

**NAB REPORTS**

Vol. 5 - - No. 14  
 APRIL 1, 1937

Copyright, 1937. The National Association of Broadcasters

**WASHINGTON RADIO HIGHLIGHTS**

Havana Radio Conference ends with claims of achievement and signals further conference in Havana in November purpose agreeing on use radio frequencies in North and South America \* \* \* \* U. S. Senator Sheppard (Texas) introduced Copyright Bill (S. 2013) which would (1) make it necessary for authors, composers and publishers to identify the use they make of material in the public domain; (2) place the responsibility for the public performance of music on the person originating the performance; (3) leave the question of damages to the discretion of the court.

**NAB BOARD TO MEET**

The spring meeting of the NAB Board of Directors will be held at the Washington Hotel, Washington, D. C., on April 7. The purpose of the meeting is to appraise current problems.

**MRS. McNARY RESIGNS**

Members of the NAB who have visited the Washington office will regret to learn of the resignation of Mrs. Bert Siebert McNary as secretary to the Managing Director, effective April 1.

Mrs. McNary, the very efficient secretary to Mr. Baldwin, has been with the association for the past six years, having joined its staff shortly after the association was moved to Washington.

Leonard D. Callahan, who was recently designated as assistant to the Managing Director, will take over a large share of Mrs. McNary's duties.

**COPYRIGHT AMENDMENT INTRODUCED**

Senator Sheppard of Texas introduced a bill in the Senate this week (S. 2031) to amend the copyright act approved March 4, 1909, having direct effect on the broadcasters of the country. The bill, which has been referred to the Senate Committee on Patents, is as follows:

That section 6 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, is hereby amended by striking out the period at the end thereof and inserting in lieu thereof the following: "*Provided*, That the application for registration, and the printed notices of copyright on the

work shall specify under which version or versions of works copyright is claimed."

SEC. 2. (a) Section 25 of such Act is amended by adding after subsection (b) the following new subsection:

"(c) To pay to the copyright proprietor, in the case of an infringement by radio broadcasting, such damages as to the court shall appear to be just: *Provided*, That the responsibility and liability for the use of copyrighted material in broadcasting on two or more stations simultaneously shall rest solely with the station originating the performance: *And provided further*, That the responsibility and liability for the use of copyrighted material in electrical transcriptions and other forms of recording made exclusively for broadcasting purposes shall rest solely with the maker of such electrical transcriptions and other forms of recordings and his agents for distribution thereof to broadcasters."

(b) Subsections (c), (d), and (e) of section 25 of such Act are hereby amended to read subsections (d), (e), and (f), respectively.

SEC. 3. Section 44 of such Act is hereby amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and such default shall be a defense against any legal proceeding brought by the assignee as a result of use made of the copyrighted material subsequent to the date of assignment."

**HAVANA RADIO CONFERENCE IS CONCLUDED**

The technical radio conference which began at Havana on March 15 concluded its work on March 29. It was participated in by representatives from the United States, Canada, Cuba and Mexico. It is expected that a further detailed conference will be held on November 26 at Havana.

While no official statement has been made public by any

**IN THIS ISSUE**

	<i>Page</i>
Washington Radio Highlights.....	2009
NAB Board to Meet.....	2009
Mrs. McNary Resigns.....	2009
Copyright Amendment Introduced.....	2009
Havana Radio Conference Is Concluded.....	2009
New Texas Station Recommended.....	2010
Montana Copyright Law.....	2010
Federal Trade Commission Action.....	2015
FTC Closes Cases.....	2017
Federal Communications Commission Action.....	2017

American governmental body, Commander T. A. M. Craven, chief engineer of the Federal Communications Commission and chairman of the American delegation to the Havana conference, made the following statement at the close of the conference:

"The accomplishments to date at this preliminary conference have been outstanding in that for the first time in the history of their radio relations, a common understanding has been reached by the countries represented on the technical principles that are basic, adoption of which is deemed essential if coordination is to be accomplished.

"We have also paved the way for study of the facts and conditions that exist today in the chaotic and unsatisfactory situation in short-wave communications in this hemisphere with the view that, at the approaching November conference, all the American nations will be in far better positions to suggest effective means for meeting this situation.

"The specific recommendations of the conference include an increase in the regular broadcast band used for the national broadcasting services from 550-1,500 kilocycles to 540-1,600, thus increasing the available channels from ninety-six to 107.

"Fifty-eight of these would be set aside as clear channels to be used by high-power stations in each nation, to render service over wide areas. The remaining forty-nine channels would be assigned for use by regional and local stations providing, through engineering principles and location of stations, against the present objectionable interference, on which the delegates have reached a common definition for the first time.

"There is also a recommendation for a change in the existing amateur band from 1,750-2,050 kilocycles to 1,715-2,000 and for extension of the existing bands allocated to State or Provincial police.

"A study looking toward elimination of interference by radio therapeutic machines and other apparatus will be made by all the attending countries and an international plan will be drawn up to provide for emergency communications in the event of disruption of normal channels of communication by hurricanes, earthquakes and other disasters.

"Likewise, study will be given to adoption of suitable regulations with respect to frequency bands above 1,600 kilocycles that might permit interchange of international police communications.

"The delegations have refrained from touching on the political phase of international radio problems, but it is undeniable that this is likely to prove the greatest stumbling block at the coming conference.

"It will be highly necessary for each nation to establish standards of control for its own stations. In Cuba, for example, due to lack of adequate regulations, the interference of stations has become so intense, not only with each other but with stations in the United States, that a

wave of protest has swept the nation. However, the economic situation of the island's stations and political influences have thus far prevented enactment of efficient measures of control."

### NEW TEXAS STATION RECOMMENDED

Radio Enterprises, partnership of J. R. Curtis and R. Lacy, and the Red Lands Broadcasting Association both applied to the Federal Communications Commission for a construction permit for a new station at Lufkin, Texas, and both asked the same facilities, namely, 1310 kilocycles, 100 watts, and daytime operation.

Examiner P. W. Seward, in Report No. I-377, recommended that the application of Radio Enterprises be denied and that of the Red Lands Broadcasting Association be granted. He found that a need does exist for additional radio facilities during the day in the area proposed to be served. The Examiner states that the applicants connected with Radio Enterprises "reside in a different area than that proposed to be served and that neither one of the partners in this application has spent any considerable time in the Lufkin or Nacogdoches area." On the other hand the applicants connected with the Red Lands Broadcasting Association do reside in Lufkin and Nacogdoches and therefore the Examiner feels "these applicants are better qualified to know the needs of the area."

### MONTANA COPYRIGHT LAW

On March 3 the Montana state legislature enacted a law making copyrighted music licensing pools illegal. It was approved by the Governor on March 12.

A similar bill was passed by the State of Washington legislature and also approved by the Governor.

Legislation designed to regulate music copyright licensing pools is also pending in Illinois, Iowa, Minnesota, Nebraska, Ohio and Wisconsin. An Indiana bill to license and tax music licensing pools was passed by the House and reported favorably in the Senate but was not passed by that body prior to final adjournment. The Montana law is as follows:

#### MONTANA

(House Bill No. 396)

(Regular Session)

AN ACT in aid of the Federal Copyright Laws, to assist in effectuating their true intent and their enforcement in the State of Montana by removing and declaring illegal certain monopolistic abuses and activities wrongfully practiced under the guise of copyrights within the state by price fixing combinations, monopolies and pools; to enforce the Montana constitutional provisions prohibiting price fixing monopolies, and combinations in restraint of

commerce and trade, providing penalties for combining rights granted by the copyright laws where the effect of such combinations results in the use of copyright privileges as instrumentalities of oppression and extortion within the state in violation of constitutional provisions; and encouraging the rendition, creation and production of copyrighted works among the school children and citizens of the State of Montana, encouraging the marketing and acceptance of copyrighted works, created by the citizens of this state; repealing certain Acts; creating a state anti-monopoly board for a particular function to be exercised only in the event of abuses and violations hereof; defining its duties, and the jurisdiction and duties of courts of record; the duties of the prosecuting attorneys, county auditors, the state treasurer and the secretary of state; and providing for the appointment of a receiver in certain instances; defining certain terms; providing for service of process on nonresidents; prohibiting certain Acts; and providing penalties for violation hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person to, without the consent of the owner thereof, cause to be publicly performed for profit any dramatic composition, or dramatic musical composition commonly called an opera, or other copyrighted works, or any substantial part thereof, which has been copyrighted under the laws of the United States, or for any person to knowingly participate in the performance or representation of any substantial part thereof, or by knowingly selling a substantial copy of any substantial part thereof. Provided, however, that nothing contained in this Act shall affect or be construed to affect motion pictures.

