soliciting salespersons or dealers, he will not make unmodified representations of earnings in excess of the average earnings of his active, fulltime salespersons. He agrees also to cease using the word "Laboratories" or "Laboratory" in his trade name or in advertising until such time as he shall actually own, maintain, or operate a laboratory.

**No. 01375. Tayton Co., 3629 Main St., Kansas City, Mo.,** dealer in a food preparation called "Nutri", agrees to quit making the allegation that the preparation is an effective treatment for nervousness, insomnia, worry and other ailments; that the average user of the product will gain weight, and that the preparation contains all vitamins or minerals necessary to build nerves, glands, blood, tissue, body and energy.

**No. 1667. Mannington Mills, Inc., Salem, N. J.,** manufacturing and selling felt base floor coverings, designated and advertised one of its products as "Rubbertex". The corporation agrees to cease using the word "rubber" alone or in conjunction with any other word, syllable or suffix so as to imply that its products are composed of rubber, or in substantial part of rubber, when such is not the fact.

**No. 1668. In a stipulation entered into, the Triad Manufacturing Co., Inc., Pawtucket, R. I.,** has agreed to cease representing in advertising or in printed matter that certain glass radio tubes it manufactures and sells are "metal tubes".

The stipulation of facts points out that glass tubes were in general use by the radio industry until 1935, when the so-called metal tubes became popularized in the trade and by the purchasing public, and also describes glass tubes as having the technical elements sealed in a vacuum in glass, while in the metal types the technical elements are contained in a vacuum in steel.

Specifically, the respondent corporation agrees to discontinue use of the words "metal tubes" as descriptive of its products, so as to imply that such products are those which have become popularly known as metal radio tubes.

The stipulation provides that if the technical elements of the respondent corporation's product are sealed in a vacuum in glass which is placed within a metal shell, and if the words "metal tube" are used to describe the shell, then such words shall be accompanied by other suitable words to indicate clearly that the product is not a tube wherein the technical elements are sealed in a vacuum in steel.

**No. 1669. A. J. King and John B. Michael, co-partners, trading as Dr. King's Medical Co., Cincinnati,** signed a stipulation to discontinue representations to the effect that "Dr. King's Positive Corn Remover" is a cure for corns or a reliable remedy for all types of corns, bunions, warts and moles, when such is not the fact. The respondents also agree to cease using on their letterheads the words "President" and "Vice-President" with the names, respectively, "A. J. King" and "J. B. Michael", and with their trade name, so as to imply that their business is that of a corporation or voluntary association; to cease use of the abbreviation "Dr." in their trade name and of the words "pharmaceutical" and "chemists" to convey the meaning that there is a physician, pharmacist or chemist associated with their business, and to discontinue use of the word "manufacturing" in a manner implying that they compound their product or own a factory where such product is made, when all such representations are untrue. They also will stop representing that they have offices in Detroit, New York City and Buffalo, when such is not the case.

**No. 1670. A. Paladini, Inc., 540 Clay St., San Francisco,** engaged in the sale of fish and sea food, entered into an agreement to cease using on invoices or in other printed matter the words "Red Snapper" to designate a species of fish other than that known to the trade and purchasing public as red snapper, and to cease using such words in any manner which may have the tendency to mislead purchasers into the belief that such fish is the species commonly known as red snapper, when such is not the fact.

**No. 1671. Cohn-Hall-Marx Co., 1412 Broadway, New York City,** selling fabrics to dress manufacturers and retailers of piece goods, stipulates it will stop using the word "Camelspun" or any other derivative or simulation of the word "camel" on labels affixed to its products which are not composed of camel's hair, and will cease using the word "Camelspun" or any simulation of the word "camel" to imply that its products are composed of camel's hair, when such is not the fact.

**Nos. 1672-1673. Snell Corporation, Nashville, Tenn.,** according to the stipulation of facts, blends flour and sells it to Tennessee Mill & Feed Co. in bags which it marks with the words "Packed for Tennessee Mill & Feed Co., Birmingham, Alabama."

In its stipulation, Snell Corporation agrees to cease marking or stamping upon the bags in which its flour is packed and sold any

corporate or trade name containing the word "Mill," or any other word of similar import, to imply that the product is milled by the purchaser, when such is not a fact.

**Tennessee Mill & Feed Co., Birmingham, Ala.,** in purchasing and selling flour, will discontinue use of the word "Mill" in its trade name or in any manner tending to mislead purchasers into the belief that it owns or operates a mill where the product it sells is manufactured.

**No. 1674. J. A. Sanborn Co., Inc., 6 Union St., Boston, Mass.,** agrees to stop using the word "Whitefish" to describe any species other than that properly known as whitefish, and to cease using the same word alone or in connection with the words "Deep Sea", "Fillet", "Cusk", or with any other words which may imply that the product so designated is that species of fish properly known as whitefish, when such is not the fact.

**No. 1677. Bolton-Smart Co., Inc., 19 South Market St., Boston, Mass.,** signed a similar agreement.

The stipulations point out that two species of whitefish are found in the Great Lakes, and another off the Pacific coast, while the cusk, allied to the cod, comes from the waters off the coasts of Northern Europe and America.

**No. 2283. F. A. Martoccio Co., trading as Hollywood Candy Co., 1311 Glenwood Ave., Minneapolis, Minn.,** has been ordered to discontinue selling to wholesale dealers and jobbers candy so packed and assembled that its resale to the general public may be made by means of a lottery, gaming device, or gift enterprise.

Under the order to cease and desist, the respondent corporation is prohibited from supplying wholesalers and jobbers with assortments of candy which may be used, without rearrangement of the contents, to conduct a lottery in the sale of candy to the public, and from supplying them with punch boards or push cards which may be used in selling the candy at retail.

**No. 2618. Canton Silk Mills, Inc., 469 7th Ave., New York City,** has been ordered to cease and desist representing through use of the words "Mill", "Mills" or "Manufacturers", or other similar words, that it owns, operates or controls mills in which its products are manufactured, dyed, printed or processed.

Findings are that the respondent company, a converter of silk and rayon fabrics, used the trade name "Canton Silk Mills, Inc.", and the language: "Mills: Riverside, R. I.—Phenix, R. I.", in its advertisements. These representations, according to the findings, implied that the respondent operated and controlled mills for making silks or silk goods, when this was not true.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

While no announcement has been made and no official action taken to this time there is a general understanding at the Commission that hearings will not be held either by the Commission itself or by its Examiners during the months of July and August. This will allow the Examiners who are far behind in writing their recommendations on cases already heard to catch up with the calendar.

### HEARING CALENDAR

Monday, June 8

#### INFORMAL ENGINEERING CONFERENCE

*Subject:* New rules concerning all broadcast stations except regular broadcast stations in the band 550 to 1500 kilocycles.

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Renewal of license, 570 kc., 1 KW, unlimited time.

Tuesday, June 9

#### HEARING BEFORE AN EXAMINER

(Broadcast)

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Modification of license, 1370 kc., 100 watts, unlimited time. Present assignment: 1370 kc., 100 watts, shares with KCRC.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Authority to transfer control of corporation; **1370 kc.**, 100 watts, shares with KCRC.  
NEW—Fred A. Baxter, Superior, Wis.—C. P., **1200 kc.**, 100 watts, unlimited time.

Wednesday, June 10

### HEARING BEFORE AN EXAMINER

(Broadcast)

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—C. P., **1120 kc.**, 500 watts, specified hours (unlimited except from 8 to 9 p. m. Mondays and Fridays).  
NEW—Community Broadcasting Co., Toledo, Ohio.—C. P., **1200 kc.**, 100 watts, daytime.  
WALR—WALR Broadcasting Corp., Zanesville, Ohio.—C. P. to move to Toledo, Ohio; **1210 kc.**, 100 watts, unlimited time.

Thursday, June 11

### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-204:

NEW—Christina M. Jacobson, d/b as The Valley Electric Co., San Luis Obispo, Calif.—C. P., **1200 kc.**, 250 watts, daytime.  
NEW—E. E. Long Piano Co., San Luis Obispo, Calif.—C. P., **1200 kc.**, 100 watts, unlimited time.

Examiner's Report No. I-200:

NEW—Merced Star Publishing Co., Merced, Calif.—C. P., **1040 kc.**, 250 watts, daytime.

Examiner's Report No. I-205:

WEAN—The Shepard Broadcasting Service, Inc., Providence, R. I.—C. P., **780 kc.**, 1 KW, unlimited time.

Examiner's Report No. I-186:

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—C. P., **11850 and 15230 kc.**, 2 watts, specified hours.

Examiner's Report No. I-216:

NEW—Mason City Broadcast Co., Emmons L. Abeles, Secy., Mason City, Iowa.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—Northern Iowa Broadcasting Co., Inc., Mason City, Iowa.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., **1210 kc.**, 100 watts, unlimited time.

Friday, June 12

### HEARING BEFORE AN EXAMINER

(Broadcast)

WPRO—Cherry and Webb Broadcasting Co., Providence, R. I.—C. P., **630 kc.**, 500 watts, 1 KW LS, unlimited time.

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—C. P., **620 kc.**, 250 watts, daytime.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. to extend completion date; **530 kc.**, 500 watts,  $2\frac{1}{2}$  KW LS (S.A. for 1 KW), unlimited time.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. to make equipment changes; **530 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **530 kc.**, 500 watts,  $2\frac{1}{2}$  KW LS (S.A. for 1 KW), unlimited time.

### APPLICATIONS GRANTED

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Granted C. P. to move transmitter and install new radiator.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted C. P. to make changes in equipment; install vertical radiator, increase power from 1 KW night and day to 1 KW night, 5 KW day; **900 kc.**, unlimited time.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted C. P. to make changes in equipment.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted C. P. to make changes in antenna.

KGY—KGY, Inc., Olympia, Wash.—Granted C. P. to install new equipment.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted modification of C. P. approving transmitter site and approving antenna for 5 KW day.

KSCJ—Perkins Bros. Co., The Sioux City Journal, Sioux City, Iowa.—Granted modification of C. P. approving transmitter

site northeast of Sioux City; make changes in composite equipment; extend commencement date to 15 days after grant and completion date to 90 days thereafter.

WMBO—Peoria Broadcasting Co., Peoria, Ill.—Granted modification of C. P. to install new equipment; extend commencement date to immediately and completion date to 3 months hereafter.

KGY—KGY, Inc., Olympia, Wash.—Granted authority to make changes in automatic frequency control equipment.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted license to cover C. P. authorizing changes in equipment and move transmitter and studio locations.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted license to cover C. P. authorizing changes in equipment, move transmitter, install new radiating system, and change hours of operation from one-half to unlimited time; **1240 kc.**, 1 KW.

WJJD—WJJD, Inc., Chicago, Ill.—Granted license to cover C. P. authorizing move of transmitter to Des Plaines, Ill., and erection of vertical radiator.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover C. P., **1370 kc.**, 100 watts, unlimited time.

WHBC—Edward P. Graham, Canton, Ohio.—Granted renewal of license on a temporary basis and designated renewal application for hearing.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted license, **1310 kc.**, 100 watts, specified hours.

WCOP—Joseph M. Kirby, Boston, Mass.—Granted consent to voluntary assignment of license to Massachusetts Broadcasting Corp.

NEW—Lincoln Memorial University, Middlesboro, Ky.—Granted C. P. for new broadcast station; **1210 kc.**, 100 watts, unlimited time.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted license to cover C. P. authorizing changes in equipment, increase in day power from  $2\frac{1}{2}$  KW to 5 KW; **1340 kc.**, 1 KW night.

WMFN—Attala Broadcasting Corp., Clarksdale, Miss.—Granted C. P. to move station from Clarksdale, Miss., to Grenada, Miss.

WBBZ—Estate of Chas. Lewis Carrell, Deceased, Howard Johnson, Representative, Ponca City, Okla.—Granted extension of existing license on a temporary basis, **1200 kc.**, 100 watts, unlimited time, pending probate of will of C. L. Carrell.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted renewal of license for the regular period; **1310 kc.**, 100 watts, unlimited time.

WSAJ—Grove City College, Grove City, Pa.—Granted renewal of license for the regular period; **1310 kc.**, 100 watts, specified hours.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted renewal of license for the regular period; **1200 kc.**, 100 watts, specified hours.

KGY—KGY, Inc., Olympia, Wash.—Granted renewal of license for the regular period; **1210 kc.**, 100 watts, unlimited time except when KTW is operating.

WOCL—A. E. Newton, Jamestown, N. Y.—Granted renewal of license on a temporary basis; **1210 kc.**, 50 watts, unlimited time.

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted renewal of license for the regular period; **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted renewal of license for the regular period; **1310 kc.**, 100 watts, unlimited time.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted renewal of license for the regular period; **1200 kc.** (modification to **1390 kc.** to be effective upon completion of vertical radiator), 250 watts daytime, from 6 a. m. to LS, PST.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted modification of C. P. approving equipment, vertical radiator and transmitter and studio sites.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile (Newark, N. J.) (2 applications).—Granted C. P., (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.**, 2 watts.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile (Newark, N. J.) (2 applications).—Granted C. P., (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.**, 10.5 watts.

NEW—The Crosley Radio Corp., Portable-Mobile, Cincinnati, Ohio (2 applications).—Granted C. P. (exp. gen. exp. service), frequencies 31100, 34600, 37600, 40600 kc., 30 watts, unlimited.

W2XE—Atlantic Broadcasting Corp., near Wayne, N. J.—Granted C. P. (exp. relay b/c) to make changes in equipment, increase power from 5 to 10 KW.

### SET FOR HEARING

NEW—Voice of Detroit, Mich., Detroit, Mich.—Application for C. P., 1120 kc., 500 watts night, 1 KW day, unlimited time. Site to be determined.

NEW—Orrin P. Kilhoun, Albany, N. Y.—Application for C. P., 1240 kc., 250 watts, unlimited time. Site to be determined.

NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/h as Panama City Broadcasting Co., Panama City, Fla.—Application for C. P. for new station, 1500 kc., 100 watts, daytime only.

NEW—Brownwood Broadcasting Co., Brownwood, Tex.—Application for C. P. for new station, 1370 kc., 100 watts, daytime only. Site to be determined.

NEW—Southern Broadcasting Corp., New Orleans, La.—Application for C. P. for new station, 1200 kc., 100 watts, shares WJBW. Site to be determined. Facilities of WBNO.

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—Application for C. P. for new station, 1310 kc., 100 watts, daytime. Site to be determined.

NEW—Cadillac Broadcasting Co., a Michigan corporation, Dearborn, Mich.—Application for C. P. for new station, 1140 kc., 500 watts, daytime only.

NEW—Asheville Daily News (Harold M. Thomas, Owner), Asheville, N. C.—Application for C. P. for new station, 1370 kc., 100 watts, unlimited time.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Application for renewal of license, 560 kc., 1 KW night, 5 KW day, unlimited time.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Application for renewal of license, 1200 kc., 100 watts, shares time with WJBW equally; temporary license granted pending outcome of hearing.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KBTM, Jonesboro, Ark.; KDON, Del Monte, Calif.; WFAM, South Bend, Ind.; WHBY, Green Bay, Wis.; WIBU, Poynette, Wis.; WMFG, Hibbing, Minn.; WTAL, Tallahassee, Fla.

The following stations' licenses were extended on a temporary basis for a period of 1 month, pending receipt and/or action on application for renewal of licenses:

WMFN, Clarksdale, Miss.; WSON, Birmingham, Ala.; and WWAE, Hammond, Ind.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

KWEA—International Broadcasting Corp., Shreveport, La.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon pending application for renewal.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted renewal of license on a temporary basis only to conform to the Commission's action of April 3, 1936, with reference to this station's application for renewal, for the period ending July 14, 1936.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Present license further extended on a temporary basis only for the period June 1 to July 1, 1936, subject to such action as may be taken upon the pending application for renewal.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Present license further extended on a temporary basis only for the period June 1 to July 1, 1936, subject to such action as may be taken upon the pending application for renewal.

WWL—Loyola University, New Orleans, La.—Special experimental temporary authority, heretofore issued stations

KWKH and WWL, further extended for the period June 1 to July 1, 1936, subject to the same conditions as contained in the existing authorities to said stations, pending consideration of the pending petition of station WLWL and petitions in opposition thereto.

### MISCELLANEOUS

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modification of license to increase power to 100 watts issued to KPPC in conformity with Commission's action of February 8, 1936, inasmuch as applicant has now complied with the proviso contained therein.

NEW—Bell Broadcasting Co., Temple, Tex.—Denied petition asking the Commission to reject the application of Eugene DeBogory (tem-Bel Broadcasting Co.), as in cases of default for a C. P. to operate a new broadcast station at Temple, Tex., on the frequency 1310 kc., 100 watts, daytime only.

NEW—F. N. Pierce, Taylor, Tex.—Denied motion for a continuance of hearing on application for a permit for the establishment of broadcast station at Taylor, Tex., to operate on 1310 kc., 100 watts, daytime only.

WRBC, Inc., Youngstown, Ohio.—Granted request for a continuance of hearing now scheduled for June 2, 1936, on application for permit to erect a new station at Youngstown, Ohio, to operate on 890 kc., 1 KW.

Fresno Broadcasting Co., Fresno, Calif.—Denied petition for order to retake depositions in support of application for a permit to erect new broadcast station at Fresno.

KFPL—C. C. Baxter, Duhlin, Tex.—Granted application for renewal of license, also two applications for modification of C. P. authorizing equipment changes, the removal of the transmitter, and operation with power of 200 watts LS and 100 watts night, approval of the transmitter site, and extension of time within which to complete construction.

KOMA—National Radio Mfg. Co., Oklahoma City, Okla.; KTAT—KTAT Broadcasting Co., Fort Worth, Tex.; WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Referred to docket section requests that a date for hearing of applications for authority to voluntarily assign licenses to Hearst Radio, Inc., be fixed for the month of June with instructions to name date as the conditions of the docket will permit.

A. W. Hayes, Erie, Pa.—Denied motion requesting the Commission to advance the date of oral argument from September 10 to June 4, 1936, on application for a permit to erect a station to operate on 1270 kc., 500 watts night, 1 KW LS.

Plain Dealer Pub. Co., Monroe F. Rubin and Ruth Rubin (through their attorneys), Cleveland, Ohio.—Granted applications for transfer of control of the licenses of stations WHK and WJAY of Cleveland, Ohio, to the U. B. Company, a subsidiary of the Plain Dealer Publishing Co. Reconsidered action of December 10, 1935, when applications were designated for hearing. WHK operates on 1390 kc., 1 KW night, 2½ KW day, unlimited time. WJAY operates on 610 kc., 500 watts, daytime.

Red River Valley Broadcasting Corp. of Sherman, Tex.—Reconsidered action of April 24, 1936, in designating for hearing application to erect new station to operate on 1310 kc., 100 watts daytime only, and granted same without a hearing.

John E. Fetzer, Saginaw, Mich.—Granted petition for withdrawal of application, without prejudice, for permission to establish a broadcast station at Saginaw, Mich.

Central Broadcasting Co., Eau Claire, Wis.—Granted motion to strike exceptions of Midway Broadcasting Co. to Examiner's Report No. 1-218. Order granting the request of Midway Broadcasting Co. for oral argument was cancelled and the application of the Central Broadcasting Co. for a permit to establish a broadcast station at Eau Claire to operate on 1050 kc., 250 watts, daytime, was placed on the calendar for final action by the Broadcast Division.

California Sales Contract Co., San Francisco, Calif.—Granted request to withdraw application for C. P. to operate the station at San Francisco on a frequency of 1280 kc., 500 watts, 1 KW LS, unlimited time. Application dismissed with prejudice.

Steffens Ice & Ice Cream Co., Wichita, Kans.—Denied motion to withdraw application for permit for a new station at Wichita, Kans., and have the same dismissed without prejudice.

## APPLICATIONS RECEIVED

### First Zone

- WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, 570 N. Y.—License to use old composite transmitter as an auxiliary transmitter (250 watts).
- WJAR—The Outlet Co., Providence, R. I.—License to cover construction permit (B1-P-333) as modified for changes in equipment, move of transmitter, and increase in power; install directional antenna.
- WCAX—Burlington Daily News, Burlington, Vt.—Authority to 1200 transfer control of corporation from Bertha Jackson to Mary Jackson Forbes and from Mary Jackson Forbes to Bertha R. Wells Jackson, 109 shares of common stock. Amended to request the transfer of 109 shares of common stock from Bertha Jackson to Mary Jackson Forbes only.
- NEW—Continental Radio Co., Washington, D. C.—Construction 1230 permit for a new station to be operated on 1230 kc., 1 KW, unlimited time.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of license to change hours of operation from daytime to daytime until 7:30 p. m., using 100 watts power at night. Amended to change requested hours of operation from daytime until 7:30 p. m. to unlimited time.
- NEW—Continental Radio Co., Washington, D. C.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, 250 watts day, unlimited time, contingent upon WOL being granted frequency of 1230 kc.
- WNBC—William J. Sanders, New Britain, Conn.—Construction 1380 permit to make changes in equipment and increase power from 250 watts to 1 KW. Amended to install directional antenna for night and day use, change requested power from 1 KW to 250 watts, 1 KW day, and hours of operation from daytime to unlimited time.
- NEW—New England Radio Corp., Bridgeport, Conn.—Construction 1420 permit for a new station to be operated on 1370 kc., 100 watts, daytime. Amended to change frequency from 1370 kc. to 1420 kc.

### Second Zone

- NEW—The Pottsville Broadcasting Co., Pottsville, Pa.—Construction 580 permit for a new station to be operated on 580 kc., 250 watts, daytime.
- WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Construction 1310 permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts daytime.
- WIBM—WIBM, Inc., Jackson, Mich.—License to cover construction permit (B2-P-976) for changes in equipment.
- WRAC—WRAC, Inc., Williamsport, Pa.—Construction permit to 1370 make changes in equipment (antenna) and move transmitter from 244 West Fourth Street, Williamsport, Pa., to 1631 W. 3rd, Williamsport, Pa. Amended to change proposed transmitter site from 1631 W. 3rd Street to 1561 W. 4th Street, Williamsport, Pa., and install a new transmitter.
- WKBZ—Karl L. Ashbacher, Muskegon, Mich.—Construction permit 1500 to move transmitter from Occidental Hotel, Western Ave. at Third Street, Muskegon, Mich., to Forest Ave. at Creston Street, Muskegon, Mich., and install a vertical antenna.
- NEW—R. Morris Pierce, Portable.—Construction permit for a new general experimental station to be operated on 25700, 27100, 31100, 35600, 37100, 41000, 86000-400000 \* kc. and above, 100 watts. Amended to delete 31100 and 37100 kc. and add 31600 and 38600 kc. \* Also 401000 kc.

### Third Zone

- WDAE—Tampa Times Co., Tampa, Fla.—Modification of license 550 to change frequency from 1220 kc. to 550 kc.
- WREC—WREC, Inc., Memphis, Tenn.—Modification of license to 600 increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special 680 experimental authorization to operate from local sunset to 8 p. m., PCT, on 1 KW power for period from 8-1-36 to 2-1-37.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special 680 experimental authorization to use W. E. 6-B transmitter as

an auxiliary using 1 KW power, during special authorization to operate from local sunset to 8 p. m., PCT, for period 8-1-36 to 2-1-37.

- KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special 1040 experimental authorization to operate simultaneously with WTIC for period 8-1-36 to 2-1-37.
- KFXR—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma City, Okla.—Construction permit to install new equipment.
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—License 1370 to cover construction permit (B3-P-1015) for new equipment and increase in power.
- NEW—Dallas Broadcasting Co., Dallas, Tex.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, daytime. Amended to change name from A. Earl Cullum, Jr., to Dallas Broadcasting Co.

### Fourth Zone

- KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, 550 Kans.—Construction permit to make changes in equipment; increase power from 100 watts to 250 watts; change frequency from 1420 kc. to 550 kc.; move transmitter from 101 E. Avenue "A", Hutchinson, Kans., to Hutchinson, Kans.; and make changes in antenna, using directional antenna at night.
- NEW—Harry G. Kipke, Ann Arbor, Mich.—Construction permit 630 for a new station to be operated on 630 kc., 500 watts, daytime.
- NEW—National Battery Broadcasting Co., St. Paul, Minn.—Construction permit for a new station to be operated on 920 kc., 1 KW, unlimited time. Amended to make changes in equipment.
- KGBZ—KGBZ Broadcasting Co., York, Nebr.—Authority to install 930 automatic frequency control.
- NEW—Walker Jamar, Duluth, Minn.—Construction permit for a 1200 new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change requested frequency of 1500 kc. to 1200 kc. and omit request for KGFK's facilities.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—1370 Modification of construction permit (B4-P-329) for extension of completion date.
- WEHS—WEHS, Inc., Cicero, Ill.—Modification of license to 1420 change specified hours as specified on license from Central Standard Time to Eastern Standard Time. Amended to change specified hours.

### Fifth Zone

- KOB—New Mexico College of Agriculture and Mechanic Arts, 1180 Albuquerque, N. Mex.—Voluntary assignment of license from New Mexico College of Agriculture and Mechanic Arts to Albuquerque Broadcasting Co. (no stockholders' liability).
- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Construction 1200 permit to make changes in equipment, install a vertical antenna, and increase power from 100 watts to 100 watts, 250 watts day.
- NEW—Wyoming Radio Corp., Cheyenne, Wyo.—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- NEW—The News Press Publishing Co., Santa Barbara, Calif.—1280 Construction permit for a new station to be operated on 1410 kc., 500 watts, unlimited time. Amended to change requested frequency from 1410 kc. to 1280 kc.
- KCRJ—Charles C. Robinson, Jerome, Ariz.—Authority to install 1310 automatic frequency control.
- KBPS—Benson Polytechnic School, Portland, Ore.—Authority to 1420 install automatic frequency control.

### Puerto Rican Zone

- NEW—Puerto Rico Advertising Co., Mayaguez, P. R.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts, 250 watts day, specified hours. Amended to change name from Emilio Defillo Ramirez to Puerto Rico Advertising Co., make changes in antenna, change specified hours, and transmitter and studio sites from Ensanche Martinez, Mayaguez, P. R., to site to be determined, Mayaguez, Puerto Rico.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### PAYNE CONFIRMED

George Henry Payne, of New York, was confirmed on Monday as a member of the Federal Communications Commission for a term of 7 years from July 1. It will be recalled that Mr. Payne has been a member of the Commission since the new body was organized, and the law provides that all terms shall be for a period of 7 years after the first term expires.

### RADIO BILL SIGNED

President Roosevelt has signed S. 2243, the bill which repeals the Davis amendment. The bill was originally introduced in the Upper House by Senator Wheeler of Montana. As it became law it reads exactly as quoted in NAB REPORTS dated June 4 (Vol. 4, No. 27).

### APPEAL FILED IN MONOCACY CASE

The Monocacy Broadcasting Company has filed an appeal in the United States District Court of Appeals for the District of Columbia, from a decision of the Supreme Court of the District of Columbia in which the latter court upheld a decision of the Federal Communications Commission.

In this case the Communications Commission granted a construction permit to the Monocacy Company for the erection of a new broadcasting station at Rockville, Md., but a protest was filed against the grant. The protest was later withdrawn but the Commission set the case for hearing. The Monocacy Company asked the District Supreme Court to enjoin the Commission against holding the hearing but the Court in a recent decision refused to hold in favor of the broadcasting company. Appeal has now been taken to the higher court but argument will not be held until the autumn.

### PLAN FOR JUNE 15 CONFERENCE

The Federal Communications Commission has announced a tentative plan for the June 15 engineering hearing. James W. Baldwin, Managing Director, and Dr. Charles B. Aiken, Special Technical Consultant, will appear on behalf of the NAB. The plan as announced by the FCC follows:

The following general plan for the conduct of the informal engineering hearing beginning June 15, 1936, was approved by the Commission. Since all the notices which are due have not as yet been received by the Commission, the general order of witnesses cannot be given. However, this will be done at as early a date as possible.

The hearing will take place in the government auditorium located at Constitution Avenue between 12th and 13th Streets, between the Department of Labor Building and the Interstate Commerce Commission Building.

Opening statement by Chairman of Federal Communications Commission, outlining scope and procedure of hearing.

Testimony—Chief Engineer of Commission. General review of past developments, present practices and future probabilities.

Testimony—Dr. J. H. Dellinger. Statement of requirements of government departments.

### *General Testimony Relating to Broad Questions of Public Interest and General Allocation Policies.*

- A. Witnesses in behalf of organizations operating in all phases and services in the industry.
- B. Witnesses in behalf of organizations operating in more than one phase or service in the industry.
- C. Witnesses in behalf of organizations operating in only one phase or service in the industry, in following order:
  - (a) Operating associations.
  - (b) Radio manufacturing associations.
  - (c) Other trade associations.
  - (d) Individual services.

### *Specific Testimony (See Notice of Hearing)*

1. E. K. Jett—General Status of Radio Spectrum.
2. A. D. Ring—Present Status of Apparatus Limitations.
3. L. P. Wheeler—General Frequency Propagation Characteristics.
- 4-A. Witnesses in behalf of organizations operating in all phases and services in the industry who may desire to cover all subjects at one time.
- B. Witnesses in behalf of organizations operating in more than one phase or service in the industry who may desire to cover all subjects at one time.
- C. Witnesses in behalf of organizations operating in only one phase or service in the industry in the order given in the following paragraphs 5 to 11, inclusive. Within each service outlined in the following paragraphs 5 to 11, inclusive, the order of witnesses will be as follows:
  - (a) Operating associations.
  - (b) Radio manufacturing associations.
  - (c) Other trade associations.
  - (d) Individual services.
5. *Broadcast Service*
  - (a) Broadcast stations (550-1500 kc.).
  - (b) Visual broadcast.
    - (1) Television broadcast.
    - (2) Facsimile broadcast.
  - (c) Special broadcast (1500-1600 kc.).
  - (d) International broadcast.
  - (e) Relay broadcast.
  - (f) High frequency broadcast.
  - (g) Experimental broadcast.

## FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

- (h) Other classes not now recognized in the Rules and Regulations.
6. *Fixed Services*
- Point-to-point telegraph stations.
  - Point-to-point telephone stations.
  - General and special experimental stations in the fixed services.
  - Other fixed services not now licensed by the Commission.
7. *Coastal, Marine Relay and Ship Services.*
- Coastal harbor and ship (harbor) stations.
  - Coastal telephone and ship (telephone) stations.
  - Coastal telegraph, marine relay and ship (telegraph) stations.
  - General and special experimental stations operating in the maritime service.
  - Other classes not now licensed by the Commission.
8. *Aviation Services*
- Aircraft stations.
  - Airport stations.
  - Aeronautical stations.
  - Aeronautical point-to-point stations.
  - Airway radio obstruction marker stations.
  - General and special experimental stations in the aviation service.
  - Other classes not now licensed by the Commission.
9. *Emergency Services*
- Municipal police stations.
  - State police stations.
  - Zone and interzone police stations.
  - General and special experimental stations operating as police stations.
  - Marine fire stations.
  - Special emergency stations.
  - Other general and special experimental stations operating in the emergency service.
  - Other emergency services not now licensed by the Commission.
10. *Amateur Service*
11. *Miscellaneous Services*
- Geophysical.
  - Motion picture.
  - General and special experimental stations not operating in any of the aforementioned services.
  - Other classes not identified with a particular service now licensed by the Commission.

#### DENIAL OF NEW STATION RECOMMENDED

Carl S. Taylor has applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Dubois, Pa., to use 780 kilocycles, 250 watts and daytime operation.

Examiner R. H. Hyde, in Report No. I-235 has recommended that the application be denied. He found that "the evidence relating to the application \* \* \* particularly with reference to the experience and financial qualifications of the applicant and the type of programs to be rendered, does not afford reasonable assurance that the granting of the application would serve public interest, convenience or necessity."

#### TEXAS BROADCASTERS OPPOSE HIGH POWER

##### Resolution of Texas Broadcasters Association

WHEREAS, it is the understanding of this organization that certain applications are now pending before the Federal Communications Commission and others are contemplated, wherein licenses or permits are being sought authorizing the establishment of radio broadcasting stations with transmission power of five hundred (500) kilowatts; and

WHEREAS, such stations on account of their excessive power cover the entire United States; and

WHEREAS, on account of the excessive cost to establish such stations they can only be established by large accumulations of capital and in small numbers compared with the present number of stations of lesser power now being successfully operated; and

WHEREAS, such powerful stations tend to monopolize the radio broadcasting industry to the detriment and injury of the approximate six hundred thirty (630) independent broadcasting

stations now established and representing to the owners and operators thereof valuable investments; and

WHEREAS, there is no necessity for stations of such excessive power as the country could be properly and efficiently furnished with broadcasting service without the issuance of any further license for such super-power stations.

THEREFORE, BE IT RESOLVED by the Texas Broadcasters Association, in general meeting assembled at Fort Worth, Texas, that in view of the facts related above and the certainty of the economic injury and ultimate economic destruction of the numerous presently established independent broadcasting stations which will result in the establishment of even a limited number of stations of such tremendous power, that Texas Broadcasters Association earnestly and strenuously objects to and protests the granting by the Federal Communications Commission of any other or further licenses or permits for stations of power in excess of fifty (50) kilowatts; and

BE IT FURTHER RESOLVED that the Secretary of this organization be instructed to furnish a certified copy of this Resolution to each of the members of the Federal Communications Commission with request that they and each of them refuse to grant any other or further such permits or licenses.

T. FRANK SMITH,  
*Chairman.*

ATTEST:

JAMES R. CURTIS,  
*Secretary.*

#### POWER INCREASE DENIAL RECOMMENDED

Broadcasting station KFOX, Long Beach, Cal., operating on a frequency of 1250 kilocycles, unlimited time, has applied to the Federal Communications Commission to increase its daytime power to 5,000 watts. It now operates with 1,000 watts day and night.

Examiner Ralph L. Walker in Report No. I-233 recommends that the application be denied. The Examiner found that:

"The granting of this application would permit the applicant station to approximately double its present good service area during daytime hours. By far the greater part of the population which would be served is located in the Los Angeles area wherein no need exists for additional program service. No such need is shown for additional program service in the area east and southeast of Long Beach as would warrant increasing the broadcast service now provided in the Los Angeles area."

#### MOUNTAIN STATES RADIO REVENUE

Total receipts of the 42 broadcast stations in the Mountain states from sales of radio time during 1935 amounted to \$1,760,684 according to a statement of the Bureau of the Census, Department of Commerce, in the fourth report of the new census of business series on the broadcasting business.

#### TWO NEW STATIONS RECOMMENDED

Four applications have been filed with the Federal Communications Commission for stations to be erected in California, two of which were to be located at Sacramento, one at Santa Rosa and one at Santa Cruz. All applications were for 1310 kilocycles, unlimited time and two at 100 watts, 250 watts LS, one for 100 watts and one for 250 watts.

Examiner Melvin H. Dalberg in Report No. I-234 recommended that the application of William B. Smullin for a station at Sacramento be denied; that the application of the Press Democrat Publishing Company, for a station at Santa Rosa be denied; that the application of B. A. Thompson, for a station at Santa Cruz be granted; and that the application of Howard N. Mitchell, for a station at Sacramento be granted. He found that the operation of the proposed stations would not cause interference with existing facilities.

#### SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Pictorial Paper Package Corp., Aurora, Ill. (2-2181, Form A-2)
- Inland Steel Company, Chicago, Ill. (2-2182, Form E-1)
- Sunray Oil Corp., New York City. (2-2183, Form A-2)
- Tilo Roofing Company, Stratford, Conn. (2-2184, Form A-2)
- Consolidated Aircraft Corp., San Diego, Calif. (2-2186, Form A-2)

L. C. Smith & Corona Typewriters, Inc. (2-2190, Form A-2)  
 The Gabriel Company, Cleveland, Ohio. (2-2191, Form A-2)  
 Illinois Zinc Company, Chicago, Ill. (2-2192, Form A-2)  
 Duro-Test Corp., New York City. (2-2195, Form A-1)  
 George H. Frederick Distilleries, Inc., Harrison, Ohio. (2-2196, Form A-1)  
 Comstock-Dexter Mines, Inc., Prescott, Ariz. (2-2198, Form A-1)  
 King-Seeley Corp., Ann Arbor, Mich. (2-2200, Form A-2)  
 Temblor Oil Company, Boston, Mass. (2-1991, Form A-2)  
 Wieboldt Stores, Inc., Chicago, Ill. (2-2202, Form A-2)  
 Oklahoma Natural Gas Company, Tulsa, Okla. (2-2203, Form A-1)  
 Oklahoma Natural Gas Company, Tulsa, Okla. (2-2204, Form A-1)  
 Securities Acceptance Corp., Omaha, Nebr. (2-2205, Form A-2)  
 The Standard Products Company, Cleveland, Ohio. (2-2206, Form A-1)  
 Driver-Harris Company, Harrison, N. J. (2-2207, Form D-1A)  
 Driver-Harris Company, Harrison, N. J. (2-2208, Form A-2)  
 Williams Oil-O-Matic Heating Corp., Bloomington, Ill. (2-2209, Form A-2)  
 The Arundel Corporation, Baltimore, Md. (2-2210, Form A-2)  
 Hal Price Headley et al., Lexington, Ky. (2-2211, Form F-1)  
 San Antonio Milam Building, Inc., San Antonio, Texas. (2-2212, Form E-1)  
 Bradshaw Mines, Inc., Prescott, Ariz. (2-2213, Form A-1)  
 New Park Mining Company, Salt Lake City, Utah. (2-2215, Form A-1)  
 North American Acceptance Corp., Chicago, Ill. (2-2216, Form A-1)  
 Snowden Colorado Mines, Inc., Denver, Colo. (2-2217, Form A-1)  
 Seasoned Investments, Inc., Philadelphia, Pa. (2-2218, Form A-1)  
 Metropolitan Investments, Inc., Philadelphia, Pa. (2-2219, Form A-1)  
 Summit Gold Mining Corp., Vancouver, B. C. (2-1576, Form A-1)

#### CHANGES RECOMMENDED FOR WQDM

Broadcasting Station WQDM, St. Albans, Vt., applied to the Federal Communications Commission to change its frequency from 1370 to 1390 kilocycles, to increase its power from 100 to 1,000 watts, and for certain specified hours of operation.

Examiner Melvin H. Dalberg, in Report No. I-236, has recommended that the application be granted. He found that there exists a need for additional daytime radio service in the area proposed to be served. Also, "it has been demonstrated that there will be a considerable increase in advertising patronage to the applicant station should the present application be granted." The Examiner found also that no interference would result with any other existing station if the application were granted.