Section 2. It shall be unlawful for two or more persons holding or claiming separate copyrighted works under the Copyright Laws of the United States, either within or without the State, to band together, or to pool their interests for the purpose of fixing the prices on the use of said copyrighted works, or to pool their separate interests or to conspire, federate, or join together, for the purpose of collecting fees in this State, or to issue blanket licenses in this State, for the right to commercially use or perform publicly their separate copyrighted works; provided, however, such persons may join together if they issue licenses on rates assessed on a per piece system of usage; provided further, this Act shall not apply to any one individual author or composer or copyright holder or owner who may demand any price of fee he or she may choose for the right to use or publicly perform his or her individual copyrighted work or works; provided further, such per piece system of licensing must be based on and in proportion to the use made of such copyrighted works and in no case in excess of any other per piece system in operation in other states where any group or persons affected by this

Act does business, and all groups and persons affected by this Act, are prohibited from discriminating against the citizens of this State by charging higher and more inequitable rates per piece for music licenses in this State than in other States; provided further, where the owner, holder, or person having control of any copyrighted works has sold the right to the single use of said copyrighted work, where its sole value is in its use for public performance for profit, and has received any consideration therefor, either within or without the State, then said person or persons shall be deemed to have sold and parted with the right to further restrict the use of said copyrighted work or works; Provided this does not apply to selling the use of any copyrighted work or works at a different time.

Section 3. In the event two or more persons holding separate copyrighted musical works, or any rights flowing therefrom, whether by assignment, agency agreements, or by any form of agreement, pool their interest, or combine, or conspire, federate, or join together in any way, whether for a lawful purpose or otherwise, a complete list of their copyrighted works or compositions shall be filed once each year with additions or revisions made monthly in the office of the Secretary of State of the State of Montana, together with a list of the prices charged or demanded for their various copyrighted works; no payment or filing fee shall be required by the Secretary of State, and said persons, corporations, or associations, foreign or domestic, shall state therein under oath, that said list is a complete catalogue of the titles of their claimed compositions, whether musical or dramatic or of any other classification, and in addition to stating the name and title of the copyrighted work it shall recite therein the date each separate work was copyrighted, and the name of the author, the date of its assignment, if any, or the date of the assignment of any interest therein, if any, and the name of the publisher, the name of the present owner, together with the addresses and residences of all parties who have at any time had any interest in such copyrighted work. The Secretary of State shall require two copies of said list, one of which he shall keep on file, the other shall be forwarded to the office of the State Treasurer at Helena.

Section 4. The foregoing list of names and titles, provided for in the preceding section, shall be made available by the Secretary of State to all persons for examination, in order that any user of copyrighted works in this State may know the rights and titles to such copyrighted works as may be claimed by any of said combinations, pools, associations, or persons as aforesaid, said lists shall be prepared so that all persons may avoid using said copyrighted compositions, if they so desire, and may avoid conflict therewith, and avoid committing innocent infringements of said works; and said lists so filed shall constitute constructive notice to all persons of the matters contained therein; and in order to further effectuate the copyright

laws of the United States, the Secretary of State shall, if he deems it necessary to protect the citizens of this State from committing innocent violations of the Copyright Laws of the United States, publish such list once each year in a newspaper of general circulation, in order that all citizens of the State may respect any and all individual rights granted by the United States Copyright Laws.

Section 5. No person, corporation, or association, domestic or foreign, whether doing business in this State as hereinafter defined or not, shall be absolved from the foregoing duty of filing said list of holdings as required in the preceding sections of this Act, if their music or copyrighted works are used commercially in this State, or have been used herein, whether originating from a point within the State or from without, and as long as any rendition thereof is received or heard within the State, or is intended to be so received by the originator of any musical program; provided, however, any individual owner of a copyrighted work or works, not a party to or not connected in any way with any pool, conspiracy, combination, or groups, or association of persons, as prohibited by this Act, need not file any such list.

Section 6. It is hereby declared that the production and creation of music and the commercial use of music and of copyrighted works within this State, whether originating at a point from within or without the State, as long as the same shall be rendered and publicly received within the confines of this State, whether mechanically or by radio communication, is a business clothed and affected with the public interest, and the adult educational advantages engendered by the public use of music and its creation, makes this business one of public necessity, and necessary for the education and training of the youth of this State; that many abuses are practiced under a false guise of Federal protection which only the State with its police power can easily and lawfully restrain, and in order to prohibit, discourage and prevent monopolistic practices, and to prevent extortion, to encourage free bargaining between the citizens of this State with each other and with those without the State, and in order to give greater effect to the Constitutional provisions relating to monopoly and price-fixing, and in the general interest of the public, therefore, the legislature in the interest of the peace and dignity of the State, in the interest of good morals and the general welfare of the people of this State, and for greater educational advantages to the public, declares that said business shall be subject to the police power and reasonable regulation of the State government, and such police and regulating power shall be administered by the Courts and other officials of this State in a manner consistent with, in aid of, and never in conflict with, the Copyright Laws of the United States. The provisions of this Act, and the administration thereof, shall at all times effectuate the enforcement, the true intent, and meaning

of the United States Copyright Laws in order to prevent abuses from being practiced within this State from points within or from points without the State, by any individual, corporation, or organizations, who attempt to use the Federal Courts as innocent instrumentalities in the furtherance of any systematic campaign or scheme designed to illegally fix prices for the commercial use of copyrighted works in this State through the use of extortionate means and terrorizing practices based on threats of suits, and an abuse of both State and Federal process, all of which are declared to be in violation of this Act and of the State Constitution; it is further declared that any person or persons, or combines, as aforesaid, who shall violate this Act shall be deemed to have used their property within this State in such a way that the same shall have acquired a legal situs, analogous to the situs of other personal tangible property within the State, even though separate from the domicile and residence of the owner; provided further, the legal situs of any copyrighted work is a co-extensive about the State, and a copyrighted work used or sold for public use or public performance for profit, if intended to be heard from a point without the State or from a point within the State, is hereby declared to be a commercial commodity, and its legal situs is hereby declared to be within the State of Montana.

Section 7. All persons, groups, corporations, associations, foreign or domestic, violating this chapter, shall be deemed to have been doing business within this State and amendable to the process of the state courts, when any such persons, combinations, or groups shall have issued licenses either from within or from without the State, for the privilege of using commercially and publicly any copyrighted work or works pooled in a common group or entity, or when any of the functions of said entity, organization, pool or combine, is or has been performed in this State; and the business of spying upon and the warning of users of the copyrighted works of such combinations, in addition to the presence within the State of such persons, and the activities of such persons or their agents at any time or occasion for the detection of infringements within this State, shall be conclusive evidence that such combinations and persons, even though non-residents, have accepted the privileges of doing business within this State, and such persons, if they abide by the provisions of this Act, shall be granted the privilege of conducting business within this State in a legal manner, and may invoke the benefits of the State government and its political subdivisions in their behalf, and they may use all of the privileges available to the citizens of this State in general, and the use at any time of any general privilege available to any citizen of this State, by any of such agents, their attorneys, or representatives, or investigator, or by any aidor and abettor, or any non-resident person, group, entity, or combination as aforesaid, shall be deemed to be an acceptance of the

provisions of this Act; and all licensees of any violator of this Act shall be deemed as aiders and abettors of said persons and subject to the provisions of this Act unless they forthwith indicate their obedience herewith; and the acceptance of the general privileges of the State of Montana by any non-resident copyright holder or owner, or combination, defendant, or person, or organization of any kind, or entity, through an investigator, attorney, agent representative, or through any aider and abettor as herein defined, and the acceptance by such persons of the rights, police protection, or of any general privilege conferred by the law of this State to any of its citizens, including the use of the roads and highways, or the privileges of any of its political subdivisions, as evidenced by their presence within the State at any time, shall be deemed equivalent to and construed to be an appointment by such non-resident or non-residents, as the case may be, of the Secretary of State of Montana to be his or their true and lawful attorney upon whom may be served all summons and processes against him or them and growing out of a violation of this Act, in which said non-resident may be involved, and said acceptance of the privileges of this State, as aforesaid, shall be signification of his or their agreement that any summons or process against him or them which is so served shall be of the same legal force and validity as if served on him or them personally within the State of Montana. Service of such summons of process shall be made by leaving a copy thereof with a fee of \$2.00 with the Secretary of the State of Montana, or in his office, and such service shall be sufficient and valid personal service upon any such non-resident defendant, copyright holder or owner, persons, or defendants, combination, entity, or organization, as aforesaid; provided, that notice of such service and a copy of the summons of process shall be forthwith sent by registered mail requiring personal delivery, by the Prosecutor bringing any action under this Act, to any defendant at his last known address, and the defendant's return receipt and the Prosecutor's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof; provided further, the Court in which any action is brought may order such continuances as may be necessary to afford any non-resident defendant or groups, or entity, a reasonable opportunity to defend the action; provided further, the Secretary of State shall keep a record of all such summons and process which shall show the day and time of service; and valid personal service shall thus be had on non-resident persons or individuals, entities, firms, or corporations violating this Act.

Section 8. In the event any person, or groups of persons, or any combination or pool as aforesaid, whether a non-resident corporation, person, or an association, or domestic, refuse to abide by the provisions hereof, or attempt to evade or render ineffectual the true enforce-

ment of any provision of this Act, then the Prosecuting Attorney of any county where complaint is made of any violation, shall institute injunction proceedings against said persons in the District Court, and valid personal service may be had upon any non-resident defendant as set forth in the preceding section; and the Court shall enjoin all persons from violating the provisions of this Act and the Constitutional provisions prohibiting price-fixing, monopolies, and combinations, and all copyrighted works and the public performance rights thereto when sold or used for profit and hereby declared to be a commercial commodity, and all persons, aiders, and abettors, and agents, shall be enjoined by the Court from aiding or furthering in any way a continuation of any violation of this Act, either by the payment of money to said defendants or in any way; and if any defendant or defendants persist in defying the judgment of the Court, the Court shall, in order to effectuate its judgment and orders, order three days' notice be given said defendant or defendants, as the case may be, by having a copy of such notice served on the Secretary of State as heretofore provided if defendants are without the State, or served personally if within the State, and have the same published in some daily paper in the State of general circulation, and at the end of said period, if any defendant or defendants refuse to obey the order of the Court, then the Court shall appoint the County Auditor as Receiver for the copyrighted works and property of defendants, tangible or intangible, and of all other effects and moneys derived therefrom, and the Receiver shall take over and preserve the commercial rights to all of said copyrighted works, together with such other property of any defendant, combination, pool, corporation, or entity through which they are acting, that he can locate within the State, and the Receiver shall administer the same under the direction of the Court, and said receivership shall be considered only as an incident to the main injunction suit of the Prosecutor, and for the purpose of enforcing the Court's orders; the said receiver shall seize the copyrighted works of all of the copyright holders and owners in said defendant combination, including all of the rights to suits for infringement and damages in both State and Federal Courts, and all choices of action, and all sums due on contracts and licenses, and hold the same subject to the order of the Court; and all persons holding licenses or contracts with any defendant combination or entity, shall pay the fees and sums due thereon to the receiver for such time as the court may need to effectuate the provisions of this Act and to compel any defendant to abide herewith; provided any sums paid on licenses violating this Act shall only be continued in the Court's discretion or until such time as the Court can award defendants complete and full due process of law before entering a final order thereon, or until such time as a legal and equitable system of licensing can be determined ac-

ording to the subsequent provisions of this Act; provided further, in the event any defendant or defendants attempt to withdraw their said copyright works or property from the State in order to violate and render this Act or the Court's orders ineffectual, or to deprive the citizens of this State of such commodity, or to hamper the enforcement of any provision of this Act, or to injure any citizen or use of music in any way, then the Court shall immediately order the Receiver to compile a complete list of all of the copyrighted works of said defendants which have been used in this State, and the Court shall then convene the State Anti-Monopoly Boards, as herein now created, consisting of the State Treasurer and the State Auditor, and said Board shall meet in the County where the suit is filed, and the District Judge hearing the Cause shall be an advisory member of said Board; and said Board, of which the State Treasurer shall be chairman, shall have only one function, the discouragement of price-fixing and monopolies, and the Court shall then submit to said Board the single question of the establishment of license rates for the use of these copyrighted works controlled by the defendants so proceeded against, and for the purpose of aiding in the abolition of monopolies and price-fixing, and preventing the violations of this Act, the Board shall determine a fair and just rate that the Receiver should charge for the single and separate public performance for profit of each copyrighted work or works of said defendants, on a per piece system and basis of licensing, and the Court shall not be deemed thereby to have divested itself of any of its jurisdiction by so doing; after determining such rate, the said Anti-Monopoly Board shall immediately advise the Receiver of its findings, and of its fair rate, and the same shall be filed of record in the cause, and the Receiver may then, if said finding is approved by the Court, issue licenses for the use of said music at such approved rate on a basis of so much money per each time a piece of music is played or used in a public performance for profit; that said property shall be thus administered by the Receiver for a period of one year, or until such time as the defendants, or the individual copyright owners of any combination so proceeded against take oath that they will abide by the rulings of the Court and the provisions of this Act; and all fees and funds collected by the Receiver shall be turned over to the State Treasurer, and no receivers fees or attorneys fees shall be allowed, and the Prosecuting Attorney shall be the Attorney for the Receiver, and the State Treasurer shall keep said money in a separate and special fund, subject to the order of the Court only for whatever portion thereof that the Court may order used to defray the actual expenses of the Board and the Receivership; at the end of one year, if the defendants and copyright owners or holders in any combination thus proceeded against, continue to wilfully disobey the Court's orders, then the Court shall issue an order, which shall be published in three public places, to

the effect that unless the defendants obey all of the orders of the Court within ten days from the date of said order, that the Court will proceed to permanently deprive said defendants and each of them of their property; and the Court shall then order said defendants to show cause within ten days why they should not be involuntarily compelled to assign all of their copyrighted works to the Receiver forthwith, and to show cause why all of the funds as collected in the manner aforesaid from licenses, together with all of the copyrighted works including the performing rights thereto of said defendants and members of said combine, should not escheat and be forfeited forever to the State of Montana, and be subject thereafter to administration by the State in the same manner as all other personal property belonging to the State of Montana; if any of said defendants and copyright holders, or owners, do appear before the end of said ten day period, and take oath that they will abide by the future orders of the Court and the provisions of this Act, then the Court shall release their copyrighted works and order the State Treasurer to return any and all of their money which has been received or seized; provided, however, the Court shall retain such jurisdiction over their persons for such time as the Court may deem necessary to insure strict compliance with the terms of the Court's judgment and the provisions of this Act; if any of said defendants or copyright owners or holders shall ignore or refuse to obey the show cause order, as aforesaid, or fail to appear at the end of ten days as ordered and abide by the Court's judgment, then the Court shall make an order and enter judgment to the effect that all of the copyrighted works, including the performance rights thereto, of said defendants and the members of any defendant combination, shall be construed as having been escheated and forfeited to the State of Montana, and the Court shall thereupon appoint some officer of the Court to execute an involuntary assignment of all of the legal and equitable titles to all of the copyrighted works of each of said defendants and members of any defendant combination to the Receiver, in the event the defendants or any of their members fail to execute a voluntary assignment, and the Receiver shall immediately file said involuntary assignment at the United States Copyright Office at Washington, D. C.; and the Court shall then order the Receiver to close the estate, and turn the titles to said copyrighted works over by proper assignment from the Receiver to the State Treasurer of the State of Montana, who shall thereafter administer, issue licenses for the use of the same in a manner consistent with this Act, and conserve the same as State personal property in his possession, and according to law; and any funds left in the State Treasury from said receivership shall escheat and be forfeited to the State and become part of the general fund; provided further, the State Treasurer shall make a report to the legislature on each biennium of the amount of money received from such

licensing and the amount of property he has on hand through the enforcement of this Act.

Section 9. That in the event any person, or any of the defendants, or non-residents, or non-resident copyright owners or holders, are proceeded against as herein outlined, and are served with process according to law, or any non-resident is served with process as outlined in the preceding sections of this Act, and if any of said defendants, or persons, or aiders and abettors named as defendants, appear in any such proceeding by counsel or otherwise, or institute any special proceeding attacking such proceeding, or make any motion therein, either special or general, or if any of them appear to obtain the judgment of the Court solely upon the sufficiency of the service of the process upon them, or upon any phase of particularity of said injunction proceedings, such special proceeding or appearance, or motion, or appearance, as the case may be, shall nevertheless be deemed as a general appearance even though the process may have been insufficient, and said parties and defendants as may thus appear in this action, for any reason or cause, whether they seek special or affirmative relief, shall thereafter be subject to the general orders and jurisdiction of the Court for all purposes, and if any of said defendants or persons appear in any Court proceeding instituted to effectuate this Act solely for the purpose of challenging the validity of service of process upon them they shall be deemed to have surrendered themselves and as having submitted to the general jurisdiction of the Court; provided however, this section shall not be construed as denying, and no attempt shall be made at any time in any proceeding in connection with the enforcement of this Act, to restrain or deny any of said defendants, resident or non-resident, copyright holders or owners, or any person, or members of any defendant combination, entity, pool, or monopoly of their rights or property without full and complete due process of the law. Provided, however, that nothing contained in this Act shall affect or be construed to affect motion pictures.