#### NEW CALIFORNIA STATION RECOMMENDED

Miles J. Hansen applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Fresno, Calif., to use 1420 kilocycles, 100 watts power, and unlimited time on the air. Julius Brunton & Sons Company also applied to the Commission for the erection of a new station at Fresno to use 980 kilocycles, 250 watts and daytime operation.

Chief Examiner Davis G. Arnold, in Report No. I-237, recommends that the application of Miles J. Hansen be dismissed with prejudice on motion of the counsel for the Commission and that the application of Brunton & Sons be granted. Hansen was not ready when his case was called and asked for continuance.

The Examiner states that there is need for additional daytime radio service at Fresno and that the operation of the new proposed station would not cause interference with any existing station.

#### FEDERAL TRADE COMMISSION ACTION

##### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2825.** Use by **Cushing Refining & Gasoline Co., Cushing, Okla.**, of false and misleading advertising to prejudice the public against "Ethyl" gasoline and to build up a preference for its own competitive product is alleged in a complaint issued against that company. The respondent corporation has branch offices in Minneapolis.

"Ethyl" gasoline, which is produced by adding the chemical known as tetraethyl lead, or "Ethyl," to gasoline made by the distillation or "cracking" processes, has never been manufactured or sold by the respondent corporation, the complaint charges. Tetraethyl is said to be the only chemical used commercially for mixture with gasoline for the purpose of eliminating the "knocking" encountered in high compression motors when fueled with the usual straight run gasoline.

Advertising in newspapers and other publications, and in radio broadcasts, the respondent corporation is alleged to unfairly disparage and to discourage the use of "Ethyl" gasoline by making representations which cause purchasers to believe that gasoline treated with tetraethyl lead is dangerous, poisonous, injurious to the life or health of users, and that the respondent's product is safe and superior to gasoline chemically treated.

The complaint alleges that mixing tetraethyl lead with gasoline produces a high grade anti-knock motor fuel which functions in an exceedingly efficient manner, is entirely safe when used as such, is no more poisonous or dangerous than any other gasoline, and is not narcotic in effect.

Although the respondent corporation allegedly represents that all of its gasoline is made by a new method, the complaint charges that only about one-third of it is produced by the new "cracking" process, the balance being made by straight distillation, one of the oldest methods known in the petroleum refining industry.

Among purchasers of gasoline, the complaint alleges, one of the controlling influences is the popular opinion as to the value, desirability, effectiveness and safety of "Ethyl" as compared with other grades, and the respondent corporation, by its representations, is said to unfairly divert trade to itself and to other sellers of straight or "cracked" gasoline from competitors who sell "Ethyl."

**No. 2827.** Charging unfair competition in the sale of wood fiber wall and counter coverings made to resemble tile and marble, a complaint has been issued against **Marsh Lumber Co.**, trading as **Marsh Wall Tile Co.**, 535-611 Tuscarawas Ave., **Dover, Ohio**, alleging violation of the Federal Trade Commission Act.

Wall coverings for use in houses or other buildings, and counter coverings for soda fountains and bars, were made by the respondent company by a process of exploding pine wood chips with high pressure steam, treating the resulting mass with oil, welding it together and compressing it into sheets by subjection to high pressure in steam heated hydraulic presses, according to the complaint. This material was glazed with lacquer and processed so as to produce the appearance of tile or marble, respectively, it is alleged.

The complaint charges that purchasers observing the respondent company's installations of wall and counter coverings containing graining and other outward appearances of marble and markings imitating mortar joints in tile construction, were led to believe that such installations were actually tile or marble and not a wood product.

**No. 2828.** Charging unfair competition in the sale of furs, fur coats and fur trimmed garments, a complaint has been issued against **Mandre, Inc.**, 1400 Broadway, **New York City**, and **Louis C. Rosenblatt, Arthur J. Rosenblatt and H. Edelman**, officers of the corporation. The complaint also names as respondents the same firm and individuals trading as **M. Brooks & Co.**, 1109 G St., N. W., **Washington**. The New York firm is a manufacturer and dealer and the Washington company a dealer.

Mandre, Inc., according to the complaint, shipped to M. Brooks & Co., Washington, and to other dealers, furs, coats and pieces marked as "Hudson Seal," "Russian Leopard," "Kidskin," "Mink," and by other similar designations, these words appearing in bold, black letters and followed by small type conveying the words "dyed coney," "dyed muskrat," or "dyed marmot."

The respondents also are alleged to have advertised in magazines, newspapers and folders, printing the advertised name of a garment, such as "Imported French Seal Coats," in large type followed by explanatory words like "dyed coney" in small type and in parentheses. In some instances the advertised name of the fur was not accompanied by qualifying words.

These labels and advertisements are alleged to have been false, deceptive and misleading, as the coats labeled and advertised with names of high priced furs were in fact made from the skins of rabbits, muskrats, groundhogs and other inferior skins cured, treated and dyed to resemble higher quality skins like seals, panthers, leopards and others.

**No. 2829. Harold L. Rothschild, trading as Coronado Manufacturing Co., 500 Robert St., St. Paul, Minn.,** has been named respondent in a complaint alleging unfair competition in the sale of a line of cosmetics and toilet preparations under the brand name "Coronet."

In the financial and business opportunity columns of newspapers, the respondent is said to advertise for men with capital to invest to act as his managers or representatives, and to falsely represent in such advertisements the size of his business, the length of time it has been established, and the profit to be derived from money invested in it.

In order to induce applicants who answer these advertisements to enter into an agreement to purchase his "Coronet" merchandise for resale, the respondent, the complaint alleges, makes further representations which tend to mislead such applicants into the belief that there is a substantial demand for "Coronet" products and that they will be given exclusive territories where they will have no competition; that they will be furnished additional supplies of "Coronet" products on a profit-sharing plan if they fulfill the terms of the agreement; that managers and other representatives of the respondent have made substantial profits selling his goods, and that any man, without experience, can do the same, and that money invested will be refunded when unsold merchandise is returned.

**No. 2830.** A complaint charging unfair competition in violation of section 5 of the Federal Trade Commission Act has been issued against **Udga Incorporated, Foot-Schulz Building, St. Paul, Minn.,** and **William and Mary Fraser, engaged in the sale of "Udga Treatment" tablets, offered as a remedy for various stomach disorders, including those caused by hyperacidity. The Frasers are said to own virtually all of the capital stock of Udga Incorporated.**

In newspaper and magazine advertisements and through the use of purported testimonial letters sent to prospective customers, the respondents are alleged to make representations tending to create the belief that "Udga Treatment" has a curative value for all the stomach ailments specified, when, according to the complaint, the product has no therapeutic or curative value and cannot remedy such ailments.

**No. 2831.** False and exaggerated claims on the part of **Buno Co., Inc., 507 Green St., Philadelphia,** as to the remedial or curative qualities of "Buno", advertised and sold as a competent treatment for skin and scalp ailments, are alleged in a complaint issued against that company.

Advertising over the radio and in newspapers, magazines and circulars, the respondent company is said to represent that its product in all cases keeps the skin clear and healthy, gives instant relief from sunburn and insect bites, and is an effective remedy for dandruff, falling hair, eczema, athlete's foot, psoriasis, and all skin eruptions. The complaint charges that the product will not, in all cases, cure or effectively relieve the skin and scalp diseases named.

By reason of the respondent company's practices, held to constitute unfair competition in violation of Section 5 of the Federal Trade Commission Act, trade is alleged to be unfairly diverted to the respondent from competitors who do not misrepresent their products.

**No. 2832.** False and misleading representations in the sale of packaged mineral salts and other kindred products, are alleged in complaint charging **Roxie Thorson, of Soap Lake, Wash., trading as Thorson's Soap Lake Products Co., with unfair methods of competition in violation of the Federal Trade Commission Act.**

Selling "Thorson's Soap Lake Salts", "Thorson's Soap Lake Lini-ment" and other products obtained from the waters of Soap Lake, the respondent is alleged to have advertised that her products will prevent and cure or are beneficial in the treatment of many diseases such as stomach and kidney troubles, rheumatism, skin diseases, pyorrhea, high blood pressure and arthritis.

The complaint charges that the respondent's representations are exaggerated, misleading and untrue, and that in fact the use of these packaged products will not prevent and cure, nor are they beneficial in the treatment of the various diseases mentioned.

**No. 2833-2834.** Unfair competition through the use of a game of chance to promote the sale of candy is alleged in complaints against two **Seattle, Wash., corporations, Imperial Candy Co., 800 Western Ave., and Rogers Candy Co., 4547 University Way.**

The complaints charge each company sells to wholesale and retail dealers assortments of candy so packed and assembled as to involve the use of a lottery scheme when the candy is resold to consumers. While the respondent companies' sales plans and as-

sortments of candy vary in certain details, each features a method whereby the purchaser of a chance on a punch board or push card may win as a prize a large piece or box of candy or other article of merchandise, according to the complaints.

Use of the lottery method by the respondent companies is said to constitute a practice contrary to public policy and to cause diversion of trade to the respondents from competitors who do not resort to the same or similar schemes in selling their products.

#### Stipulations

The Commission has issued the following cease and desist orders and stipulations:

**No. 01376. Charles Endorf, 404 North Wells St., Chicago, trading as Enco Products,** agrees to stop advertising that "Protecto Remedies" are made in a laboratory under supervision of registered pharmacists or compounded in accordance with the most advanced medical practices; that they are a competent or adequate remedy for relief of pain in certain ailments of women; that they are safe, non-irritating and non-poisonous, and other representations.

**No. 01377. S. Cheifetz and M. A. Jacobs, trading as Lenox Sales Co., 303 Fourth Ave., New York City,** selling cosmetics and novelties, admit that their commodities are not offered free to persons responding to their advertisements, as was alleged, but are sold to the general public at regular market values or are given in payment for services rendered. The respondents advertised "Free Gifts," and "How to get watches, cameras, cocktail sets, 7-piece bed sets and many other gifts, without any cost to you." They agree to cease advertising that any article or premium is a gift or is free, if the receipt of such article is contingent on the recipient's furnishing money or giving services.

**No. 01378. Wroblewski Laboratories, Ltd., 55 Keap St., Brooklyn,** agrees to discontinue advertising that "Kalwaryjskie Wino Lecznice" is a competent treatment or effective remedy for stomach trouble, headaches, sluggishness, blotchy skin and other ailments; that its use will prevent loss of health and vivacity; that the wine is a remedy for colds, and other representations.

**No. 01379. Madam White Cosmetics, Inc., 2526 Nicollet Ave., Minneapolis,** in the sale of "Madam White Cosmetics," agrees to ban representations that sales agents for these products make in times of depression more money than the average professional person in normal times; that there is in "your community" a large list of permanent customers who will not buy any cosmetics except Madam White's, and that a \$15.95 demonstration set is sent "actually free" to sales persons, when, in fact, a cash deposit is required to obtain it.

**No. 01380. E. Haldeman-Julius, trading as Haldeman-Julius Publications, and The American Freeman, Girard, Kans.,** in selling subscriptions to the *American Freeman* magazine and a booklet entitled "The Rhythm Method of Natural Birth Control," agrees to discontinue advertising that the booklet gives a complete description of the Ogino-Knaus method; that this method has been officially approved by the Catholic Church; that the booklet is not for sale or that it may be procured only through subscription to the *American Freeman* magazine, and other similar representations.

**No. 01381. Marshak Maltmolak Co., Inc., 705 Driggs Ave., Brooklyn,** agrees to cease sponsoring advertisements to the effect that Marshak's Improved Malted Milk will improve the appetite, unless these assertions are expressly limited to cases in which the lack of appetite is due to a Vitamin B deficiency; that this malted milk, because of the iron content, or for any other reason, constitutes a competent treatment or effective remedy for anemia, or will prevent illness of children from developing to any "stage of anemia," unless the allegation is limited to cases of simple nutritional anemia caused by deficiency of iron in the diet. The respondent admitted in its stipulation that most serious cases of anemia arise from conditions other than a deficiency of iron in the daily diet.

**No. 01382. The Wyeth Chemical Co., 15 Exchange Place, Jersey City, N. J.,** selling "Freezone" for the removal of corns, agrees to ban the representation that this product will remove corns immediately, relieve pain of corns instantly, and remove corns without soreness or irritation. In its stipulation, the respondent company admits that removal of corns by any method is not totally devoid of soreness or irritation, and that repeated applications of its preparation and a certain amount of time are necessary to eliminate corns.

**No. 01383. E. L. Knowles, Inc., 222 Hancock St., Springfield, Mass.,** agrees to cease asserting that its product, "Rub-ine," will give quick relief from stubborn aches and pains; has un-



usual penetrating powers, and is an effective agent for the treatment of stiff muscles or muscular lameness, unless this latter assertion is limited to conditions due to exposure or exercise. The respondent will also cease representing that "Ruh-ine" is a competent remedy for aching feet, athlete's foot, mosquito bites, ivy poisoning, and other specified ailments.

**No. 01384. The Rite Product Co., 123 South State St., Salt Lake City, Utah,** agrees to quit making the representation that its product, "Stop-Rite," will make old automobile brakes new or as good as new; that it is more effective than new brake lining, and will eliminate squeaks, squeals, brake adjustments, and prevent slipping, grabbing and drum scoring. The respondent also agrees to stop alleging that its product will make brakes serviceable for 20,000 miles or any other definite distance in excess of the mileage that has been demonstrated by reliable scientific tests.

Two individuals selling cosmetics and household articles in interstate commerce have entered into stipulations to cease and desist from unfair advertising practices.

**No. 1675. Wayne Heckman, trading as Moon Glow Perfume Co., 709 West Wayne St., Maumee, Ohio,** agrees to stop use of advertising phrases which imply that a wrist watch will be given as a prize to those who "simply sell 12 bottles of our American Girl Perfume at 25 cents a bottle and remit," when in fact, according to the stipulation, the salesman, to obtain the wrist watch, must make further sales efforts or pay additional money.

Heckman also stipulates that he will not advertise "A free gift for your customers," implying that valuable articles are to be given away, when in fact their cost is included in the price paid by the customer for perfume, and, to make use of an alleged gift, the customer must spend additional money, although this requirement is not disclosed in the advertisement.

**No. 1676.** Engaged as a wholesaler of household utilities, cosmetics, drugs and similar commodities, **Joseph Auster, trading as General Sales & Drug Co., 720 West Madison St., Chicago,** agrees to discontinue publishing fictitious, exaggerated representations of selling value in his catalogues and price lists. He will also stop asserting that he manufactures the merchandise he sells, and will discontinue using the word "extracts" in a manner implying that the products referred to are extracts, when this is not true.

**No. 1678. Stehli Silks Corporation, 1372 Broadway, New York City,** silk manufacturer, has entered into a stipulation to discontinue false and misleading advertising in the sale of its products.

The stipulation sets out that the respondent corporation advertised under its trade name or under the words "Stehli Silks" certain rayon products resembling silk and designated "Laughing Water" and "Sugar and Spice," but that the true character of the materials so designated was not disclosed in such advertisements.

Under the stipulation, the respondent corporation will cease using the word "Silks," independently or as part of its trade name, in advertising matter in which fabrics described and offered for sale are not composed of silk.

**No. 1679. N. Wallach & Sons, Inc., 239 Canal St., New York City,** agrees to desist from use of the word and figures "585 Fine" in branding dental products not containing 585/1000 of gold content, and from use of the brand "22 Karat" to designate products not made of 22 karat gold. The respondent corporation stipulates it will not use any of the words or figures specified in any manner tending to deceive purchasers as to the quantity or quality of the gold content of its products.

**No. 1680. L. D. Bader, trading as L. D. Bader & Son Candy Co., 567 East South St., Akron, Ohio,** signed an agreement to discontinue any plan for selling his candy products which involves use of a lottery or scheme of chance, whereby an article is given as a prize in consideration of the purchase of any other article. The respondent also will cease transporting in interstate commerce advertising matter for use of dealers in soliciting the sale of his candy products by means of a lottery method.

**No. 2613. The New York State Wholesale Confectionery Associations, Inc.,** with headquarters in Syracuse, eight local or regional associations, and the **Empire State Candy Club, Inc.,** a candy brokers' and agents' organization with headquarters in Utica, have been served with an order to cease and desist from combination and conspiracy in restraint of trade and certain other practices in the sale of candy in interstate commerce.

The eight local or regional associations, occupying an important position in the national candy trade, particularly in the Eastern States, are: Rochester Area Wholesale Confectioners Association, Rochester, N. Y.; Capital District Wholesale Confectioners Association, Inc., Troy, N. Y.; Mohawk Valley Wholesale Confectioners Association, Utica, N. Y.; Central New York Wholesale Confectionery

Distributors, Inc., Syracuse, N. Y.; Northern New York Wholesale Confectioners Association, Inc., Watertown, N. Y.; Hudson Valley Candy Distributors Association, Newburgh, N. Y.; Southern Tier Candy Distributors Association, Wellsboro, Pa.; and Greater Buffalo Wholesale Confectioners Association, Buffalo, N. Y.

The order directs the State and regional association respondents to cease and desist from combining, conspiring or uniting in a common course of action among themselves or with others, to prevent competing dealers in confectionery, candy or allied products from obtaining such products directly from the manufacturers; from publishing so-called "white lists" containing the names of "recognized" dealers, members, or respondent associations, including only so-called legitimate, regular or "recognized" dealers, brokers, distributors or wholesalers; conspiring or uniting to fix uniform prices at which members of the associations or others should sell, and using any other cooperative or coercive means to suppress competition in price, or in the sale and distribution of their products in New York, Pennsylvania, or any other area.

**No. 2730.** An order to discontinue false representations in connection with the sale of cosmetic preparations has been entered against **Reta Terrell Sloan, trading as Reta Terrell,** with her principal place of business at 513 Oakdale Ave., Chicago, and a branch at 50 East 10th St., New York City.

The order directs the respondent to cease advertising in newspapers, magazines, radio broadcasts, or in any other way, that her cosmetic products, among other things, serve as a food for, nourish, or restore elasticity to the skin, muscles, or tissues; eliminate dryness from the skin and remove wrinkles therefrom, and penetrate the skin beyond the epidermis so as to reach the underlying muscles and tissues.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

No meeting of the Broadcast Division of the Commission was held on its regular meeting day, Tuesday. It will be held later this week.

### HEARING CALENDAR

Monday, June 15

#### Informal Engineering Conference

Re: the allocation of frequencies above 30,000 kc. and the review of present frequency allocations.

### APPLICATIONS RECEIVED

#### First Zone

WSPR—Quincy A. Brackett, Lewis B. Breed, & Edmund A. La-  
1140 port, d/h as Connecticut Valley Broadcasting Co., Springfield, Mass.—License to cover construction permit (B1-P-469) for a new station.

WGNV—Peter Goelet, Chester Township, N. Y.—Construction  
1210 permit to install new equipment, move transmitter from Robert Goelet Estate, Chester Township, New York, to at or near Newburgh, New York, and move studio to site to be determined, Newburgh, New York.

WOCL—A. E. Newton, Jamestown, N. Y.—Construction permit  
1210 to make changes in equipment, to comply with Rule 132 and increase power from 50 watts to 100 watts.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Voluntary  
1310 assignment of license from Howell Broadcasting Co., Inc., to WEBR, Incorporated.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification  
1350 of construction permit (B1-P-608) for new equipment, increase in power and move of transmitter, requesting approval of directional antenna for day and night use and 1 kilowatt power at present transmitter site.

W8XX—Howell Broadcasting Co., Inc., Portable-Mobile—Assignment  
of license from Howell Broadcasting Co., Inc., to WEBR, Inc.

W2XIS—Standard Cahill Co., Inc., Bronx, N. Y.—Construction  
permit for a general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 200 watts.

W8XY—Howell Broadcasting Co., Inc., Portable-Mobile—Assignment  
of license from Howell Broadcasting Co., Inc., to WEBR, Inc.

W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile  
—Modification of construction permit to make changes in equipment. Amended: To show increase in power to 10.5 watts and extend commencement and completion dates.

W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile—License to cover above.  
NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—Construction permit for a new general experimental station to be operated on 26100 kc., 100 watts.

#### Second Zone

WDBJ—Times-World Corporation, Roanoke, Va.—Authority to 930 transfer control of corporation from J. B. Fishburn to Members of Family, 400 shares common stock.  
WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification of license to change power from 250 watts, 500 watts day to 500 watts, 1 KW day.  
WCHV—Community Broadcasting Corp., Charlottesville, Va.—1420 Authority to transfer control of corporation from W. B. Brown to other parties. Amended: Authority for relinquishment of control by W. B. Brown.  
NEW—Associated Radiocasting Corp., Portable-Mobile—Construction permit for a new broadcast pickup station to be operated on 1622, 2058, 2150, 2790 kc., 200 watts.  
NEW—Associated Radiocasting Corp., Portable-Mobile—License to cover above.  
NEW—Smerda's Music House, Inc., Cleveland, Ohio—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 35 watts.  
W8XHG—Radio Air Service Corp., Portable-Mobile—License to cover construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

#### Third Zone

WFLA-WSUN—Clearwater Chamber of Commerce & St. Petersburg Chamber of Commerce, Clearwater, Fla.—Modification of license to change night time field intensity from 10 millivolts to 50 millivolts per meter.  
KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to Radio Enterprises, Inc.  
NEW—Bayou Broadcasting Co., Houston, Texas—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended: To change hours of operation from unlimited time to daytime.  
WJDX—Lamar Life Insurance Co., Jackson, Miss.—Authority to 1270 determine operating power by direct measurement of antenna.  
KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modification of construction permit (B-P-735) for new equipment, increase in power and move of transmitter, requesting changes in authorized equipment, approval of transmitter site at Highland and Bryan, Shawnee, Oklahoma, approval of antenna and extension of commencement and completion dates.  
WABG—Memphis Commercial Appeal, Inc., Portable-Mobile—License to cover construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 35 watts.

#### Fourth Zone

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Construction 630 permit to change hours of operation from share-WOS, KFRU night, simultaneous day to unlimited time, using directional antenna and to make changes in antenna.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—1230 Construction permit to make changes in equipment.  
KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, 1340 Kans.—Construction permit to install new equipment and comply with Rule 132.

WMIN—Edward Hoffman, St. Paul, Minn.—Modification of construction permit (B4-PB-3310) to make changes in authorized equipment, for approval of antenna and to change proposed transmitter site from 80 E. 6th St. to corner Syndicate St. and St. Anthony Ave., Lot 10, Block 4, Midway Industrial Division, St. Paul, Minn.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—1370 Modification of construction permit (B4-P-494) for a new station, requesting approval of antenna, change requested studio site from Vincennes and Spring Sts. to 10th and Spring Sts., New Albany, Ind., and for approval of transmitter site at McCullough Pike, near Silver Creek, New Albany, Ind.

NEW—Robert Raymond McCulla, Oak Park, Ill.—Construction 1500 permit for a new station to be operated on 1500 kc., 100 watts, unlimited. Amended to change time from unlimited to daytime. (Amendment accepted 5-29-36 with prejudice, hearing postponed 6 months.)

NEW—Peoria Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new general experimental station.

NEW—Peoria Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 25 watts.

#### Fifth Zone

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—780 Modification of construction permit (B5-P-599) for changes in equipment and move of transmitter and studio, requesting approval of antenna and approval of transmitter site near Baldwin Hills, Los Angeles, Calif.

KCRJ—Charles C. Robinson, Jerome, Ariz.—Construction permit 1310 to install a new transmitter and antenna system and change hours of operation from specified hours to daytime.

KGIR—KGIR, Inc., Butte, Mont.—Construction permit to install 1340 new equipment, also vertical antenna, and move transmitter and studio from 121 West Broadway, Butte, Mont., to west of city, Butte, Mont.

KVL—KVL, Incorporated, Seattle, Wash.—Construction permit 1370 to make changes in equipment, change frequency from 1370 kc. to 1070 kc., power from 100 watts to 250 watts and hours of operation from Share-KRKO to daytime only. Amended: Antenna system to be determined subject to Rule 131.

NEW—Bottled Gas Corporation of California, San Diego, Calif.—1420 Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

NEW—Jesse G. Bourus, Everett, Wash.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, 250 watts day, unlimited time. Consideration under Section 307 (b).

NEW—R. E. Moore & Mrs. K. E. Moore, d/b as Raymond Moore, Los Angeles, Calif.—Construction permit for a new experimental visual broadcasting station to be operated on 42000-560000 kc., 240 watts.

NEW—Intermountain Broadcasting Corp., Portable-Mobile—Construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 75 watts.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

Vol. 4 -- No. 29  
JUNE 18, 1936

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### EFFECTIVE DATE OF RULES POSTPONED

The Broadcast Division of the Federal Communications Commission has postponed the effective date of Rules 970 to 1075 inclusive. In this connection the Commission has made the following official statement:

It appears that at the informal engineering conference held at the offices of the Commission on June 8, 1936, with reference to rules and regulations pertaining to relay broadcast, international broadcast, visual broadcast, high frequency broadcast, and experimental broadcast stations, a number of interested parties had not received these rules and regulations in sufficient time to enable them to determine whether or not their rights were materially affected.

While the expressions of the various persons represented at the conference were, with one exception, unanimously in favor of the adopted change in Rule 229 concerning the assignment of frequencies to services, the detailed Rules 970 to 1075 inclusive, applying to the aforementioned services, had not been received in sufficient time to warrant definite decision at the conference.

Consequently, the Broadcast Division this date suspended the effective date of Rules 970 to 1075 inclusive, for one month, so that instead of these rules becoming effective July 1, 1936, in accordance with the previous decision of the Division, they will become effective August 1, 1936.

In the meantime, interested parties are invited to submit to the Commission in writing prior to July 20, 1936, any constructive suggestions they may desire to make with respect to the efficacy of the proposed rules and regulations mentioned herein.

### SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

- John Gribbel, et. al., Philadelphia, Pa. (2-2221, Form F-1).
- Associated American Underwriters Corp., Dover, Del. (2-2222, Form A-1).
- North Western Refrigerator Line Co., Chicago, Ill. (2-2224, Form A-2).
- Naph-Sol Refining Co., North Muskegon, Mich. (2-2225, Form A-1).
- Atlantic Realty Company, Atlanta, Ga. (2-2226, Form A-1).

### NOTICE

A few of the members have failed to furnish names of Delegate or Alternate for the NAB Convention. Please return cards at once that our records may be complete.

- Phoenix Brass Fittings Co., Irvington, N. J. (2-2227, Form A-2).
- American Power Cycle Corp., Frederick, Md. (2-2228, Form A-1).
- Seaboard Finance Corp., Washington, D. C. (2-2230, Form A-1).
- Industrial Securities Corp., Middletown, Conn. (2-2233, Form A-2).
- Consolidated Biscuit Company, Mt. Vernon, Ill. (2-2234, Form A-2).
- Atlantic Oil Investment Corp., Tulsa, Okla. (2-2235, Form A-1).
- Income Estates of America, Inc., Philadelphia, Pa. (2-2236, Form C-1).
- California Comstock Gold Mines, Ltd., San Bernardino, Cal. (2-2237, Form A-1).
- Otter Tail Power Company, Fergus Falls, Minn. (2-2238, Form A-2).
- Franklin Rayon Corp., Providence, R. I. (2-2239, Form A-2).
- Sunshine Consolidated Inc., Kellogg, Idaho (2-2240, Form A-1).
- Grand National Films, Inc., New York City (2-2241, Form A-1).
- American Cereal Food Corp., Clinton, Mass. (2-2242, Form A-1).
- Quaker State Oil Refining Corp., Oil City, Pa. (2-2244, Form A-2).
- Muskegon Piston Ring Co., Muskegon, Mich. (2-2245, Form A-2).
- Graham-Page Motors Corp., Detroit, Mich. (2-2246, Form A-2).

### CAUTION NECESSARY IN PERFORMANCE OF SONG ENTITLED "BLUE EYES"

The following letter received by the Managing Director from E. C. Mills, General Manager of the ASCAP deserves your careful attention:

"In connection with a matter passing over my desk, I just this moment had occasion to give some information on the title "BLUE EYES." Thought you just might be interested to see how many different *copyrighted* compositions there are under this single title, and I, therefore, enclose a list of those of which we have a record.

"Only those checked are presently included in the ASCAP repertoire."

The list follows:

## FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

Blue Eyes

<i>Composer</i>	<i>Author</i>	<i>Publisher</i>
Glenn W. Ashleigh		✓ McKinley Music Co.
Glenn W. Ashleigh (Arr-Henry Sawyer)		✓ McKinley Music Co.
Paul Shultz Baker	Paul Shultz Baker	Paul S. Baker (Unpub.)
Billy Barnes	Billy Barnes	William G. Barnes (Unpub.)
J. Bauer	J. Bauer	Jack Bauer (Pub.)
Carl Bendel	J. B. Robertson	J. B. Robertson (Pub.)
Reginald Benyon		Herman Darewski Music Pub. Co.
Bigelow	Bigelow	Dorothie Bigelow (Unpub.)
K. Boyer	K. Boyer	Katie Boyer (Unpub.)
J. M. Bradford		F. B. Haviland Pub. Co.
Franz Breyer		Thos. Goggan & Bros.
James L. Brown		Robert Y. Ireland (Unpub.)
R. A. Browne	D. P. Arnold	D. P. Arnold (Unpub.)
Raymond A. Browne	L. Bria	L. Bria (Unpub.)
F. R. Caban		Francisco R. Caban (Unpub.)
Luther A. Clark	Mrs. Bryan Burgess	Bessie Burgess (Pub.)
Sylvester Long Cross		Ben Konieczka (Unpub.)
G. F. Dabney/Earl Burnett (Arr-E. Burnett)		Gene F. Dabney (Unpub.)
F. Delmar Williamson	A. T. W. McCaul	Cary & Co.
J. De Sabato	J. De Sabato	Joseph De Sabato (Unpub.)
J. J. DeSanders	J. J. DeSanders	John Jerold DeSanders (Unpub.)
Cal De Voll	Mrs. B. Davis	Mrs. Barney Davis (Pub.)
L. Denza	Daniel Dore	John Franklin Music Co.
Arthur Dightman		Arthur Dightman (Unpub.)
E. B. Duffan	E. B. Duffan	Edward Brock Duffman (Unpub.)
Verna L. Dunagan		V. L. Dunagan (Pub.)
Raymond Ellis	Raymond Ellis	Raymond Ellis (Unpub.)
J. Fernsson		Union Musical Sepanola
John Alden Finckel	L. Bottger	Martha Newman (Unpub.)
Leo Friedman	M. J. Henvis	Lulu Bottger (Pub.)
Leo Friedman	C. S. Linden	M. Jane Henvis (Pub.)
Leo Friedman	W. Gable	C. S. Linden (Pub.)
W. Gable	Percy Heath	William Gable (Unpub.)
Jerome Gibler (Arr-Robert Gibler)	B. Goetze	F. P. Heath (Unpub.)
B. Goetze	M. F. Goldie	Billy Goetze (Unpub.)
M. F. Goldie	Luther Bates	Marion F. Goldie (Pub.)
George Graff, Jr.		Luther Bates (Unpub.)
David Gwin	Gus Kahn	David Gwin (Unpub.)
Spike Hamilton	H. L. Hampton	George Hamilton (Pub.)
H. L. Hampton		Harry L. Hampton (Unpub.)
William R. Hart		William Hart-Marvin Duerr (Unpub.)
Marvin Duerr	Roy Harvey	Chicago Music Pub. Co.
Roy Harvey	Geo. Hobart/Edward Paulton	Harms, Inc.
Silvio Hein		Co-operative Music Co.
Emil Held	C. Klatt	Clarice Kaltt (Pub.)
Edouard Hesselberg	H. B. Hinkel	Howard Barton Hinkel (Unpub.)
H. B. Hinkel		Carl S. Hinnant (Unpub.)
C. Hinnant (Arr-M. Davis)		Patterson McGuire (Unpub.)
Stuart Hoppin	Charles Myers/Iva Fairbank	Hobbs, Myers & Fairbank Music Co. (Unpub.)
William Howard Hobbs	N. S. Howser	Nellie Sullivan Howser (Unpub.)
E. S. S. Huntington	F. E. Ullrey	Flavius E. Ullrey (Unpub.)
E. S. S. Huntington	Harold Kirdahey/N. Cardegno	Harold Kirdahey & N. Cardegno (Unpub.)
E. S. S. Huntington	L. Jacobs	Leon Jacobs & Harold Squires (Unpub.)
L. Jacobs	L. Jacobs	Leon Jacobs & Harold Squires (Pub.)
L. Jacobs/H. R. Squires	E. S. Jessup	Edgar S. Jessup (Unpub.)
E. S. Jessup	E. J. Uebele	Edward J. Uebele (Pub.)
Clifton Keith	O. W. Kellner	Quirin Kellner (Pub.)
O. W. Kellner		John Cheever Kelly (Unpub.)
J. C. Kelly	Graham John	T. B. Harms Co. (From "Blue Eyes")
Jerome Kern		T. B. Harms Co.
Jerome Kern (Arr-H. M. Higgs)		T. B. Harms Co.
Jerome Kern (Arr-Max Irwin)		Harms, Inc.
I. B. Kornblum	Z. Myers	John Krachtus (Pub.)
John Krachtus		Osborne W. Lane (Pub.)
O. W. Lane	O. W. Lane	Enoch
G. Lane		Violet E. Stallcup (Unpub.)
Lynn Lange	Lynn Lange	Elsie Lirette (Pub.)
E. Lirette	E. Lirette	William Edward Boyle (Unpub.)
Paul Luke	W. E. Boyle	Ogren & Uhe Inc.
Walter McCray	Margaret Haughawout	Basil C. McCubbin (Unpub.)
B. C. McCubbin	B. C. McCubbin	Brunswick-Balke-Collender Co. (Unpub.)
Wm. MacKenzie/Richard Slevin		F. Yakish (Pub.)
Madden Music Co.	Florence Yakish	Earl C. Mikesell (Unpub.)
E. C. Mikesell	E. C. Mikesell	Alvin Miller & John Marinak (Unpub.)
A. Miller/J. Marinak	A. Miller/J. Marinak	Carl Moskowitz (Unpub.)
C. Moskowitz		Katherine Nador (Unpub.)
Katherine Nador	Katherine Nador	Edna Newhouse (Unpub.)
E. Newhouse	Bernie L. Anderlini	

Blue Eyes—(Continued)

Composer	Author	Publisher
Horatio Nicholls	Godfrey Williams	✓ Lawrence Wright Music Co. (F. V. Haviland, U. S. A.) G. R. Dixon (Unpub.)
Raymond Nielson	G. R. Dixon	✓ Boosey & Co.
Ivor Novello	John Yorke	Harry Oblinger (Unpub.)
H. Oblinger	Harry Kelly	Wm. C. Vincent-Inez Parham (Unpub.)
I. Parham	W. C. Vincent	Marcia Ragsdale Pawley (Unpub.)
M. R. Pawley	M. R. Pawley	Annie Greenway Plunkett (Pub.)
A. G. Plunkett	A. G. Plunkett	✓ Leo Feist Inc.
Louis Retter		John Rich (Unpub.)
John Rich		Mrs. A. J. Billings (Pub.)
A. Leopold Richard	Mrs. A. J. Billings	Mrs. F. C. Evans (Pub.)
A. Leopold Richard	W. Lee	C. Melville Wyler (Pub.)
A. Leopold Richard	C. M. Wyler	Franklin-Barrett Co.
Justin Ring		Frank W. Ryan (Pub.)
W. Ryan	F. W. Ryan	Joseph Volpe (Unpub.)
John F. Ryan	Joseph Volpe	✓ Dave Ringle Music Pub.
Dave Ringle	Dave Ringle	Odette St. Lys (Unpub.)
O. St. Lys	O. St. Lys	Domenic A. Sarli (Unpub.)
D. A. Sarli	D. A. Sarli	Mae Tadrosky Schmidt (Unpub.)
Mae Tadrosky Schmidt		R. D. Gadd (Pub.)
Genevieve Scott	Raymond D. Gadd	✓ Theo. Presser Co.
W. C. E. Seeboeck (Arr-N. L. Frey)		Mabel B. Seeboeck (Renewal)
W. C. E. Seeboeck		Premo Bonfanti (Unpub.)
Premo Bonfanti	Violet Sipe	Elkin & Co., Ltd.
Reginald Somerville	Ella Brown	D. Trueman Stackhouse (Unpub.)
D. T. Stackhouse	Mary Carolyn Davies	Albert Vincent Stock (Unpub.)
A. V. Stock	A. V. Stock	Leo Matthew Trauth (Unpub.)
Leo Matthew Trauth	Walter Gene Armour	Eugene E. Littlefield (Pub.)
Tyler & Fisk	Gene Littlefield	✓ L. B. Curtis Music Pub.
Egbert Van Alstyne	Lee Onidas	Eda Milne Gray (Unpub.)
Burrell Van Buren	E/M. Gray	Georgi & Vitak Music Co.
Arr-Louis Vitak		Fine Arts Pub. Co.
Horace C. Vokoun	J. A. MacLeod	John Carl Wallace (Unpub.)
J. C. Wallace	J. C. Wallace	Robert A. Warner (Unpub.)
R. A. Warner	R. A. Warner	✓ White-Smith Music Pub. Co.
Leslie F. Watson	E. J. Watson	Edward Judson Watson (Unpub.)
E. J. Watson	Morten Eugene Weldy	✓ Willis Music Co.
Edlyn Braren Welch	L. V. Wiedemann	Louise Vahle Wiedemann (Unpub.)
L. V. Wiedemann	M. E. Christian	M. E. Christian (Pub.)
Edward Wunderlich		Maurice Zbriger (Unpub.)
Maurice Zbriger		

CORRECTED BROADCAST STATION LIST

Following is an official list made public by the Federal Communications Commission containing alterations and corrections (underlined) to the edition of January 1 for the month of May:

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
KBIX	Muskogee, Okla.	Oklahoma Press Publishing Co. <i>C. P. covered by license</i> <i>Strike out effective 2-11-36</i>	100w	1500	U	...	...
KCMO	Kansas City, Mo.	Lester E. Cox, Thos. L. Evans & C. C. Payne <i>Strike out S. A. Charlotte Duncan, Adm. &amp; Co-contracting parties, Lester E. Cox &amp; Thos. L. Evans</i>	100w	1370	S. H.	0.05	0.05
KFRC	San Francisco, Calif.	Don Lee Broadcasting System	1kw <i>5kw-LS</i>	610	U	0.5	0.85
KFRU	Columbia, Mo.	KFRU, Inc.	500w <i>1kw-LS</i>	630	Simultaneous D-WGBF, S-WGBF, night	0.15	0.5
* KGFK	Moorhead, Minn. <i>C. P. Minnesota Point, Duluth, Minn.</i>	Red River Broadcasting Co., Inc. <i>Strike out pending issues being determined by Court of Appeals, District of Columbia.</i>	100w	1500	U	0.1	0.1
KGHL	Billings, Mont.	Northwestern Auto Supply Co., Inc. <i>S. A.-780-Exp. Effective 7-28-36—780 C. P. 5kw-LS—780</i>	1kw <i>2½kw-LS</i>	950	U	0.5	0.85
*KGBZ	York, Nebr.	KGBZ Broadcasting Co. <i>Date of deletion extended to 6-17-36</i>	1kw <i>2½kw-LS</i>	930	S-KMA	0.25	0.37
KMA	Shenandoah, Iowa	May Seed and Nursery Co. <i>Effective 6-17-36... U</i>	1kw <i>2½kw-LS</i>	930	S-KGBZ	0.5	0.75

Call Letters	Main Studio Location	Name of Licensee	Power	Frequency (kc)	Time Designation	Quota Night	Units Day
KPPC	Pasadena, Calif.	Pasadena Presbyterian Church	100w	1210	S-KFXM	0.01	0.01
KRRV	Sherman, Texas	Red River Valley Broadcasting Corp.	100w	1310	D (C. P. only)	...	...
KTSA	San Antonio, Tex.	KTSA Broadcasting Co.	1kw 5kw-LS	550	U	0.5	0.85
KUTA	Salt Lake City, Utah	Jack Powers, Frank C. Carman, David G. Smith and Grant Wrathall, d/b as Utah Broadcasting Co.	100w	1500 Effective 9-8-36	U (C. P. only)	...	...
KVOL	Lafayette, La.	Evangeline Broadcasting Co.	100w	1310	U	...	...
WAML	Laurel, Miss.	New Laurel Radio Station	100w	1310	S. H.	0.02	0.07
WAPO	Chattanooga, Tenn.	W. A. Patterson Effective 9-8-36	100w	1420	D (C. P. only)	...	...
WBAA	West Lafayette, Ind.	Purdue University	500w 1kw-LS	890	S. H.	...	0.16
WYLB	Lima, Ohio	Herbert Lee Blye Effective 9-29-36	100w	1210	D (C. P. only)	...	...
WBNX	New York, N. Y. T-Cliffside Park, N. J.	Standard Cahill Co., Inc. Effective 9-15-36 C. P. 1kw	250w	1350	S-WAWZ	0.4	0.35
WCOP	Boston, Mass.	Massachusetts Broadcasting Corp.	500w	1120	D	...	0.3
WDWS	Champaign, Ill.	Champaign News-Gazette, Inc. Effective 8-18-36	100w	1370	D (C. P. only)	...	...
WEOA	Evansville, Ind.	Evansville on the Air, Inc. C. P. covered by license	100w	1370	U	...	...
WFBM	Indianapolis, Ind. T-nr. Millersville	Indianapolis Power and Light Co.	1kw 5kw-LS	1230	U	0.5	0.85
WGBF	Evansville, Ind.	Evansville on the Air, Inc.	500w	630	Simultaneous D. S-KFRU, WOS, night	0.15	0.3
WHKC	Columbus, Ohio	Associated Radiocasting Corp. Call letters changed from WAIU—Effective 7-1-36	500w	640	L-KFI	0.15	0.3
WICC	Bridgeport, Conn.	Southern Connecticut Broadcasting Corp.	500w 1kw-LS	600	U	0.3	0.5
WJJD	Chicago, Ill. T-Des Plaines	WJJD, Inc.	20kw	1130	L-KSL	0.17	1.3
WKY	Oklahoma City, Okla.	WKY Radiophone Co. C. P. 5kw-LS	1kw	900	U	0.5	0.85
WKZO	Kalamazoo, Mich.	WKZO, Inc. Strike out C. P. 250w-1kw-LS	1kw	590	D	...	0.5
WLIN	Middlesboro, Ky.	Lincoln Memorial University	100w	1210	U (C. P. only)	...	...
WMFN	Clarksdale, Miss. C. P. Grenada, Miss.	Attala Broadcasting Corp.	100w	1210	U	...	...
WPAX	Thomasville, Ga.	H. Wimpy Strike out C. P. 250w	100w	1210	D	...	0.1
WPRP	Ponce, Puerto Rico	Julio M. Conesa C. P. covered by license	100w 250w-LS	1420	S. H.	...	...
WQAN	Scranton, Pa.	The Scranton Times (Co-partnership) E. J., Wm. R., Elizabeth R. Lynett, and Edw. J. Lynett, Jr.	250w	880	S-WGBI	0.04	0.03
WREC	Memphis, Tenn. T-nr. Rugby Park	WREC, Inc. Strike out S. A. 1kw-2½kw-LS—Exp.	1kw 2½kw-LS	600	U	0.5	0.75
WSGN	Birmingham, Ala.	The Birmingham News Co.	100w 250w-LS	1310	U	0.1	0.2
WSPD	Toledo, Ohio T-Perrysburg	Toledo Broadcasting Co.	1kw 5kw-LS	1340	U	0.5	0.85
WSPG	Portland, Maine	Portland Broadcasting System, Inc. Effective 6-16-6	500w	640	L-KFI (C. P. only)	0.15	0.3
WTAR	Norfolk, Va.	WTAR Radio Corp.	500w 1kw-LS C. P. 1kw	780	U	0.5	0.5
WWAE	Hammond, Ind.	Hammond-Calumet Broadcasting Corp.	100w	1200	S-WFAM	0.09	0.06
WWJ	Detroit, Mich. T-Oak Park	The Evening News Assn., Inc.	1kw 5kw-LS	920	U	0.5	0.85

QUOTA FACILITIES AS OF JUNE 5

The repeal of the Davis amendment became effective on June 5 when the bill was signed by the President. Following are the quota facilities by zones as of that date:

First Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Conn. ....	2.13	1.92	— 0.21	— 10
Del. ....	0.32	0.20	— 0.12	— 38
D. C. ....	0.64	0.60	— 0.04	— 6
Maine ....	1.06	1.14	+ 0.08	+ 7
Md. ....	2.16	1.98	— 0.18	— 8
Mass. ....	5.63	5.51	— 0.12	— 2
N. H. ....	0.62	0.43	— 0.19	— 31
N. J. ....	5.36	4.105	— 1.255	— 23
N. Y. ....	16.69	18.77	+ 2.08	+ 12
R. I. ....	0.91	1.10	+ 0.19	+ 21
Vt. ....	0.48	0.56	+ 0.08	+ 17
<b>Total</b>	<b>36.00</b>	<b>36.315</b>	<b>+ 0.315</b>	<b>+ 1</b>

Third Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ala. ....	5.99	4.60	— 1.39	— 23
Ark. ....	4.19	4.95	+ 0.76	+ 18
Fla. ....	3.32	5.40	+ 2.08	+ 63
Ga. ....	6.58	5.10	— 1.48	— 22
La. ....	4.75	5.60	+ 0.85	+ 18
Miss. ....	4.55	2.42	— 2.13	— 47
N. Car. ....	7.17	4.95	— 2.22	— 31
Okla. ....	5.42	5.65	+ 0.23	+ 4
S. Car. ....	3.93	3.20	— 0.73	— 19
Tenn. ....	5.92	7.75	+ 1.83	+ 31
Texas ....	13.18	14.12	+ 0.94	+ 7
<b>Total</b>	<b>65.00</b>	<b>63.74</b>	<b>— 1.26</b>	<b>— 2</b>

First Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Conn. ....	3.85	3.45	— 0.40	— 10
Del. ....	0.57	0.33	— 0.24	— 42
D. C. ....	1.16	0.90	— 0.26	— 22
Maine ....	1.91	1.72	— 0.19	— 10
Md. ....	3.91	4.10	+ 0.19	+ 5
Mass. ....	10.17	7.45	— 2.72	— 27
N. H. ....	1.11	0.80	— 0.31	— 28
N. J. ....	9.67	5.055	— 4.615	— 48
N. Y. ....	30.14	22.02	— 8.12	— 27
R. I. ....	1.65	1.20	— 0.45	— 27
Vt. ....	0.86	0.86	— 0.00	— 0
<b>Total</b>	<b>65.00</b>	<b>47.885</b>	<b>— 17.115</b>	<b>— 26</b>

Fourth Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ill. ....	10.14	11.41	+ 1.27	+ 13
Ind. ....	4.30	3.65	— 0.65	— 15
Iowa ....	3.28	5.75	+ 2.47	+ 75
Kansas ....	2.50	2.49	— 0.01	— 0
Minn. ....	3.41	4.18	+ 0.77	+ 23
Mo. ....	4.82	5.23	+ 0.41	+ 9
Nebr. ....	1.83	1.96	+ 0.13	+ 7
N. Dak. ....	0.90	1.40	+ 0.50	+ 56
S. Dak. ....	0.92	0.86	— 0.06	— 7
Wisc. ....	3.90	3.50	— 0.40	— 10
<b>Total</b>	<b>36.00</b>	<b>40.43</b>	<b>+ 4.43</b>	<b>+ 12</b>

Fourth Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ill. ....	18.30	16.77	— 1.53	— 8
Ind. ....	7.77	6.54	— 1.23	— 16
Iowa ....	5.93	8.63	+ 2.70	+ 46
Kansas ....	4.51	4.12	— 0.39	— 9
Minn. ....	6.15	5.77	— 0.38	— 6
Mo. ....	8.70	9.74	+ 1.04	+ 12
Nebr. ....	3.30	5.65	+ 2.35	+ 71
N. Dak. ....	1.63	2.10	— 0.47	— 29
S. Dak. ....	1.66	2.13	+ 0.47	+ 28
Wisc. ....	7.05	6.72	— 0.33	— 5
<b>Total</b>	<b>65.00</b>	<b>68.17</b>	<b>+ 3.17</b>	<b>+ 5</b>

Second Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ky. ....	3.38	3.95	+ 0.57	+ 17
Mich. ....	6.25	5.05	— 1.20	— 19
Ohio ....	8.58	9.83	+ 1.25	+ 15
Pa. ....	12.43	12.38	— 0.05	— 0
Va. ....	3.13	4.85	+ 1.72	+ 55
W. Va. ....	2.23	2.19	— 0.04	— 2
<b>Total</b>	<b>36.00</b>	<b>38.25</b>	<b>+ 2.25</b>	<b>+ 6</b>

Fifth Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ariz. ....	1.32	1.37	+ 0.05	+ 4
Calif. ....	17.18	19.97	+ 2.79	+ 16
Colo. ....	3.13	4.16	+ 1.03	+ 33
Idaho ....	1.35	1.60	+ 0.25	+ 18
Mont. ....	1.62	2.15	+ 0.52	+ 32
Nev. ....	0.27	0.30	+ 0.03	+ 11
N. Mex. ....	1.28	1.13	— 0.15	— 12
Ore. ....	2.89	4.12	+ 1.23	+ 42
Utah ....	1.54	3.30	+ 1.76	+ 114
Wash. ....	4.73	7.73	+ 3.00	+ 63
Wyo. ....	0.68	0.40	— 0.28	— 41
<b>Total</b>	<b>36.00</b>	<b>46.68</b>	<b>+ 10.68</b>	<b>+ 30</b>

Second Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ky. ....	6.10	4.25	— 1.85	— 30
Mich. ....	11.28	7.09	— 4.19	— 37
Ohio ....	15.50	12.86	— 2.64	— 17
Pa. ....	22.45	14.95	— 7.50	— 33
Va. ....	5.64	6.54	+ 0.90	+ 16
W. Va. ....	4.03	4.30	+ 0.27	+ 7
<b>Total</b>	<b>65.00</b>	<b>49.99</b>	<b>— 15.01</b>	<b>— 23</b>

Fifth Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ariz. ....	2.38	1.69	— 0.69	— 29
Calif. ....	31.02	24.18	— 6.84	— 22
Colo. ....	5.66	5.25	— 0.41	— 7
Idaho ....	2.43	2.25	— 0.18	— 7
Mont. ....	2.94	3.05	+ 0.11	+ 4
Nev. ....	0.49	0.30	— 0.19	— 39
N. Mex. ....	2.31	2.95	+ 0.64	+ 28
Ore. ....	5.21	6.19	+ 0.98	+ 19
Utah ....	2.78	3.30	+ 0.52	+ 19
Wash. ....	8.54	9.94	+ 1.40	+ 16
Wyo. ....	1.24	0.40	— 0.84	— 68
<b>Total</b>	<b>65.00</b>	<b>59.50</b>	<b>— 5.50</b>	<b>— 8</b>

Third Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ala. ....	3.32	2.65	— 0.67	— 20
Ark. ....	2.32	2.77	+ 0.45	+ 19
Fla. ....	1.84	3.65	+ 1.81	+ 98
Ga. ....	3.64	4.46	+ 0.82	+ 22
La. ....	2.63	5.40	+ 2.77	+ 105
Miss. ....	2.52	1.32	— 1.20	— 48
N. Car. ....	3.97	4.45	+ 0.48	+ 12
Okla. ....	3.00	3.51	+ 0.51	+ 17
S. Car. ....	2.18	1.30	— 0.88	— 40
Tenn. ....	3.28	6.05	+ 2.77	+ 84
Texas ....	7.30	11.14	+ 3.84	+ 53
<b>Total</b>	<b>36.00</b>	<b>46.70</b>	<b>+ 10.70</b>	<b>+ 30</b>

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2835. E. G. and M. W. Zellers**, trading as **Zellers Laboratories**, Orrton Ave. and Noble St., **Reading, Pa.**, are named respondents in a complaint alleging misrepresentations in advertising in connection with the sale of medicines and remedies for diseases in fowls.

The respondents, the complaint charges, make representations in trade magazines, circulars and other advertising matter, to the effect that their "Zellers Kamala Nicotine Tabs" are a powerful and effective agency for ridding fowls of worms, releasing medication at the seat of infection and producing results in less than six hours.

They are also alleged to represent that "Zellers Fowl Tone Formula No. 1" contains the elements essential to the development of future egg layers, is a special tonic for building up disease resistance, and that it and the preparation "Carbo-Zel Tablets" are ideal antiseptics and effective treatments for certain poultry diseases, including intestinal flu, coccidiosis, cholera, and brooder pneumonia; and that "Zellers Fowl Tone Formula No. 2" is scientifically prepared to combat the ravages of small worms and is an excellent tonic.

**No. 2836.** Charging unfair competition through exaggeration of the earnings of salespersons, a complaint has been issued against **American Products Co.**, manufacturer of food and toilet products and household cleaners, and **Zanol Products Co.**, its selling agent and subsidiary, both of 3265 Colerain Ave., **Cincinnati**.

Advertising in newspapers and other periodicals and through circular letters, the American Products Co., it is said, has sought to obtain sales representatives for its products. In one advertisement the respondent is alleged to have said that the company "will pay you up to \$42.50 a week," and "will furnish a car to producers." Advertising a profit-sharing plan, the respondent is alleged to have asserted that it had brought money to thousands of men and women.

The complaint alleges that the respondents' representations are false and misleading, and that the so-called representatives, procured in response to advertisements, are in fact retailers, and no car is furnished to them except as a subsequent bonus given when a representative shall have purchased from the respondent at wholesale prices in a period of one year, not less than \$2,500 worth of goods.

The Zanol Products Co. is also charged with making assertions in advertising calculated to represent large earnings to be gained by potential representatives and to induce such persons to sell the respondents' goods. In fact, according to the complaint, the average earnings of such representatives under normal conditions is but a small percentage of the amount advertised, and consistent earnings in the due course of business in the amounts as advertised would be impossible.

**No. 2837.** Unfair competition through the use of lottery schemes in connection with the sale of candy is alleged in a complaint issued against **Ostler Candy Co.**, 143 South State St., **Salt Lake City, Utah**.

The complaint charges the respondent company arranges its candy in assortments so as to involve a game of chance when the candy is sold to the ultimate purchaser. Push cards and other schemes in which the element of chance enters are used to attract customers, according to the complaint.

The respondent company's sales plans are said to be contrary to public policy, and to divert trade to the respondent from competitors who do not use similar methods in the sale of candy.

**No. 2838.** Misleading representations in the sale of cosmetics are alleged in a complaint issued against **Bourjois, Inc.**, and its selling agent and subsidiary, **Barbara Gould Sales Corp.** The **Bourjois Company** operates a factory at **Rochester, N. Y.**, and both corporations have offices at 35 West 34th St., **New York City**.

Use of the trade name "Barbara Gould Irradiated Skin Food" is alleged to have a tendency to deceive buyers into believing that the respondents' products give nourishment to and act as food for the skin, when in fact, according to the complaint, this preparation does not possess such properties.

Other representations made by the respondents are alleged to have a capacity to deceive buyers into believing that there are glands in the body known as "youth glands" which will be restored and revived by application of the respondents' products.

**No. 2839.** Imitation of the product of a competitor, in violation of Section 5 of the Federal Trade Commission Act, is alleged in a

complaint issued against **Louis Schear** and **Jack Schrader**, trading as **Schear and Schrader**, 239 Fourth Ave., **New York City**, engaged in wholesaling novelties.

The complaint sets out that S. S. Adams, trading as S. S. Adams Co., also is a dealer in novelties, including a game designated "Hindu Cones," which he designs, manufactures and sells at the wholesale price of \$21 a gross. Soon after Adams introduced "Hindu Cones" on the market, the complaint alleges, the respondents began selling a similar product, the container of which bears the trade name "Hindu Cones" and the same language as that on Adams' package, the principal difference being the color of the containers.

The insert instructing purchasers how to operate the cones in the respondents' container is an exact duplicate of that in Adams' package, according to the complaint, and the name "Adams" appears in the instructions. The wholesale price of the respondents' product is \$15 a gross less than the price at which Adams sells his cones, the complaint charges.

**No. 2840.** Misrepresentation of the therapeutic value of "NoDoz Awakeners," a pharmaceutical preparation said to be compounded of caffeine citrate and sugar of milk, is charged in a complaint issued against **NoDoz Laboratories, Inc.**, 307 Mitau Building, **Sacramento, Calif.**, manufacturer and seller of this product.

The complaint charges that the respondent corporation's representations in various publications, in other forms of printed matter, and in radio broadcasts, tend to lead purchasers into believing that use of the preparation, among other things, keeps motorists awake and enables them to avoid accidents while driving; that it overcomes alcoholic depression; conquers mental dullness and adds energy to one's capacity for work or pleasure without apparent fatigue, and preserves a clear head under the most difficult circumstances.

These representations, as well as the respondent's alleged claims that "NoDoz Awakeners" are a pure vegetable concentrate and are used by more than one million automobile drivers, are false or exaggerated, the complaint charges.

### Stipulations

The Commission has issued the following cease and desist orders and stipulations:

**No. 01386. Elizabeth Arden Sales Corporation, Elizabeth Arden, Inc., and Florence N. Lewis**, trading as **Elizabeth Arden**, 681 Fifth Ave., **New York City**, agree to cease representing that either "Venetian Eyelash Grower" or "Ardena Eyelash Grower" is a stimulant to the eyelashes or encourages the growth of eyelashes or eyebrows. Use of the words "Grower" or "Venetian" as part of the trade names designating the products will be stopped.

**No. 01387. Bromo Aspirin Manufacturing Co., Inc.**, 5111 **Chester Ave.**, **Philadelphia**, selling "Bromo Aspirin Capsules," will discontinue advertising that this product is a competent remedy for colds, coughs, or grippe; that it will prevent pneumonia, influenza, grippe or complications of colds, and that it reaches the cause of any ailment.

**No. 01388. R. R. Paul**, trading as **Wayne Manufacturing Co.**, 5249 **Western Ave.**, **Detroit**, in the sale of his "Wayne Checkwriter," agrees to cease representing that the device, advertised to sell for \$12.50, accomplishes more than machines costing hundreds of dollars, and that he makes to persons answering his advertisements a special offer different from his usual and customary offer.

The respondent will discontinue representing that the maker of a check cannot recover from the bank on which such check is drawn any overpayment made as a result of an alteration of the check.

In advertising for salesmen he agrees not to make unmodified claims of earnings in excess of the average earnings made by his active, full-time salesmen under normal business conditions.

**No. 01389.** Under a stipulation entered into, the **National Art School, Inc.**, 3601 **Michigan Ave.**, **Chicago**, has agreed to cease false and misleading advertising in the sale of a correspondence course in coloring photographs and miniatures in oil by a process described as the "Koehne Method."

The respondent corporation will cease advertising that a talent for art is not necessary to enable a student to master the course; that completion of the course can be accomplished in 12 weeks, and that it enables one to earn a steady income and to do work that commands the highest prices; and that the "Koehne Method" transforms photographic prints into works of art comparable to originals worth hundreds of dollars.

**No. 01390. The Tonsiline Co.**, **Canton, Ohio**, entered into an agreement to cease advertising that "Tonsiline" affords quick re-



lief for sore throat, or that it is a competent treatment for that ailment, unless such representations are limited to sore throat due to colds or to the inhalation of dust or fumes. The respondent company will cease representing that the product is the "National Sore Throat Remedy."

No. 01391. **Initial It, Inc., 500 North Dearborn St., Chicago**, stipulates that in the sale of leather articles such as purses and bill folds it will cease representing that its "Ritzi 2-Way Bag" or any other article offered to salesmen as a sample outfit is "free," if such salesmen are required to make a cash deposit to procure the bag, or required to sell a definite amount of merchandise to have the cash deposit returned. The respondent corporation admits that in advertising matter it exaggerated the prospective sales and earnings of salesmen, and agrees to discontinue such practice.

No. 01392. **National Oil Products Co., Harrison, N. J.**, engaged in the sale of a poultry and animal feed designated "Nopco Double X," will cease and desist from representing, among other things, that the product alone, when added to feed, produces a balanced diet; that it improves any feed having an adequate supply of vitamins A and D; that it eliminates soft shelled eggs or blood spots, regardless of cause; and that it is "guaranteed" for results.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### HEARING CALENDAR

Monday, June 22

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Voluntary assignment of license, 1370 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Jack E. Brantley, Mrs. Jack E. Brantley, and Jack E. Brantley, Jr., Savannah, Ga.—C. P., 1310 kc., 100 watts, unlimited time.
- NEW—W. T. Knight, Jr., Savannah, Ga.—C. P., 1310 kc., 100 watts, unlimited time.
- NEW—Ted R. Woodard, Kingsport, Tenn.—C. P., 1210 kc., 100 watts, daytime.
- NEW—Jonas Weiland, Kinston, N. C.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—John Perkins Rabb, Lenoir, N. C.—C. P., 1370 kc., 100 watts, daytime.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of license, 1310 kc., 100 watts, 250 watts LS, daytime until 7:30 p. m. Present assignment: 1310 kc., 250 watts, daytime.

Tuesday, June 23

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- KCMO (formerly KWKC)—Charlotte Duncan, Administratrix, Lester E. Cox, Thomas L. Evans, Kansas City, Mo.—C. P., 1370 kc., 100 watts, specified hours.
- NEW—The Tribune Co., Tampa, Fla.—C. P., 550 kc., 1 KW, 5 KW LS, unlimited time.
- NEW—Black River Valley Broadcasts, Inc., Watertown, N. Y.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Metro Broadcasting Co., Los Angeles, Calif.—C. P., 820 kc., 250 watts, limited with WHAS.

Wednesday, June 24

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- WHFC—WHFC, Inc., Cicero, Ill.—C. P., 1420 kc., 100 watts, 250 watts LS, specified hours. Present assignment: 1420 kc., 100 watts, specified hours.
- WKBI—WKBI, Inc., Cicero, Ill.—Modification of license, 1420 kc., 100 watts, 250 watts LS, specified hours. Present assignment: 1420 kc., 100 watts, specified hours.
- WEHS—WEHS, Inc., Cicero, Ill.—Modification of license, 1420 kc., 100 watts, 250 watts LS, specified hours. Present assignment: 1420 kc., 100 watts, specified hours.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Modification of license, 1370 kc., 100 watts, unlimited time. Present assignment: 1200 kc., 100 watts, share-WJBC.

NEW—A. W. Mills, Gallup, N. Mex.—C. P., 1310 kc., 100 watts, unlimited time.

Thursday, June 25

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Mrs. C. A. S. Heaton, Las Vegas, Nev.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW—Cache Valley Broadcasting Co., Logan, Utah.—C. P., 1370 kc., 100 watts, unlimited time.
- NEW—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—C. P., 1310 kc., 100 watts, unlimited time.
- NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time (request facilities of WNRI).
- WNRI—S. George Webb, Newport, R. I.—Modification of C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.
- WTHT—The Hartford Times, Inc., Hartford, Conn.—Modification of C. P., 1200 kc., 100 watts, unlimited time (request facilities of WNRI).

Friday, June 26

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—C. A. Rowley, Ashtabula, Ohio.—C. P., 940 kc., 250 watts, daytime.
- WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Modification of license, 1300 kc., 1 KW, S-WFAB, WEVD, WBBR. Present assignment: 1300 kc., 500 watts, S-WFAB, WEVD, WBBR.

#### APPLICATIONS GRANTED

- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted C. P. to make changes in equipment and move transmitter locally 1½ miles from court house on North Dixie Highway, Tyler, Tex.
- KRSC—Radio Sales Corp., Seattle, Wash.—Granted C. P. to make changes in equipment.
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted modification of C. P. to install new equipment and extend commencement date to 2 months after grant and completion date to 6 months thereafter.
- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted modification of C. P. to extend completion date from 7-19-36 to 1-19-37.
- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of C. P. to make changes in transmitter (tubes); install vertical radiator to comply with Rule 131, exact transmitter site and height of antenna to be determined; increase day power from 2 KW to 5 KW; extend commencement date to 60 days after grant and completion date to 6 months thereafter.
- WRR—City of Dallas, Texas, Dallas, Tex.—Granted modification of C. P. to install new equipment; also granted license to cover installation of new equipment and vertical radiator, and move transmitter locally; 1280 kc., 500 watts, unlimited time.
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted license to cover C. P. authorizing erection of new station; 1310 kc., 100 watts, unlimited.
- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power to 250 watts; 1210 kc., 100 watts night.
- WCBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted license to cover C. P. authorizing installation of new equipment and increase in power from 250 watts to 500 watts; 880 kc., S-WQAN.
- KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted consent to the transfer of control of The Central Nebraska Broadcasting Corp. from the present stockholders to Clark Standiford and Kate S. Fisher; 1310 kc., 100 watts, unlimited.

- WHBB—Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—Granted consent to voluntary assignment of license to W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b as Selma Broadcasting Co.
- KELD—T. H. Barton, El Dorado, Ark.—Granted consent to voluntary assignment of license to Radio Enterprises, Inc.
- WNBC—William J. Sanders, New Britain, Conn.—Granted consent to voluntary assignment of license to State Broadcasting Corp.
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted consent to the transfer of control of the New Mexico Broadcasting Co., Inc., licensee of KGGM, to Mrs. A. R. (Goldie) Hebenstrait to A. R. Hebenstrait.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted C. P. to install new equipment and move transmitter to site of station KOMO.
- WCOL—WCOL, Inc., Columbus, Ohio.—Granted C. P. to make changes in equipment.
- WSYR—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted license to use old composite transmitter as an auxiliary transmitter; **570 kc.**, 250 watts, for emergency purposes only.
- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted license to cover C. P. authorizing installation of new equipment; **1210 kc.**, 100 watts, unlimited time.
- WNYC—City of New York, Dept. of Plant and Structures, New York City.—Granted license to cover C. P. (auxiliary) to be used for emergency purposes only, to be used while moving main transmitter; **810 kc.**, 1 KW.
- KSLM—Oregon Radio, Inc., Salem, Ore.—Granted authority to make changes in automatic frequency control equipment.
- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted modification of C. P. approving new transmitter site  $\frac{3}{4}$  mile northwest of 5 Points Intersection U. S. Highway No. 70 and Macon Road, near Memphis; install new directional antenna; extend commencement date to this date and completion date to 1-19-37.
- KUOA—KUOA, Inc., Fayetteville, Ark.—Granted C. P. to move transmitter and studio to John Brown University, Siloam Springs, Ark., a distance of approximately 25 miles; install new equipment and vertical radiator; increase day power from 1 KW to  $2\frac{1}{2}$  KW.
- KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Granted C. P. to install new equipment and erect a new vertical radiator.
- KHBC—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Granted license to cover C. P. authorizing erection of new station to operate on **1400 kc.**, 250 watts, unlimited time.
- WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted voluntary assignment of C. P. from Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., to Arthur Malcom McGregor and Dorothy Charlotte McGregor. (C. P. authorized changes in equipment and increase in day power from 100 watts to 250 watts; **1200 kc.**, 100 watts night, S-WJBL.)
- KFVD—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted voluntary assignment of license from Los Angeles Broadcasting Co., Inc., to Standard Broadcasting Co. (**1000 kc.**, 250 watts night, 250 watts day, limited time).
- WRAK—WRAK, Inc., Williamsport, Pa.—Granted C. P. to move transmitter locally, install new equipment and new vertical radiator.
- WBNX—Standard Cahill Co., Inc., New York City.—Granted modification of C. P. approving exact transmitter site and directional antenna system; **1350 kc.**, 250 watts, S-WAWZ. (Granted C. P. on May 1, effective September 15, to increase power to 1 KW, employing directional antenna both day and night.)
- KDON—Richard Field Lewis, Del Monte, Calif.—Granted consent to voluntary assignment of license to the Monterey Peninsula Broadcasting Co., a California corporation.
- KFXR—Exchange Avenue Baptist Church of Oklahoma City, Okla.—Granted C. P. to make changes in equipment.
- KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Granted C. P. to make changes in equipment, install new vertical radiator, move transmitter locally, and increase day power from 100 to 250 watts.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted C. P. to make changes in equipment.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted C. P. to install new equipment, move transmitter locally, install new vertical radiator, increase power to 1 KW, unlimited time.
- KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted C. P. to install new equipment.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted modification of C. P. to extend completion date to 9-26-36.
- WNYC—City of New York, Dept. of Plant and Structures, New York City.—Granted modification of C. P. to extend completion date from 6-1-36 to 180 days thereafter.
- KFPL—C. C. Baxter, Dublin, Tex.—Granted modification of C. P. extending commencement date to 6-16-36 and completion date to 12-16-36.
- KCRJ—Charles C. Robinson, Jerome, Ariz.—Granted authority to install automatic frequency control.
- Standard Radio, Inc., Hollywood, Calif.—Granted authority to transmit electrical transcriptions to foreign countries, namely stations CBNS, CKAG, CFRN and CKPC and any other Canadian stations which may desire these programs.
- WELI—Patrick J. Goode, New Haven, Conn.—Granted consent to voluntary assignment of license to City Broadcasting Corp.
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 100 watts to 250 watts.
- WIBM—WIBM, Inc., Jackson, Mich.—Granted license to cover C. P. which authorizes changes in equipment and installation of new radiating system.
- KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Granted license to cover C. P. authorizing local move of station and installing new antenna system.
- WREC—WREC, Inc., Memphis, Tenn.—Granted modification of license to increase day power from  $2\frac{1}{2}$  KW to 5 KW; **600 kc.**, 1 KW night, unlimited time, using two-unit directional antenna system.
- KBPS—Benson Polytechnic School, Portland, Ore.—Granted authority to install automatic frequency control.
- WOEH (requested)—National Broadcasting Co., Inc., Portable-Mobile (New York City)—Granted C. P. (temporary broadcast pickup), frequencies **1606, 2020, 2102, 2760 kc.**, 100 watts. Also granted license covering same.
- NEW—Edwin H. Armstrong, New York, N. Y. (site to be determined)—Granted C. P. (exp. gen. exp.), frequencies **86500 and 111000 kc.**, 40 KW, time of operation variable.
- W8XAR—Westinghouse Electric and Manufacturing Co., near Saxonburg, Pa.—Granted renewal of special experimental station license in exact conformity with existing license, for the period June 23 to September 23, 1936.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KABR, Aberdeen, S. Dak.; KAST, Astoria, Ore.; KBPS, Portland, Ore.; KCMC, Texarkana, Ark.; KERN, Bakersfield, Calif.; KFGQ, Boone, Iowa; KFIZ, Fond du Lac, Wis.; KGFI, Corpus Christi, Tex.; KGIW, Alamosa, Colo.; KFJM, Grand Forks, N. Dak.; KFJZ, Fort Worth, Tex.; KGAR, Tucson, Ariz.; KGFF, Shawnee, Okla.; KGFL, Roswell, N. Mex.; KGGC, San Francisco, Calif.; KICA, Clovis, N. Mex.; KIDW, Lamar, Colo.; KIUN, Pecos, Tex.; KLUF, Galveston, Tex.; KMAC, San Antonio, Tex.; KNEL, Brady, Tex.; KNOW, Austin, Tex.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOTN, Pine Bluff, Ark.; KPLC, Lake Charles, La.; KPQ, Wenatchee, Wash.; KRE, Berkeley, Calif.; KRKO, Everett, Wash.; KRLH, Midland, Tex.; KRNR, Roseburg, Ore.; KWYO, Sheridan, Wyo.; KXO, El Centro, Calif.; WAGF, Dothan, Ala.; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WCBM, Baltimore, Md.; WCBS, Springfield, Ill.; WCNW, Brooklyn, N. Y.; WDAS, Philadelphia, Pa.; WEED, Rocky Mount, N. C.; WEHS, Cicero, Ill.; WGL, Fort Wayne, Ind.; WHBB, Selma, Ala.; WHBQ, Memphis, Tenn.; WHDL, Olean, N. Y.; WHEF, Kosciusko, Miss.; WIBM, Jackson, Mich.; WILM, Wilmington, Del.; WKBB, East Dubuque, Ill.; WKBI, Cicero, Ill.; WKBV, Richmond, Ind.; WKBZ, Muskegon, Mich.; WLAP, Lexington, Ky.; WLBF, Kansas City, Kans.; WLEU, Erie, Pa.; WMAS, Springfield, Mass.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMFD, Wilmington, N. C.; WMFO, Decatur, Ala.; WNBFB, Binghamton, N. Y.; WOC, Davenport, Iowa; WPAR, Parkersburg, W. Va.; WPFB, Hattiesburg, Miss.; WQDM, St. Albans, Vt.; WRAK, Williamsport, Pa.; WRDW, Augusta, Ga.; WRGA, Rome, Ga.; WRJN, Racine, Wis.; WSVS, Buffalo, N. Y.;

WSYB, Rutland, Vt.; WTMV, East St. Louis, Ill.; KFRO, Longview, Tex.; KGKL, San Angelo, Tex.; KWBG, Hutchinson, Kans.; WAGM, Presque Isle, Maine; WDNC, Durham, N. C.; WELL, Battle Creek, Mich.; WMSD, Sheffield, Ala.; WPAD, Paducah, Ky.

### SET FOR HEARING

- WGCM—WGCM, Inc., Mississippi City, Miss.—Application for modification of C. P. to extend commencement date from 1-28-36 to 30 days after grant and completion date from 7-28-36 to 180 days thereafter.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Special experimental authorization to install directional antenna, change hours of operation from limited to unlimited time for period ending August 1, 1936. To be heard by the Broadcast Division.
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Application for modification of license to increase night power from 1 to 5 KW. To be heard before the Broadcast Division.
- KGW—Oregonian Publishing Co., Portland, Ore.—Application for modification of license to increase night power from 1 to 5 KW. To be heard before the Broadcast Division.
- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Application for modification of license, already in hearing docket, amended to read: change frequency from 960 kc. to 1260 kc.; increase time of operation from 250 watts daytime to unlimited time.
- NEW—The Constitution Publishing Co., Atlanta, Ga.—Application for C. P. for new station, 590 kc., 1 KW, unlimited time. Site to be determined.
- NEW—Harriett N. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Barnstable Township, Mass.—Application for C. P. for new station, 1210 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.
- NEW—L. Martin Courtney, Toledo, Ohio.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited time. Site to be determined.
- NEW—Harry G. Lowe and Clara A. Lowe, DuBoise, Pa.—Application for C. P. for new station, 1210 kc., 100 watts, daytime.
- NEW—Sweetwater Broadcasting Co., Sweetwater, Tex.—Application for C. P. for new station, 1310 kc., 100 watts, daytime. Site to be determined.
- NEW—The Escanaba Daily Press Co., Escanaba, Mich.—Application for C. P. for new station, 1500 kc., 100 watts, daytime.
- NEW—Thomas M. Hammond, d/b as Ventura Broadcasting Co., Ventura, Calif.—Application for C. P. for new station, 1210 kc., 100 watts, daytime.
- NEW—John C. Looney, d/b as High Fidelity Broadcasting Service, Milton, Mass.—Application for C. P., exp.-exp. broadcast, 1570 kc., 1 KW, unlimited and variable time.
- NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—Application for C. P. for new station, 630 kc., 250 watts night, 500 watts day, unlimited time. Site to be determined. (Requests facilities of WMAL.)
- WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Application for C. P. to install new equipment, move transmitter and studio locally, and install new radiating system.
- WVVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Application for C. P. to install new transmitter, erect new vertical radiator, increase night power from 5 to 25 KW and day power from 5 to 10 KW.
- WHAS—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—Special experimental authority to increase power from 50 KW to 500 KW, exact type of antenna and type of equipment to be determined; transmitter site to be determined in Oldham County, Ky. (Case to be heard before the Broadcast Division September 24, 1936, together with others applying for 500 KW, i.e., KNX, WHO, WJZ, and WGN.)
- WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Application for renewal of license for the regular period.
- WKBB—Sanders Brothers Radio Station, E. Dubuque, Ill.—Application for C. P. to move transmitter to Julien Township, Iowa, studio to Hotel Julien, Dubuque; install new radiator, exact transmitter site and type of antenna to be determined.
- NEW—The News Press Publishing Co., Santa Barbara, Calif.—Application for C. P., already in hearing docket, amended to request: 1280 kc., 500 watts, unlimited time, site and type of antenna to be approved.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Application for modification of license, already in hearing

docket, amended to read: change hours of operation from 250 watts daytime to 100 watts night, 250 watts day, unlimited time.

- NEW—Walker Jamar, Duluth, Minn.—Application for C. P., already in hearing docket, amended to read: operation on 1200 kc., 100 watts, unlimited time, the site to be approved.

### APPLICATIONS DENIED

- KPRC—Houston Printing Co., Houston, Tex.—Denied special temporary authority to operate with power of 5 KW nighttime for period not to exceed 30 days in order to take measurements and show results obtained by this increased power.
- KCMO—Lester E. Cox, Thos. L. Evans and C. C. Payne, Kansas City, Mo.—Denied special temporary authority to operate unlimited time for a period of 30 days.
- WELI—Patric J. Goode, New Haven, Conn.—Denied special temporary authority to operate from 7:30 to 11 p. m., EST, June 22, in order to broadcast banquet of the New Haven Advertising Club.

### APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- KPOF—Pillar of Fire (a corporation), Denver, Colo.—Applied for modification of license, 880 kc., 500 watts, 1 KW LS, shares with KFKA.
- NEW—Farmers Educational and Cooperative Union of America, North Dakota Division, Bismarck, N. Dak.—Applied for C. P., 550 kc., 1 KW, 5 KW LS, unlimited time.

The following applications, heretofore set for hearing, were dismissed with prejudice, inasmuch as requests of applicants for withdrawal of the applications were received less than 30 days prior to the hearing scheduled thereon:

- NEW—Jesse H. Jay, Miami Beach, Fla.—Applied for C. P., 1500 kc., 100 watts, unlimited.
- WKBZ—Marl L. Ashbacher, Muskegon, Mich.—Modification of license, 1200 kc., 100 watts, 200 watts LS, unlimited time.
- NEW—Wolverine Broadcasting Co., Ann Arbor, Mich.—Applied for C. P., 800 kc., 1 KW, daytime.
- NEW—The Steffen Ice and Ice Cream Co., Wichita, Kans.—Applied for C. P., 1210 kc., 100 watts, unlimited.

### MISCELLANEOUS

- WLLH—Merrimac Broadcasting Co. Inc., Lowell, Mass.—Reconsidered action of April 24, 1936, granting authority to construct a "booster" station at Lawrence, Mass., to operate synchronously with station WLLH at Lowell, Mass., and set the application for a hearing because of a protest by Hildreth & Rogers Co., applicants for a new broadcast station at Lawrence, Mass. Effective date of the Commission's action to which the protest is directed postponed to the date of the Commission's decision after the hearing.
- NEW—C. G. Hill, George D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Denied motion asking Commission to advance the date for oral argument on application for a C. P. to erect a broadcast station at Winston-Salem, N. C., now scheduled for September 17, 1936, to an early date in June, 1936, as the June Docket is now congested.
- NEW—Mile High Radio Corp., Denver, Colo.—Denied petition asking Commission to reconsider action of May 14, 1936, in designating for hearing the application for C. P. to authorize erection and operation of a new broadcast station at Denver, Colorado. This applicant specifies 1420 kc., 100 watts, unlimited time.
- WOWO—Main Auto Supply Company, Ft. Wayne, Ind.—Granted request to postpone hearing on application to increase power from 10 KW to 25 KW now scheduled for June 29, 1936, to a date to be fixed by the Commission. This applicant has also pending before the Commission an application to transfer control of the station to the Westinghouse Electric and Manufacturing Company.
- WCRW—Clinton R. White, Chicago, Ill.—Reconsidered action of May 21, 1936, designating application for renewal of license for hearing; removed the application for renewal from the hearing docket and granted a regular renewal of license.
- KRE—First Congregational Church, Berkeley, Calif.—Overruled petition asking Commission to reconsider and grant without hearing application for the voluntary assignment of its license to the Central California Broadcasters Inc. Applica-

tion to proceed to hearing as originally docketed. Station operates on **1370 kc.**, 100 watts night, 250 watts daytime.

NEW—Jefferson Broadcasting Co., Birmingham, Ala.—Granted authority to take depositions limited to financial ability in re application for new broadcast station to operate on **1200 kc.**, 100 watts night, 250 watts daytime, unlimited. Denied petition to amend application and to continue the hearing.

NEW—Donald A. Wike and H. E. Studebaker, Baker, Oregon—Granted request for order to take depositions in re application for C. P. to establish a new broadcast station at Baker, Oregon, to operate on **1370 kc.**, 100 watts night, 250 watts daytime, unlimited time.

### ORAL ARGUMENTS

The following cases were set for oral argument to be held October 1, 1936:

NEW—Ex. Rep. No. 1-219: J. Laurance Martin, Tucumcari, N. Mex.

NEW—Ex. Rep. No. 1-213: Edwin A. Kraft, Fairbanks, Alaska.

NEW—Ex. Rep. No. 213: John A. Stump, Fairbanks, Alaska.

KLO—Ex. Rep. No. 1-221: Interstate Broadcasting Corp., Odgen, Utah.

### APPLICATIONS RECEIVED

#### First Zone

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. **1060** —Extension of special experimental authorization to change frequency from **1060 kc.** to **1040 kc.**, hours of operation from share-WBAL to simultaneous KRLD (unlimited), for period from 8-1-36 to 2-1-37.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, **1210** owner), Rochester, N. Y.—Application to reinstate construction permit requesting authority for a new station to be operated on **1210 kc.**, 100 watts, daytime, which expired 6-1-36.

#### Second Zone

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Extension of **700** special experimental authorization to operate with power of 500 KW day and night, using directional antenna at night, for period from 8-1-36 to 2-1-37.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—**1370** Construction permit to make changes in equipment, change frequency from **1370 kc.** to **1390 kc.**; increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; and install directional antenna. Amended to use directional antenna both day and night.

NEW—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Construction permit for a new experimental visual broadcasting and synchronized sound track for **6000-86000 kc.** band on specific frequencies of **62750 kc.** for visual broadcasting and **66000 kc.** for synchronized sound track. Visual power 4 KW, sound track power 1 KW. Amended to delete request for specific frequencies and request bands **42000-56000** and **60000-86000 kc.**

#### Third Zone

NEW—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson **1200** City Broadcasting Co., Johnson City, Tenn.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, 250 watts day, unlimited time.

KFXR—Exchange Avenue Baptist Church of Oklahoma City, **1310** Oklahoma City, Okla.—Voluntary assignment of license from Exchange Avenue Baptist Church to Plaza Court Broadcasting Co.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—Voluntary assign-  
**1310** ment of license from Pampa Daily News, Inc., to R. C. Hoiles.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modifica-  
**1420** tion of construction permit (B3-P-735) for new equipment, increase in power, and move of transmitter, requesting extension of completion date from 6-29-36 to 8-29-36.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Authority to  
**1500** transfer control of corporation from J. J. Powell, Louise Powell, and A. E. Groom to Arthur Lucas, William K. Jenkins, and Frank J. Miller, 80 shares common stock.

#### Fourth Zone

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of  
**770** special experimental authorization to operate synchronously with KFAB from local sunset (KFAB local sunset) to midnight, for period from 8-1-36 to 2-1-37.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—License  
**1210** to cover construction permit (B4-MP-297) for new equipment.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—License to  
**1230** use **1230 kc.**, 500 watts, unlimited time. Directional antenna night, as authorized under B4-SA-198, for permanent authority.

NEW—Falls City Broadcasting Corp., Falls City, Nebr.—Con-  
**1310** struction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Antenna to be determined.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Modification of con-  
**1350** struction permit (B4-P-848) for new equipment and move of transmitter, requesting changes in authorized equipment and extension of commencement and completion dates.

KSLM—Oregon Radio, Inc., Salem, Ore.—Construction permit to  
**1370** install a new transmitter.

KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, Kansas  
**1370** City, Mo.—Modification of license to change hours of operation from specified hours to unlimited time, and change studio site from Werby Bldg., 39th and Main Sts., to Commerce Trust Bldg., 10th and Walnut Sts., Kansas City, Mo.

NEW—C. F. Gaarenstroom, Fairmont, Minn.—Construction per-  
**1420** mit for a new station to be operated on **1420 kc.**, 100 watts, 250 watts day, unlimited time.

W9XJM—WCBS, Inc., Portable-Mobile.—License to cover con-  
struction permit for a new general experimental station.

NEW—Zenith Radio Corporation, Portable-Mobile—Construction  
permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000, 86000-400000, 401000 kc.** and above, 100 watts.

NEW—Zenith Radio Corporation, Portable-Mobile—Construction  
permit for a new general experimental station to be operated on **31600, 35600, 38600, 41000, 86000-400000, 401000 kc.**, 100 watts.

#### Fifth Zone

NEW—KLZ Broadcasting Co., Denver, Colo.—Construction per-  
**1210** mit for a new station to be operated on **1210 kc.**, 100 watts, 250 watts day, unlimited time.

NEW—W. E. Whitmore, Hobbs, N. M.—Construction permit for  
**1210** a new station to be operated on **1210 kc.**, 100 watts, unlimited time.

NEW—Chauncey W. Hammond, Oakland, Calif.—Construction  
**1280** permit for a new station to be operated on **1280 kc.**, 500 watts, 1 KW day, unlimited time.

KXL—KXL Broadcasters, Portland, Oregon—Consent to transfer  
**1420** control of corporation from H. B. Read to T. W. Symons, Jr., and E. B. Craney, 222 shares common stock.

#### Alaskan Zone

KINY—Edwin A. Kraft, Juneau, Alaska—Construction permit to  
**1430** install new equipment, new antenna, change frequency from **1310 kc.** to **1430 kc.** and power from 100 watts to 250 watts.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### ENGINEERING CONFERENCE

The informal engineering conference which has been in progress before the full membership of the Federal Communications Commission since June 15 is continuing.

The testimony of James W. Baldwin, Managing Director, and Dr. Charles B. Aiken, technical consultant for the Association in this case, will be printed in a special edition of NAB REPORTS and mailed to the membership this week.

### FITZGERALD HEADS COPYRIGHT BUREAU

Edward J. Fitzgerald, of Long Island City, N. Y., and recently connected with broadcasting stations WLW and WSAI, Cincinnati, as General Music Director, has been appointed Director of the new Bureau of Copyrights of the National Association of Broadcasters by James W. Baldwin, Managing Director, effective June 23.

Mr. Fitzgerald will give his immediate attention to (1) the making available to broadcasters of a complete and accurate catalog or index of active musical compositions, and (2) creation of a standard library of musical compositions taken, for the most part, from the public domain of music. Both these projects were contained in the Copyright Plan which has been approved by the Board of Directors.

Mr. Fitzgerald, who is 38 years old, graduated from the Boston Latin School in 1915, following which he had four years' schooling at the New England Conservatory of Music.

From 1922-1929 he was an arranger of music, a writer of special vaudeville material and popular songs for Leo Feist, Inc., Copley Plaza Orchestras, and Jerome Remick & Company.

From 1929-1933 he was president and managing director of Eddie Fitzgerald, Inc., of Boston. The company was engaged in the business of devising, writing, selling and producing advertising style shows, vaudeville units and commercial radio broadcasts, including the Stetson Shoe Company style show, the Kelvinator Choirs, the Jordan Marsh Company broadcasts, the Colt Shoe Company broadcasts and others.

From January 1934 to May of this year Mr. Fitzgerald was associated with stations WLW and WSAI, Cincinnati, as program idea man and arranger of music. Later he became a member of

the Audition Board and the Program Planning Board and in August 1934 he was named General Music Director, in which capacity he supervised the work of some 150 musicians and vocalists.

### CONGRESSIONAL RADIO ACTION

The second session of the Seventy-fourth Congress which adjourned on June 20 enacted only two radio bills into law which affect the broadcasting industry. On the other hand, it failed to enact the Duffy copyright bill, which held special interest for broadcasters. The Pure Food and Drug Bill was given a great deal of consideration in the closing hours but failed of enactment.

Of the two radio bills which became law during the second session, one repealed the Davis amendment and the other dealt with engineers, directors of divisions and accountants of the Federal Communications Commission and their salaries.

In connection with the end of this Congress it is to be borne in mind that the slate is now clean and that the session of Congress which convenes on January 5 next will start with no bills before it on any subject.

Following is a list of all of the Senate and House radio bills and resolutions which were left without final action having been taken on them during the two sessions of the Seventy-fourth Congress just adjourned:

#### Senate

S. 4—Copeland, Vandenberg, Murphy bill "to prevent the promotion of fraud through interstate communication."

S. 5—Copeland pure food and drug bill.

S. 541—Capper bill "to prohibit the transportation in interstate commerce of advertisements of intoxicating liquors."

S. 820—Neely bill "relating to costs in radio proceedings before the Federal Communications Commission."

S. 3047—Copyright bill.

S. 3261—Walsh bill to have foreign government radio programs approved by State Department.

#### House

H. R. 55—Rudd bill "to amend the Radio Act of 1927" to provide educational, religious and other facilities.

H. R. 197—Buckbee bill "to prohibit untrue, deceptive, or misleading advertising through the use of the mails or in interstate or foreign commerce."

H. R. 3252—Sauthoff bill "to prohibit the use of the mails, certain periodicals, and broadcasting stations, having a range covering more than one State, to the advertising of loans for which interest in excess of 15 per cent per annum is charged."

H. R. 8404—Culkin bill "to prohibit advertising of alcoholic beverages in interstate commerce."

H. R. 8475—Monaghan bill "to amend the Communications Act of 1934 by establishing a Radio Commission."

H. R. 8852—McKeough bill to have foreign radio programs approved by the State Department.

H. R. 9229—Scott bill "to amend section 326 of the Communications Act of 1934," dealing with censorship.

## FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. The respondents will be given an opportunity for hearing to show cause why cease and desist orders should not be issued against them.

**No. 2841. George H. Lee Co.**, 12th and Harney Streets, **Omaha, Nebr.**, distributor of a poultry medicine, is charged with unfair competition in violation of the Federal Trade Commission Act, in a complaint. Medicinal qualities of the respondent company's product were misrepresented, according to the complaint.

**No. 2842.** Trade representations unfair to competitors are alleged in a complaint issued against **Federal Enameling & Stamping Co.**, of **McKees Rocks, Penna.**, and **Pittsburgh**, manufacturers of porcelain enamel kitchen utensils sold under the trade name "Federalware."

Advertising in metropolitan newspapers, radio announcements and in other ways, the respondent company is alleged to have represented its products as chip proof, stainless, and as thirty-six times more durable than ordinary enamelware. The articles are said to have been advertised as having covers or lids of chromium, and as being capable of saving their cost to the ultimate purchaser in one year or less through saving of fuel.

These representations were not true, according to the complaint, and had a tendency to deceive the public, as there is a preference for products of this class which do have the qualities advertised.

**No. 2843.** Alleging unfair methods of competition in the sale of "Italy Brand Table Oil," intended for use in salads, cooking and baking, a complaint has been issued against **Chicago Macaroni Co.**, wholesale grocers, trading as **A. Morici and G. Matalone Co.**, 2148 Canalport Ave., **Chicago**.

Labels on containers describe the table oil as being composed of "fifteen per cent imported olive oil and eighty-five per cent of other vegetable oils" and bear statements in the Italian language and pictorial representations characteristic of Italy, it is charged.

These representations allegedly tend to cause purchasers to believe that the olive oil ingredient in the respondent corporation's product is produced in or imported from Italy, is packed by A. Morici and G. Matalone Co., and that this company is an Italian concern engaged in importing olive oil from Italy.

**No. 2844.** A complaint has been issued charging **Basic Foods, Inc.**, and **Curtis Howe Springer**, its president, of **Somerset, Pa.**, with unfair trade representations in the sale of food, herb and drug products known as "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib."

The complaint charges the respondent with misleadingly advertising that a majority of people suffer from constipation and over-acidity; that most aches and pains result from congestion of glands and organs, and that "Dr. Springer's Antediluvian Tea" acts beneficially upon the glands and organs of the body and that "Re-Hib" is beneficial in treating all cases of over-acidity, so called "heartburn," and stomach ailments.

According to the complaint, the product "Antediluvian Tea" is primarily a laxative, and does not act beneficially upon the glands and organs; and "Re-Hib" is not beneficial as a corrective for all cases of over-acidity or heartburn and should not be taken except upon a doctor's prescription.

The complaint also charges that although the respondent's advertising indicates that its products are submitted to Federal agencies for approval, there is in fact no such agency with authority to approve or censure in advance of shipment such products or the advertising literature relative thereto.

**No. 2846.** A complaint has been issued against **Frances Brown**, 4626 Lancaster Ave., **Philadelphia**, trading as **American Bank Machinery Company**, charging unfair competition in the business of repairing and rebuilding perforating and check endorsing machines, and in selling and supplying new parts.

Practices of the respondent are alleged to deceive owners of perforating and check endorsing machines made by old established concerns, causing such owners to deliver such machines to the respondent for repair and installation of new parts in connection therewith, rather than to the original manufacturer or to others engaged in repair or such installation work. This practice, according to the complaint, results in diversion of trade from competitors to the respondent.

According to the complaint, the respondent, through her salesman, solicited repairing and rebuilding jobs, asserting that the respondent was representative for the old line companies, American Perforating Company and Cummins Perforator Company, both of Chicago. Other representations made in the course of these sales

H. R. 9230—Scott bill "to amend section 315 of the Communications Act of 1934" laying aside time for political and other uncensored broadcasts.

H. R. 9231—Scott bill "to add section 315 (a) to the Communications Act of 1934" making it obligatory for stations to keep certain records.

H. R. 12646—Rayburn bill "to amend section 318 of the Communications Act of 1934," making provisions for operators.

H. J. Res. 220—Sirovich resolution "providing for the establishment of an executive department to be known as the 'Department of Science, Art, and Literature.'"

H. Res. 52—Dies censorship bill.

H. Res. 370—Scott resolution providing for the establishment of a "Broadcasting Research Commission."

H. Res. 394—Connery resolution asking for an investigation of the Communications Commission.

### BROADCAST REVENUE IN EAST SOUTH CENTRAL STATES

The Bureau of the Census, Department of Commerce, has announced that total receipts of the 34 broadcast stations in the east south central states, including Alabama, Kentucky, Mississippi and Tennessee, from sales of radio time during 1935 amounted to \$2,140,634. These receipts include revenue from 9 stations in Alabama, 6 in Kentucky, 7 in Mississippi, and 12 in Tennessee.

### NEW RADIO EMPLOYMENT AGENCY

The Cleveland Vocational Bureau has been established in Cleveland with headquarters in the Schofield Building, whose purpose is to act as a radio employment agency. Stanley Babington, a former Cleveland broadcaster, is in charge.

According to the announcement the new Bureau will act as a clearing house for the registration of artists, announcers, engineers, salesmen and studio personnel of all types. It is stated that only applicants with previous radio experience will be considered.

### EFFECTIVE DATE OF RULE 177 POSTPONED

A protest has been received from Oswald Schuette on behalf of the Short Wave Institute of America, Inc., against Rule 177 which deals with the rebroadcasting of programs of broadcast and other stations. The Rule is now effective July 1, 1936. Because of the fact that the effective date of other rules recently adopted to be effective July 1, 1936, has been postponed to August 1, and in order also to allow time for study of the protest, it was decided that the effective date of Rule 177 be also postponed to August 1, 1936.

### MIDDLE ATLANTIC BROADCAST REVENUE

Total receipts of 82 broadcast stations in the Middle Atlantic States from sale of radio last year amounted to \$11,422,747, according to the Bureau of the Census, Department of Commerce, in the fifth report on the new census of business series on the broadcasting business.

The report includes all broadcast stations in the three states of New Jersey, New York and Pennsylvania which sold time and were in operation December 31, 1935.

### FRANK A. NOBLE

Elmer G. Behler, manager of Radio Station KGEK, Sterling, Colorado, is anxious to locate Frank A. Noble. He is about 45 or 50 years old, with black hair, and 5 feet 7 inches tall. Further information can be obtained from Mr. Behler.

### PAT FREDERICKS

W. W. Behrman, Radio Station WBOW, Terre Haute, Indiana, is desirous of learning the whereabouts of one Pat Fredericks. Mr. Behrman requests that members notify him by wire, collect, should they be able to assist him in locating Fredericks.

### LEW BYRD

Charles A. Baker, Radio Station KFJR, Portland, Ore., will appreciate information as to the whereabouts of Lew Byrd. Mr. Byrd is about 45 years old. For further information communicate with Mr. Baker.

efforts were, according to the complaint, that the respondent did all repair work for these two companies; that American Perforator Company and the respondent were one and the same concern; that the American and Cummins companies were out of business, and that the respondent manufactured and repaired machines sold by National Perforator Company, Inc., of Philadelphia.

### Stipulations

The Commission has issued the following cease and desist orders and stipulations:

**No. 01385. A. C. Carlton, trading as Putinize Laboratories, 369 Pine St., San Francisco,** agrees to cease representing that "Putinize," an eye lotion, overcomes or prevents any condition of the eyes, keeps them brilliant and restores their natural luster, that it is preferred by stars of the stage and screen, and that it is a tonic or antiseptic containing no harmful ingredients. The respondent stipulates he will discontinue use of the word "laboratories" in his trade name until he maintains a laboratory where scientific tests are conducted. He admits that repeated application of certain ingredients such as those contained in "Putinize" may cause corneal ulcers.

**No. 01393. Pompeian Co., 60 Orange St., Bloomfield, N. J.,** will discontinue advertising that use of certain Pompeian cosmetic preparations stops dryness of the skin, prevents blotches or scalliness, reduces pores, and that any specified ingredients or chemicals not contained in Pompeian beauty products are "damaging." It is admitted by the respondent that reliable or scientific proof has not been established for its claims that skin troubles increase as the use of cosmetics increases.

These assertions will be stopped, as well as the representation that the respondent corporation's chemists have banished every harmful chemical used in cosmetics, and that any offer to purchasers is limited to a stated number unless delivery is refused to all above such number.

**No. 01394. Fabrix, Inc., 325 W. Huron St., Chicago,** is engaged in the sale of rubber mats and machinery for manufacturing such mats. In its stipulation the corporation admits there is no evidence that the mats manufactured under a license granted by it are in greater demand than other mats, and will discontinue such representation in advertising, as well as claims that the mats surpass United States Government specifications and, inferentially or otherwise, that they have been purchased by the Government. The respondent corporation also will cease making unmodified representations that earnings from the sale of mats produced by its machines are in excess of the average earnings of the respondent's licensees under normal business conditions.

**No. 01395. The Reese Chemical Co., Inc., 10617 Frank Ave., Cleveland,** stipulates that in the sale of a medicinal preparation designated "Thoxine" it will cease advertising that the product will drive colds or fevers out of the system; that it is an effective remedy for sore throat, unless such representation is clearly limited to sore throat due to colds or the inhalation of dust or fumes, and that it is a competent treatment for coughs unless this claim is confined to coughs resulting from colds or minor throat ailments. The stipulation prohibits the respondent corporation from making assertions that "Thoxine" is a "famous" doctor's prescription, and that it contains no harmful drugs and is "safe," unless such representation makes clear that the product is safe when taken according to directions.

**No. 01396. Modern Health Products, Inc., 1428 North Twenty-fourth Street, Milwaukee,** selling an herbal preparation, "Swiss Kriss," agrees to stop advertising it as a product that will conquer or eliminate intestinal poisons, unless the assertion is limited to temporary conditions due to inadequate elimination. The respondent stipulates that it will discontinue other similar representations such as that its product is a tonic, is a "modern" laxative or a "secret" of the Swiss people.

**No. 01397. Chocolate Products Co., 415 Beethoven Place, Chicago,** selling "Stillicious," a chocolate drink, agrees to cease making representations by inference or direct statement to the effect that the daily drinking of a quart of this liquid will promote radiant physical health, magnetism and charm, and that only in "Stillicious" chocolate may one get the yeast Vitamins B and G.

**No. 01398. G. Muller, trading as Rowland Weil & Co., 135 Bergen Avenue, Jersey City, N. J.,** will ban advertisements to the effect that its "Mullax Tablets" are a competent treatment or remedy for constipation, unless this representation is confined to the relief of temporary constipation. Among other assertions to be discontinued in the respondent's advertising are that the preparation is a tonic or vegetable product and that it has any effect on intestinal muscles.

**No. 2521. I. Teich and A. Makower, trading as Tee and Emm Knitting Mills, 32 Orchard Street, New York City,** have been ordered to discontinue representing that they manufacture the knitted goods they sell in interstate commerce.

Use by the respondents of the words "Knitting Mills," "Mills" or "Manufacturers" in their trade name, on letterheads, labels, invoices, or in any other manner, to represent that they own or operate a factory or mill in which their products are knitted or manufactured, is prohibited under the order to cease and desist.

**No. 2684. The K-W Graphite Corporation, of 3246 Holmes St., Kansas City, Mo.,** has been ordered to cease and desist from misrepresentations in the sale of motor oil.

Among the representations to be discontinued are that "K-W Motor Graphite" increases motor life and efficiency by any specific percentage; that motors in which it is used require less gasoline than those in which it is not used; and that use of this substance reduces friction by any stated percentage.

The respondent company is also ordered to stop alleging that only one oil change in each 3,000 miles or any specified mileage is necessary when K-W Graphite is used, and that its use effects any definite saving on oil bills.

The respondent's product is described as a concentrated solution of oil and graphite, used for addition to fuels and crank-case oils for combustion engines and machinery.

### FTC DISMISSES COMPLAINT

**No. 2547.** The Federal Trade Commission has dismissed a complaint alleging unfair competition on the part of Harold C., Ellen J., and Louis E. Brooks, of Marshall, Mich., trading as Brooks Rupture Appliance Company and Brooks Appliance Company. The complaint had charged the respondents with unfair representations in the sale of an appliance sold for use in treating rupture.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

#### HEARING CALENDAR

Monday, June 29

#### HEARING BEFORE THE BROADCAST DIVISION

Western Broadcast Company, Los Angeles, Calif.—Authority to transfer control of corporation.; 1050 kc., 50 KW, unlimited time.

Western Broadcast Company, Los Angeles, Calif.—Renewal of license; 1050 kc., 50 KW, unlimited time.

#### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Eastern States Broadcasting Corp., Bridgeton, N. J.—C. P., 1210 kc., 100 watts, daytime.

WJAC—WJAC, Inc., Johnstown, Pa.—C. P., 1310 kc., 100 watts, 250 watts LS, share-WFBG. Present assignment: 1310 kc., 100 watts, share-WFBG.

KYA—Hearst Radio, Inc., San Francisco, Calif.—C. P., 1230 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1230 kc., 1 KW, unlimited time.

Tuesday, June 30

#### HEARING BEFORE AN EXAMINER

NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—C. P., 630 kc., 250 watts, daytime.

NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—C. P., 630 kc., 250 watts, daytime.

KUJ—KUJ, Inc., Walla Walla, Wash.—C. P., 1250 kc., 250 watts, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited time.

KRLC—H. E. Studebaker, Lewiston, Idaho.—C. P., 1390 kc., 250 watts, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

NEW—Donald A. Wike and H. E. Studebaker, d/b as Wike & Studebaker, Baker, Ore.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Comer Thomas, Bellingham, Wash.—C. P., 1420 kc., 100 watts, unlimited time.

WCBD—WCBD, Inc., Waukegan, Ill.—Authority to transfer control of corporation; 1080 kc., 5 KW, limited time, S-WMBI.

WCBD—WCBD, Inc., Waukegan, Ill.—Modification of license to move studio; 1080 kc., 5 KW, limited time.

Wednesday, July 1

HEARING BEFORE AN EXAMINER  
(Broadcast)

NEW—The Tribune Co., Tampa, Fla.—C. P., 550 kc., 1 KW, 5 KW LS, unlimited.

APPLICATIONS GRANTED

WMIN—Edward Hoffman, St. Paul, Minn.—Granted modification of C. P. authorizing change in type of equipment to be installed and approval of transmitter location.

WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

WSPR—Quincy A. Brackett, Lewis B. Breed and Edmund A. LaPorte, co-partners, d/b as Conn. Valley Broadcasting Co., Springfield, Mass.—Granted license to cover C. P. authorizing erection of new station, 1140 kc., 500 watts, limited time.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted modification of license to increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day.

KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, Kansas City, Mo.—Granted modification of license to move studio locally, change hours of operation from specified to unlimited.

WDNC—Durham Radio Corp., Durham, N. C.—Granted consent to transfer of control of Durham Radio Corp. from the present stockholders to The Durham Herald Company; 1500 kc., 100 watts, unlimited time.

WDBJ—Times-World Corp., Roanoke, Va.—Granted consent to transfer of control of the Times-World Corp., a newspaper organization and licensee of station WDBJ, from J. B. Fishburn to various members of his family.

WMEX—The Northern Corp., Boston, Mass.—Granted renewal of license for the period ending January 1, 1937; 1500 kc., 100 watts night, 250 watts day, unlimited.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Granted renewal of license for period ending January 1, 1937; 1500 kc., 100 watts, unlimited time.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted renewal of license, 1370 kc., 100 watts, unlimited time, for period ending January 1, 1937.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted renewal of license, 1210 kc., 100 watts daytime, for period ending 12-1-36.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Granted modification of C. P. to make changes in equipment and approval of new transmitter site and antenna system. Also to extend completion date from June 29 to August 29, 1936.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted modification of C. P. to install new equipment and extend completion date from August 10, 1936, to 120 days thereafter.

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Granted modification of C. P. approving radiator transmitter and studio sites and equipment.

WEEI—The Edison Electric Illuminating Co. of Boston, Boston, Mass.—Granted consent to voluntary assignment of license from The Edison Electric Illuminating Co. of Boston to WEEI Broadcasting Corp.

KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque, N. Mex.—Granted consent to voluntary assignment of license from New Mexico College of Agriculture and Mechanic Arts to the Albuquerque Broadcasting Co.

KFRU—KFRU, Inc., Columbia, Mo.—Granted consent to the transfer of control of corporation from Luther L. Hill to Star Times Publishing Company.

SET FOR HEARING

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Application for modification of license to increase power from 1 KW night, 5 KW day, to 5 KW, unlimited time. (To be heard by Broadcast Division.)

NEW—Old Colony Broadcasting Corp., Brockton, Mass.—Application for C. P. for new station, 680 kc., 250 watts daytime, time to be determined.

NEW—Amended to read: Voice of Corsicana Assn., Corsicana, Tex.—Application for C. P. amended to read: 1310 kc., 100 watts, daytime only.

NEW—Chauncey W. Hammond, Oakland, Calif.—Application for C. P., 1280 kc., 500 watts night, 1 KW day, unlimited time, site to be determined.

NEW—Harry G. Kipke, Ann Arbor, Mich.—Application for C. P. for new station, 630 kc., 500 watts, daytime only, site and type of antenna to be determined.

NEW—R. E. Chinn, Moorhead, Minn.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time, site to be determined.

NEW—Amended to read: Dallas Broadcasting Co., Dallas, Tex.—Application for C. P., 1500 kc., 100 watts, daytime only, site to be determined.

NEW—New England Radio Corp., Bridgeport, Conn.—Application for C. P. amended to read: 1420 kc., 100 watts, daytime only, site to be determined.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Amended to read: C. P. requesting approval of new transmitter site; make changes in equipment; change frequency from 1310 kc. to 1220 kc.; increase power from 100 watts to 1 KW; and increase operating time from sharing with WTEL to unlimited, using directional antenna system.

APPLICATION DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

NEW—George F. Bissell, Pittsfield, Mass.—C. P. for new station, 1200 kc., 100 watts, daytime.

APPLICATION DENIED

The following application, heretofore set for hearing, was denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 104.6(c):

NEW—John Perkins Rabb, Lenoir, N. C.—C. P. for new station, 1370 kc., 100 watts, daytime.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-68: George B. Bairey, Valley City, N. Dak.—Granted C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective July 14, 1936.

KVI—Ex. Rep. No. 1-210: Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted C. P. to move transmitter location; install new equipment; and increase power from 1 KW to 1 KW night, 5 KW day; 570 kc., unlimited time. Examiner R. L. Walker reversed. Order effective July 7, 1936.

WSBM—WSBM, Inc., New Orleans, La.—Granted renewal of license, 1320 kc., 500 watts night, 1 KW day, unlimited time. Examiner Geo. H. Hill sustained. Order effective July 7, 1936.

MISCELLANEOUS

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Reconsidered and granted application for C. P. to make changes in equipment and increase day power from 2½ to 5 KW.

National Television Corp., New York City.—Denied petition asking Commission to grant special temporary use of the frequency band 2000 to 2100 kc. for period ending July 1, 1936, for television demonstration.

KOB—New Mexico College of Agriculture and Mechanic Arts, Albuquerque, N. Mex.—Granted application for renewal of license and for the assignment of the license to Albuquerque Broadcasting Co., of which T. M. Pepperdy holds all the stock.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Reconsidered and granted application for increase of day power to 5 KW.

Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted petition for rehearing of application to construct new broadcast station at Hammond, Ind., to operate on 1480 kc., 5 KW daytime. Denied petition to amend the application in respect to the site and antenna system.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Denied petition to intervene at hearing of application of Earl Yates for C. P. for new broadcast station at Las Cruces, N. Mex., to operate on 930 kc., 1 KW LS.

KIT—Carl E. Haymond, Yakima, Wash.—Denied petition for continuance of hearing of application of KUJ, Walla Walla, Wash., for C. P. to operate on frequency 1250 kc., 250 watts, unlimited time.



- NEW**—Great Western Broadcasting Assn., Inc., Logan, Utah.—Accepted answer to the appearance and statement of facts filed by Cache Valley Broadcasting Co., Logan, Utah., in re application for new station at Logan to operate on **1200 kc.**, 100 watts, unlimited time.
- KRSC**—Radio Sales Corp., Seattle, Wash.—Granted application to increase its power from 100 watts to 250 watts and to operate unlimited time. Reconsidered action of April 3, 1936.
- WBCM**—James E. Davidson, Bay City, Mich.—Granted request to file brief in opposition to applications of the Saginaw Broadcasting Co. for authority to construct new broadcasting stations at Saginaw, one to operate on **950 kc.**, 500 watts, day only, the other on **1200 kc.**, 100 watts night, 250 watts day.
- WHDL**—Olean Broadcasting Co., Olean, N. Y.—Reconsidered and granted without hearing application for the transfer of the control of station WHDL to the Olean Times Herald. This station operates on **1420 kc.**, 100 watts day.
- NEW**—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—Denied petition asking application for a permit for new broadcasting station at Cedar City, Utah, be granted without a hearing. Also denied request for a continuance of hearing to July 25 and request to take depositions in re application.

## APPLICATIONS RECEIVED

### First Zone

- WGR**—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to install new transmitter and antenna and increase power from 1 KW to 1 KW night, 5 KW day.
- WEEL**—The Edison Electric Illuminating Co. of Boston, Boston, Mass.—Construction permit to install a new transmitter and directional antenna for day and night; increase power from 1 KW to 1 KW night, 5 KW day; move transmitter from Bridge St., Weymouth, Mass., to Mystic Valley Parkway, Medford, Mass.
- WTBO**—Associated Broadcasting Corp., Cumberland, Md.—Modification of license to change hours of operation from daytime until sunset at Dallas, Tex., to unlimited time, using 250 watts power.
- WJAR**—The Outlet Co., Providence, R. I.—License to cover construction permit (B1-P-333) as modified for changes in equipment, move of transmitter, and increase in power, using directional antenna. Amended re equipment.
- WBAL**—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authorization to change hours of operation from share with WTIC to daily simultaneous operation on **1060 kc.** with KTHS, from 6 a. m. to local sunset at Hot Springs, Ark.; from local sunset to 9 p. m., operate unlimited time on **1060 kc.**; from 9 p. m. on will synchronize with WJZ on **760 kc.**, with power of  $2\frac{1}{2}$  KW, using directional antenna, until end of license period from 8-1-36 to 2-1-37.
- NEW**—Albert O. Fenyvessy, Rochester, N. Y.—Construction permit for a new station to be operated on **1210 kc.**, 100 watts, daytime. Amended re antenna and to request facilities of WSAY.
- WCAD**—St. Lawrence University, Canton, N. J.—Voluntary assignment of license from St. Lawrence University to The Brockway Co.
- NEW**—Clarence C. Dill, Washington, D. C.—Construction permit for a new station on **1310 kc.**, 100 watts, unlimited, facilities WOL if WOL is granted **1230 kc.** Amended: Transmitter site to be determined.
- WABY**—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Construction permit to install a new transmitter; erect a vertical antenna; increase power from 100 watts to 100 watts, 250 watts day; move transmitter from Strand Theatre Bldg., 110 N. Pearl St., Albany, N. Y., to Baintree and Newton Sts., 500 N. of Albany City line, Colonie, N. Y.; and studio from Strand Theatre Bldg., 110 N. Pearl Street, Albany, N. Y., to 87 State Street, Albany, N. Y.
- WNLC**—Thames Broadcasting Corp., New London, Conn.—Modification of construction permit (B1-P-549) to make changes in authorized equipment and install a vertical antenna.

- WMEX**—The Northern Corporation, Boston, Mass.—Construction permit to install new equipment; change frequency from **1500 kc.** to **1470 kc.**, power from 100 watts, 250 watts day, to 5 KW day and night; and move transmitter from Powder Horn Hill,  $4\frac{1}{2}$  miles from center of Boston, Chelsea, Mass., to Saugus, Mass.; install directional antenna for day and night use. Amended to change requested transmitter site from Saugus, Mass., to Granite Avenue, Milton, Mass.
- W2XIN**—Standard Cahill Co., Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station.

### Second Zone

- NEW**—WRBC, Inc., Cleveland, Ohio.—Construction permit for a new station to be operated on **950 kc.**, 1 KW, unlimited time. Amended to install directional antenna for day and night use; also gives transmitter and studio sites as Cleveland, Ohio (no street address).
- WWSW**—Walker & Downing Radio Corp., Pittsburgh, Pa.—License to cover construction permit (B2-P-922) for changes in equipment and move of transmitter.
- W3XEO**—WCAU Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.**, 50 watts.
- W3XEO**—WCAU Broadcasting Co., Portable-Mobile.—License to cover above.
- W8XFQ**—Scranton Broadcasters, Inc., Portable.—License to cover construction permit for a new general experimental station.