Section 10. Every person, in addition to the other penalties, provided in this Act, who violates or who procures, or aids or abets in the violating of any provision of this Act, or who conspires to render ineffectual any valid order or decision of any Court in the enforcement of this Act, or who procures, conspires with, or aids or abets any person or persons in his or their failure to obey the provisions of this Act, or to render ineffectual any valid order of any court in connection with the enforcement of this Act shall be deemed guilty of a gross misdemeanor, and upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not more than six months, or both such fine and imprisonment.

Section 11. In case any part or portion of this Act shall be held unconstitutional, such holding shall not affect the validity of this Act as whole or any other part or portion of this Act, and if any clause, sentence, paragraph, or subdivision, section or part of this Act shall for any reason be adjudged invalid such judgment shall not affect, impair, or invalidate the remainder of the Act, but shall be strictly confined in its operation and holding to the specific clause, sentence, paragraph, subdivision, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered; and all other Acts and laws in conflict herewith are hereby repealed.

Section 12. In the event more than one injunction suit provided for in this Act is instituted in this State, in different counties by different prosecuting attorneys, but against the same defendants, the respective District Judges hearing the causes may issue orders against said defendant in any county, but in the event any of the various county proceedings enter into the state of receivership, as herein provided, then the Judges hearing the respective causes shall order those causes where the defendants are the same, to be consolidated in one action in one particular county, and in such county as the Judges may decide, to the end that only one receivership may be appointed for the entire State for the property of the same defendant or defendants.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved, March 12, 1937.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

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

**No. 3085.** Allegedly misrepresenting domestic-made toffee as being manufactured in or imported from England, the **British American Toffee Co.**, 102 Hill St., **New Haven, Conn.**, has been named respondent in a complaint charging unfair methods of competition.

The respondent company, the complaint alleges, sells certain confections in packages bearing the names "English Toffee" or "Piccadilly Toffee," together with pictorial representations of the Tower of London, London Bridge, a coat of arms, and figures simulating British soldiers in dress and appearance. Such phrases as "Delicious English Toffees" and "England's Most Popular Sweet," and the respondent's corporate name are said to be printed upon certain of the packages.

The false and misleading representations are alleged to place in the hands of wholesalers, retailers and jobbers the means whereby they may defraud purchasers by enabling dealers to sell the respondent company's toffee products either as imported or as made in the United States in conjunction with or under license from English manufacturers.

**No. 3086. M. J. & H. J. Meyer Co., Inc.**, 145 Hudson St., New York, is charged in a complaint with unfair methods of competition in selling a table sauce under the trade brand "Pride of England Worcestershire Sauce," the product allegedly simulating in certain respects Lea & Perrins' Worcestershire Sauce.

It is alleged that the respondent corporation uses bottle wrappers or labels simulating those of Lea & Perrins as to type of paper, color, wording and other distinctive features in the printed matter, including a script signature of the respondent corporation written in black ink diagonally across the face of the wrapper.

These simulations, according to the complaint, have the tendency to induce the public to form the erroneous belief that the respondent corporation's product is the sauce manufactured and sold by Lea & Perrins, as a result of which mistaken belief substantial numbers of purchasers have bought the respondent's product, thereby unfairly diverting trade to the respondent.

**No. 3087.** Misleading representations in the sale of a medicine are alleged in a complaint issued against **William Everette**, 509 North Fifty-Eighth St., Philadelphia, trading as **W. E. & M. E. Medicine Co.**

Newspaper and magazine advertising sponsored by the respondent is alleged to have represented that "W.E. & M.E. Herb Tonic" will purify the blood, and is a body builder, and that its use will relieve constipation, chills, backaches, liver, kidney, stomach, skin, and other disorders and that no ingredient in it is harmful.

**No. 3088.** Violation of the so-called brokerage clause of the Robinson-Patman Anti-Price Discrimination Act is alleged in a complaint issued against **Oliver Brothers, Inc.**, 417-421 Canal St., New York, supplying market information and purchasing service to wholesalers, jobbers and other dealers in various parts of the country. Eleven buying and selling companies also are named respondents.

Oliver Brothers, Inc., is alleged to have been the medium through which a large group of buyers purchased commodities, mostly hardware, from a group of sellers. The complaint charges that Oliver Brothers, Inc., while acting as agent or representative of the buyers and subject to their direct or indirect control, accepted from the selling group so-called brokerage fees or commissions, varying from 1 to 10 per cent of the quoted agreed sales prices, without rendering service of any kind to the sellers in connection with these transactions of sale or purchase of goods. Such commissions, it is charged, were in turn paid over by Oliver Brothers to its buyer clients, without the latter rendering any service to the sellers in connection with the particular transactions involved. Each amount paid the individual buyer was the amount paid by the individual seller in a given transaction, according to the complaint.

**No. 3090. California Rice Industry**, a trade association with headquarters in San Francisco, 16 of its officers and eight rice milling member companies credited with milling and distributing practically all the rice produced in California, are charged in a complaint with unlawfully restricting the sale of their products through fixing and maintaining uniform prices, and with other practices, under an agreement and conspiracy in violation of Section 5 of the Federal Trade Commission Act.

Member companies are said to control and dominate the round grain or Japanese type rice industry in the United States and to direct and dominate purchasers of such rice for resale throughout the world.

The eight milling company members are: **C. E. Grosjean Rice Milling Co.**, **Capital Rice Mills**, **Growers Rice Milling Company**, **Pacific Trading Company, Inc.**, **Phillips Milling Co.**, and **Rosenberg Brothers & Co.**, all of San Francisco; **Woodland Rice Milling Co.**, Woodland, Calif., and **Rice Growers' Association of California**, West Sacramento, Calif.

They are charged with entering into the alleged combination and agreement late in August, 1935, such undertaking allegedly having resulted in undue restraint of trade in rice and rice products, enhancement of prices and maintenance of prices at artificial levels, elimination of competition, and a tendency to create monopoly.

**No. 3091.** A complaint has been issued alleging that 35 companies, producing and selling 90 per cent of the output of cast iron soil pipe in the United States, have, through use of the Birmingham Plus pricing system, substantially lessened price competition within their industry and discriminated in price among certain buyers of their products. The complaint charges violation of both the Federal Trade Commission Act and the Robinson-Patman Anti-Price Discrimination Act.

The **Cast Iron Soil Pipe Association, Birmingham, Ala.**, which is the trade organization of the industry, and its officers, also are named respondents in the complaint.

For more than ten years, according to Count One of the complaint which alleges violation of the Federal Trade Commission Act, the respondents have combined and agreed to lessen and restrain competition, and to that end have used the Birmingham Plus pricing system, under which, to the extent that the system is followed, all cast iron soil pipe, wherever produced, is sold at delivered prices, which are equivalent to the base price fixed at Birmingham, Ala., plus the freight rate from Birmingham to the buyer's freight station, wherever located. From the delivered prices there are deducted, it is said, trade discounts which vary for buyers of different classes, but are uniform to buyers of the same class.

Under the Birmingham Plus system, each respondent company, the complaint alleges, makes a delivered price, identical with that made by every other producer adhering to the system, to any given customer wherever located, such uniform pricing being carried on by each respondent company with the knowledge that all other producers following the system will quote and charge identical delivered prices.

**No. 3092.** Eleven companies said to control and dominate the production and distribution of blue print paper and other reproduction paper, cloths and allied articles used in the engineering and building trades, are named respondents in a complaint against them and their trade association, the **Scientific Apparatus Makers of America**, 20 North Wacker Drive, Chicago, and the Surveying-Drafting-Coaters Section of that association.

The complaint charges these respondents and various officers, directors and other members with combining and conspiring to fix and maintain prices, control bidding, and other unfair practices in connection with the sale of their particular type of products, in violation of Section 5 of the Federal Trade Commission Act.

Members of the association and its Surveying-Drafting-Coaters Section named as respondents are: **Charles Bruning Co., Inc.**, 102 Reade St., and **Eugene Deitzen Co.**, 218 East Twenty-Third St., both of New York City; **Keuffel & Esser Co.**, 300 Adams St., Hoboken, N. J.; **The Huey Co.**, 17 South Wabash Ave., The **Frederick Post Co.**, 3636 North Hamlin St., **Economy Blue Print Products, Inc.**, 1714 North Damen Ave., **The C. F. Pease Co.**, 813 North Franklin St., and **United States Blue Print Paper Co.**, 207 Wabash Ave., all of Chicago; **Keystone Blue Paper Co.**, 910 Filbert St., **Charles W. Speidel & Co.**, 112 North Twelfth St., and **J. H. Weil & Co.**, 1315 Cherry St., all of Philadelphia.