### Third Zone

- WPTF**—WPTF Radio Co., Raleigh, N. C.—Special experimental authorization to operate with 5 KW power from sunset at KPO to 11 p. m., EST, using directional antenna after sunset for period to 8-1-36.
- WIS**—Station WIS, Inc., Columbia, S. C.—License to cover construction permit (3-P-B-3258) for move of transmitter, change in frequency, increase in power, and changes in equipment.
- KRGV**—KRGV, Inc., Weslaco, Tex.—Authority to install automatic frequency control.
- KRGV**—KRGV, Inc., Weslaco, Tex.—Construction permit to make changes in equipment, install new antenna, and increase power from 500 watts to 1 KW.
- WDAH**—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Construction permit to make changes in equipment, install a vertical antenna, and move transmitter from 200 S. El Paso St., El Paso, Tex., to corner Texas and Stanton Sts., El Paso, Tex.
- NEW**—Isadore Goldwasser, Anniston, Ala.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended to change hours of operation from unlimited to daytime.
- KRBC**—Reporter Broadcasting Co., Abilene, Tex.—Modification of construction permit (B3-P-439) for a new station, requesting changes in authorized equipment, for approval of antenna, change studio site from 151 Cypress St., Abilene, Tex., to 984 Fourth St., Abilene, Tex., and approval of transmitter site at 341 Ambler St., Abilene, Tex.
- NEW**—C. W. Snider, Wichita Falls, Tex.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to make changes in authorized equipment and change power from 100 watts to 100 watts, 250 watts day.
- NEW**—A. Frank Katzentine, Miami Beach, Fla.—Construction permit for a new station on **1500 kc.**, 100 watts, unlimited time.
- W4XBW**—WDOD Broadcasting Corp., Chattanooga, Tenn.—License to cover construction permit for a new general experimental station.

### Fourth Zone

- NEW**—National Battery Broadcasting Co., St. Paul, Minn.—Construction permit for a new station to be operated on **580 kc.**, 1 KW power, unlimited time.
- KFRU**—KFRU, Inc., Columbia, Mo.—Authority to transfer control of corporation from Luther Hill to Star Times Publishing Co., 350 shares common stock.

**KFAB**—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of **770** special experimental authorization to operate synchronously with WMMB from LS at Lincoln, Nebr., to midnight, CST, from 8-1-36 to 2-1-37.

**KFNF**—KFNF, Inc., Shenandoah, Iowa.—Authority to determine **890** operating power by direct measurement of antenna.

**KGBZ**—KGBZ Broadcasting Co., York, Nebr.—Construction permit to make changes in equipment. Amended re equipment.

**WCAT**—South Dakota State School of Mines, Rapid City, S. Dak. **1200** —Construction permit to install a vertical antenna and move transmitter and studio 600 feet from present site, School Campus, East St. Joe Street, Rapid City, S. Dak.

**KANS**—Charles C. Theis, Wichita, Kans.—Modification of construction permit (B4-P-500) for a new station, requesting changes in authorized equipment, change studio site from 200 S. Broadway, Allis Hotel, Wichita, Kans., to Lassen Hotel, First and Market St., Wichita, Kans., and for approval of transmitter site at Lassen Hotel, First and Market St., Wichita, Kans.

**WKBV**—Knox Radio Corp., Richmond, Ind.—Modification of **1500** construction permit (B4-P-777) for move of transmitter and changes in antenna, requesting extension of completion date.

**W9XIW**—WCBD, Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station.

#### Fifth Zone

**KIRO**—Queen City Broadcasting Co., Seattle, Wash.—Extension **650** of special experimental authorization to operate on **710 kc.**, 1 KW, unlimited time, for period from 8-1-35 to 2-1-37.

**KFEL**—Eugene P. O'Fallon, Inc., Denver, Colo.—Modification of **920** construction permit (B5-P-1107) for changes in equipment, requesting move of transmitter from 5730 West Colfax Avenue, Edgewater, Colo., to 1900 Sheridan Blvd., near Denver, Colo.

**KFWB**—Warner Bros. Broadcasting Corp., Hollywood, Calif.—**950** Modification of construction permit (B5-P-202) for new equipment and increase in power, requesting changes in authorized equipment, approval of antenna system, and move of transmitter from 6425 Hollywood Blvd., Hollywood, Calif., to Moynier Lane and Higuera Road, Hollywood, Calif.

**NEW**—Peninsula Newspapers, Inc., Palo Alto, Calif.—Construction permit for a new station on **1160 kc.**, 500 watts power, daytime operation. Amended: Change type of equipment.

**NEW**—Frank F. Airey, Twisp, Wash.—Construction permit for a **1220** new station to be operated on **1220 kc.**, 250 watts, daytime.

**KIDO**—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast **1350** Station, Boise, Idaho.—Construction permit to install a new transmitter, erect a vertical antenna, and move transmitter from 1.9 miles south of Boise, Idaho, to 4½ miles northwest Boise, Idaho.

**NEW**—Loyal K. King, d/b as Radio & Television Research Co., **1530** Los Angeles, Calif.—Construction permit for a new experimental broadcast station to be operated on **1530 kc.**, 1 KW, unlimited time.

**W6XKL**—Nichols & Warinner, Inc., Portable-Mobile.—License to cover construction permit for a new general experimental station.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.  
 JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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*Testimony of James W. Baldwin, Managing Director, and Dr. Charles B. Aiken, Technical Consultant, on Behalf of the National Association of Broadcasters at the Informal Engineering Conference held by the Federal Communications Commission, June, 1936.*

### STATEMENT OF JAMES W. BALDWIN MANAGING DIRECTOR

*Mr. Chairman and Members of the Commission:*

My name is James W. Baldwin. I am Managing Director of the National Association of Broadcasters, the only national trade association in the industry. The Association comprises 396 stations of all sizes and located in every section of the country. These constitute 64 per cent of the stations now in operation and account for more than 80 per cent of the volume of business done within the industry.

Certain of our member stations have noted personal appearances and these, of course, will speak for themselves.

The broadcasters appreciate this opportunity to appear at hearings designed to develop long term planning for the most effective utilization of American radio for the social welfare. A long range viewpoint is particularly necessary now because of the impending development of new services such as facsimile and television broadcasting. In addition to their technical implications, the imminence of such services raises important economic and social questions regarding American broadcasting. These are far reaching in scope. They include not only a forward looking evaluation of the general services of broadcasting as a means of mass communication, but in addition, raise highly fundamental considerations such as the safeguarding of the free flow of ideas and information which is the cornerstone of American democracy.

My purpose today is not to consume your time with a full recital of the important social and economic services rendered by American broadcasting. The 34,000 pages of testimony and exhibits presented before this Commission in the hearings which began October 1, 1934, furnish ample data in this respect. Rather, it is my wish to present a concise but comprehensive picture of the social and economic significance of American broadcasting, to indicate the relation of these factors to the problems which the Commission is now considering and to set forth an estimation of the social and economic principles which must underlie any policy of future development; and I shall leave the technical considerations involved to another witness.

The Commission has asked for information as to "the relative social and economic importance" of broadcasting "including safety of life and protection of property factors." The first radio communication concerned itself with safety of life and protection of property at sea. With the development of aviation this was extended to the airways. Following 1920, radio was used to communicate with large masses of people simultaneously. This gave rise to radio as a means of mass communication; and in a short time broadcasting demonstrated itself to be the most important invention in this field since the printing press.

The first and controlling principle of radio regulation must always be the safeguarding of life and property. However, the highly important and, indeed, unique public service of radio broadcasting as a medium of mass communication must also be given the most careful consideration. This is all the more important because, in times of local and national emergency, a broadcasting system such as the American one, renders service in the way of safeguarding life and property which cannot be duplicated by any other means.

The best indication of the relative social and economic importance of any service is the number of people who regularly receive and utilize its benefits. On January 1, 1936, it was estimated that

22,869,000 families in the United States possessed one or more radio sets.<sup>1</sup> This is the most accurate measure possible of the general extent of service rendered, since the purchase of a radio set is *proof positive* of the desire and the ability to listen. There are no other reasons why a set would be purchased.

Research has shown<sup>2</sup> that there are approximately 3.3 listeners per set. On this basis, the total potential radio audience in the United States is approximately 75,500,000 persons.

Of the above number of radio families, approximately 3,000,000<sup>3</sup> have considered the services of radio broadcasting sufficiently important to have two or more sets in their homes while nearly 3,000,000<sup>4</sup> automobiles are equipped with radio sets. The total money investment represented by all of the aforementioned sets is in excess of one billion dollars.<sup>5</sup>

Radio is sufficiently important to the American family to have the average set utilized more than four hours daily and to cause more than three-quarters of all radio families to turn on their sets each day of the week. It also should be noted that these sets are useful enough to their owners that on the average more than 90 per cent of them are in working order at any one time.<sup>6</sup>

An idea of the extent to which the use of radio receiving sets has permeated American society can be secured from the following figures: number of families having radios, 22,869,000; number of families having passenger automobiles, 17,650,000;<sup>7</sup> number of residence telephones, 11,000,000;<sup>8</sup> number of electrically wired homes, 21,030,000.<sup>9</sup> It is evident, therefore, that the possession of radio receiving sets is more widespread than is that of any other commonly accepted standard of living factor in American life.

Radio broadcasting reaches all sections of the country and serves all income groups and classes. The distribution of radio sets is continually tending to correspond more closely to the distribution of population.<sup>10</sup>

<sup>1</sup> Estimate of the Technical Committee appointed by the Joint Committee of the NAB, AAAA and ANA for that purpose. It comprised some of the country's leading research experts.

<sup>2</sup> The Crosley surveys, the Columbia and NBC studies, Hettinger, University of Pennsylvania.

<sup>3</sup> Radio Today, January, 1936, p. 7.

<sup>4</sup> Radio Today, January, 1936, p. 7.

<sup>5</sup> Based on Radio Today figures, the average set price in 1935 was \$57. This seems high. Therefore, arbitrarily assuming an average price of \$35 we get an investment on 28,869,000 sets of \$1,010,415,000.

<sup>6</sup> The Clancy's and Delancy's, CBS, November, 1934, pp. 21-27.

<sup>7</sup> Total passenger car registrations, according to the National Automobile Chamber of Commerce were 22,450,000 as of January 1, 1936. The estimate of auto families is that of the R. H. Donnelly Company, long recognized as a standard source of information on this subject.

<sup>8</sup> A. T. & T. estimates.

<sup>9</sup> Radio Today, January, 1936.

<sup>10</sup> Distribution of Total Population and Radio Families by Geographical Districts.

Geographical District	% Total * Population	% Radio ** Families
New England	6.6%	7.9%
Middle Atlantic States	21.3%	26.6%
East North Central States	21.4%	23.3%
West North Central States	10.8%	10.8%
South Atlantic States	11.7%	8.8% ***
East South Central States	7.5%	4.4% ***
West South Central States	9.7%	6.6% ***
Mountain States	3.0%	2.7%
Pacific States	8.0%	8.9%

\* 1930 Census

\*\* "Lost and Found" CBS (1935) p. 7 as of January 1, 1935.

\*\*\* These sections have limited radio ownership due to limited buying power, high proportion of negroes and tenant farmers.

In 1935, 72 per cent of the families with incomes between two and three thousand dollars annually owned radios, while the proportion of radio families rose to 90 per cent in the case of those having incomes of more than \$10,000 per year.<sup>11</sup> During the same year 33.9 per cent of all farm families owned radio sets.

These few figures serve to indicate quite clearly the extent to which radio broadcasting intimately affects the lives of every class and segment of the community. This, however, is but the quantitative aspect of radio broadcasting service. The question now is, "What is the nature of the service rendered to these millions of listeners?"

Perhaps the best way to introduce this subject is to quote from the Report of the President's Research Committee on Social Trends.<sup>12</sup> This Committee, composed of the leading students of American social life, described the effect of radio broadcasting upon the community as follows: "certain it is that the radio tends to promote cultural levelling—residents outside of the large cities who never have seen the inside of an opera house can become familiar with the works of the masters; communities where no hall exists large enough for a symphony concert can listen to the largest orchestras of the country; and the fortunes of a negro comedy pair can provide social talk throughout the nation. Isolation of backward regions is lessened by the new agency of communication, and moreover, by short wave transmission, national as well as local isolation is broken, for events in foreign nations are thereby brought to the United States. The radio, like the newspaper, has widened the horizons of the individual, but more vitally, since it makes him an auditory participant in distant events as they transpire and communicates to him some of the emotional values that inhere in them."

The regular day-to-day service of radio broadcasting as a medium of mass communication is three-fold: to entertain, to inform, and to inspire. Broadcasting renders unique services in each of these three fields which cannot be duplicated by any other means.

Broadcasting also fulfills an important economic function. It facilitates the process of distribution through its activities as an advertising medium. Moreover, the service which it renders makes possible the existence of the radio set manufacturing industry and allied fields of business. Again in times of emergency it becomes an irreplaceable medium of immediate communication with large masses of people; as evidenced in the banking crisis of 1933 and in the floods of this past spring.

It may be said that to entertain is a principal function of radio broadcasting. It is a most worthy one. To take people out of themselves, make them forget their troubles and petty annoyances, aid them in relaxing from the strain of modern life—is a social function of first magnitude. For millions of our people radio is the only source of entertainment. Society instinctively recognizes the importance of this function, and it is not without reason that it always has given particular recognition and tribute to those who entertain it.

The information service of radio broadcasting is highly varied. In the past several years it has become one of the services most appreciated by listeners. Broadcasting furnishes purely vocational information such as market reports. It supplements the formal instruction furnished by our school system. It has become a most important agency for the dissemination of news. It adds materially to the general cultural background of listeners. In the United States, where free competitive broadcasting exists, it has constituted an instrument of civic education unparalleled in the modern world.

Broadcasting has rendered these services to a wide variety of people. It has provided the farmer with a great deal of highly essential business information which would lose much of its value if not disseminated immediately upon receipt. Commodity prices, crop, market, weather, irrigation and similar reports are examples to point. It provides the farmer with educational material regarding new developments in agricultural methods. The appeal which radio possesses in the use of the human voice enables the presentation of this material in a much more per-

suasive and entertaining manner than possible merely in pamphlet form; so that broadcasting serves to heighten the farmer's curiosity in the various developments and to stimulate his interest in securing further information. Broadcasting also has increased the social consciousness of the farmer and has made him more aware of the problems which he faces. In a comparable degree it serves all classes of our people.

In rendering these services broadcasting has exerted an influence entirely out of proportion with the number of sets available in rural areas. This is accomplished by the gathering of groups to listen to broadcasts which are of special interest to them.<sup>13</sup>

Fifty years from now some social historian will probably write a learned treatise on the effect of the development of radio broadcasting upon the civic and political consciousness of the average American citizen. I do not doubt for a moment but that he will state that this constituted the major contribution on the part of radio. Free, competitive broadcasting in the United States has made radio a political forum for both local and national causes and elections. It has made one big town meeting of the American people, and has in a large measure revived that personal interest in civic problems which is so important to the successful functioning of a democracy. The immediacy of contact, dramatic power and personal appeal of radio make both issues and their pleaders live in a way which can be accomplished by no other medium. Dr. Robert M. Millikan, Chairman of the Executive Council of the California Institute of Technology, summarized the situation aptly when speaking before you at the October, 1934 educational hearing when he said, "The radio is obviously one of the great, new, unifying, educative forces which can be and which should be one of the chief factors in insuring the success of ballot governments the world over."

I have said that a function of radio is to inspire. It is necessary only to refer to the many religious broadcasts carried by all stations to indicate the service which radio is rendering in this field. Also I should mention the inspirational value of good music, good drama and high class entertainment.

Now with regard to the economic services of radio broadcasting. President Roosevelt concluded his message to the broadcasting industry at its convention at Cincinnati in 1934 with the following comment: "I am not unmindful of another benefit which radio gives all the people and to all classes of business, that is a stimulation of buying power and its assistance to commerce generally."

Last year advertisers spent approximately \$87,523,000 for broadcasting facilities alone and probably added another \$25,000,000 for talent and program material. The efficacy of radio as an advertising medium can best be judged by the fact that 1935 volume was 53.3 per cent above the estimated 1933 depression low point and that radio advertising has shown a greater relative gain from its depression low point than has any other major medium.

The use of radio as an advertising medium has resulted in several important benefits. In functioning as an advertising medium it has aided in stimulating mass production through the creation of mass demand, and as such, has assisted in maintaining and increasing employment and in facilitating the processes of commerce. Its advertising function in itself has been a constructive one; for advertising assists the public in developing new and better standards of living.

The support of radio broadcasting by advertisers also has made possible the existence of the radio set manufacturing industry. This industry, comprising several hundred manufacturers, approximately 3,500 wholesalers and nearly 30,000 retail outlets of various types,<sup>14</sup> last year did a business estimated at \$298,600,000.<sup>15</sup>

It is estimated that the total volume of business given rise to by radio broadcasting during 1935 was \$700,000,000. This included set sales, tube replacements, electric power charges,<sup>16</sup> repairs and service, broadcasting time sold and talent costs.

Moreover, by means of functioning as an advertising medium, broadcasting has achieved a comparatively high degree of editorial freedom; certainly more than exists in other countries of the world. And let me note specifically that freedom of the air is absolutely essential to all freedom of speech; for the freedom of the press would be materially hampered if the immediacy and

<sup>11</sup> Ownership of Radio Sets by Income Classes.

Income Class	% Families having radios	% Total Families
Over \$10,000 .....	90%	3.6%
5—10,000 .....	85%	10.6%
3—5,000 .....	79%	16.7%
2—3,000 .....	72%	30.2%
1—2,000 .....	52%	12.1%
Total .....	69.4%	100.0%

\* "Lost and Found" CBS, 1935, p. 11. The calculations in the second column are based upon this data plus Census of Population Information.

<sup>12</sup> Recent Social Trends in the United States, McGraw-Hill Company, Inc., p. 215.

<sup>13</sup> "Radio and the Farmer." The Annals of the American Academy of Political and Social Science, January, 1935, pp. 142, 143; Testimony E. E. Kennedy, National Secretary of the Farmers Union before the F. C. C. October, 1934, R. p. 12, 939.

<sup>14</sup> Paul Klugh, RMA, before FCC R., p. 12727.

<sup>15</sup> McGraw-Hill Company.

<sup>16</sup> Radio Today, January, 1936, p. 5.

widespread contact of broadcasting could be utilized selfishly by any political, governmental or other concentrated power.

We now come to the services rendered by broadcasting in the protection of life and property in times of emergency. A noted research organization has estimated that during one of the early broadcasts of President Roosevelt following the banking crisis of 1933, nearly 50,000,000 people were listening. During the course of several broadcasts in that troubled period, the national psychology was changed from one of confusion and fear to one of hope and enthusiasm. I frankly believe that without radio this would have been impossible.

I want to refer briefly to the floods of this last spring. The story of broadcasting stations becoming the sole source of contact between civic authorities and the citizens of numerous communities; of their acting as relays of information between families separated by the disaster; of the manner in which radio broadcasting constituted often the only source of contact with the outside world; of the service rendered in obtaining supplies for those in stricken areas; and their usefulness in giving warnings of impending danger, is more thoroughly illustrative of the part which radio can play in a great disaster than anything in the annals of the medium. Along with other radio services such as Marine, Aviation and Amateur broadcasting has earned the right to be considered as a really great means for the protection of life and property.

So much for the services of radio. The question now arises, in the words of the Commission, as to "the dependence of the service on radio rather than wire lines." There are two kinds of wire lines that can technically be used to carry radio service—the telephone lines and the power lines. Both are controlled by powerful monopolies; one of which is the subject of investigation by this Commission. To divert the service of radio broadcasting from the air to wire lines would be to deny radio service to all who are without telephones or electric lights and to subject those who do have telephones or electric lights to costs which would place wired radio service beyond the reach of the great majority. This would amount to a denial of what ought to be considered one of the necessities of life.

It must be remembered that about 75 per cent of our citizens have incomes of less than three thousand dollars per year and that 91.1 per cent have incomes less than five thousand dollars annually.<sup>17</sup> Most people, therefore, have a limited sum of money to spend on recreation and entertainment. It is estimated that the average person having income of between one and two thousand dollars annually has 5.3 per cent of his total income available for expenditure on recreation and all forms of social activity. On a two-thousand-dollar income this would amount to \$106.00 and to \$79.00 on a \$1,500 income. In the case of families with an income of \$3,000, 7.7 per cent is available for recreation and social activity. This would allow a total of \$225 for motion pictures, books, magazines, picnics, vacations, home entertainment, church functions, club memberships, radio set operation and the like.<sup>18</sup>

Studies made by the University of California in November, 1931, indicated that for a worker with a family of five making \$1,631 a year, \$6.00 was available annually for the theatre; \$32.50 for motion pictures and other entertainment; \$6.00 for radio upkeep; \$2.00 for books and periodicals and \$9.00 for the daily newspaper; a total of \$55.50. Likewise it was estimated that a clerical worker with a family of five earning an income of \$2,175 annually had but \$76.56 available for the same items; all the rest of his income being taken for necessities of various sorts. In neither case was there any allowance made for the maintenance of an automobile.<sup>19</sup>

It is obvious that people in such circumstances can hardly afford to duplicate the varied offerings of the radio by actual attendance of the theatre, concert hall, lecture forum and similar functions or by subscribing to a large number of varied magazines. It is only logical, therefore, that the services of radio broadcasting should be such an important factor in the lives of these people and that it should render a service which for them could not be duplicated in any other way. The cost of operating a radio set is comparatively low. It is estimated that approximately \$253,000,000 was spent last year for the maintenance and operation of the 28,869,000 receiving sets in use in this country. This would average \$8.75 per set per year or two and two-fifths cents

per day.<sup>20</sup> Undoubtedly, the operation of many small sets, is considerably less than that amount.

When one considers that the usual monthly telephone service charge is \$2.50 or \$30.00 per year it is easy to see why radio set ownership exceeds residence telephones to such a great degree. It is also easy to see how wired radio cannot be expected to render service at a charge which can be met by the great majority of present-day receiving set owners, even assuming they would be willing to pay it.

Again wire lines are so often interrupted by storms, floods, fires, etc., that radio broadcasting's present value for the protection of life and property would be destroyed. Moreover, the utilization of wire lines for broadcasting into the homes would in all probability result in fewer programs of local color. This would be the natural and logical result of minimizing competition. And it would place in the hands of too few the responsibilities which accompany the rendition of a service of such great social value as that of broadcasting.

This brings us to the problem of providing additional radio broadcasting facilities which I shall divide into three parts—Aural broadcasting; facsimile broadcasting and television broadcasting.

### Aural Broadcasting

Aural broadcasting is today restricted to those channels available in the frequency band beginning at 550 kc and ending with 1600 kc. A total of 654 stations (including approximately 30 construction permits) have been provided for in this band. Notwithstanding this number of stations there is a large percentage of the total area of the United States and a smaller percentage of the total population that is without consistent and reliable day and night service. Doubtless improvements can be made in the allocation of frequencies and in the location and construction of stations so as to extend existing service over greater rural areas. But any such enlarged service must be balanced against possible demands by Mexico for the exclusive use of channels now devoted primarily for broadcasting in the United States. The need for additional facilities exists and such needs are certain to grow with an expansion of broadcasting on the North American continent.

In our proposals we have named certain frequencies below 550 kc for broadcasting. Such use is in agreement with the policy of other nations of the world. The propagation characteristics of these long waves are such as would enable broadcasters to greatly improve the service in rural areas. This will be discussed in detail when we present our technical testimony. Also, in our proposals we have endeavored to provide for sound broadcasting on certain of the high frequencies. We need to know more about them before reaching final conclusions on all their characteristics. Based on the information we have, it is believed they may be utilized for local broadcasting. The specific frequencies requested have been named with the view of making maximum use of receiving sets that may be manufactured for high-frequency reception, with a minimum of interference with other services and consistently with your expressed ideas of "experimentation and evolution."

There is one difference between the proposals of the Radio Manufacturers Association and our own in this regard. We proposed that the frequencies in the bands of 36 to 38 mc and 62 to 64 mc be allocated for aural and facsimile broadcasting. Agreeably with the change which has been made in the RMA proposals, as first submitted, we will discuss when we offer our technical testimony, the feasibility of modifying our proposals so as to ask for 40 to 42 mc instead of 36 to 38 mc. The RMA propose that the frequencies 37 to 42 mc be allocated for aural broadcasting and they have objected to our proposal in respect of 62 to 64 mc because it would interrupt a continuous band for television. Our purpose in asking for the two bands are twofold: First, we do not know where long-distance interference ends. We do know, however, that the probability of troublesome long-distance interference, now or in the future, is very much less on 60 mc than on 40 mc. Adequate opportunity should be given to obtain reliable data concerning operation on the various high frequencies. Secondly, we do not consider it should be objectionable to anyone to provide for sound broadcasting in the television band. We know of no reason why the purchaser of a television set should be limited to the sound broadcasting service receivable on the television channels. Moreover, we know from experience

<sup>17</sup> Statistics of Income for 1933, Bureau of Internal Revenue, U. S. Treasury Department, p. 6.

<sup>18</sup> The American Consumer Market, McGraw-Hill Publishing Company, 1932.

<sup>19</sup> Recent Social Trends, in the U. S. Report of the President's Research Committee on Social Trends. Vol. II, p. 895. McGraw-Hill Book Co., 1933.

<sup>20</sup> The dollar volume is found in Radio Today, January, 1936, having been based on the table appearing on page 5 and the chart on page 11.

that in the manufacture of receiving sets, quality of reception is often sacrificed at either end of the receiver band. It is, therefore, highly desirable that provision be made near the middle of the television band for aural broadcasting.

### International Broadcasting

A word about international broadcasting. We have proposed a widening of the international bands with but one view in mind. The existing conditions are chaotic. It would seem that this country either should make provision for an international broadcasting service of the highest quality and free from interference or give it up as a bad job. A sufficient number of frequencies, the maintenance of better standards, and more effective international regulations with regard to hours of operation, we believe, can be employed to improve our commerce with the other nations of the world.

### Miscellaneous Services

Our proposals also provide for the allocation of frequencies for aural, facsimile and frequency modulation, auxiliary broadcast service such as point-to-point relay for broadcasting, synchronization, mobile voice and facsimile pickup. These will be discussed in detail by another witness.

### Facsimile Broadcasting

Facsimile broadcasting is an impending new service. It is a method of record broadcasting. It is a service that can be supplied through the utilization of existing broadcast frequencies and broadcast transmitters. It is our contention that all frequencies allocated for aural broadcasting should be available for facsimile broadcasting as well. There is every reason to believe that facsimile broadcasting can supplement sound broadcasting. It is an economic waste to deny the broadcasters the opportunity to develop this new service through the use of existing broadcasting facilities. Moreover, the utilization of existing broadcast facilities will permit of the kind of competition that has made American broadcasting the greatest in the world. Prevent the development of facsimile on the frequencies that are used today and tomorrow for sound broadcasting and you may guide this new service into monopolistic hands.

### Television

Now as to television. Some day we will have television. I do not know when that day will be. But it will come. When

it arrives it will introduce into the American homes a most powerful instrument for good or evil. It can and probably will project the school blackboard into a majority of the homes. Who will control it? Who can control it? Who does now control it?

I appreciate we are concerned here with the technical problem of finding a place in the radio spectrum for its introduction. And we have endeavored to cooperate with other interested parties to suggest bands of frequencies which might be used for television broadcasting. The requirements for a television channel are very great. As far as we know now one television channel will require a path almost six times as wide as that now devoted to all sound broadcasting in the United States. We have been able to suggest a plan of allocation which would provide eight television channels below 100 mc. This is not enough. A great many technical considerations are involved and a discussion of these will be left to another witness.

There are, however, more than technical considerations involved here. The American Broadcasting System is a competitive system. It is a great system because it has been competitive. Men have been spurred on to present better programs and to render a greater public service. It has meant a freedom of the air unmatched anywhere in the world. And our plea today is that you allow television to develop on the same basis. Better we delay the introduction of television than, in enthusiastic haste, inaugurate it and find that through the control of patents, so powerful an instrument is in the hands of too few people. Indeed this expression is but declaratory of the spirit of the Communications Act.

Again, if television is ready to be inaugurated and if you can allocate sufficient frequencies to permit it to grow on the basis of a national competitive service then it seems to me you have a very great responsibility in determining in advance, whether for all practical purposes, the ownership of basic patents, and agreements, if any, between patentees, will permit competition in the construction of television transmitters and receiving sets. We should also know in advance what relationship, if any, may be established between the sending and receiving apparatus. Will there be freedom in the selection of receiving sets or will the use of terminal facilities be controlled in a manner comparable with the telephone? Surely everyone will agree that those who own television patents are entitled to a rich reward for their creative work, but because of the public service inherent in television, patentees should be denied the right to control its use. Keep it free from the hands of monopoly and allow it to develop only on a national competitive basis.

I thank you, Sirs, for your attention.

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### STATEMENT OF DR. CHARLES B. AIKEN TECHNICAL CONSULTANT

Dr. Aiken was born in New Orleans in 1902. He has a B. S. degree from Tulane University and an M.S., M.A., and Ph.D. from Harvard. During the summers of 1918-1921 he was a radio marine operator and was assistant operator of Station WAAB, Tulane University, 1922-1923.

In 1926-1928, Dr. Aiken was engaged in the development of apparatus for geophysical exploration and in field work with Mason, Slichter and Hay at Madison, Wisconsin. He was a member of the technical staff of the Bell Telephone Laboratories from 1928 to 1935. From 1930 to 1935 he was supervisor in charge of broadcast receiver development and was also engaged in work on air-craft communication, field strength measurements, centralized radio systems, synchronized and shared channel broadcasting, television receivers, studies of the effect of receiver hand width on background noise, volume compression and expansion and various special studies. He was in responsible charge in the design of the Western Electric 10a and 17a radio receivers and of the 1a, 2a and 3a centralized radio systems. He also developed a radio com-

pass for air-craft and a special laboratory model television receiver.

Early in 1934 he became Lecturer in Electrical Engineering at Columbia University. In 1935 he went to Purdue University where he is Associate Professor of electrical engineering in charge of communication and is also technical advisor to the University's broadcast station, WBAA. He obtained temporary leave of absence from the University in order to accept the NAB assignment.

Dr. Aiken is the author of papers dealing with amplifiers, detectors, frequency measurement, shared channel broadcasting, synchronized broadcasting, hand width and receiver noise, and radio compass for aircraft. He is a member of the Institute of Radio Engineers, American Institute of Electrical Engineers, Phi Beta Kappa, and Sigma Xi.

## SECTION A

### General Discussion

It must be admitted that the present American broadcast band is overcrowded, and yet the clamor for new frequency assignments steadily increases. The public has enthusiastically supported the majority of the stations in existence, and would certainly support more. There are many rural parts of the country that need additional service, especially during the day, when signals from a distance cannot be heard. Such regions can be served only by more stations or more power, or both.

Some time ago, the Commission published tables showing the minimum separations that should be allowed between stations of various powers working on the same frequency. One of these applied to night-time operation and the other to day. We have made no exhaustive study of the technical assumptions underlying these tables, and will not, therefore, offer a conjecture as to whether they should be modified to take account of recent developments in receiver design. But it will be of interest to use these tables as an index of overcrowding.

An examination of existing frequency assignments has shown that, of 382 stations not included in the "local" classification, 182 or 47.6% are involved in violations of the minimum distances for night-time operation on the same frequency; while 60 shared channel stations violate the specifications of the day-time table. The night violations involve 38 out of a total of 83 frequencies, while those occurring during the day involve 23 channels. In compiling these figures, no stations operating outside the borders of the United States were considered, nor was the use of directive antennas taken into account. Allowance for the effect of such antennas would modify these figures to only a limited extent.

One of the results of this overcrowding is that the type of interference best described as "flutter" is extremely serious on many channels, particularly at night. In some rural areas reception, which would otherwise be satisfactory, is often entirely ruined by interference of this sort, while in others the quality of service is seriously impaired.

Overcrowding is a serious matter, not only because it tends to stop the growth of a service that has come to be regarded as a public necessity, but also because it means that if a few channels were to be lost to American broadcasting, the effects would be disastrous. That such losses may occur in the next few years seems all too likely. For some time we have been made painfully aware of the fact that certain other North American countries, particularly Mexico, regard their present frequency assignments as hopelessly inadequate and have every intention of insisting upon additional channels. This situation constitutes a very serious threat to the broadcast structure of the United States. If it is not adequately met by an expansion of the broadcast band, it may well result in aggravation of the present difficulties, and in the choking of normal and justified growth.

Another fault to be found with the present system of allocation arises from the fact that broadcasting has been forced to use certain frequencies not well suited to its needs. While aware of the technical shortcomings of these frequencies, the Industry has made every effort to utilize them as fully as possible, and, under direction of the Federal Communications Commission, has built up a system unequaled anywhere in the world.

*Rural Coverage.*—Obviously, rural areas should receive as good service as it is possible to give them. Not only the United States, but Canada and Mexico as well, contain large regions which can best be served by relatively longdistance broadcasting. It would appear therefore, that our needs for longrange transmission are better established than are those of any European nation except Russia. Although faced with the difficult problems raised by the clash of national interests, these nations have succeeded in allocating their broadcast services where they can be most effective, while

the North American nations have completely failed in efforts to secure such allocations.

*Expansion of Broadcasting and Development of New Services.*—A more satisfactory broadcast structure can be obtained only by the assignment of new groups of frequencies in two widely separated portions of the spectrum. One group below 550 k.c. would do much to improve rural coverage in the United States and Canada, but would be of less use to Mexico because of the relatively high noise levels in low latitudes. Other groups, in the ultra-high frequency range, would do much to improve strictly local services and to relieve serious congestion on shared channels.

Not only should provision be made for the normal growth of aural broadcasting, but it seems likely that facsimile and television must be accommodated before very long. It is at least possible that these newcomers to the broadcast field may prove extremely important, and every opportunity should be provided for experimentation and commercial growth. Should successful services be instituted, they would probably be of tremendous value to the public, and would undoubtedly be stimulants to research and to industrial activity.

*General Points of View.*—The testimony which is contained in the various sections of this report has been prepared on the basis of several general premises, a mention of which is appropriate at this time.

We believe that all the radio services should now adopt a long-range point of view, and, setting aside considerations of temporary expediency, should try to examine the technical possibilities for future development and growth. Certainly the difficult problems of frequency allocation, and of coordination of the conflicting demands of various services can best be solved by adherence to scientific principles, and by careful evaluation of all of the technical factors involved. Where complete technical data are lacking, as in the case of the ultra-short waves, assignments should be made with the realization that they may have to be changed. Steps should be taken to guard against premature entrenchments that might later be detrimental to the proper balance and high efficiency of all radio communication services. Wherever uncertainties exist a policy of "evolution and experimentation," which has been recommended by the Commission, seems to be the only safe and logical one to follow.

In view of the increasing need for radio channels of different kinds, and the difficulty of coordinating the requirements of the various services, it is contended that all frequency assignments should be used in a highly efficient manner. This means that apparatus capable of furnishing good service, without requiring an unnecessarily wide band, should always be employed. It also means that the minimum power to be allowed a station on a given channel should not be too small, although just what this minimum should be will vary with the frequency and the type of service. In particular, no station of low power should be allowed to occupy a channel which is especially well suited to high-power work, unless that station performs an essential service that cannot be accommodated elsewhere.

*Facsimile Broadcasting.*—This service requires a frequency channel having a width depending upon the speed of sending. Generally speaking, we may say that a 10 k.c. broadcast channel is entirely adequate for the transmission of facsimile signals.

It is recommended, therefore, that all frequencies which are, or will be, assigned to aural broadcasting be made available for use by facsimile. The use of existing facilities would undoubtedly aid experimentation and the development of a facsimile service for home use.

While midnight to morning would probably be best for experimenting with this new service, it seems likely that there may ultimately be occasion to alternate facsimile and aural broadcasting on some channels, or even to make the former a 24-hour service.

*Television.*—Should television service be established on a large scale, it would of course be a matter of great interest to the broadcasting industry. It is not within our province to consider all the problems which must be overcome before this can happen, and we shall merely assume that the Commission will try to make provision for visual broadcasting. In keeping with this assumption, we shall recommend certain frequency assignments for television and, in a later section, shall discuss some of the allocation problems which must be dealt with.

*International Broadcasting.*—Mr. Baldwin has already suggested that it will either be necessary to provide more frequencies for international broadcasting or to admit that the United States cannot compete in this field. The bands at present provided for this service are, as you know, quite narrow. Moreover, because of the peculiar propagation characteristics of short waves, these bands

cannot all be used at the same time with equal success. Consequently, the effective number of channels available is less than the total of assignments in the several bands.

Nor is this all. International broadcasting, by its very nature, is subject to serious long-range interference. The stations of not one, but several, nations must operate simultaneously, and hence the number of the channels available to any one country is necessarily small.

There is now wide distribution of receivers capable of bringing in short wave signals, and popular interest in international broadcasting is increasing. The service rendered to the owners of these sets is frequently spoiled by the congestion in the international bands. So active are the countries of Europe and South America in this type of broadcasting that conditions are tending to become chaotic. In fact, we understand that some South American countries are now building stations without Berne registration and without any regard for international agreements.

It is our feeling that this type of broadcasting should not be abandoned. It is of value in allowing an interchange of interesting programs between the nations of the world and in bringing into American homes reports of important foreign events. Moreover, it furnishes a means of reaching United States citizens living abroad and of giving broadcast service to our territorial possessions. If such services are to continue and are to be allowed a chance for any reasonable growth, there will have to be international agreement for widening of the existing bands. Because of the treaty relations involved, it is entirely beyond our province to suggest specific frequencies for improved allocations, and the recommendations submitted to the Commission on June 1 must be regarded as merely representative of the kind of expansion desired. The recommended bands are still none too liberal in width, and it is possible that the nations of the world may see fit to provide still more frequencies for international service.

*Chart of Proposed Allocations.*—As a matter of record, our proposals of June 1 are repeated here. It is recommended:

A. That frequency assignments be made as follows:

Frequency	Service
180 to 210 k.c. incl. . . . .	Aural and Facsimile
520 to 1600 k.c. incl. . . . .	Aural and Facsimile
25.6 to 26.6 m.c. . . . .	Aural and Facsimile
36 to 38 m.c. . . . .	Aural and Facsimile
38 to 56 m.c. . . . .	Television
62 to 64 m.c. . . . .	Aural and Facsimile
64 to 94 m.c. . . . .	Television
94 to 100 m.c. . . . .	Aural, Facsimile, and frequency modulation
100 to 120 m.c. . . . .	Auxiliary broadcast service such as point-to-point relay for broadcasting, synchronization, mobile voice and facsimile pickup.

B. That a minimum of 25 experimental television channels of 6 m.c. width be set aside in a manner consistent with the needs of other services beginning at about 130 m.c.

C. That the existing international broadcast bands be enlarged as follows:

6 m.c. band to .5 m.c. width
9.5 m.c. band to .3 m.c. width
11.7 m.c. band to .4 m.c. width
15.1 m.c. band to .4 m.c. width
17.75 m.c. band to .3 m.c. width
21.45 m.c. band to .3 m.c. width

As has been said, the proposals for international broadcasting are not meant to be specific, but are merely indicative of the type of allocation desired.