The Surveying-Drafting-Coaters Section, one of seven divisions of the general trade association, each division acting as a trade association to protect the interests of its own group, has approximately forty members, but this number, according to the complaint, varies from time to time because of the dropping out of old and the addition of new members so that at any one time it is impracticable to name all members as parties respondent.

The complaint names the eleven members separately and as representatives of all other members as a class, such members, according to the complaint, constituting practically all the sellers to wholesalers of, dealers in and consumers of the various products sold, especially blue print and other reproduction papers and cloths.

## Stipulations and Orders

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

**Nos. 1917 and 1918.** Two New York dealers in cosmetic products have entered into stipulations to discontinue unfair representations in the sale of their preparations. They are: **Northam Warren Sales Co., Inc.**, 191 Hudson Street, New York, and **Laure Co., Inc.**, 9 West 29th St., New York.

**Northam Warren Sales Co.**, in the sale of "Cutex Lipstick," agrees to abandon use of the word "nourishing" so as to imply that its article nourishes or feeds the lips and causes them to become smooth, moist, velvety or non-greasy in appearance as a result of such purported nourishment.

**Laure Co.** stipulated that it would cease employing the word "Paris," alone or in conjunction with other words, in the form of a signature, on display or shipping cartons or packages containing its perfume products, or in advertising matter relating to them, in a manner tending to convey the impression that



these preparations are compounded or manufactured in Paris, France, or that Laure Co., Inc., has offices there, when these are not the facts.

**No. 1920. Eastern Wine Corporation, Bronx Terminal Market, Bronx, New York City,** stipulated that it will cease labeling wine with the words "Vintage-1928," when in fact the products so described were of vintages subsequent to 1928, and will stop using any labels or vintage strips which do not accurately and truthfully represent the age of the wine. The corporation also agreed to discontinue use on labels or in advertising matter of the words "Highest award wherever exhibited," alone or with pictorial representations simulating medals, or of any other equivalent words or expressions, so as to imply that it has exhibited its wine at any exposition or fair or has been awarded medals for the excellence of its products, when such is not a fact.

**No. 1924. Red Top Brewing Co., 1747 Central Parkway, Cincinnati,** agreed to cease using on labels affixed to kegs the words "Double Brew" as descriptive of beer which is not double brewed, and to stop using the words "Double Brew," alone or with any other words, so as to imply that the product so designated has been brewed twice, when such is not a fact.

**No. 1922. Selling baby chicks, George F. Pinaire, trading as Clover Valley Poultry Farm and Hatchery, Ramsey, Ind.,** has entered into a stipulation to discontinue use in advertising matter of words or representations implying that all the baby chicks he sells are hatched from eggs produced by his own or by blood-tested flocks, when such is not a fact.

According to the stipulation, the chicks sold by Pinaire were not all hatched from eggs produced by blood-tested flocks, and he purchased from hatcheries other than his own a substantial part of the chicks required to fill orders he received.

**No. 2550. An order to cease and desist has been issued prohibiting Mutual Stores, Inc., 9th and D. Streets, and 9th and E Streets, N. W., Washington, D. C.,** from using the words "Army and Navy," or either of them, to describe merchandise offered for sale, unless these descriptions be used specifically in connection with goods actually procured from the United States Army or Navy.

Findings are that inventory of the respondent has never revealed more than 10 to 15 per cent of its goods as being surplus, refuse or reject goods from the Army or Navy. Since 1932, no substantial amount of such goods, suitable for resale in retail stores of the respondent company's type, has been offered for sale by the Army or Navy, according to the findings.

**No. 2667. An order to cease and desist has been issued requiring Havana-Florida Cigar Co., Inc., 501 North Madison St., Quincy, Fla.,** to discontinue use of the word "Havana" to describe cigars unless they are made entirely from Cuban-grown tobacco.

The respondent company's representations were held to have constituted unfair competition in violation of Section 5 of the Federal Trade Commission Act.

**No. 2752. Prohibiting certain unfair representations in the sale of fish and other sea food an order has been issued to cease and desist against M. F. Foley Co., Friend and Union Streets, Boston,** a wholesaler.

This company is directed to stop representing, directly or indirectly, through use of the word "whitefish," that fish of the salt water species known as "cusk" are whitefish.

Another practice barred is use of the word "whitefish," alone or with other words, to represent that fish of any species other than the fresh water, Great Lakes variety known as Lake Erie, Lake Superior or Selkirk whitefish, or as whitefish, are in fact whitefish.

**No. 2943. David F. Kemp, 225 Fifth Avenue, New York,** trading as **United States School of Music,** has been ordered to discontinue certain unfair methods of competition in connection with the sale of correspondence courses in music.

Among the representations prohibited are that Kemp has taught 700,000 pupils to play musical instruments; that all pupils studying the course, regardless of their degree of talent, can be taught to play a musical instrument in one-half the time usually required, and that, at the end of the course, the average pupil is sufficiently proficient to pass a teacher's examination.

#### FTC CLOSES CASES

**No. 2888. The Federal Trade Commission has closed a case involving charges of unfair competition against Four California companies alleged to have violated Section 5 of the Federal Trade Commission Act by representing their "Acme Beer" as superior to other beers because made under a "non-fattening formula."**

Closing of the case followed approval by the Commission and the signing by the respondent companies of a stipulation as to the facts. In closing the case, the Commission retains its right to reopen it at any time, should the facts warrant.

Signers of the stipulation are: **Cereal Products Refining Corporation, 762 Fulton St., San Francisco,** now known as **Acme Breweries,** and also doing business under the fictitious name of **California Brewing Association** as owner and successor of **California Brewing Association,** a corporation, named in the Commission's Complaint, but now dissolved; **Acme Brewing Co., 2080 East 49th St., Los Angeles,** and **Bohemian Distributing Co., Ltd., 2060 49th St., Los Angeles.**

Under their stipulation, the respondent companies specifically agree to cease representing their beer as containing no carbohydrates or fat-producing properties, and as being without properties for producing or inducing increase in body weight, and to stop asserting that such representations are, or may be taken to be, applicable and true for all consumers of beer.

Other advertising assertions to be discontinued are that this beer has a non-fattening quality due to a "non-fattening formula" peculiar to Acme as distinguished from other beer products, and that certain of Acme's ingredients give it a capacity to "slenderize" persons of excess weight.

Under the stipulation, the respondent companies reserve the power to advertise their beer as a food or food-beverage, and to qualify the term "non-fattening" so as to make it publicly known that this beer as a food or food-beverage is relatively "non-fattening" by comparison with other foods and as an item of normal diet. It is provided, however, that these representations be consistent at all times with the stipulated agreement.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, April 5:

Monday, April 5

#### HEARING BEFORE AN EXAMINER

(Broadcast)

**KROY—Royal Miller, Sacramento, Calif.—Modification of C. P., 1340 kc., 250 watts, 1 KW LS, unlimited. Present assignment: 1210 kc., 100 watts, daytime.**

**KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—C. P., 1390 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.**

**WMBO—Roy L. Albertson and Auburn Publishing Co., Auburn, N. Y.—Authority to transfer control of corporation; 1310 kc., 100 watts, unlimited.**

**WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Modification of C. P., 1370 kc., 100 watts, 100 watts LS, unlimited. Present assignment: 1370 kc., 100 watts, daytime.**

Tuesday, April 6

#### HEARING BEFORE AN EXAMINER

(Broadcast)

**NEW—Okmulgee Broadcasting Corp., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.**

**NEW—Times Publishing Co., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.**

**NEW—The Record Publishing Co., Okmulgee, Okla.—C. P., 1210 kc., 100 watts, daytime.**

**NEW—Beaumont Broadcasting Assn., B. A. Steinhagen, Pres., Beaumont, Tex.—C. P., 1420 kc., 100 watts, 100 watts LS.**

**KGA—Louis Wasmer, Spokane, Wash.—Modification of license, 950 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1470 kc., 5 KW, unlimited time.**

Wednesday, April 7

#### HEARING BEFORE AN EXAMINER

(Broadcast)

**WBCM—James E. Davidson, Bay City, Mich.—Modification of license, 1410 kc., 500 watts, 1 KW LS, unlimited. Present assignment: 1410 kc., 500 watts, 500 watts LS, unlimited.**

- KADA—C. C. Morris, Ada, Okla.—Modification of license, 1200 kc., 100 watts, 100 watts LS, unlimited. Present assignment: 1200 kc., 100 watts, daytime.
- KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Modification of license, 990 kc., 1 KW, 1 KW LS, limited time. Present assignment: 1000 kc., 1 KW, 1 KW LS, limited time.

Thursday, April 8

### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

#### Examiner's Report No. 1-104:

- KGGC—The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Modification of license, 1420 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts, specified hours. Other participants: None.

#### Examiner's Report No. 1-324:

- NEW—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., 1210 kc., 100 watts, daytime. Other participants: WSFA, Montgomery, Ala.; Seaboard Investment Co., Inc., Montgomery, Ala.

#### Examiner's Report No. 1-338:

- NEW—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—C. P., 1370 kc., 250 watts, daytime.

#### Examiner's Report No. 1-339:

- WMAS—WMAS, Inc., Springfield, Mass.—C. P., 560 kc., 1 KW, unlimited time.

#### Examiner's Report No. 1-342:

- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification of license, 880 kc., 500 watts, 1 KW LS, shares-WQAN. Present assignment: 880 kc., 500 watts, shares-WQAN.

#### Examiner's Report No. 1-351:

- NEW—Golden Empire Broadcasting Co., Marysville, Calif.—C. P., 1140 kc., 250 watts, daytime.

Friday, April 9

### HEARING BEFORE AN EXAMINER

(Broadcast)

- KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, unlimited time.
- NEW—Twin City Broadcasting Corp., Longview, Wash.—C. P., 780 kc., 250 watts, daytime.
- NEW—Edgar L. Bill, Peoria, Ill.—C. P., 1040 kc., 250 watts, daytime.
- NEW—Asheville Daily News, Harold H. Thoms, Owner, Asheville, N. C.—C. P., 1370 kc., 100 watts, unlimited time.

### APPLICATIONS GRANTED

- WSGN—The Birmingham News Co., Birmingham, Ala.—Granted license to cover C. P., 1310 kc., 100 watts night, 250 watts day, unlimited time. The license is granted upon condition it shall in no wise be construed as a finding upon the application for renewal of license of WSGN, or upon the application of B. H. Hopson for the facilities of WSGN, or upon any of the issues thereby raised, nor that the operation of this station is or will be in the public interest beyond the express terms hereof.
- WBBZ—Adelaide L. Carrell, Representative Estate of C. L. Carrell, deceased, Ponca City, Okla.—Granted C. P. as amended with respect to name, for installation of new equipment, erection of vertical radiator, and increase in day power from 100 to 250 watts, conditionally upon the same limitations as at present contained in station's license.
- WGCM—WGCM, Inc., Gulfport, Miss.—Granted authority to transfer control of corporation from Sam Gates to P. K. Ewing; 1210 kc., 100 watts night, 250 watts day, unlimited.
- WTFI—Liberty Broadcasting Co., Atlanta, Ga.—Granted modification of C. P. approving transmitter site and installation of vertical radiator and new equipment.
- WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Granted modification of C. P. approving transmitter and studio sites and installation of vertical radiator.

- KSJS—R. J. Laubengayer, Salina, Kans.—Granted modification of C. P. authorizing change in transmitter and studio sites, installation of new equipment, changes in antenna, and increase in day power from 100 to 250 watts.
- WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Granted modification of license to change name from Olean Broadcasting Co., Inc., to WHDL, Inc.
- KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—Granted authority to install automatic frequency control equipment, upon condition it shall not be construed as a finding upon the application for renewal of license nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms thereof.
- WCAU—WCAU, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.
- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted C. P. to make changes in composite equipment and increase day power from 100 to 250 watts.
- KFRO—Voice of Longview, Longview, Tex.—Granted license to cover C. P. and modification; 1370 kc., 250 watts, daytime only.
- WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.
- WAAJ—The Toledo Broadcasting Co., Toledo, Ohio (Mobile).—Granted voluntary assignment of C. P. from The Toledo Broadcasting Co. to the Fort Industry Company.
- W8XKD—The Toledo Broadcasting Co., Toledo, Ohio (Mobile).—Granted voluntary assignment of C. P. from The Toledo Broadcasting Co. to the Fort Industry Company.
- KABF—James McClatchy Company, Sacramento, Calif. (Mobile).—Granted voluntary assignment of license from James McClatchy Company to McClatchy Broadcasting Co.
- W6XB—Karl A. Nielsen, Phoenix, Ariz. (Mobile).—Granted voluntary assignment of license from Earl A. Nielsen to Salt River Valley Broadcasting Co.
- WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted renewal of license for the period January 1 to July 1, 1937.
- WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted renewal of license for the period March 1 to September 1, 1937.
- WWL—Loyola University, New Orleans, La.—Granted renewal of license for the period February 1 to August 1, 1937.
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted authority to transfer control from E. I. Mack to J. P. Marchant; 1310 kc., 100 watts, unlimited time. Also granted renewal of license for the period December 1, 1936, to June 1, 1937.
- KGFX—Ida A. McNeil, Pierre, S. Dak.—Granted involuntary assignment of license from Dana McNeil to Ida A. McNeil, administratrix of the estate of Dana McNeil, deceased. Also granted renewal of license for the period March 1, to September 1, 1937.
- KTOX—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted license to cover C. P. as modified. Also granted renewal of license upon a regular basis.
- WHBI—Wodaam Corporation, Newark, N. J.—Granted renewal of license for the period April 1 to October 1, 1937.
- WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted extension of present license for a period of 30 days.
- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted extension of present license for a period of 30 days.
- WMFN—Attala Broadcasting Corp., Grenada, Miss.—Granted voluntary assignment of C. P. from Attala Broadcasting Corp. to P. K. Ewing.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted extension of present license for a period of 60 days.
- NEW—Ashland Broadcasting Co., Ashland, Ky. (Mobile).—Granted C. P. for new relay station; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.
- NEW—Isle of Dreams Broadcasting Corp., Miami, Fla. (Mobile).—Granted C. P. for new station; frequencies 1606, 2022, 2102 and 2758 kc., 40 watts. Also granted license covering same.
- NEW—Indianapolis Broadcasting, Inc., Indianapolis, Ind. (Mobile).—Granted C. P. for new relay station; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.
- NEW—WAVE, Inc., Louisville, Ky. (Mobile).—Granted C. P. for new relay station; frequencies 1522, 2058, 2150 and 2790 kc., 50 watts.

NEW—The South Bend Tribune, South Bend, Ind. (Mobile).—Granted C. P. and license for new relay station; frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.

NEW—The South Bend Tribune, South Bend, Ind. (Mobile).—Granted C. P. for new relay station; frequencies 31100, 34600, 37600 and 40600 kc., 1 watt. Also granted license covering same.

WDAY—WDAY, Inc., Fargo, N. Dak. (Mobile).—Granted C. P. for new relay station; frequencies 3110, 34600, 37600 and 40600 kc., 7 watts.

NEW—Pennsylvania Broadcasting Co., Philadelphia, Pa. (Mobile).—Granted C. P. for new relay station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—Gazette Printing Co., Janesville, Wis. (Mobile).—Granted C. P. for new relay station; frequencies 31100, 34600, 37600, and 40600 kc., 2 watts.

W4XF—Isle of Dreams Broadcasting Corp., Miami, Fla. (Mobile).—Granted license to cover C. P. for relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

WAAX—The Crosley Radio Corp., Cincinnati, Ohio (Mobile).—Granted license to cover C. P. for low frequency broadcast relay station; frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.

W8XIK—The Crosley Radio Corp., Cincinnati, Ohio (Mobile).—Granted license to cover C. P. for increase in power of high frequency relay broadcast station to 50 watts.

W8XIL—The Crosley Radio Corp., Cincinnati, Ohio (Mobile).—Granted license to cover C. P. for increase in power of high frequency relay broadcast station to 50 watts.

#### SET FOR HEARING

NEW—Gallatin Radio Forum, Bozeman, Mont.—C. P. for new station to operate on 1420 kc., 250 watts, daytime only.

NEW—Leon M. Eisfeld, Burlington, Iowa.—C. P. for new station to operate on 1310 kc., 100 watts, unlimited time.

NEW—Glen E. Webster, Decatur, Ill.—C. P. for new station to operate on 1290 kc., 250 watts daytime; exact transmitter site to be determined with Commission's approval.

NEW—Harold F. Cross, Lansing, Mich.—C. P. for new station to operate on 580 kc., 500 watts night, 1 KW day, unlimited time, using directional antenna system for both day and night-time operation.