We must also point out that the beginning of the television band at 38 megacycles was suggested merely with the idea of providing as many bands for television as possible. It may be that the lowest channel is not desirable, in which case the aural band from 36 to 38 should be moved up so as to remain adjacent to the television band. This will be discussed in detail later. We believe that assignments above 120 megacycles should be kept flexible as long as possible, and that in providing for other services the probable requirements of television should be kept in mind.

Recommendations for frequencies for auxiliary broadcast services between 100 and 120 m.c. will be discussed in a later section.

The frequencies below 100 m.c. have been shown on the chart of Figure 1. At the lower left is a narrow line representing the proposed broadcast band of from 180 to 210 k.c. Immediately to



the right of this line is a small block extending from 520 to 1600 k.c. This latter, which is only slightly wider than the present broadcast band, shows the very small part of the spectrum below 100 m.c. which is now allocated to broadcasting. Even if the suggested ultra-high frequency bands are assigned to aural broadcasting, this service will still occupy a small percent of the total frequency range.

Our recommendations inevitably conflict with those made by Dr. Dellinger for the Government Services. It is obvious, of course, that if the latter are put into effect, the well founded needs of all the non-Government services will have to be denied to such an extent as to greatly reduce their possibilities of service. This is particularly true in the case of television. If blocks of frequencies are to be cut out of the spectrum at intervals of a few megacycles throughout the range, it will be impossible to provide a visual band wide enough to make television commercially practicable.

Everyone must realize that such mangling of the spectrum would, in a broad sense, profoundly inconvenience the people of the United States. Moreover, it would greatly curtail the research and development which would otherwise be carried on by non-Government units. The apparatus and techniques developed for industrial application are often of great use in the Government services, and if commercial development is curtailed the latter will inevitably suffer.

## SECTION B

### An Analysis of the Problem of Long-Wave Broadcasting in North America

The suitability of various frequencies for the different classes of radio service has long been a subject of discussion. At first, the propagation characteristics of radio waves were so little known that questions of frequency allocation were solved, in many cases, on the basis of temporary expediency or of limited experience, without reference to fundamental scientific principles.

The present allocation structure contains many weak points, due to this early distribution of frequencies, most of which could be remedied now only by a complete reshuffling of the wavelengths. This would probably be too great an undertaking, but it seems, nevertheless, that the most needed readjustments are entirely possible, and would greatly benefit the communication services of the world.

In discussing even a few of these desirable changes it will be necessary to adopt two premises, the soundness of which is believed to be obvious.

1. Services which cannot be supplied by non-radio means should receive priority of consideration consistent with their legitimate needs and with sound engineering estimates of how those needs may best be met.
2. Radio services having peculiar technical requirements should be assigned frequencies best suited to those requirements, and other services not needing these important frequencies should be allocated elsewhere. Furthermore, when assignments of particular value have been made, they should be used as efficiently as the development of the art will allow.

It is with these two premises in mind that the analysis of the problem of long-wave broadcasting has been made.

*Suitability of the Various Frequencies to Broadcast Service.*—The various problems of broadcast coverage have received a tremendous amount of attention from engineers and physicists the world over, and as a result a mass of information has been collected concerning the utility of the various wavelengths. The general conclusions are so well known that it seems unnecessary to deal with them in detail and we shall content ourselves with summarizing certain of the high points, and then proceeding to the development of the case for long-wave broadcasting.

The range of clear-channel stations is very long at night, and large numbers of people are able to receive such stations in their secondary coverage areas, which are reached only by sky waves. In daytime sky waves are so much weaker that secondary coverage may be regarded as non-existent. Thus, one of the records published by Norton, Kirby and Lester<sup>25</sup> on WLW shows an average daytime field strength near Washington of about 20 microvolts per meter, while at night the signal rises as high as 25 millivolts per meter.

The result of this weakening of the sky wave is that very large rural areas, which depend upon relatively distant stations for evening reception, cannot hear them at all in daylight. In fact, many

regions are without daylight service of any kind. The great use of long-wave broadcasting stations would be to furnish daytime coverage over very extended areas. Furthermore, the night-time primary service area lying within the zone of objectionable fading, is very much larger at low frequencies than it is at high.

It is well known that, for a given radiated power, the radius of ground-wave coverage decreases rapidly as the frequency is increased, and that the zone of serious fading also draws in toward the transmitter. As a convenient summary of the data relating to ground-wave coverage, there have been plotted in Figure 2 the radii of certain field strength contours as a function of frequency, for two different values of the ground conductivity. The data for these curves have been taken from the *Report of the Committee Preparing Material for Question 7 for the Fourth Meeting of the C. C. I. R.* We see that there is a tremendous change in ground-wave coverage with frequency, and it is therefore not surprising that there should be general agreement that the higher frequencies are not well suited to broadcasting, and that high power in the neighborhood of 1500 k.c. is not economically justified. The high frequencies can be used for local coverage only, and the problem of delivering a satisfactory service to large suburban regions and to rural areas can be solved only by the efficient use of longer waves.

The United States, Canada, and Mexico, are large countries having well developed needs for rural coverage. The longest waves are perhaps less interesting to Mexico, because of the high noise levels which commonly exist on the low frequencies in southern latitudes, but Canada and the northern part of the United States present coverage problems which can best be solved by the use of low-frequency broadcasting. The European countries have long recognized the advantages of such services, even though no one nation except Russia has anything like such distances to cover as are regularly met with in North America. In spite of conflicting national interests and in spite of the great value which is accorded to the military services by all European countries, their administrations have realized the tremendous importance of broadcasting and the technical value of long waves for rendering efficient service. As a result, a continent which has less need for it, has evolved a fairly satisfactory structure employing frequencies from 153 to 546 k.c., while the continent which, from the standpoint of national boundaries, geographical distances, and economic capabilities, has the most obvious need for low-frequency broadcasting stations has succeeded in acquiring none below 520 k.c. That this is an unfortunate state of affairs can hardly be denied.

In Table I is given a list of broadcast stations of the world that operate below 550 k.c. This table, which was made up from the Berne List dated March 1936, shows a total of 78 transmitters, of which 36 are in the USSR. Russia, which is also a country of vast distances, seems to have taken full advantage of the long waves for broadcasting. Of the stations listed, three are under construction, one is projected, one is provisional, and one is a Press broadcast station. Two are in Canada on frequencies of 530 and 540 k.c., while the projected unit on 520 k.c. is also to be in Canada. A station on 546.8 k.c. is located in Yucatan. Table I follows:

TABLE I  
List of Broadcasting Stations Below 550 K.C.

Frequency in k.c.	Location	Power	Remarks
92.2	Prague, Czechoslovakia	1.5	Press
153	Ankara, Turkey	5	
155	Kaunas, Lithuania	7	Valstybes radiofons
160	Huizen, Holland	5	
160	Radio Romania, Roumania	150	
166	Lahti, Suomi, Finland	220	
172	Moskva Imeni, Komiinierna, USSR	500	
174	Radio-Paris, France	75	
183	Reykjavik, Iceland	30.16	
185	Istanbul, Turkey	5	
187.5	Irkoutsk, USSR	20	
191	Zeesen, Germany	60	
200	Bakou, USSR	10	
200	Droitwich, England	150	
207.5	Tour Eiffel, Paris	13	
208	Minsk, USSR	35	
212.5	Warszawa Raszyn, Poland	150	
216	Motala, Sweden	150	
217.5	Novosibirsk, USSR	100	
224	Warszawa Raszyn, Uoland	500	
227	Iakoutsk, USSR	10	
230	Poland (no city specified)	150	
232	Kharkov, USSR	10	

TABLE I—Continued

## List of Broadcasting Stations Below 550 K.C.

Frequency in k.c.	Location	Power	Remarks
238	Kalundborg, Denmark	60	
245	Leningrad, USSR	100	
253	Alesund, Norway	10	
256.4	Tachkent, USSR	25	
260	Oslo, Norway	60	
271	Moskva (Moscow) RCZ, USSR	100	
280	Tromso, Norway	0.1	
283	Tiflis, USSR	35	
310	Alma-Ata, USSR	10	
333.3	Achkhabad, USSR	4	
333.3	Krasnoïarsk, USSR	1	
340	Igarka, USSR	2	
340	Khabarovsk, USSR	10	Under construction
340	Saratov, USSR	20	
350	Arkhangelsk, USSR	10	
350	Ouland-Oude, USSR	10	
350	Tourtkoul, USSR	2	
355	Finnmark, Norway	10.5	
355	Rostov Don, USSR	20	
359.5	Budapest, Hungary	18	
359.5	Budapest, Hungary	0.75	
364	Smolensk, USSR	2	
375	Sverdlovsk, USSR	40	
380	Erivan, USSR	10	
390	Makatch-Kala, USSR	4	
390	Oirot-Toura, USSR	1	
392	Boden, Sweden	0.6	
392	Banska Bystrica, Czechoslovakia	30	Under construction
401	Radio Geneva, Switzerland	1.25	
401	Moscow VCSPPS, USSR	100	
413.5	Ostersund, Sweden	0.6	
413.5	Voronej, USSR	10	
421.3	Stalinabad, USSR	2	
422	Pinsk, Poland	20	
431	Oulu, Finland	10	Under construction
436	Oufa, USSR	10	
450	Oirot-Toura, USSR	1	
461.5	Orenbourg, USSR	1	
471.7	Omsk, USSR	1	
471.7	Sykytyvkar, USSR	1	
471.7	Tcheboksary, USSR	5	
517.2	Tartu, Esthonia	0.5	
519	Hamar, Norway	0.7	
520	Caron, Saskatchewan, Canada	—	Projected
522	Stalingrad, USSR	10	
527	Grenoble, PTT, France	3.5	Provisional
527	Viipuri, Finland	10	
527	Ljubljana, Yugoslavia	5.25	
530	Kirkland Lake, Ontario, Canada	1	
531	Brzesc n/B, Poland	5	
536	Bolzano, Italy	1	
536	Wilno, Poland	50	
540	Belle Plain, Saskatchewan, Can.	1	
546	Budapest, Hungary	120	
546.8	Merida de Yucatan, Mexico	0.105	

The foregoing figures should indicate that we are far behind the European countries in long-range broadcast facilities, and it is only reasonable to feel that the United States should bend every effort toward remedying this situation.

**Broadcasting at 200 k.c.**—An examination of the Berne List has shown that it should be possible to locate a broadcast band extending on either side of 200 k.c. without much inconvenience to other services. That such a band would have valuable characteristics is well known, and proposals for its use in this country have been made by Wenstrom,<sup>20</sup> Gillett and Eager<sup>4</sup> and others, all of whom have indicated the great possibilities of long-wave coverage. In order to see just what might be done to improve rural service in the United States, let us examine the properties of 200 k.c. waves in some detail.

**Ground Wave Range**—The ground wave range can be readily estimated by the use of the charts prepared by the *Committee Preparing for the Fourth Meeting of the C. C. I. R.* With the help of these charts Figures 3 and 4 have been drawn, showing the estimated three millivolt (Figure 3) and one millivolt (Figure 4) contours for stations located in various parts of the United States. It is assumed that each station radiates 1,000 k.w. at a

frequency in the vicinity of 200 k.c. The contours for stations 1, 2, and 5 have been corrected for variations in the average conductivity of the soil, while those for stations 3 and 4 are based on an assumed constant conductivity of approximately  $6 \times 10^{-14}$ .

Perhaps station 1 is the most interesting from the standpoint of population coverage. Based on the census of 1930, there are within the 3 mv/m contour approximately 8,000,000 families, or about 25,000,000 people. The area within the 3 millivolt limit includes a great many cities of medium to large size, among them St. Louis, Chicago, Milwaukee, Indianapolis, Detroit, Toledo, Cleveland, Columbus, Cincinnati, Dayton, Youngstown, Louisville, Nashville, Chattanooga, Charlestown, W. Va., Wheeling, Pittsburgh, and Erie, while Buffalo is just outside this contour.

As will be shown later, the three millivolt line probably represents the useful limit of satisfactory coverage in summer, because of the high noise intensities, and should also coincide roughly with the night-time limit set by fading. The field strength within the entire region bounded by this contour is sufficiently great to furnish high-grade service in the residential areas of all cities and towns lying within its borders. The provision of so high a field to override atmospheric noise would also take care of man-made interference in practically all residential zones.

The one millivolt contour includes a considerably larger area, and it cannot be denied that rural and suburban homes lying within this boundary would receive excellent daylight service in winter. In fact, it is probable that many listeners located between 100 and 150 miles beyond the one millivolt line would then find reception very satisfactory.

It is a remarkable fact that this one station could serve listeners in the country near such widely separated cities as Washington, Birmingham, Memphis, Jefferson City, Missouri, La Crosse, Wisconsin, Cheyebogan, Michigan, Oswego, New York, and Reading, Pennsylvania. And yet there is every reason to believe that this would be the case. The charts from which the contours have been computed are based on the most reliable data available and have been checked against actual measured values in many cases. As an example of such a case it may be pointed out that the field strength of WLW, as calculated from these charts, should be about 25 to 30 microvolts per meter in the vicinity of Washington. Measurements reported by Messrs. Norton, Kirby and Lester<sup>15</sup> show a daylight field strength of approximately 20 microvolts for this station.

These same authors state that the daytime field of WLW at Washington does not change appreciably with the season of the year, although marked changes are noted at the upper end of the broadcast band. This fact appears to be due to the relative importance of sky waves at the higher frequencies and their unimportance at lower frequencies, since in the latter case the attenuation of the ground wave is much less pronounced. We may therefore take it as evident that at 200 k.c. the sky wave will be very small during daylight, as compared with the ground wave, up to distances of at least 600 miles, or beyond the range of our one millivolt contour.

**Atmospheric Noise on 200 k.c.**—The average noise level due to atmospherics increases at the lower frequencies. While there is not as much information available as we could wish, the measurements of Potter<sup>17, 18</sup> throw a good deal of light on the question. These measurements have been checked in the broadcast band by Byrne,<sup>4</sup> and through theoretical calculations by Norton. Available data have been studied by the *Committee Preparing Material for Question 9, Proposed for the Fourth Meeting of the C. C. I. R.* The charts of this Committee show that night-time noise is inversely proportional to frequency in the range from 100 to 1000 k.c., while the day-time noise varies somewhat more rapidly than the inverse square of the frequency in the same range. The noise intensity will, of course, change greatly from place to place and from time to time, but these curves may be taken as indicative of the variation with frequency at any given time and place. Curve B of the Committee's report indicates that a day-time field strength at 200 k.c. of approximately 300  $\mu\text{v}/\text{m}$  is necessary, on the average, for barely satisfactory broadcast reception, and hence a field of 3 mv/m should be entirely satisfactory under average conditions. It is for this reason that the three millivolt contour has been taken as the limit of the high-grade service area in summer.

At night, the average noise levels would be considerably higher; in fact, the Committee's curve C indicates that a field of about 6 mv/m should be required for barely satisfactory broadcast reception. However, the plotted points shown on this graph all lie below the curve; in fact, the point for 200 k.c. is at 0.5 mv/m.

Moreover, if we assume that 1 mv/m will furnish reasonably satisfactory night-time service at 600 k.c., it follows from the inverse proportionality of noise level to frequency that 3 millivolts will be satisfactory on 200 k.c. Hence, it may be questioned whether the curve is not somewhat high in this area. It is certain that during the winter 3 mv/m would furnish satisfactory reception most of the time, and that in mid-summer it would often be adequate even at 200 k.c. More extensive data on noise levels are needed.

We may assume, then, that the 3-millivolt contour will furnish satisfactory broadcast reception during most of the daylight hours throughout the year, and that the service rendered at night, while of a lower order of excellence, will nevertheless be of distinct value throughout the winter and during part of the time in summer. These arguments apply primarily to the northern part of the United States and Canada, and with less force to the southern United States.

*Radius of the Fading Zone*—Here again, there is need for more information, but enough material is available to show that the radius of fading-free service would be large, even at night. Let us first estimate the zone on the assumption that 200 k.c. sky waves behave in the same manner as those in the present broadcast band.

The very extensive studies of Norton, Kirby, and Lester<sup>15</sup> show that, for distances of from about 300 to 600 miles, the maximum night field due to waves reflected from the Heaviside layer is approximately that which might be expected from the inverse distance relation; and that for 1 k.w. of radiated power the maximum night field at a distance of 400 mi. is of the order of 0.5 mv/m. An examination of the ground wave propagation charts previously referred to shows that 1 k.w. of radiated power will produce a ground wave field of only about one-fourth this value at 400 miles, and that the half-millivolt level is reached at about 215 miles. This refers to a ground conductivity of  $10^{-13}$ . If, then, we accept this picture, we must suppose that serious fading would occur at a little over 200 miles from a transmitter located in Ohio, which is much farther than for frequencies above 550 k.c. These latter ordinarily begin to fade at distances from 20 to 100 miles.

It seems very likely that the situation on 200 k.c. is actually much better than is suggested by the above outline, since the sky wave intensity probably falls off rather sharply at frequencies as low as 200 k.c. Thus, Monroe and Green, in their studies of 200 k.c. propagation phenomena in Australia, report a value of 0.1 mv/m for 1 k.w. radiated, and point out that T. L. Eckersley found a value of 0.3 for the higher broadcast frequencies in Europe. Accepting this three-to-one ratio, but assuming the 0.5 mv/m figure as correct for 1,000 k.c. on this continent, we should have a considerable increase in the radius of the fading-free area. Thus in the Middle West, 1 k.w. of radiated power would give a field strength of 1.67 mv/m for both ground and sky waves at about 300 miles, and it is likely that this is more representative of the actual radius of the fading ring than is the 200-mile figure.

Wenstrom estimates the fading radius for "hilly to broken terrain, the general American average," to be about 330 miles. He quotes A. H. Taylor of the Naval Research Laboratory to the effect that night fading will not occur very frequently inside of 500 miles. He also makes the following interesting statement: "From another authoritative source it was learned that actual broadcast transmission on 200 k.c. in the United States has shown no pronounced fading ring within 350 miles, the limit of effective signal strength at the power employed (20 k.w.)."

During the past winter and spring, I have had occasion to make a number of night observations on Air Commerce stations operating between 200 and 300 k.c., at distances up to 250 miles. A receiver without automatic volume control was used, so that fading, had it occurred, would have been readily apparent. While no regular schedule was kept, a good many observations were made, and no case of fading can be recalled.

We must also consider the fact that fading on 200 k.c. will be much slower than at broadcast frequencies. Selective fading is always more serious when the carriers of the interfering waves are of the same magnitude and are at, or near, phase opposition. Since the sidebands may not balance out to the same degree, an effective over-modulation is produced, causing very violent distortion of the received signal. It seems likely that, when the carriers are not near to phase opposition, selective fading will produce little distortion of 200 k.c. signals.

This distortion-producing fading could occur only at those points at which the sky wave amplitude was very nearly equal to that

of the ground wave. If either component were a few d.b. larger than the other, the fading should be substantially distortionless, and could therefore be smoothed out by the use of automatic volume control in the receiver. This fact should considerably reduce the importance of fading effects and should limit the zone of destructive interference to a relatively small percentage of the total service area. Both within, and, in considerable areas, without this zone, it should be possible to get very satisfactory night-time reception.

To sum up: It would appear that the radius of destructive fading for a station located in a reasonably high conductivity area may be expected to be between 250 and 400 miles. The fading should have a long period, and selective fading should occur only in relatively limited regions.

As a result of these considerations, it may be assumed that a 200 k.c. station would serve a very large area at night as well as during the day, although the two areas might not be entirely coincident.

*Blanketing Area*.—The blanketing area of a 1000 k.w. station on 200 k.c. would not necessarily be large insofar as reception of stations above 500 k.c. is concerned. In fact, when obsolete receiving equipment has been discarded, the blanketing area should be rather small. In order to see what may be expected, let us estimate the interfering signal that might be tolerated without resulting in objectionable cross modulation in the first R.F. amplifier of a radio receiver.

The first tube of a well designed receiver should be a variable-mu pentode having an approximately exponential characteristic of plate current versus grid voltage. Calculations of the cross modulation to be expected in an ideal tube of this sort show that an interfering voltage of 1.54 volts could be applied to the grid before the modulation of the desired signal by the interfering program would be as much as 1 percent.

The characteristics of commercial variable-mu tubes are not strictly exponential, however, but depart from this theoretical form in such a way as to increase the cross modulation. In order, therefore, to allow a factor of safety, let us assume that the interfering signal of the first amplifier tube should not be more than half a volt.

Even a badly designed receiver, tuned to a frequency above 500 k.c. should attenuate a 200 k.c. carrier at least 60 d.b., and the majority of receivers should do better than this. By attenuation is meant the ratio of the signal on the grid of the first tube to that induced in the antenna. If we assume an effective antenna height of about 3 meters, then the interfering field strength that could be tolerated would be more than 100 v/m. It is of course possible that, with so high a field, direct pickup in the other parts of the set might cause the introduction of rectified signals into the audio-amplifier, but it is reasonable to suppose that with a properly designed receiver a field of the order of 100 v/m could be tolerated. To be extremely conservative we might take 10 volts per meter as the boundary beyond which cross modulation would be negligible. With a 1000 k.w. radiated this field should occur at about seven-tenths of a mile from the antenna.

At frequencies near that of the transmitter, cross modulation would, of course, be more troublesome, although even here it would not be serious if properly designed equipment were used. It is reasonable to suppose that a listener located not far from the transmitter, and receiving a nearby frequency, would be content to use a narrow passed band with a consequent increase in selectivity.

In addition to difficulties due to cross modulation, trouble may be expected from extra-band radiation by the interfering transmitter falling within the passed band of the receiver. On adjacent channels this latter would undoubtedly be the more serious limitation. It is perhaps idle to speculate as to just what sort of extra-band field a 1000 k.w. transmitter designed for 200 k.c. operation would lay down, but it is possible that the reception of low intensity telephone signals in the next channel might be seriously affected.

In the case of broadcast reception this would not be serious, for a listener located within the 100 mv/m contour, could not reasonably expect service from other low-frequency broadcast stations more than 600 miles away. In the case of telegraph on adjacent frequencies, conditions could be improved by the use of a narrow band in the receiver. In order to eliminate interference with this latter service, it might be necessary to use a high-pass filter, or a band-rejection filter, in the transmission line feeding the antenna of the station on the upper edge of the proposed long-wave broadcast band. The one on the lower edge could, of course, receive similar treatment if required. It should then be possible to free

neighboring frequencies from any appreciable interference. While such filters would be moderately expensive, their use would doubtless be justified, and the difficulty of design might be reduced by permitting a certain amount of attenuation in the sideband adjacent to the filter cut-off frequency without causing objectionable degradation of quality.

There remains the question of interference caused by the spurious responses of superheterodyne receivers. This is hard to estimate since it is dependent upon many different factors. In the case of operation on channels near to that of the interfering station the image-frequency would be too far away to fall within the long-wave broadcast band. Consequently, spurious responses would have to be due to higher order modulation in the converter tube or to other less important factors. In the case of reception in the broadcast band it would also be impossible to get image-frequency interference, since the unwanted signal would have to be above the desired signal in frequency. It is evident then that troubles from spurious superheterodyne responses might be somewhat less pronounced than when the interfering station operates in the regular broadcast channel.

Because of the variability of these spurious responses it is impossible to predict the field strengths that can be tolerated without interference, but it is probably safe to assume that 100 to 200 mv/m would do little harm to well designed receiving equipment. This latter field would occur about 30 miles from the transmitter. Closer in, interference might be experienced when the receiver was tuned to certain frequencies, but would be absent on others. These troubles are not sufficiently serious to constitute any argument against the use of a 1000 k.w. station.

**National Coverage.**—The five stations indicated in Figure 2 should give satisfactory service to a large part of the United States. New England and the Atlantic seaboard in general would not receive satisfactory service from them, but it is these very regions that are already best provided with broadcast facilities, and so this should not be a serious matter.

While five frequencies would clearly be necessary for proper national coverage, only four are being requested. This is done solely with the intention of cooperating with other radio services and cannot but be regarded as a distinct concession on the part of the Broadcast Industry.

It is supposed that, should long waves be allocated to broadcasting, the first station or stations would be built at or near one of the northern sites indicated in Figure 3, since the relative freedom from atmospheric noise in the upper latitudes would make these locations more valuable. After obtaining a considerable amount of operating experience with these northern stations, it would be possible to locate one in the south to the best advantage. On the other hand, if the international situation required it, the fourth frequency might be assigned to Canada or Mexico, although it would not be well suited to the needs of the latter.

**Further Comparisons of 200 k.c. with the Present Broadcast Frequencies.**—In order to further emphasize the improvement in coverage that might be obtained by the use of long-wave broadcasting, the one millivolt and three millivolt contours have been drawn around the hypothetical station No. 1 for three different frequencies, a 1000 k.w. radiated power being assumed in each case. These contours are shown in Figure 5. The solid lines represent the three millivolt contours for frequencies of 1000, 600, and 200 k.c., while the dashed lines show the one millivolt contours for the same three frequencies. The region enclosed by the three millivolt line is nearly ten times as large at 200 k.c. as at 1000 k.c. Comparing the area enclosed by the one millivolt line for 1000 k.c. with that enclosed by the three millivolt line for 200 k.c. (which might be a reasonable comparison on many summer days), it is evident that the long waves will still do a better job. Even at 600 k.c. the one millivolt limit lies well within the three millivolt 200 k.c. contour.

Presumably the cost of radiating a given amount of power at 200 k.c. would differ from that at higher frequencies chiefly insofar as it was affected by the cost of the antenna system. In the existing broadcast band considerable success has been had with vertical radiators between five and six-tenths of a wavelength high, but it seems unlikely that such antennas would prove in at 200 k.c. The reduction in sky wave which can be obtained is less marked at three to four hundred miles than it is at fifty to one hundred. This is due to the fact that the difference in the vertical radiation pattern of a half wave and a quarter wave antenna is not pronounced at the rather low angles at which this long distance sky wave leaves the radiator. Consequently, the "anti-fading" characteristics of the high mast would be less marked at long wavelengths, and it is doubtful if the rather small increase that can be obtained in the ground wave could possibly justify the cost of a mast some 2400

feet high. On the other hand, a quarter-wave mast about 1200 feet high is not out of the question, and, with the steadily falling prices of such structures, should not be an undue economic burden. Its effective electrical height could be increased as much as 30 percent by loading with a capacity hat at the top, although this might not be economically justified.

**Receiving Equipment.**—There are in the possession of the public today a great many receivers equipped with a so-called "X" band, which covers a range of about 160 to 420 k.c. These sets could be used for tuning in long-wave broadcasting stations without any modification whatever.

Because of the high field strengths involved and the long distances to be covered, it would probably be desirable to cut off the audio program fed to the transmitters sharply at 5 k.c., thereby avoiding any sideband overlap. A coupled circuit capable of faithfully receiving an over-all band width of 10 k.c. at a mid-frequency of 200 k.c. can be readily built for use in the receiver. Design data show that a pair of circuits can be adjusted to have a peak 3 d.b. above the center of the band, a response at 5 k.c. equal to that at the center, and a discrimination against 10 k. c. of approximately 14 d.b. Under unfavorable receiving conditions the width of this filter could easily be reduced and with an over-all width of 5 k.c. the discrimination against a frequency 10 k.c. off the center of the band could be increased to about 26 d.b.

It would probably be desirable to use two such coupled circuit filters, one ahead of and one immediately following the R.F. amplifier tube. The second filter would be connected to the grid of the converter tube, and the remaining selectivity would be provided in the I.F. amplifier.

The use of an intermediate frequency of about 460 k.c. would present no serious difficulties, as is evidenced by the performance of the existing "X band" receivers.

## References

1. Bailey, Austin and Thomson, H. M., "Transatlantic Long-Wave Transmission." *Bell Sys. Tech. Jrn.*, Oct. 1935, pp. 680-699.
2. Ballantine and Snow, "Reduction of Distortion and Crosstalk in Radio Receivers by means of Variable-Mu Tetrodes." *I. R. E.*, Dec. 1930, pp. 2102-2127.
3. Beverage, H. H., and Kendrick, G. W., "Low-Frequency Transmission over Transatlantic Paths." *I. R. E.*, Mar. 1936, pp. 472-483.
4. Byrne, J. F., "Noise Intensity due to Atmospherics, Measured at Different Parts of the Broadcast Spectrum." *Radio Eng.*, Mar. 1933, Vol. 13, No. 3, p. 10.
5. Eckersley, P. P., "The Calculation of the Service Area of Broadcast Stations." *I. R. E.*, July 1930, 18, pp. 1160-1193.
6. Eckersley, T. L., "Direct Ray Broadcast Transmission." *I. R. E.*, Oct. 1932, 23, pp. 1555-1580.
7. Fassbender, H., Eisner, F., Kurlbaum, G., "Investigation of the Attenuation of Electromagnetic Waves and the Distances reached by Radio Stations in the Wave Bands from 200 to 2000 Meters." *I. R. E.*, Aug. 1931, pp. 1446-1471.
8. Gillett, Glen D., and Eager, Marcy, "Some Engineering and Economic Aspects of Radio Broadcast Coverage." *I. R. E.*, Feb. 1936, pp. 190-207.
9. Higgy, R. C., and Shipley, E. D., "A Study of Ground-Wave Radio Transmission." *I. R. E.*, March 1936, pp. 483-487.
10. Jansky, C. M., Jr., and Bailey, S. L., "On the Use of Field Intensity Measurements for the Determination of Broadcast Station Coverage." *I. R. E.*, Jan. 1932, pp. 62-77.
11. Judson, E. B., "Low-Frequency Radio Receiving Measurements at the Bureau of Standards in 1931 and 1932." *I. R. E.*, Sept. 1933, pp. 1354-1364.
12. Kendrick, G. W., and Pickard, G. W., "Phase Interference Phenomena in Low-Frequency Radio Transmission." *I. R. E.*, Mar. 1934, pp. 344-359.
13. Kirby, S. S., and Norton, K. A., "Field Intensity Measurements at Frequencies from 285 to 5400 k.c. per Second." *I. R. E.*, May 1932, pp. 841-863.
14. Munro, G. H., and Green, A. L., "Measurements of Attenuation, Fading, and Interference (by atmospherics) in Southeastern Australia, at 200 k.c. Per Second." *Journ. Inst. Eng., Australia*, June 1933, Vol. 5, No. 6, pp. 193-199.
15. Norton, K. A., Kirby, S. S., and Lester, G. H., "An Analysis of Continuous Records of Field Intensity at Broadcast Frequencies." *I. R. E.*, Oct. 1935, Vol. 23, No. 10, pp. 1183-1200.
16. Potter, R. K., "High-Frequency Atmospheric Noise." *I. R. E.*, Oct. 1931, 19, 10, pp. 1731-1765.
17. Potter, R. K., "An Estimate of the Frequency Distribution of Atmospheric Noise." *I. R. E.*, Sept. 1932, 20, 9, pp. 1512-1518.

18. "Report of Committee on Radio Propagation Data." I. R. E., Oct. 1933, Vol. 21, No. 10, pp. 1419-1438.

19. Van der Pol, Balth., Eckersley, T. L., and Dellinger, J. H., "Propagation of Waves of 150 to 2000 k.c. per second (2000 to 150 meters) at Distances between 50 and 2000 k.c." I. R. E., July 1933, pp. 996-1003.

20. Wenstrom, Wm. H., "Low-Frequency High Power Broadcasting as Applied to National Coverage in the United States." I. R. E., June 1931, pp. 971-984.

## SECTION C

### The Problem of Fitting a 200 K.C. Broadcast Band Into the Present Allocation Structure

Past suggestions regarding the allocation of certain long waves to broadcasting have not found favor, because of their failure to provide a definite plan for dealing with the services now occupying the needed channels. We have, therefore, studied the present allocations with a view to developing a plan which would cause a minimum of inconvenience to other radio services, and which would not be detrimental to safety of life and property at sea and in the air, or to national defense. We do not contend that the suggestions about to be made are the only ones for which a sound technical case can be built; in fact, four channels are certainly inadequate and are out of keeping with the requirements of extensive rural coverage. The frequencies requested have been reduced to four with full realization that we are thereby permanently penalizing the development of long-wave broadcasting by making it impossible for this country ever to have a long-wave system comparable with that of Europe or sufficient for the well understood needs of rural United States and Canada. Our reasons for this sacrifice are based entirely on a desire to cooperate with the other services which must use the low frequencies, particularly the military branches and the commercial air groups. We have not attempted to pick the exact frequencies which would necessarily give the best balance between coverage and economic considerations, but have chosen a band which can, as we shall attempt to show, be allocated to broadcasting with little inconvenience to existing services and without detriment to their essential character.

Let us contrast this proposal with those which have been made in Europe. An article entitled "Report of the Mixed Judicial and Technical Commission of the International Broadcasting Union," which appeared in the *Journal of Radio Law*, Vol. 1, 1931, pp. 241-263, states in part:

"In evaluating the needs of the different services in regard to wavelengths, the fact must be taken into consideration that in certain circumstances a single transmitter can assure a national service capable of reaching several millions of listeners, if the transmitter has a suitable wavelength at its command. One thus reaches the conclusion that the advantage conferred upon the community by the extension of the potentialities of broadcasting is likely to surpass in weight considerably the sacrifices which might possibly result from a corresponding diminution of the bands left at the disposal of other services."

"... It would therefore seem logical to decide that, in principle, services which can employ no other means of communication should have a priority when radio-electric channels are being allocated.

"It is perfectly evident, for example, that communication with ships at sea and with aeroplanes, and the broadcasting services, should enjoy this priority.

"When two or more different services, of which none can employ any other means of communication, claim channels for radio-electric liaison, that which has the greater importance to society should have priority."

Proceeding upon these assumptions the Commission suggested the following bands of frequencies be assigned to broadcasting:

150-285 k. c.

370-460 k. c.

540-1500 k. c.

3500-4000 k. c.

A band 150 k. c. wide in the neighborhood of 17800 k. c.

Presumably because of the undeveloped state of the short-wave art, no further recommendations for aural high-frequency bands were made.

These proposals show the realization, by informed European authorities, of the needs of broadcasting and of the possibility for satisfying these needs. While the recommendations have not been adopted in toto, examination of Table I will indicate that a great deal has been gained for the broadcasting service.

*The Frequency Interval from 175 to 225 k.c.*—It is in this range that four broadcast channels could be placed. It is evident that

while there is more than one possible arrangement, a system of four adjacent channels would be preferable to one in which they were interlaced with other services. Therefore, we should have assignments of either 180, 190, 200, and 210 k.c., or of 190, 200, 210, and 220 k.c. Let us discuss the first case.

In studying the existing frequency assignments, use has been made of the Berne Frequency List dated March 1936, as well as of certain other documents that will be mentioned at the proper place. It is realized that some little time must have elapsed since the last registrations shown in this List were made, and that consequently the assignments in use today will differ slightly from those that we shall discuss. However, it is inevitable that such a lag should occur, and any suggestions that would have been satisfactory six to ten months ago, could be brought up to date without great modification. It is suspected that the Berne List does not contain complete data with regard to military and naval stations, but lacking better information we have to develop our suggestions on the basis of this List, and hope that secret assignments are not numerous enough to appreciably affect our analysis.

The frequency 175 k.c. is used by the International Ice Patrol in the North Atlantic, as well as by three Coast Guard stations on the Great Lakes. If a broadcast station operating on 180 k.c. were placed not far from the western edge of the United States, it would be some 3000 miles from the scene of activity of the Ice Patrol. The maximum night-field law developed by Norton, Kirby, and Lester<sup>B15</sup> indicates a quasi-maximum intensity at this distance of about 10 microvolts per meter, for one kilowatt of radiated power. If the station actually radiated 1000 kilowatts, this would result in a field strength of approximately 320 microvolts per meter. Certainly a carrier of this magnitude should in itself cause no interference to services 5 k.c. removed.

That the presence of the side frequencies would cause a negligible amount of trouble may be seen from the following argument: If the station were continuously modulated one hundred percent with a five thousand cycle tone, an interfering field of not more than 160 microvolts per meter, maximum night-time value, would be laid down directly on the Ice Patrol frequency. However, it is well known that when a station modulates one hundred percent on peaks the average is much lower and is, in fact, nearer thirty percent. Moreover, the modulation factor of the higher frequencies is invariably far less than that of the lower. Taking these facts into account it is estimated that the interference would hardly be greater than that caused by a C. W. signal of about 25 microvolts per meter at a frequency near 175 k.c.

The foregoing is based on the assumption that the sky wave at 180 k.c. is as strong as in the existing broadcast band. As has already been pointed out, this is probably not the case, and the interference would therefore be less than that estimated above.

It is evident that effective interfering fields of only a few microvolts per meter, and intermittent in character, could hardly cause any appreciable trouble to ships receiving the Coast Guard broadcast, provided those ships were equipped with receivers having adequate selectivity.

Aside from the theoretical considerations of interference which might be caused by a station situated in the western part of the United States, we have the fact that there is a 75 k.w. broadcast station in Paris on a frequency of 174 k.c., only 1 k.c. removed from that used by the Ice Patrol. As long as this station can be tolerated it is idle to talk of possible interference by an American station on 180 k.c.

In the Executive Order of December 1935, there are listed Coast Guard stations at Wilmette, Illinois, Cleveland, Ohio, and Buffalo, New York, on 175 k.c. These stations, which are not shown on the Berne List, are presumably of low power, since they are intended for operation over the relatively short distances involved in communication on the Great Lakes, and it seems reasonable to suppose that in view of these distances, the shore stations and ships might tolerate a small amount of interference from a distant broadcast station 5 k.c. removed. If this is not so, these stations could certainly be moved to high frequencies. It does not seem that the Great Lakes services, with their limited distances of operation, can possibly have as great a need for the low frequencies as services on the oceans. Therefore, if any serious cooperative effort is made it should be possible to re-allocate certain low-power stations now occupying these channels. This would apply as well to the Great Lakes lighthouse tenders operating on 180 and 190 k.c.

There is a 2 k.w. station in southern Mexico on 176.5 k.c. and a 5 k.w. station on the same frequency in lower California. This latter would probably have to be moved by arbitration with Mexico.

There is a group of six Coastal Telegraph stations on 177 k.c. located at various points on the shores of the Great Lakes and using powers of 1 k.w. or less. Here again it is our feeling that

low-power short-range stations need not occupy valuable low frequencies, but could properly discharge their functions by operation above the broadcast band. This also applies to a 100 watt station on this wavelength located in British Columbia.

178 k.c. is assigned to the Army. This will be discussed in connection with the other Army frequencies that must be dealt with.

On 179 k.c. are two Canadian stations of 1.6 k.w. each, operated by the Department of Marine. Arbitration would be required here, but it is hard to believe that the existence of such stations could block a re-allocation which will be advantageous to Canada as well as to the United States.

There are two Canadian stations of 300 watts each on 182 k.c. operated by the Hydroelectric Power Commission, Ontario. On this same frequency is a 500 watt station in British Columbia operated by the Canadian Fishing Company. The service rendered by these low-power transmitters could certainly be carried out on other wavelengths with, possibly, an increase in power. As has been said before, such low-power operation cannot be considered an efficient use of valuable long-wave assignments. The same applies to the three point-to-point telegraph stations on this frequency located in the United States and to the Canadian station on 183 k.c. at Yakoo Bay, British Columbia.

185 k.c. is listed as a Canadian ship channel. Since it lies directly between two of the proposed broadcast assignments it might continue in partial use, especially on the eastern coast of Canada. There it would be subject to more interference than would the 175 k.c. channel, already discussed, but operation should still be possible.

185 k.c. is assigned by Executive Order to Naval coast and fixed stations. The Berne List shows one kilowatt units at Jupiter and at Key West, Florida, as well as a 200 watt transmitter at Parris Island, So. Carolina, and comments made with respect to the Canadian ship frequency apply equally to these stations. However, if there were some interference, it should be possible to move them to one or more of the following channels now assigned to the Navy: 132, 128, 115, 108, 104, 102. Key West already has an assignment on 113 k.c. and presumably the 185 k.c. channel is unnecessary. 115 k.c. is a naval assignment with no stations in the continental United States shown in the Berne List.

There are sixteen Canadian stations on 187 k.c., mostly of low power, although there is one of 2 and one of 5 kilowatts. The fact that so many of these transmitters are on the same frequency indicates that they do not operate continuously. An examination of the Berne List shows no good reason why they could not be transferred to 145 k.c., which is also a Coastal Telegraph frequency.

There is a 2.5 k.w. station in southern Mexico on 187.5 k.c. Presumably this station would not be seriously affected and would cause negligible interference in the United States.

On 190 k.c. is a fairly large group of low-power stations, none more than 300 watts, all located in Ontario, and all operated by the Hydroelectric Power Commission of Ontario. There can certainly be no justification for filling up this important frequency with a group of small stations which could be operated at almost any part of the frequency spectrum.

190 k.c. is also used by five stations of the Pennsylvania State Police, but, as these have a maximum power of 250 watts and the distances to be covered are presumably limited to those within the borders of the State, it is evident that these stations could be accommodated on the higher frequencies.

On 193 k.c. is a group of Canadian stations operated by the Department of National Defense. These will be discussed later in connection with the United States Army assignments.

The Department of Commerce Frequency List, dated February 28, 1936, and a bulletin entitled "Bureau of Air Commerce Radio Facilities and Broadcast Schedules," corrected to May 7, 1936, show that there are 20 stations engaged in aircraft services on frequencies below 230 k.c. These are listed in Table 2 below. Of these, six are low-power marker beacons of very limited range, and are therefore capable of being accommodated elsewhere without great difficulty.

TABLE II

Bureau of Air Commerce Radio Facilities and Broadcast Schedules  
Below 230 k.c. (as of February 1, 1936)

Frequency in k.c.	Location	Power	Type
206	Las Vegas, New Mexico	—	MRLW
206	Roanoke, Virginia	.15	MRA
209	McConnellsburgh, Pa.	.15	MRL-DT
209	Saugus, California	.15	MRL-DT
209	St. Louis, Missouri	1.2	B-RLZ-DT
212-320	Adair, Iowa	.005	MT

212	Des Moines, Iowa	2.0	RA-T
212	Mercer, Pennsylvania	.5	ML-DT
212	Montezuma, Iowa	.005	MT
224	Bellefonte, Pennsylvania	1.2	BRA-DT
224	Birmingham, Alabama	1.2	BRAP-D
224-344	Brookville, Pennsylvania	.005	MT
224	Davenport, Iowa	1.2	BRA-DT
224	Livingston, Montana	.15	MRAP
224	Mt. Shasta, California	.8	RA-VT
224-260	Oceanside, California	.005	MT
224	San Diego, California	.75	RL-T
224	Sunbury, Pennsylvania	.005	MT
224	Tacoma, Washington	.15	RL
224	Woodward, Pennsylvania	.005	MT

It is realized that these aircraft stations are part of a very important service to a growing and highly essential industry, and that their contribution to the safety of life and property in the air is a most important one. We would not consider any proposal calling for the restriction of these stations, but merely suggest that a few of them might be transferred, without impairment in operating efficiency, to one or more of the following frequencies: 403, 414, 421, or 432 k.c. In order to show that such transfers would be possible let us examine conditions on these frequencies.

400 k.c. is a ship telegraph channel for ocean service, and is not used on the Great Lakes. Many of the Air Commerce stations have powers ranging from 150 down to 5 watts, and it is contended that such stations operating on 403 k.c. could be located at points not less than 600 miles from the Atlantic and Pacific coasts, without undue interference with any of the marine services. Because of the higher noise levels prevailing in the Gulf, it would seem reasonable to allow low-power stations at distances 400 miles or more from the Gulf Coast. Since 410 k.c. is used for distress and calling on the Great Lakes it might be necessary to keep 403 k.c. beacons 100 miles from their shores. From Figure 6 may be determined the area which would be available for the location of low-power Air Commerce stations under these conditions, and it will be seen to include the states of Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Missouri, nearly all of Colorado, and large portions of Minnesota, Illinois, Oklahoma, Texas, New Mexico and Montana.

Let us determine the field from a 150-watt transmitter to be expected at the coast. Assuming that fifty per cent of the power supplied to the antenna is radiated, which is probably much too high an estimate, the quasi-maximum night field would be about 100 microvolts at 600 miles. Since coastal stations intended for communication with ships can gain nothing by having a high receiving efficiency in the direction of the interior, it seems only reasonable to suggest that they should use a moderate amount of directivity in their receiving antennas, and we might assume a 6 d.b. lower receiving efficiency on the inland side than on the seaward side. This would reduce the quasi-maximum night interference to 50 microvolts per meter. It is believed that such weak interference, three k.c. removed from the assigned channel, would not be objectionable, even without the use of directive antennas at the shore stations.

The antenna used on shipboard would not in general have directive receiving characteristics. However, when the ship is well out to sea, so that the signal from the coast station has fallen to about 100 microvolts, the distance from the ship to the beacon will be very much greater than 600 miles. Consequently the maximum interference to be expected would be very low, probably less than 20 microvolts per meter.

The foregoing refers to a 150-watt station. Many of the marker beacons used by the Bureau of Air Commerce are of considerably lower power and would cause negligible interference at any coastal point.

There are no North American stations in the interval between 410 and 417 k.c. On the latter frequency there are only two, one being at Yarmouth, Nova Scotia, and the other, of 100 watts power, at Cape Lazo on the western coast of Canada. Consequently, it should be possible to locate air beacons on a frequency of 414 k.c., now officially allocated to aircraft, with great advantage to the Air Commerce services, and without disadvantage to other groups.

The Frequency Allocation List shows that 421 k.c., which is suggested for air beacon service, is assigned to coastal telegraph, but actually the Berne List gives very few stations on the North American continent in the interval between 418 and 425 k.c. XAJ at Tampico, Mexico, operates at 419.58 k.c., with a power

of 1.5 k.w. This station is far enough away so that there could be no mutual interference between it and beacons operated on 421.5 k.c., especially if no such beacons were located in southern Texas. There is a 100-watt Canadian Marconi station at Grosse Isle, Quebec, which should neither interfere with beacon services nor be interfered with by air beacon operation.

There are Canadian ship stations on 423 k.c. The same remarks apply here as to the marine stations on 400 k.c.

432 k.c. has been allocated to coastal telegraph, but actually there are no stations in North America in the interval between 428 and 435 k.c., exclusive, and consequently there seems no reason why air beacons might not be advantageously located on 432 k.c. Keeping these stations 600 or more miles from the coast, it should still be possible to utilize 432, or its immediate vicinity, for certain types of coastal telegraph service.

These four frequencies of 403, 414, 421 and 432 k.c. should more than compensate for the loss of assignments below 230 k.c. and should allow room for future expansion.

In connection with the possibility of expansion, it should also be noted that there is still a good deal of room on some of the existing Air Commerce frequencies, although many are already well filled. Specifically, the relatively uncrowded frequencies, as indicated by the Frequency List of February 28, 1936, are as follows:

K.C.	Number of Stations as of February, 1936
284	5
290	4
296	2
302	3
308	5
314	2
326	5
359	4
379	3
385	5

Some of these are limited in their usefulness by being shared with various services on the coast, particularly marine beacons. However, it is obvious that there is room for a great many more low-power stations in the interior of the country.

With regard to interference by marine beacons, it is suggested that the crowding in the general vicinity of 300 k.c. might be materially reduced by moving to high frequencies all low-power marine beacons intended for operation over a range of only 15 or 20 miles. These beacons greatly congest the low frequencies along the coast, and their removal would prove a benefit to the marine services as well as to aeronautics. They might be placed next to some of the high-frequency marine bands, and could be located at, say, 2180 or 2740 k.c. Commercial radio-compasses intended for marine use at low frequencies have already been on the market for some time. At the distances involved no trouble from night error or other undesirable effects is to be anticipated.

In laying plans for possible expansion of the commercial aircraft services, it should be borne in mind that the "homing devices," or visual indicator radio compasses, that have been developed in the past few years, may well become so popular as to render unnecessary a considerable number of the radio range beacons now in existence. These compasses furnish a service which cannot be obtained from the range beacons alone, in that they permit a plane to fly directly toward any radio station, be it beacon, broadcast or otherwise, within the tuning range of the equipment. On the other hand, the range beacons lay down a few definite courses and are of little use in the sectors between them. When we consider the wide distribution and relatively high power of broadcast stations, these advantages of the "homing device" are seen to be of considerable importance. In fact, a radio guidance system for aircraft use might well be developed around the broadcast facilities. Were this done, it would probably be necessary for the stations involved to radiate a tone-modulated carrier, preferably of reduced power, during the hours that were not filled by their regular programs. The objection that broadcast stations are not always located conveniently with respect to nearby landing fields could be met by using low-power marker beacons to guide planes from the broadcast antenna to the field. Because of the extremely small power requirements of such markers, they could be duplicated, on the same frequency, at numerous points in the country. In evaluating the requirements of commercial aviation services, it is urged that these suggestions be given serious consideration.

*The Army Assignments*—The Army has by far the largest number of assignments in the frequency band being suggested for broadcast use. Before discussing these in detail, it may be well to list all the frequencies that are allocated to the Army by Executive Order of December 19, 1935. They are as follows:

TABLE III

*Army Assignments Without Limiting Classification, and Therefore Presumably Exclusive*

75, 83, 94, 100, 159, 196, 197, 198-204, 216-222, 343, 396, 428, 444, 446, 470, 480, 2604, 3497.5, 4020, 4025, 4030, 4080, 4085, 4090, 4255, 4300, 4305, 4310, 4365, 4370, 4375, 4380, 4440, 4445, 4565, 5930, 5995, 8040, 8050, 8060, 8160, 8170, 8180, 8510, 8600, 8610, 8620, 8730, 8740, 8750, 8760, 8880, 8890, 12060, 12075, 12090, 12240, 12255, 12765, 12900, 13095, 13110, 13125, 13140, 13290, 13320, 13335, 16080, 16100, 16120, 16320, 16340, 17020, 17460, 17200, 17480, 17500, 17720, 20125, 20150, 20400, 24120, 24150, 24180, 24480, 24510, 24540, 25530, 26190, 26220, 26250, 26280.  
Total: 90 frequencies plus 2 low-frequency bands of 6 k.c. each.

TABLE IV

*Frequencies Available for Use Provided No Interference Is Caused to Any Other Existing Service*

166<sup>f</sup>, 178<sup>f</sup>, 1652, 1666, 1682, 1712, 2206, 2310, 2624, 2960<sup>c</sup>, 2970<sup>c</sup>, 2980<sup>c</sup>, 3105, 4035, 4215, 4220, 4225, 4590, 4595, 4600, 5920<sup>c</sup>, 5940<sup>c</sup>, 5960<sup>c</sup>, 6210, 6940, 9120.

Total: 26 frequencies.

Superscript c indicates that it may be used by the Army provided no interference is caused with Air Commerce Stations.

Superscript f indicates that the frequency is not to be used in the vicinity of the Great Lakes.

TABLE V

*Available for Non-Government Assignments*

120, 133, 454, 476, 550-1500, 2628-2632, 2708-2712, 4610, 6250, 8330.

Total: 7 frequencies plus 1 band of 950 k.c. and 2 bands of 4 k.c.

It will be noted that this classification includes almost the entire broadcast band which is open to use by the Army.

TABLE VI

*Frequencies Available for Use by Government Stations Provided No Interference Is Caused to Non-Government Operation*

2522, 2994, 4130<sup>h</sup>, 4360<sup>h</sup>, 5835<sup>h</sup>, 5875<sup>h</sup>.

Total: 6 frequencies.

Superscript h indicates available for use provided no interference is caused to any other existing service.

TABLE VII

*Frequencies Available for Non-Government Assignments in Alaska*

172, 192, 225, 272.

Total: 4 frequencies.

Evidently the Army is fairly well supplied with assignments, and it is not unreasonable to suppose that some of the stations now operating between 175 and 215 k.c. might be accommodated on other existing Army frequencies. This should be particularly true of at least some of the many 300-watt United States Army stations which appear in the Berne List. Such stations must necessarily have a very limited range and could presumably operate on shorter wavelengths.

We have proposed no broadcast station on 220 k.c., despite the fact that a fifth frequency is obviously needed for national coverage, in order that there may be a clear band available for use by the Army air services. It should be possible to accommodate the air service stations now operating on 192, 200, and 206 k.c. in this range. According to the Berne List, these three frequencies are the only ones extensively used by the Army at present. While there are no doubt many military stations which do not appear in the Berne List, some of these could be accommodated between 215 and 228 k.c., while others might be moved to Army assignments at 172, 159, 120, 94, 83, or 75 k.c.

The use of the various Army frequencies below 225 k.c., as shown by the Berne List, is summarized in the following Table.

TABLE VIII  
Army Stations Below 230 K.C.

Frequency in k.c.	Number of Stations	Maximum Power in k.w.	Remarks
225	2	.1	Alaska
222	1	.3	Philippines
221	2	2.0	
220	24	2.0	19 are .3 k.w.
219	11	2.0	8 are .3 k.w.
218	2	.75	Alaska
217	6	.3	
216	3	2.0	
206	11	2.0	Only 4 in continental United States
203	1	.75	Alaska .
202	3	.3	
200	36	2.0	31 are .3 k.w.
197	1	.3	
196	1	.3	
192	20	2.0	17 are .3 k.w.
172	22	2.0	13 are .3 k.w.
159	10	2.0	
133	2	4.0	Alaska
120	1	4.0	Alaska
94	1	.5	Alaska
83	1	10.0	Seattle, Wash.
75	1	10.0	Alaska

The Canadian stations operated by the Department of National Defense on 193, 200, 207, and 214.3 k.c. would presumably have to be moved, in part, to the 215-230 k.c. band, but it is unlikely that they would cause any more interference to the United States Army stations than they do at present. In fact, it might be possible for some of these stations to operate on 175, 185, 205, or 215 k.c. without great trouble, since the distances between the interfering American broadcast stations and certain parts of Canada would be large. Similar allocations, based on wide geographical separation, might also be used by the United States Army.

In view of the foregoing analysis, it is believed that a satisfactory system can be worked out for the military services of the United States and Canada, and for the broadcasters as well, if the problem is attacked in a spirit of reasonable cooperation.

## SECTION D

### The Frequency Interval Just Below 550 KC

This region was intended originally as a guard band for the international calling and distress frequency of 500 k.c. A band of this width was doubtless essential in the past and a portion of it may be necessary today, but since our discussions are directed entirely toward trying to decide what should be done in the future, it is unnecessary to consider here the characteristics of present-day equipment. On the contrary, we must be free to make estimates based on performance data derived from high-grade equipment, or from sound engineering estimates of what can reasonably be done.

In order to show the lack of need for a guard band extending up to 545 k.c., let us assume that the marine transmitters of the future will be crystal-controlled. It should be evident that the use of such control would be a great benefit to all the radio services, and particularly to the marine services themselves. The chaotic conditions which exist on the marine frequencies, and which are a menace to safety at sea, could be greatly improved if all ships and shore stations used crystal-controlled C. W. or I. C. W. sets. At present, the frequency stability of many marine transmitters is so poor, and we may so unjustifiably poor, that it is essential to use receiving equipment having a very wide passed band. This wide band is ordinarily obtained not by using the best modern design which would give the maximum selectivity compatible with a specified band width, but it is often realized by using broadly tuned receivers of very inferior selectivity.

That this is the case may be seen by referring to Figures 1, 3, 4, and 6, appended to document No. 85, issued by the *Committee Studying Question 1 for the Fourth Meeting of the C. C. I. R.* The same report shows much sharper characteristics for marine receivers employing regeneration. It seems questionable whether this is the best way to get selectivity, and in any event it is not necessary to use it.

Other figures in the report show characteristics of low-frequency aircraft receivers having much greater selectivity than that of

many of the older marine sets. Still higher selectivity is often desirable in marine work, and it should probably be obtained by means of a crystal filter in the intermediate frequency amplifier, rather than by the use of regeneration, as the former would undoubtedly give more stable operation. Characteristics of a crystal filter receiver will be discussed later.

With crystal-controlled transmitters it would be possible to use receivers having adjustable hand width. A superheterodyne having a crystal filter in the I. F. amplifier, could be used to cut out a vast amount of interference from other stations in the same band. The best practice in receivers used by radio amateurs is far ahead of that now ordinarily found in marine services, and has clearly demonstrated what may be done by the latter in the future. We cannot urge too strongly the advantages that would accrue to marine communication from the realization of such proposals. In order to show clearly the possibilities let us speculate on what the 500 k.c. marine picture may be in years to come.

Since a large number of ships must be simultaneously accommodated in a given area, the transmitter should obtain its carrier wave in a manner permitting the operator to tune to any frequency from 485 to 515 inclusive, with an uncertainty of much less than a kilocycle. In order to do this a master oscillator would operate with crystal-control at, say, 480 k.c. A stable low-frequency oscillator having a tuning range from 5 to 35 k.c. would furnish a tone to be mixed with the output of the crystal oscillator, the resultant difference frequency being rejected by a high-pass filter, while the sum frequency would be used to actuate the transmitter. Since a high degree of stability (in terms of actual cycles deviation) may be obtained with an oscillator of such low frequency, the radiated carrier could be held to the desired value within an error that should certainly not exceed  $\pm 400$  cycles. The nominal frequency could be shown on a calibrated dial, and two stations experiencing "jamming" could agree to shift to a part of the band which was free from interference at the time. Since the receivers would also be calibrated in kilocycles, it would be possible for one man to tune over the band until he found a clear space, and then instruct the other to tune his transmitter to that frequency.

With the short-period stability that can be had with modern design, it would be possible for the receiver, employing a crystal filter, to use a band only a few cycles wide when working with a particular station. On the other hand, when a listening watch was being kept, a substantially constant response over an interval of say 15 k.c. could be had.

The improvement in marine services which would result from the use of equipment of this type would be so great as to completely change the whole marine operating problem, since the same principles could also be applied to operation in the other hands. This would require no great complication in either transmitting or receiving equipment, but would call for separate crystals for each band.

It must be emphasized that the scheme which has been outlined would not require unreasonably expensive apparatus, nor is there anything about operation on shipboard which would prevent the realization of the suggestions which have been made. Any statements to the contrary, based on experience with the extremely crude apparatus used in the past, are simply not in keeping with facts recognized by present-day engineering.

Having the foregoing picture in mind, let us now see what might be expected in the way of interference from broadcast services on adjacent hands. Before going into this, however, we should present the proposition that, with high stability of frequency control, it would be unnecessary to use a general listening band as wide as 30 k.c. All calling could be done within  $\pm 5$  k.c. of 500 k.c., and distress calls could be transmitted squarely on the international frequency. Consequently, it should be permissible to regard 507.5 as the maximum frequency involved in general listening conditions, and 515 as the maximum to be used for working. No broadcast interference should be tolerated on 507.5 k.c., but a small amount, in certain areas near the coast, might be allowed at 515, since in these areas another working frequency could be chosen.

Figure 7 shows a selectivity curve which has been calculated from the well-known theory of tuned-coupled circuits. It will be noted that the response at 507.5 k.c. is only slightly below that at 500, while at 520 k.c. it is down 80 d.h. If there were a broadcast station on 520 k.c., it would require a field strength of 10 millivolts per meter to produce an interference equal to that caused by a one microvolt per meter signal having a frequency within the passed band. This curve has been computed on the assumption that five coupled circuit transformers are used in the receiver, a perfectly reasonable number.



When working in a congested area, a crystal filter is obviously needed. If the transmitter has satisfactory stability, the use of such a filter will often make possible long-distance working through a tremendous amount of interference. The published characteristics of a modern receiver designed for operation above 1500 k.c. show that a carrier one k.c. off tune is attenuated 26 d.b., and that 5 k.c. off tune it is down 60 d.b. This set uses a 750 k.c. I.F. amplifier. With a lower intermediate frequency slightly greater selectivity could, if desired, be obtained.

When this performance is compared with the selectivity curves of the older marine receivers, we see enormous contrast between performance standards of ten to twenty years ago and those recommended by the best modern engineering. It is on the latter that future allocation structures should be built.

In connection with these selectivity curves, it may be mentioned that there is danger, under certain circumstances, of interference resulting from cross-modulation in the first tube of the receiver. When this interference occurs, it may result in an effective two-carrier selectivity curve broader than the usual single curves which have been discussed. But, as has already been pointed out in Section B, interference due to cross-modulation falls off in proportion to the square of the field strength of the interfering transmission, and is a source of trouble only at quite high fields. With receiver inputs of a few tenths of a volt or less, disturbances of this sort can be entirely neglected.

A fifty kilowatt station located in the north-central part of the United States would lay down a quasi-maximum night field at the coast of less than onemillivolt per meter. From what has been said it should be evident that such stations could operate on frequencies of 520, 530 and 540 k.c. without in any way disturbing marine communication, provided modern equipment were used on ships and at coastal stations.

It has been claimed in the past that even though American ships were equipped with up-to-date apparatus, it would be unfair to submit foreign ships cruising near our shores to interfering fields on the low frequencies since these vessels might not be equipped with selective receivers and would therefore be placed in a hazardous position in case of emergency. This argument can be met in two ways: first, there is no reason why the development of American communication systems should be handicapped by the unwillingness of foreign operating companies to equip their ships with modern receivers; and second, there are already in existence several broadcast stations between 550 and 500 k.c. as can be seen by reference to Table I. Data on stations between 500 and 550 k.c. in possible interfering distance of the coast are shown in the following table:

Frequency in k.c.	Location	Power	Distance from Seacoast
517.2	Tartu, Esthonia	0.5	75 miles from Gulf of Finland; 80 miles from Gulf of Riga.
519	Hamar, Norway	0.7	115 miles from Skagerak; 220 miles from North Sea.
522	Stalingrad, USSR	10	266 miles from Caspian Sea; 265 miles from Sea of Azov (Gulf of Taganrov).
527	Grenoble, France	3.5	130 miles from Mediterranean.
527	Viipuri, Finland	10	On Gulf of Finland.
527	Ljubljana, Yugoslavia	5.25	45 miles from Gulf of Trieste; 45 miles from Gulf of Quarnero.
531	Brzesc, Poland	5	235 miles from Baltic Sea.
536	Wilno, Poland	50	180 miles from Baltic Sea.
536	Bolzano, Italy	1	90 miles from Adriatic.
546	Budapest, Hungary	120	290 miles from Adriatic.
546.8	Merida, Mexico	0.105	30 miles from Gulf of Mexico.

It will be seen that none of these stations are anything like as far from the coast as stations located in the north-central part of the United States would be. Thus, Budapest, on 546 k.c. with a power of 120 k.w., is capable of causing much more interference to obsolete receivers in the Adriatic than a 50 k.w. station on 540 k.c. located near St. Paul or Des Moines could cause on the Atlantic Ocean. Tartu and Hamar, although of low power, are not far from salt water and are both below 520 k.c. Stalingrad, with a

power of 10 k.w. on 522 k.c. is only 260 miles from salt water and would be more apt to cause interference with marine services than would a 10 k.w. station on 520 k.c. located at, say, Bismark, North Dakota.

Aside from the stations listed in Table IX, we must consider the use of this frequency range by Canada. There are already stations on 530 and 540 k.c. of 1 k.w. power, and another station is planned for 520 k.c. Either Canada should be allowed to employ increased power on these three frequencies, thereby making them completely useful to her as exclusive channels; or she should give up one or more of them to relatively high-power stations in the interior of the United States; or these channels should be shared with low-power American stations. It is believed that one of the first two possibilities is to be preferred to the third, since the longer waves should not be wasted on low-power (i.e., local) stations.

If the United States refuses to use the valuable properties of these frequencies, it is only a question of time before Canada, and perhaps Mexico, will either increase the power or the number of their stations operating in this band. Such action might easily subject our maritime services to interference over which the American government would have no control, and which might become much more serious than that resulting from a well engineered system of allocations laid out either for the United States alone, or for the three countries together.

*Interference to Naval Services.*—Assuming that long-wave broadcasting stations might be located in the interior of the country, let us see first what interference would be expected with naval aircraft services working between 500 and 550 k.c. Suppose that a transmitter radiating 50 k.w. (a station rated at 50 k.w. of course, radiates less than this amount) is situated at a distance of 1000 miles from the seacoast. The quasi-maximum night field strength would be approximately 0.7 mv/m, and hence we may say that a station supplying 50 k.w. to the antenna would lay down a quasi-maximum night field of about ½ mv/m.

It should be possible to operate aircraft receivers on frequencies of 525, 535, and 545, and to use a total band width of about 3600 cycles, which is adequate for telephone communication. Following the reasoning before used in considering interference with 175 k.c., we are led to expect a disturbing field, due to the sidebands of the transmitter of from 30 to 100 microvolts per meter, maximum night value. However, such a field would be highly intermittent and most of the time would be considerably weaker than 30 µv/m. It would decrease in intensity as the planes passed out to sea, or as they travelled toward the southern Atlantic and Pacific seaboards, and would, of course, be entirely absent in daylight. It is felt that such interference to the naval services would be rather mild and should be tolerable in peacetime operation. The effective interference level for C. W. transmission would be considerably less, since a much narrower receiver band could be used.

The report of the *Committee on Question 9* contains an estimate of 2240 microvolts per meter as the night field strength required for barely satisfactory aviation telephone service on 300 k.c. At 500 to 550 k.c. this figure would be lowered to about 1200 microvolts per meter, which seems quite large as compared with the estimated interfering fields of 30 to 100 microvolts. It is, of course, realized that the services affected may not be willing to accept the figures laid down by this technical committee, but they are quoted to show that low interfering fields are actually of small consequence.

It is contended, therefore, that the proposed operation of broadcasting stations would not interfere with the efficient functioning of our naval air services. Since the Army use of frequencies in this range is understood to be confined largely to communication with naval craft, it may be supposed that such use is chiefly in the coastal areas, and that, consequently, it would be affected in much the same way as the naval communications themselves.

## SECTION E

### The Ultra-High Frequencies

The great possibilities of ultra-high frequencies for aural and facsimile broadcasting, television, and other radio services are now generally realized, and constantly increasing technical and commercial attention is being directed toward the quasi-optical waves. The sum total of knowledge concerning the characteristics of these waves is much greater than it was a few years ago and is increasing rapidly, but every new advance creates new problems, and it cannot be denied that we should have more information before the best distribution of frequency assignments can be finally made. For this reason it is felt that growth by "evolution and experimentation," as recommended by the Commission, is vastly to be preferred to any inflexible development of an allocation structure.

At present we do not know what the best frequencies are for any given class of service. At 30 to 35 megacycles, long-distance interference is known to occur quite often, while at 50 megacycles it is very rare. On the other hand, the progress of the sun spot cycle may increase the frequency with which long-range transmission occurs, and what is now regarded, from the standpoint of practical operation, as an interference-free wavelength may be subject to serious "jamming" in a few years.

Because sky wave transmissions are returned to earth only at long distances, it does not follow that they are incapable of affecting the service area of an ultra-high frequency station. It is inevitable that listeners in suburban regions who are fortunate enough to have relatively noise-free receiving conditions will fall into the habit of using rather low field strengths; but even so, they will often get high-quality programs from their local transmitters. Long-range transmissions from stations of equal or greater power may at times be almost as strong as the local fields, and for considerable periods may make the nearby station practically useless. We are all too familiar with this unfortunate state of affairs on shared channels of the present broadcast band. An ideal broadcasting system would be free from such interference, and its relative unimportance at the very high frequencies (above 50 to 60 mc.) should be kept in mind when deciding just what bands to assign to the new broadcast service. To obtain dependable information, it will be necessary for the Industry to go through a period of experiment and research, thus building up a mass of data on long-range interference, static disturbances, man-made noise, coverage and apparatus capabilities and limitations, at a number of different high frequencies.

*Variation of Coverage with Frequency.*—There is enough evidence on hand to show that, with a given amount of power, in a half-wave antenna or other simple structure having no horizontal directivity, the effective service area of a station goes down as the frequency is increased, although transmission over particular paths may show the reverse trend. Just how great this falling off in coverage will be is dependent upon many factors such as the height of the transmitting and receiving antennas above surrounding objects, the extent of departure from an optical path between the transmitter and receiver, and the character of the intervening land.

If the receiving antenna is not carefully located, an increase in frequency is apt to cause a greater falling off of the signal than will be the case if the antenna is properly installed. Thus there is often much more difference between the field strengths outside and inside a house at 100 megacycles than there is at 30. On the other hand, if antennas appropriate to the two wavelengths are installed on the roof and are connected with the receiver by a high-frequency transmission line, the disparity between reception on the different frequencies is less marked.

The field strength that will occur at a given distance from a transmitter is dependent upon so many factors that it is almost impossible to predict it accurately. If an optical path exists, the field is likely to be higher than if some large object, such as a hill, is interposed between the transmitter and receiver. But there are many cases in which relatively high fields occur without-line-of-sight transmission while lower fields are found within full view of the sending station. The average field, taken over a reasonably large area, is not usually subject to such great variation as is the field at any given point, but even here there are many uncertainties.

In the case of transmission over flat ground, a simple theoretical argument can be developed to show that the field strength should fall off as the inverse square of the distance. This is confirmed, for average field strengths, by the studies of Burrows, Decino and Hunt in Boston,<sup>1</sup> which show that the average intensity of a frequency of 34.6 mc. falls off in accordance with this law in the range from one-half to ten miles. In any given area the results are, of course, greatly modified by local reflections and by shadows due to hills and high buildings.

Measurements by Jones<sup>23</sup> on transmissions from the Empire State Building at 61 mc. show an average falling off approximately proportional to the inverse square of the distance over a range of some 10 to 50 miles. At 44 mc., transmitted from the same point, the law is obeyed from about 12 to 100 miles. The field strengths at short distances are much lower than might be expected due, perhaps, to the densely built-up nature of the terrain.

Somewhat less extensive measurements by Holmes and Turner<sup>20</sup> in the Camden-Philadelphia area, indicate a somewhat less rapid attenuation at 30 mc. and a more rapid one at 100 mc. Instead of obtaining a negative slope of two from the plot of their data on logarithmic paper, they find a slope of  $-1.84$  for the lower frequency and  $-2.5$  for the higher. The result is that at distances of 10 miles from the transmitter, there is a tremendous difference between average field strengths laid down by the two frequencies.

As a result of the studies made by these and other workers, we are probably justified in taking the inverse of the square of the distance law as the best practical guide in estimating average coverage of reasonably level country, at distances up to about 30 miles and at a frequency range from 30 to 70 m.c., or perhaps higher. In doing this we must remember that wide departures from the average are to be expected and that hills, high buildings and local absorptions will usually have a more damaging effect on frequencies in the higher part of this band.

Reduced range in built-up or hilly regions, and a greater inability to bend around small obstacles must be set against relative freedom from long-distance interference, and a decreased susceptibility to atmospheric noise. Just what the best compromise is will no doubt depend upon the location. Thus, a small city, built chiefly on one slope of a valley and having no high buildings, might be very well served by a 100 megacycle transmitter located near the top of the slope on the opposite side of the valley and employing a directional antenna to concentrate its radiation in the direction of the town. On the other hand, a city built on broken or sharply rolling land having no dominant high point would undoubtedly be much better served by a transmitter working on 40 megacycles, or on an even lower frequency.

*Man-made Interference.*—Man-made interference is perhaps one of the most serious problems confronting high-frequency broadcasting today. The automobile seems to be the most ubiquitous source of high-level noise, and it may be that the cooperation of automobile manufacturers will have to be enlisted if disturbances of this sort are ever to be reduced to unimportance. However, there are many other noise generators to which less attention has been paid because of the even greater trouble caused by automobiles; and if the motor vehicles are quieted, these other sources will doubtless take on added importance.

Frequently modulation systems might be an answer to the noise problem, at least in the case of television, and they should certainly be given an opportunity to show what they can do. But until the technical and economic implications of these systems are completely understood, it is essential that a full program based on amplitude modulation should receive every encouragement.

When super-regenerative receivers are used, the disturbances occurring at high frequencies are greatly reduced in effect. On the other hand, such receivers are badly adapted for use by the public, tend to have very poor selectivity, and are often the source of much trouble from reradiation. Hence, it seems unlikely that they will be of help in solving the noise problem, so far as broadcasting is concerned.

There is a possibility that types of noise-suppression circuits recently developed may be very useful in lessening the effects of high-frequency disturbances. These circuits are extremely effective, in reducing ignition and similar types of noise, even in the broadcast band, and it has been observed that their efficiency of operation tends to increase with frequency, being much greater at 15 megacycles than at 1000 k.c. Just what results will be obtained at 40 to 100 megacycles cannot be accurately predicted, but it would appear that the operation will be at least as good as at 15 megacycles, and probably better.

Should this prove to be the case, the difficulties facing ultra-high frequency broadcasting, both aural and visual, will be considerably reduced, and the service range will probably be greatly increased. In fact, with a satisfactory noise suppression circuit system, the service range might often be extended considerably. Except at very long distances where transmission is due entirely to atmospheric refraction, selective interference cannot occur at these wavelengths with aural broadcasting, and is not often serious in the case of television. Consequently, if the noise problem could be reasonably well handled, automatic volume control in the receiver would take care of a considerable range of variation in field strength. There would then no longer be any temptation to use super-regenerative receivers, and stable, well designed super-heterodynes would be used instead.

Pending developments of this sort, it will probably be necessary to count on rather strong fields, of one to several millivolts per meter for high-grade reception. At least, a great many homes will require such field strengths. On the other hand, semi-rural listeners may often take advantage of low fields to a greater extent than is possible at ordinary broadcast frequencies, since there will be no appreciable trouble from natural static. We shall then have an admittedly high-grade service area of limited extent, with an outlying zone that theoretically receives no service, but in which a great deal of listening is done never-the-less.

*Interference Range.*—Variations in transmission efficiency are even more marked at long distances than at short, and, consequently, prediction of the interfering range is subject to greater probable errors than is that of the service range. Transmission

over paths of more than 100 miles will be greatly affected by the elevation of intervening land and often by changes in atmospheric conditions. There is, unfortunately, a considerable range of distances in which the signal is capable of causing interference but cannot possibly furnish satisfactory service. The result is then that the ratio of service area to nuisance area is apt to be small, and in thickly settled portions of the country this may prove to be a serious difficulty.

Evidently, the decision as to what should be the minimum permissible distance between two stations operating on the same frequency will depend largely upon the field strength that is to be protected from interference. In view of the troubles caused by noise, there is probably not much point in protecting field strengths of less than about 0.5 microvolts per meter. Such a field might occur at perhaps 20 miles from the transmitter, although, of course, this will vary widely with local conditions, the power radiated, antenna height, etc. If the antenna is very favorably located the field strength at 100 miles may be roughly given by the inverse square of the distance law which would in this case predict a value of 20 microvolts per meter. At longer distances the average may fall off more rapidly, due to the effect of earth curvature, although diffraction will be a counterbalancing factor. However, we must keep in mind that atmospheric refraction is sometimes the cause of very pronounced increases in signal strength at distances in excess of 100 miles and that consequently the interfering range of a station may sometimes be abnormally long.

Should the average high-frequency noise levels be appreciably lessened by the use of suppressor-circuits, or by "anti-noise campaigns," etc., field strengths below  $\frac{1}{2}$  mv/m would doubtless become very useful, and listeners in suburban areas would come to depend upon fields of perhaps 50 to 100 microvolts per meter. Under these circumstances interference from nearby transmitters operating on the same frequency, would be much more annoying and it might be necessary to employ increased spacings. Only a large accumulation of operating experience can definitely show what the most satisfactory spacings are likely to be, and how they will depend upon such factors as transmitting antenna heights, local topography, and frequency. Here again it appears that assignments should be made so as to allow for final adjustments as more becomes known about the problem.

In the case of congested areas, such as those along the Atlantic seaboard between Washington and Boston, it may be necessary to duplicate assignments at rather frequent intervals, at least in the case of television. Some interference will inevitably occur and it may be necessary to educate the public into using reasonable care in the installation of receiving antennas. It has long been customary to assume that the average listener will not tolerate technical restrictions on the type or location of his antenna; but this is almost certainly a far-fetched point of view. Many listeners have put up doublet antennas and transmission lines for use with their short-wave receivers, and it would certainly be possible for the industry to show the user of an ultra-short-wave set how he could improve reception by installing the proper antenna. Thus a horizontal doublet could in many cases be pointed so as to get rid of an interfering signal without greatly affecting reception from the desired station. For example, a listener located in Morristown, New Jersey, could easily cut out a Philadelphia program and still get excellent reception from a transmitter on Manhattan Island.

The shorter the wavelengths used, the greater will the possibility of improving reception by the use of special types of receiving antennas. Simple cardioids, and even more effective directive patterns, might be obtained by the use of inexpensive antenna arrays that could be readily installed by the average service man. It is felt that the Commission and the industry should keep in mind the possibilities of such developments, and should take the position that the listener can reasonably be expected to cooperate in solving the problem of satisfactory ultra-high frequency service.