NEW—Robert E. Clements, Huntington Park, Calif.—C. P. for new station to operate on 1160 kc., 250 watts, daytime only, exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—John Stewart Bryan, Petersburg, Va.—C. P. for new station to operate on 1210 kc., 100 watts night, 250 watts day, unlimited except Sundays when WBBL operates between 10:30 a. m. to 1:30 p. m., 5:30 to 7 p. m., and 7:30 to 9:30 p. m., EST. Desires facilities of WMBG. Exact transmitter site and type of antenna to be determined with Commission approval.

NEW—Gerald A. Travis, LaPorte, Ind.—C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time.

NEW—L. L. Coryell, Sr., and L. L. Coryell, Jr., d/b as L. L. Coryell & Son, Lincoln, Nebr.—C. P. for new station amended to request —1450 kc., 250 watts night, 1 KW day, unlimited time.

NEW—Citizens Broadcasting Corp., Schenectady, N. Y.—C. P. for new station amended to request 1240 kc., 1 KW night using directional antenna, 5 KW day, unlimited time.

NEW—Standard Life Ins. Co. of the South, Jackson, Miss.—C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time; exact transmitter site to be determined with Commission's approval.

NEW—B. H. Hopson, Birmingham, Ala.—C. P. for new station amended to request 1310 kc., 100 watts night, 250 watts day, unlimited time. (Requests facilities of WSGN, contingent upon granting of application of Birmingham News Co. for new station to operate on 590 kc., 1 KW unlimited.) Exact transmitter site to be determined with Commission's approval.

NEW—Birmingham News Co., Birmingham, Ala.—C. P. for new station amended to request frequency 590 kc., 1 KW, unlimited time.

NEW—Southern Broadcasting Corp., New Orleans, La.—C. P. for new station amended to request frequency 1200 kc., 100 watts

night, 250 watts day, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval. Desires facilities of WBNO.

NEW—Arlington Radio Service, Inc., Arlington, Va.—C. P. for new station amended to request frequency 1510 kc., 250 watts, unlimited, exact transmitter site and type of antenna to be determined with Commission's approval. To be heard before Broadcast Division on date to be fixed by the Division.

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.

NEW—Phillip Jackson, Brunswick, Ga.—C. P. for new station, 1420 kc., 100 watts, daytime only.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—C. P. amended so as to request installation of directional antenna system for nighttime use, install new equipment, increase night power from 500 watts to 1 KW and day power from 1 KW to 5 KW.

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license to install a radiating system to comply with Rule 131 and change time of operation from specified hours to unlimited time.

WKBH—WKBH, Inc., LaCrosse, Wis.—Authority to transfer control of corporation from Joseph C. Callaway to Harry Dahl.

WSAN—WSAN, Inc., Allentown, Pa.—Application for voluntary assignment of license from WSAN, Inc., licensee, to WSAN, Inc., a newly organized corporation (1440 kc., 500 watts, S-WCBA).

WCBA—B. Bryan Musselman, Allentown, Pa.—Application for voluntary assignment of license from B. Bryan Musselman to WSAN, Inc. (1440 kc., 500 watts, S-WSAN).

KFYO—Plains Radio Broadcasting Co., Lubbock, Texas.—Application for renewal of license for the period December 1, 1936, to June 1, 1937. Temporary license granted pending outcome of hearing. 1310 kc., 100 watts night, 250 watts day, unlimited.

KCNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Same, except 1410 kc., 1 KW night, 2½ KW day, unlimited.

WWL—Loyola University, New Orleans, La.—Application for C. P. amended to request installation of new equipment and increase in power from 10 to 50 KW.

NEW—The Enterprise Co., Beaumont, Tex.—C. P. for new station to operate on 1400 kc., 500 watts, unlimited. Exact transmitter site to be determined with Commission's approval.

#### RENEWAL OF LICENSES

The Commission granted renewal of licenses for the regular period to the following:

KDYL, Salt Lake City; KFBB, Great Falls, Mont.; KFIO, Spokane, Wash.; KFKU, Lawrence, Kans.; KGBX, Springfield, Mo.; KGPU, Mandan, N. Dak.; KGGF, Coffeyville, Kans.; KGVO, Missoula, Mont.; KHSL, Chico, Calif.; KLCN, Blytheville, Ark.; KLPM, Minot, N. Dak.; KMA, Shenandoah, Iowa; KMBC and auxiliary, Kansas City, Mo.; KOIL, Omaha, Neb.; KOL, Seattle; KPAC, Port Arthur, Texas; KQW, San Jose, Calif.; KRKD, Los Angeles; KROW, Oakland, Calif.; KRSC, Seattle; KTAT, Fort Worth, Texas; KTRH, Houston, Texas; KTW, Seattle; KUOA, Siloam Springs, Ark.; KWLC, Decorah, Iowa; KWSC, Pullman, Wash.; KYA, San Francisco; WAAT, Jersey City, N. J.; WASH, Grand Rapids, Mich.; WAVE, Louisville, Ky.; WBRC, Birmingham, Ala.; WCAD, Canton, N. Y.; WCAM, Camden, N. J.; WCOP, Boston; WCSH, Portland, Maine; WDAE, Tampa, Fla.; WDAY, Fargo, N. Dak.; WDBJ, Roanoke, Va.; WDOD, Chattanooga, Tenn.; WEBC and auxiliary, Duluth, Minn.; WFBM, Indianapolis, Ind.; WFBR and auxiliary, Baltimore; WHA, Madison, Wis.; WHN and auxiliary, New York City; WISN, Milwaukee; WJAS, Pittsburgh, Pa.; WKAQ, San Juan, P. R.; WNAC, Boston; WNAD, Norman, Okla.; WNBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WNEL, San Juan, P. R.; WNOX, Knoxville, Tenn.; WCOD, Grand Rapids, Mich.; WORC, Worcester, Mass.; WRC and auxiliary, Washington; WREN, Lawrence, Kans.; WRR and auxiliary, Dallas, Texas; WTAW, College Station, Texas; WTCN, Minneapolis; WTOG, Savannah, Ga.; WXYZ, Detroit, Mich.; KFOX, Long Beach, Calif.; KFWB, Hollywood, Calif.; KOIN, Portland, Ore.; KRGV, Weslaco, Texas; KTFI, Twin Falls, Idaho; KVOA, Tucson, Ariz.; KVOR, Colorado Springs; WCAL, Northfield, Minn.; WDEL, Wilmington, Del.; WDSU, New Orleans; WHBI, Newark, N. J.; WJDX, Jackson, Miss.; WLB, Minneapolis; KFSG, Los Angeles, Calif.; KGCA, Decorah, Iowa; WIBA, Madison, Wis.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon renewal application.

WCAE—WCAE, Inc., Pittsburgh, Pa., Auxiliary.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon renewal application.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted renewal of license for the period ending Sept. 1, 1937.

WLBL—State of Wisconsin Department of Agriculture and Market, Stevens Point, Wis.—Granted renewal of license for the period ending Sept. 1, 1937.

WPHR—WLBG, Inc., Petersburg, Va.—Granted renewal of license for the period ending Sept. 1, 1937.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

WTNJ—WCAX, Inc., Trenton, N. J.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Present license extended on a temporary basis only for the period ending in no event later than May 1, 1937, pending receipt and action on renewal application.

The following renewals of high frequency broadcast (experimental) station licenses were granted for the period April 1, 1937 to April 1, 1938, on an experimental basis, subject to change without prior notice or hearing:

W2XDV, New York City; W9XHW, Minneapolis; W2XDG, New York City; W2XHG, New York City; W9XBS, Chicago; W9XPD, St. Louis, Mo.; W9XOK, St. Louis, Mo.; W8XAI, Victor Township, N. Y.; W8XH, Buffalo, N. Y.; W1XKA, Boston; W1XKB, East Springfield, Mass.; W3XKA, Philadelphia; W8XKA, Pittsburgh, Pa.; W5XAU, Oklahoma City; W1XER, Quincy, Mass.

The following stations were granted renewal of high frequency broadcast station licenses for the period April 1, 1937 to April 1, 1938, in exact conformity with existing licenses:

W1XEQ, Fairhaven, Mass.; W3XEY, Baltimore; W4XH, Spartanburg, S. C.; W9XJL, Superior, Wis.; W3XES, Baltimore; W4XBW, Chattanooga, Tenn.; W3XEX, Norfolk, Va.

W6XAS—Julius Brunton & Sons Co., San Francisco, Calif.—Present high frequency broadcast station license extended for a period of one month from April 1 to May 1, 1937, on a temporary basis only, pending receipt of and action on renewal application.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—Present high frequency broadcast station license extended for a period of one month from April 1 to May 1, 1937, on a temporary basis only, pending receipt of and action on renewal application.