*Spacing Between Stations Operating on the Same Frequency.*—In view of the situation just outlined, it is recommended that aural broadcasting stations operating on the same frequency be separated by not less than 250 miles. Closer spacing would no doubt be possible in many cases, but since only a narrow band is required for an aural broadcast, it will be possible to accommodate a large number of stations in various parts of the country without taking up much of the available spectrum, and without reducing the separation to that at which interference is really troublesome.

In the case of television the extremely wide band width will make it essential to duplicate assignments with as small geographical separations as possible, if an adequate number of stations is to be provided. It is believed that the minimum permissible separation of two stations operating on the same frequency should be specified only tentatively, and that wherever possible local peculiarities of topography, population distribution and noise-levels, be

taken into account in deciding how closely two stations may be spaced. In any given case, it will be necessary to determine just how far from a transmitter a television station may be dependably received, and then to allocate other stations at distances sufficient to avoid interference. The dependence of range upon height of transmitting antenna is so marked that the Commission might well attempt to establish a distance table based upon such heights, but allowing for modifications that may be required by local topographic conditions. Pending the development of such a table, it would seem that spacings of not less than 150 miles would insure considerable interference-free areas around each transmitter, and yet would allow the operation of many more stations in the Atlantic seaboard area than would, for instance, spacings of 250 or 300 miles.

Taking the Empire State transmissions as an example, we should expect an antenna some 1300 feet above the ground level, supplied with 2 kw power, to lay down a field of around 20 to 100 microvolts per meter at a distance of 100 miles. At 130 miles the field would probably be not more than one-half as great, since curvature of the earth begins to be of increasing importance here. At this distance we might therefore expect a field of between 10 and 25 microvolts per meter, while that from a local transmitter 20 miles away (assuming 150 miles spacing) would be about 1 millivolt. This ratio should be adequate for most cases, but where it is not, special antenna equipment, or merely mounting the antenna on the proper face of a building, would usually clear up the difficulty. In many localities it would be impossible to obtain so lofty a point at which to install the transmitter, and hence the interfering field at 130 miles would be considerably weaker.

*Widths of Channels to be Transmitted.*—There is not complete agreement between radio engineers as to what constitutes the best band width for use in aural broadcasting. Recommendations have been made for the transmission and reception of frequencies up to 15000 cycles, but many engineers, and I am inclined to agree with them, believe that it is quite impossible to justify so wide a band. Many persons are relatively deaf at these frequencies, only a few instruments give off any appreciable energy above 10,000 cycles, and the use of so wide a band increases the noise output of the receiver. Moreover, the manufacture of both transmitting and receiving equipment having characteristics substantially flat up to 15,000 cycles is expensive. In the case of high-frequency apparatus the technical difficulties are somewhat reduced, but the cost of the audio-frequency amplifiers, and particularly of the loud speaker, remains high.

It is our belief that 10,000 cycles is the maximum audio band width that can be justified in a radio system, and that where frequency space is at a premium (which is not the case at ultra-high frequencies), a somewhat narrower band, extending to perhaps 7500 cycles, is sufficient.

The band that must be passed by the intermediate frequency amplifier used in a receiver is determined not only by the fidelity to be realized, but also by the frequency stability of the local oscillator. In order to take care of oscillator drift in an ultra-high frequency receiver, a very broad I. F. amplifier is often employed. While this is convenient, it should not be carried too far, and it seems likely that frequency stabilization or automatic tuning, will have to be employed in future ultra-high frequency broadcast receivers. If this is done it should be possible to use an I. F. amplifier band width of only a little more than 20 k.c. However, since it will probably be sometime before any ultra-high frequency bands assigned to aural broadcasting become seriously congested, it is recommended that a spacing between channel assignments of about 50 k.c. be adopted. This will avoid undue inconvenience in experimental work and will not place too rigorous requirements on receivers to be built in the near future. When the need arises this spacing can be cut in half.

The RMA has recommended a channel width of 6 megacycles for a combined television and voice band, and we are in agreement with this as a temporary figure. Future developments may call for either an increase or a decrease in the band width, but it would no doubt be advisable to standardize on 6 megacycles for the present.

*Frequency Separation of Local Assignments.*—In the case of aural broadcasting, the position may again be taken that there is no need at present for crowding stations up to the limit that is technically possible. The more closely stations in the same area are spaced, the more expensive the receiving equipment will have to be. If the recommended aural broadcast bands not less than 2 megacycles wide are adopted, it should be possible to use 200 k.c. spacings between stations separated by only a few miles. Stations farther apart, even though located in the same metropolitan area, could often be assigned to frequencies only 100 k.c. apart. Thus,

a station in Newark on 40.2 m.c. should not affect the service area of a station in Long Island City on 40.3 m.c.

In the case of television stations, the frequency separation problem is more troublesome, and will have to be treated with due regard to the various combinations of local conditions that may occur. Because of the small number of channels available, it will probably be necessary to allow operation, in the same area, on alternate channels. This will tend to make more rigorous the requirements placed upon receiving equipment, but unless some such plan is adopted there seems to be no way of furnishing even partially adequate program selections to the larger metropolitan areas. In order to make such spacings work reasonably well, the Commission might insist that some definite pattern be followed in locating the various transmitters involved. For instance, if the antennas of several stations using approximately the same power were to be located very close together, it should be possible to operate them on adjacent channels if necessary. Or again, stations located near opposite edges of a metropolitan area that is too large to be satisfactorily covered by a single station might be operated on adjacent channels. In any event, care should be exercised to see that one station is not placed a few miles from another in such a way that each exerts a blanketing action over a considerable portion of the other's service area.

In some instances it will be possible to locate a transmitter on the edge of, or outside the community to be served, and to use a directive transmitting antenna that will greatly cut down interference in the opposite direction. In this way duplication of assignments could be increased, while still allowing every station to serve important and densely settled areas. Thus a transmitter located to the southwest of Boston might operate on the same frequency as one located northeast of Providence, without mutual interference. This is an advantage of the ultra-high frequencies that cannot be matched in the ordinary broadcast band. In less extreme cases only enough directivity might be used to reduce the radiation in a relatively narrow angle.

*Ultra-High Frequency Receivers.*—If the public is to obtain widespread service from ultra-high frequency broadcasting, it is necessary that the economic burden resulting from the purchase of new receiving equipment shall not be too great. Television receivers will necessarily be more expensive than will those designed to handle aural broadcast only. We should look, therefore, toward the manufacture of reasonably inexpensive units capable of covering the ultra-high frequency aural bands, or of converters that will make it possible to reach these bands with an ordinary broadcast receiver. On the other hand, the general usefulness of a television receiver will undoubtedly be increased if it is made to cover the two aural bands that will, it is hoped, bracket the television range.

If frequencies up to 100 mc. are to be handled, it will undoubtedly be necessary to have either special ultra-high frequency receivers, or converter units. On the other hand, it is possible to extend the tuning range of an ordinary multi-band broadcast receiver to include aural channels in the vicinity of 40 mc.; in fact, some of the receivers now on the market go almost as high as this. Too great sharpness of tuning and rather serious drifting of the local oscillator are the outstanding faults of such receivers. If broadcast stations were segregated in a limited band it would be possible to provide the receiver with a tuning range of only slightly greater width. This could be easily done by switching out some of the stator plates of the variable condenser, and would largely do away with objectionable sharpness of tuning.

Oscillator drift is a somewhat more serious problem, but the progress which has been made with systems of so-called automatic tuning indicates that it is by no means insoluble. Another promising attack would involve the use of an oscillator stabilized against the effects of voltage fluctuation, combined with a broad band I. F. amplifier. Methods of stabilization are now well known, and many of them are inexpensive. The widening of the I. F. amplifier band could be effected by tightening the coupling between the circuits of the tuned transformers, and at the same time adding damping resistance. A decrease in sensitivity of the receiver would be entirely permissible if we made no effort to receive field strengths of less than 0.5 mv/m. Thus a transformer originally having an over-all band width of 10 k.c. could be widened to 30 k.c. with a loss in gain of about 9 db. A set using three I. F. transformers would usually have a high initial sensitivity and a decrease of 27 db. in the over-all gain should be permissible, even if we allow several db. more for reduction in I. F. amplification in the ultra-high frequencies. If only two I. F. transformers were used the loss in gain would, of course, be smaller.

Possibly a reduction in sensitivity as great as that involved

in the above process would not be satisfactory to all set users. Certain receiver models might therefore be provided with an extra stage of I. F. amplification, which could be switched into circuit only when the broad band was used. There are on the market today sets having an extra R. F. amplifier in the highest tuning range and this costs more than the use of an additional I. F. stage.

If ease of tuning and small oscillator drift were achieved, there would still remain troubles due to lack of image-frequency selectivity. When the frequency of an I. F. amplifier is very low as compared with the signal frequency, image interference is bound to be serious, and this would place a limit upon the usefulness of all-wave receivers. However, if local assignments were spaced by 200 k.c. the image-frequency might well be free from interference. Thus, if the I. F. amplifier were tuned to 460 k.c., the image signal would differ from the desired by 920 k.c., thereby falling 80 k.c. from a local station. Even allowing for oscillator drift and a 30 k.c. I. F. band width, there would still be a fair amount of protection against image interference. Of course this protection, which is due to the wide spacing of local stations, would not occur when the image frequency was outside of the broadcast band, and hence considerable trouble might be expected from adjacent television stations.

If only two television channels are placed below the amateur band, the tuning range of a television receiver would have to cover the interval from 42 to 100 mc. in order to include the aural bands. This is a tuning ratio of 2.38:1. On the other hand, if three television channels were provided at the low end of the range, the receiver would have to tune from 36 to 100 mc which is a tuning range of 2.77:1. The less severe technical requirements imposed by the smaller tuning ratio constitute an argument in favor of starting the television band at 44 mc. Of course it would always be possible to cover the total range with two separate tuning bands, but this would increase the price of the receiver somewhat.

The performance of broadcast receivers has not always been entirely satisfactory at the two ends of the band. Some sets cut sidebands severely at the low-frequency end and fall off in sensitivity at the opposite end. It is hoped that television receivers will be designed so that they will perform efficiently in aural bands adjacent to the end of the television tuning range.

As indicated by Figure 1 we are asking for a voice band inside the television range, for reasons that will be discussed later. It should be pointed out here that since the aural band would be used for broadcast services, it should not be objectionable to the public to have it sandwiched in to the visual broadcast range. Moreover, efficient performance of the receiver in this band should be assured by its position between two television bands.

The problem of receiving antennas may give some trouble. Efficient reception on three aural broadcast bands could be accomplished by using three separate doublet antennas, all coupled to the same transmission line. In the case of television, however, it will be necessary to get reasonably uniform reception over a very wide band (that is from about 40 to 100 m.c.) and this may prove to be difficult. Undoubtedly a compromise between sensitivity and uniformity will have to be adopted.

*Possibility of Reduction in Width of Television Channels.*—When it is considered that a single television channel takes up approximately six times as much room in the spectrum as does the entire present-day broadcast band, it is evident that much thought will be given to the possibility of reducing the channel width. In the present state of the Art it is impossible to say how promising the various proposals for band width reduction are, but since we are definitely trying to look ahead it is felt that some of these proposals ought to be at least mentioned. Should any of them prove successful, the allocation difficulties of visual broadcasting might be appreciably reduced.

Single side band transmission offers one of the most obvious and attractive possibilities. If the width of the actual picture channel could be cut in half great gains would result. It would be very difficult to obtain true single sideband operation, but a system might be developed allowing the transmission of all of one sideband and a small portion of the other, thus saving very nearly the same amount of frequency space and at the same time reducing the difficulties that are met in filtering out the unwanted frequencies. Problems of picture-distortion will have to be solved in developing such a system, but it must be regarded as one of the more interesting fields for investigation.

In the case of aural broadcasting, single sideband transmission would be of very little value unless it were of the carrier-suppressed type, which requires expensive and complicated receiving equipment. In television, on the other hand, the importance of band width reduction is so great that even a carrier-transmitted

system should be very much worthwhile, and this would avoid the use of such complicated receivers.

Further information should be made available on the possibility of using interlaced scanning in such a way as to reduce the band width. Thus, if a frame frequency of 30 per second is employed it is possible to use alternate scanning so that each line is actually scanned fifteen times per second. This should give far less flicker than straight scanning at a frame-frequency of fifteen per second, but would require no greater band width. It might be possible to go even a step further and to scan only one-third of the lines in each frame, thus reducing the band width to that corresponding to ten frames per second. We hope that conclusive technical data on such arrangements will be made available.

Another possibility of saving frequency space lies in the reduction of the guard bands used in each television channel. The present proposals of the RMA call for a picture channel width of 5 mc with a guard band of practically 1 mc. Part of this guard is required by the problems involved in separating the visual and aural signals in the radio receiver. Difficulties of this sort might be avoided by transmitting all of the sound-tracks at one end of the whole television band instead of assigning each voice channel to a position immediately adjacent to the corresponding picture band. This last arrangement is, of course, desirable, since it insures the same coverage for both components of a broadcast, but it is not believed to be essential.

With the sound-tracks removed from the vicinity of the picture channel, it should be possible to practically eliminate the guard band if the proper care were taken in locating the transmitting antennas. As has already been pointed out, this might be done in such a manner that all important receiving areas would be supplied with field strengths of about the same magnitude from several stations. This would make the selectivity requirements placed on the receiver very light, and should make it possible to do away with the guard bands which have been suggested.

#### References

1. Burrows, C. R., Decino, A., and Hunt, L. E., "Ultra-Short Wave Propagation: Mobile Urban Transmission Characteristics." B.S.T. J., Apr. 1935, Vol. XIV, No. 2, pp. 253-272.
2. Burrows, C. R., Decino, A., and Hunt, L. E., "Ultra-Short Wave Propagation: Over Land." I.R.E., Dec. 1935, pp. 1507-1536.
3. Eades, N. H., "The Relation Connecting Skip-distance, Wavelength, and the Constants of the Ionized Layers." I.R.E., Sept. 1931, pp. 1663-1675.
4. Englund, C. R., Crawford, A. B., and Mumford, W. M., "Some Results of a Study of Ultra-Short Wave Transmission Phenomena." I.R.E., Mar. 1933, pp. 464-493.
5. Fay, C. E., and Samuel, A. L., "Vacuum Tubes for Generating Frequencies Above One Hundred Megacycles." I.R.E., Mar. 1935, Vol. 23, No. 3, pp. 199-213.
6. Ferris, W. R., "Input Resistance of Vacuum Tubes as Ultra-High-Frequency Amplifiers." I.R.E., Jan. 1936, 24, pp. 82-105.
7. Hallborg, H. E., "Terrestrial Magnetism and Its Relation to World-Wide Short-Wave Communications." I.R.E., Mar. 1936, Vol. 24, No. 3, pp. 455-471.
8. Harrington, W. I., and Hansell, C. W., "The Hawaiian Radiotelephone System." Elec. Eng., Aug. 1935, 54, 8, pp. 822-828.
9. Hollingsworth, J., "Some Characteristics of Short-Wave Propagation." Journ. Inst. Elec. Eng., 1933, Vol. 72, p. 229.
10. Holmes, R. S., and Turner, A. H., "An Urban Field Strength Survey at Thirty and One Hundred Megacycles." I.R.E., May 1936, pp. 755-771.
11. Hulbert, E. O., "The Ionosphere, Skip-distances of Radio Waves, and the Propagation of Microwaves." I.R.E., Dec. 1935, pp. 1492-1507.
12. Hull, R. A., "Air-Mass Conditions and the Bending of Ultra-high Frequency Waves." Q.S.T., June 1935.
13. Jones, L. F., "A Study of the Propagation of Wavelengths Between Three and Eight Meters." I.R.E., Mar. 1933, pp. 349-387.
14. Jouaust, R., "Some Details Relative to Propagation of Very Short Waves." I.R.E., Mar. 1931, pp. 479-489.
15. Lindenblad, N. E., "Development of Transmitters from Frequencies Above 300 Megacycles." I.R.E., Sept. 1935, Vol. 23, No. 9, pp. 1013-1048.
16. Munro, G. H., "The Attenuation of Short Wireless Waves on the Surface of the Earth." Journ. Inst. Elec. Eng., 1932, Vol. 71, p. 135.
17. Muyskens, Henry, and Kraus, John D., "Some Characteristics of Ultra-High Frequency Transmission." I.R.E., Sept. 1933, pp. 1302-1317.
18. Potter, R. K., "High-Frequency Atmospheric Noise." I.R.E., Oct. 1931, 19, 10, pp. 1731-1765.
19. Potter, R. K., and Friis, H. T., "Some Effects of Topography and Ground in Short-Wave Reception." I.R.E., Apr. 1932, pp. 699-722.
20. Schelleng, J. C., Burrows, C. R., and Ferrell, E. B., "Ultra-Short Wave Propagation." I.R.E., Mar. 1933, pp. 427-464.
21. Taylor, A. Holt, "Note on Skip-distance Effects of Super-Frequencies." I.R.E., Jan. 1931, pp. 103-106.
22. Trevor, Bertram, and Carter, P. S., "Notes on Propagation of Waves Below Ten Meters in Length." I.R.E., Mar. 1933, pp. 387-427.
23. Trevor, Bertram, and George, R. W., "Notes on Propagation at a Wavelength of Seventy-Three Centimeters." I.R.E., May 1935, Vol. 23, No. 5, pp. 461-470.
24. Wenstrom, Wm. H., "Historical Review of Ultra-Short Wave Progress." I.R.E., Jan. 1932, pp. 95-113.

#### SECTION F

##### The Proposed Ultra-High Frequency Broadcast Bands

We have seen that there are many uncertainties regarding such factors as: dependable radius of coverage of an ultra-high frequency station, variation of this radius with frequency, variation of sky wave interference with frequency and its possible modification by the sun spot cycle, the program to be adopted in combatting man-made interference, the effective interfering range, and the preferred mileage separation of television stations on the same frequency. In view of these uncertainties it is strongly urged that aural broadcasting be given assignments in various parts of the ultra-high frequency spectrum, in order that full knowledge may be gained of the properties of several different bands. It is believed that only thus can we hope to have a thoroughly satisfactory high-frequency broadcast system, and that any other procedure might seriously penalize a development that should be of the greatest importance to the people of the United States.

The question as to just what bands should be assigned is inherently a difficult one. It is obvious that the needs of the country can best be served by a well-balanced growth of aural broadcasting, of television, and of certain essential non-broadcast services. There is inevitably some conflict between the needs of these three groups and in suggesting a possible allocation structure, we have attempted to recognize these needs and to allow for them.

Referring to Figure 1, the space allotted to television provides for eight channels below 100 m.c. This number is obviously insufficient for a fully developed television system, but it is unreasonable to suppose that more can be provided in the frequency range covered by the chart. No doubt these channels will have to be heavily loaded in the manner which has been outlined, and we should look forward to supplementing them, in time, with additional television assignments above 100 m.c.

The proposed television range is split by the amateur band running from 56 to 60 m.c. It is realized that the amateurs, by their long-continued and enthusiastic work in radio, have probably earned a right to some such assignment, and that the continued activity of this group is a potential asset to the military services. Consequently, no proposals are made for the shifting of this band.

It must also be pointed out that, were the 56 to 60 m.c. amateur band to be abolished, it would probably be of very little use to broadcasting, be it aural or visual. There is another amateur band from 28 to 30 m.c. and presumably there will in time be a considerable number of amateur transmitters scattered through exactly the same areas in which ultra-high frequency broadcast receivers will be used. The harmonics of these transmitters would fall squarely in the 56-60 m.c. interval, and would be a terrific nuisance to the general listener. Because of the negligible geographical separations involved, no amount of effort on the part of the amateurs could reduce the radiation to the point at which it would do no harm. It is believed that harmonics from amateur stations would cause considerably more trouble than those from commercial and government stations, because of the large number of the former and their location in exactly those areas in which general listening is done. The non-amateur transmitters, on the other hand, are often located at some distance from residential zones; not infrequently use

highly directive antennas; and, in any case, are in a better position to reduce their harmonic radiation when local conditions make it necessary.

Not only would second harmonics of the 28 to 30 m.c. sending sets be troublesome, but harmonics from the lower frequency amateur bands also might be very annoying. Thus the fourth harmonics of the 14 m.c. band would cover the interval from 56 to 57.6 m.c., the eighth harmonics of the 7 m.c. band would lie between 56 and 58.4 m.c., while the 16th harmonics of the 3.5 m.c. band would spread from 56 to 64 m.c. Presumably the lower frequencies would cause less trouble, and in any event it would be easier to reduce the radiation of higher order harmonics.

These low-frequency amateur assignments will cause harmonic interference at many of the other frequencies. For example, the third harmonics of the 14 m.c. band will cover the region from 42 to 43.2 m.c., while the fifth harmonics of the same band will extend from 70 to 72 m.c. Evidently, complete freedom from harmonic interference by amateur stations cannot be expected, but it is logical to suppose that second harmonics of the 28 to 30 m.c. range are capable of causing more trouble, and might be harder to get rid of, than those of any other.

If the 56-60 m.c. amateur band is permitted to remain, no additional harm can be done to the television assignments by allowing other services, requiring relatively narrow frequency ranges, to take advantage of the properties of 60 m.c. waves. Consequently, it is suggested that the interval from 60 to 62 m.c. be reserved for non-broadcast services and that another from 62 to 64 m.c. be set aside for aural broadcasting. Five television channels would then occupy the space from 64 to 94 m.c., and there is no reason to suppose that the use of this region would introduce any technical difficulties not met with in using that from 60 to 90 m.c.

We have proposed three television channels below 56 m.c., with an aural broadcast band adjacent to the lowest visual channel. However, it is understood that the RMA believes the lowest visual channel to be of little value, because of the probability of sky wave interference. Such interference would, of course, be equally objectionable to aural broadcasting, and a band running from 36 to 100 m.c. has been chosen only with the purpose of allowing room for a third television channel. Should it be decided that two channels below 56 m.c. are all that television needs, or is justified in having, then the aural band should unquestionably be moved upward.

Since the recommendations are for television channels 6 m.c. wide, it would be possible either to have two channels in the interval of 42 to 54 m.c., with non-broadcast services occupying the range from 54 to 56; or the television channels might run from 44 to 56. In the first case the aural broadcast band should extend from 40 to 42 m.c., while in the second it should be from 42 to 44 m.c. From the standpoint of the Broadcast Industry the latter arrangement is to be preferred.

A band from 94 to 100 m.c., has been recommended for the use of aural and facsimile broadcasting, and for experimental work with frequency modulation. The importance of this region will undoubtedly increase as apparatus for use at 100 m.c. is improved. Satisfactory equipment for operation in this range will certainly be forthcoming, and the freedom from atmospherics, the somewhat lower levels of man-made noise, and the complete lack of long-range interference, may make this band an important one. Directive antennas could also be utilized to the fullest advantage here, and certain non-broadcast services might use parts of this range, on a restricted basis, without mutual interference.

It is not suggested that frequency modulation experiments be limited entirely to the interval 94-100 m.c. As long as the lower aural broadcast bands are relatively uncongested, there is no reason why a certain amount of experimental work could not be done in them. However, when such congestion does arise, and the bands can be efficiently used by broadcasting of a more or less commercial nature, the experimental work should be moved to higher frequencies.

In addition to the bands which are recommended, we are proposing one for "auxiliary broadcast service" which will be discussed later. We must also point out that if television ever becomes popular with the public, it will be necessary to provide additional visual channels above 100 m.c., just as soon as the apparatus problems can be satisfactorily solved. Only in this way can we hope ever to develop a really satisfactory television system, based on free competition, and capable of serving the needs of the nation. It is therefore urged that in making assignments above 100 m.c., a way be left open for providing a considerable number of additional television channels.

In addition to the bands just discussed, we have shown in Figure 1 a block from 25.6 to 26.6 m.c. We do not believe that this will prove to be a particularly useful band for aural broadcasting, but it has been included because the Commission has already assigned channels in this interval. In fact, the allocations made in the recent modification of Rule 229 include assignments for both domestic and international broadcasting. If there is any possibility of successful use of these frequencies for the latter services, it follows that they will be unsatisfactory for the former. Interference from Central and South America, as well as between stations in this country, could easily do great damage to domestic broadcasting. On the other hand, the erratic transmission which is obtained at 26 m.c. will probably make this band of very little use for international broadcasting.

In laying definite plans for the development of an ultra-high frequency broadcast structure, it should be recognized that much more satisfactory service can be rendered the public if broadcasting is segregated into certain exclusive bands which can be held free from interference by other services. There is no reason for forcing the listener to pass through large numbers of telegraph and commercial or emergency telephone channels, in tuning from one broadcast station to another within the same band. It is, therefore, strongly urged that the present practice of scattering ultra-high frequency broadcast assignments in between those made to other services be discontinued.

The advantages to be obtained from the use of continuous bands apply also to television, and the proposed television assignments have been split at 60 m.c. only because of the existence of the amateur band and the desirability of allowing other services to take advantage of the particular properties of waves of this frequency. This has already been discussed in detail.

## SECTION G

### Auxiliary Broadcast Services

Opening up of the high frequencies will allow the development of certain auxiliary services of considerable value, and it is believed that some place should be provided for them in the spectrum. Many special uses of radio, as an adjunct to the main business of broadcasting, will require only narrow frequency bands, and can employ directive antenna systems, with the result that the chance of their causing interference to other assignments would be small. We have therefore recommended that the interval from 100 to 120 mc. be made available for broadcast pickup, studio-to-station radio links, inter-station program circuits (either with or without repeaters) synchronizing frequency links, facsimile pickup (and probably television pickup) and other special uses which will inevitably develop.

Broadcast pickup can well make use of frequencies in this range under many conditions. Thus, very short distance transmission from pack sets, or from boats or airplanes travelling within plain sight of the receiver point, might well be accommodated here. The freedom from long-distance interference, and in some cases the possibility of using small directive antennas at the receiver (if not at the transmitter), should be of considerable value.

In many instances there is a good optical path between a broadcasting studio and its associated transmitter. The telephone lines may or may not run directly between the two points, and in some cases line charges are distinctly high. It seems only logical that these two parts of a radio system should be tied up by an ultra-short wave radio link, since the interference caused would usually be negligible. Directive antennas would of course be used at both terminals of the path, and, with a little care in choosing their location, noise troubles could generally be avoided. The chief objection to such operation at present is that satisfactory transmitting and receiving equipment is not available on the open market, but there is no technical reason why this condition should continue, nor do we believe that it will.

As ultra-short wave broadcasting develops, there will often be occasion for supplying the same program to transmitters located in towns not far apart. The inexpensive, direct and obvious way of tying such transmitters together is by means of ultra short wavelengths. Often no repeaters would be necessary, but in some cases one or two might be justified. Again the use of sharply directive antennas at all terminals would greatly reduce the interference capabilities of the system, and would make it possible to assign large numbers of connecting links to the same frequency.

In large metropolitan areas, or in cities built on very rough ground, it may be impossible to get adequate coverage with a single transmitter. Under such circumstances the use of one or more booster stations synchronized with the main transmitter may be justified. It has been shown that if the proper conditions are

fulfilled it should be possible to synchronize two or more stations at distances of less than 15 or 20 miles from each other, with very little distortion in the middle zones. These conditions involve the distribution to the several stations of a modulated radio-frequency wave, and this could be done most economically by the use of ultra-short wavelengths. This type of synchronization may come to be of some importance in ultra-high frequency broadcasting, and provision for its development should be made now.

There will be many occasions, in press and other work, where it is desirable to take a picture in the field, develop it, and transmit it by radio to a central point. For instance, photographs of boat races could be most rapidly delivered to a transmitter for rebroadcasting. While such service will no doubt need longer waves when considerable distances are to be covered or where optical paths cannot be obtained, it is believed that they will also require assignments in the ultra-high frequency range.

In time we can expect to see television pickup used in somewhat the same way that broadcast pickup is at present. The accommodation of the former service is more troublesome than that of the latter because of the wide frequency band which must be used.

However, it would seem that at least a few experimental assignments should be made at frequencies that are not too high. Presumably apparatus for 100 m.c. operation will be developed before very long, while equipment for considerably higher frequencies may not appear for some time.

These several auxiliary services will grow to be of great importance if they are given a chance to develop, and it is urged that provision be made for them in approximately the frequency band that has been mentioned.

*Broadcast Pickup Services at Longer Wavelengths.*—It will of course be necessary to continue the use of certain frequencies, above the present broadcast band but lower than 30 m.c., for broadcast pickup. This use will in time extend to facsimile pickup, and it is urged that provision for this latter service be made. We shall not try to suggest the exact frequencies that should be used, since their choice is so much a matter of correlation with existing assignments. It is however recommended that the Commission allow the frequencies allocated to aural pickup, to be also used for facsimile, and that the total number of assignments for such services be augmented from time to time as the need for them increases.

**NON BROADCASTING SERVICES**

**INTERNATIONAL BROADCASTING**

**TELEVISION**

**BROADCASTING**

**FREQUENCY IN MEGACYCLES**

**10 20 30 40 50 60 70 80 90**

**FIG. I**

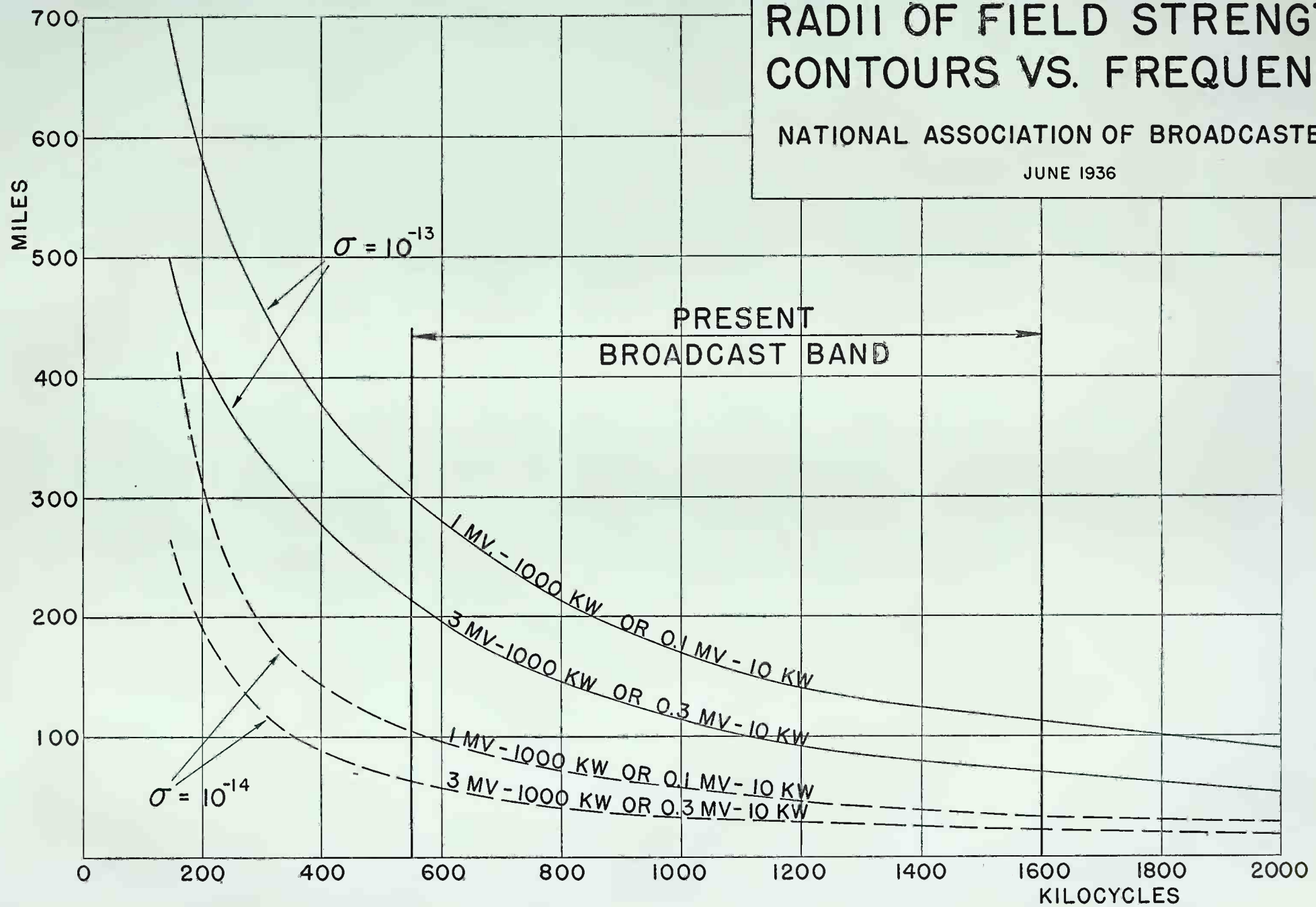
**PROPOSED ALLOCATION CHART**

**NATIONAL ASSOCIATION OF BROADCASTERS**

**JUNE 1936**



**FIG. 2**  
**RADIi OF FIELD STRENGTH**  
**CONTOURS VS. FREQUENCY**  
 NATIONAL ASSOCIATION OF BROADCASTERS  
 JUNE 1936



1405

1406



**FIG. 3**  
**3.0 MILLIVOLT CONTOURS**  
**OF 1000 KW RADIO STATIONS**  
**ON 200 KC**

NATIONAL ASSOCIATION OF BROADCASTERS  
JUNE 1936

SCALE OF MILES  
0 100 200 300

1407



FIG. 4  
1.0 MILLIVOLT CONTOURS  
OF 1000 KW RADIO STATIONS  
ON 200 KC

NATIONAL ASSOCIATION OF BROADCASTERS  
JUNE 1936

SCALE OF MILES





1408

**FIG. 5**  
**1.0 AND 3.0 MILLIVOLT**  
**CONTOURS FOR A 1000 KW**  
**RADIO STATION ON**  
**1000, 600, AND 200 KC**  
----- 1.0 MILLIVOLT  
————— 3.0 MILLIVOLT  
**NATIONAL ASSOCIATION OF BROADCASTERS**  
**JUNE 1936**

SCALE OF MILES  
100 0 100 200 300

1409



**FIG. 6**  
**CONTOURS OF EQUAL**  
**DISTANCES FROM THE**  
**SEA COASTS**

NATIONAL ASSOCIATION OF BROADCASTERS  
JUNE 1936

SCALE OF MILES  
0 100 200 300

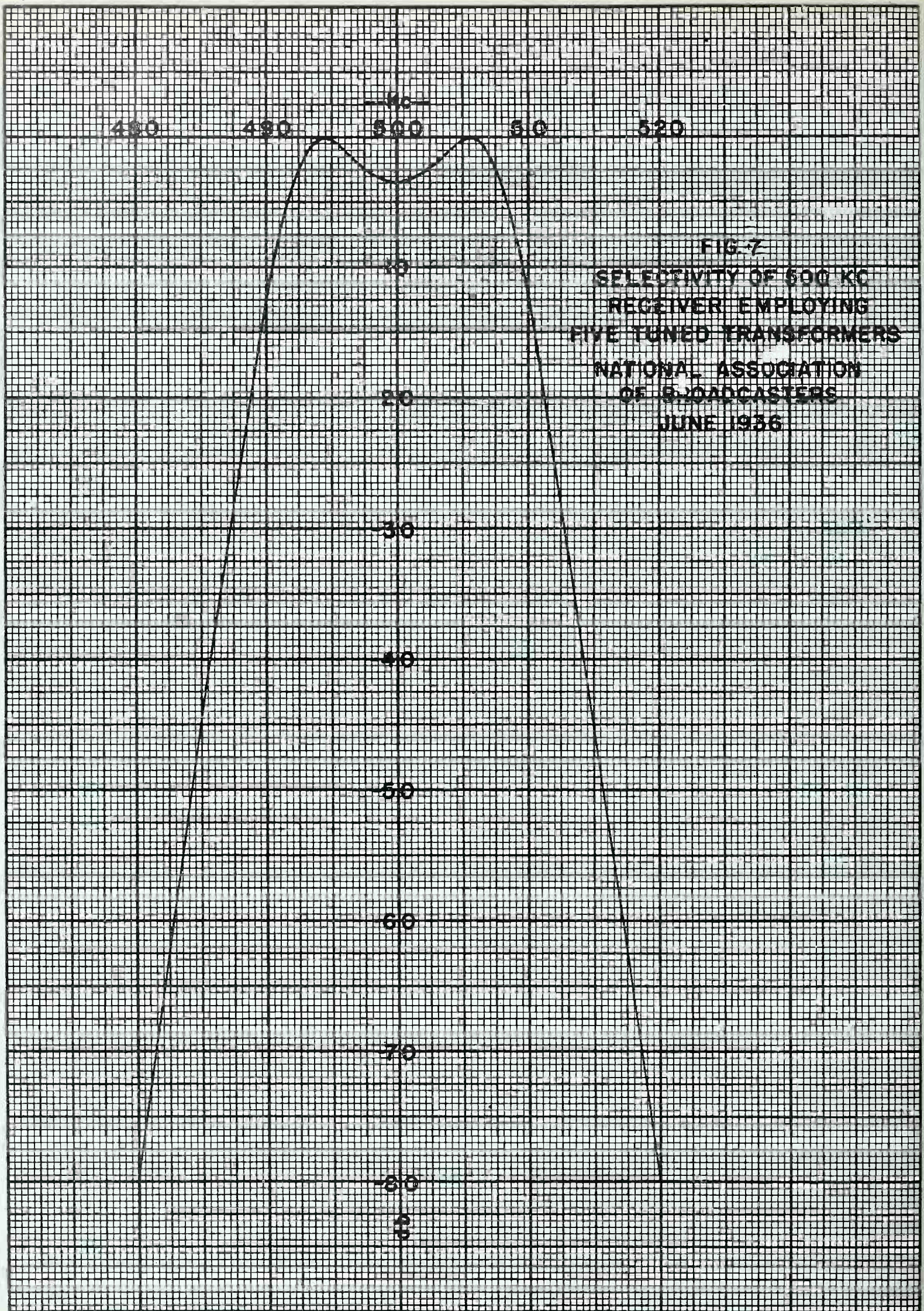


FIG-7  
 SELECTIVITY OF 500 KC  
 RECEIVER EMPLOYING  
 FIVE TUNED TRANSFORMERS  
 NATIONAL ASSOCIATION  
 OF BROADCASTERS  
 JUNE 1936