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Present high frequency broadcast station license extended for a period of one month from April 1 to May 1, 1937, on a temporary basis only, pending receipt of and action on renewal application.

### SPECIAL AUTHORIZATIONS

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas.—Granted special temporary authorization to operate from 3:55 to 4:30 p. m., 5:30 to 7 p. m., 10:30 to 11:30 p. m., CST, April 2, 1937; 2:55 to 6 p. m., CST, April 3; 3:55 to 7 p. m., CST, April 8; 3:55 to 4:30 p. m., 5:30 to 7 p. m., CST, April 9, and 2:55 to 6 p. m. and 9:30 to 10:30 p. m., CST, April 10, 1937, in order to broadcast intercollegiate baseball games in afternoon periods and broadcast music from college student dances during night periods.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 1 p. m., CST, March 31, April 7, 14, 21 and 28, 1937, in order to broadcast religious programs of the Calvary Northland Missions of Ontonagon Mich.

WELI—City Broadcasting Corp. New Haven Conn.—Granted special temporary authority to operate unlimited time on Saturday, April 3, in order to broadcast a special birthday anniversary banquet to be tendered Gov. Cross at Hotel Taft, New Haven. Also granted special temporary authority to operate from 8 p. m. Monday, April 12, to the conclusion of the business of the 27th Annual Convention of the Connecticut Parents and Teachers Association held at the Hotel Taft.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (April sunset, 6:45 p. m.) to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays during month of April, pending compliance with Rule 131 on modification of license application requesting this authority.

KRMC—Roberts-McNab Co., Jamestown, N. Dak.—Granted special temporary authority to operate unlimited nighttime during program test period (provided KVOX is not broadcasting).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m. and 2 to 3 p. m., EST, from March 25 to April 4, 1937, inclusive (provided WSVS remains silent), in order to broadcast religious, education, etc., programs.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from local sunset (April sunset 6:45 p. m.) to 9 p. m., CST, on Sundays, April 4, 11, 18, 25, 1937, in order to broadcast services of the Kelly Memorial Methodist Church of Longview.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays, from April 1 to April 30, 1937, inclusive (provided WBBL remains silent), in order to broadcast special programs.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 9 p. m., MST, Easter Sunday, March 28th, in order to broadcast Easter Cantata.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate from 5 to 6 a. m., CST, March 28, in order to broadcast Annual Sunrise Easter Service.

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted special temporary authority to operate unlimited time on night of March 31, in order to broadcast the Shriners' Hospital benefit program from the stage of the Capitol Theater.

### APPLICATIONS DENIED

Essex Broadcasters, Inc., Detroit, Mich.—Denied authority to transmit program of the Detroit and Michigan Exposition from Convention Hall in Detroit, featuring a "Pronounce-a-down" to Radio Station CKLW, Windsor, Ontario, on one night only between April 2 and 11, 1937.

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate unlimited time on the evenings of April 8, 9 and 10, 1937, in order to broadcast the A. A. U. National Swimming Indoor Championships from the Payne Whitney Gymnasium Pool at Yale University. Also denied special temporary authority to operate from local sunset (March sunset, 6 p. m.) to 8 p. m., EST, Easter Sunday, March 28, in order to broadcast Easter program from New Haven County Jail.

The following cases, 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):

KUOA—KUOA, Inc., Siloam Springs, Ark.—Modification of license 620 kc., 5 KW, daytime.

NEW—C. P. Sudweeks, Spokane, Wash.—C. P. 950 kc., 500 watts, 1 KW-LS, unlimited.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P. 1390 kc.; 500 watts, 1 KW, unlimited.

### APPLICATIONS DISMISSED

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

NEW—Howard A. Miller, Galesburg, Ill.—C. P. 1500 kc., 100 watts, daytime.

NEW—Staunton Broadcasting Co., Inc.—Staunton, Va.—C. P. 1500 kc., 250 watts, daytime.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—C. P. 1230 kc., 1 KW unlimited.  
 KVOO—Southwestern Sales Corp., Tulsa, Okla.—C. P. 1140 kc., 50 KW, Simultaneous day, WAPI, S-WAPI night.  
 WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license 1370 kc., 100 watts, 250 watts, specified hours.  
 WHK—Radio Air Service Corp., Cleveland, Ohio.—Modification of license 1390 kc., 1 KW, 5 KW, unlimited.  
 NEW—Galesburg Printing & Pub. Co., Galesburg, Ill.—C. P. 1500 kc., 250 watts, daytime.

#### EXAMINERS REPORTS SUBMITTED DURING WEEK OF MARCH 16 TO 26, 1937

NEW—Ex. Rep. 1-368: H. W. Wilson & Ben Farmer, Wilson, N. C.—Examiner Seward recommended grant of C. P. to construct new station to operate on 1310 kc., 100 watts daytime.  
 NEW—Ex. Rep. 1-369: John R. & Joe L. Peryatel & Richard K. Beauchamp, d/b as Peryatel Bros. & Richard Beauchamp, Raton, N. Mex.—Examiner Seward recommended denial without prejudice of application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited.  
 NEW—Ex. Rep. 1-370: Falls City Broadcasting Corp., Falls City, Nebr.—Examiner Walker recommended denial of application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited.  
 WBAX—Ex. Rep. 1-371: John H. Stenger, Jr., Wilkes-Barre, Pa.—Examiner Bramhall recommended grant of modification of license to change hours of operation from specified to unlimited.  
 WELI—Ex. Rep. 1-372: City Broadcasting Corp, New Haven, Conn.—Examiner Seward recommended that application to change frequency from 900 kc. to 930 kc. power from 500 watts to 250 watts night, 500 watts LS, and hours of operation from daytime to unlimited be granted conditionally.  
 NEW—Lawrence K. Miller, Pittsfield, Mass.—Recommended denial of Miller application for C. P. for 930 kc., 250 watts, daytime.  
 NEW—Ex. Rep. 1-373: J. L. Statler, d/b as Baker Hospital, Muscatine, Ia.—Examiner Walker recommended denial of authority to transmit programs to stations in Canada and Mexico.  
 NEW—Ex. Rep. 1-374: H. O. Davis, Mobile, Ala.—Examiner Seward recommended denial of application to erect new station to operate on 610 kc., 250 watts, night, 500 watts LS, unlimited.  
 NEW—Ex. Rep. 1-375: Harold Thomas, Pittsfield, Mass.—Examiner Seward recommended denial of application for new station to operate on 1310 kc., 100 watts, N, 250 watts LS, unlimited.  
 KRLH—Ex. Rep. 1-376: Clarence Scharbauer, Midland, Tex.—Examiner Seward recommended denial for want of prosecution of application to change frequency from 1420 kc. to 1210 kc.  
 NEW—Ex. Rep. 1-377: Radio Enterprises, partnership of J. R. Curtis & R. Lacy, Lufkin, Tex.—Examiner Seward recommended denial of application for C. P. for new station to operate on 1310 kc., 100 watts, daytime; and, NEW—Red Lands Broadcasting Assn., Ben T. Wilson, Pres., Lufkin, Tex.—Examiner Seward recommended grant of application for new station to operate on 1310 kc., 100 watts, daytime.  
 WJBR—Ex. Rep. 1-378: J. B. Roberts, Gastonia, N. C.—Examiner Bramhall recommended denial of application for modification of C. P. requesting additional time to construct station; and, NEW—Virgil V. Evans, Gastonia, N. C.—Recommended denial of application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited.

#### ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. 1-369: John R. and Joe L. Peryatel and Richard K. Beauchamp, d/b as Peryatel Bros. & Richard K. Beauchamp, Raton, N. Mex.—Denied with prejudice application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Order effective March 26, 1937. Examiner P. W. Seward sustained in part.

#### ORAL ARGUMENT

NEW—Ex. Rep. 1-358: Loyal K. King, Pasadena, Cal.—Oral argument to be held May 13, 1937.

#### RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown:  
 W10XAL—Columbia Broadcasting System, Inc., New York City—Granted authority to operate as licensed period 30 days from March 25 relaybroadcast series interviews Washington, D. C., residential Districts.  
 W10XZ—Columbia Broadcasting System, Inc., New York City—Granted authority to operate as licensed March 28 relaybroadcast Easter Parade, New York City.  
 W8XF0—Crosley Radio Corp., Cincinnati, Ohio—Granted authority operate as licensed 3-28 and 3-21 relaybroadcast Dog Show.  
 W10XAH-W10XAV-W2XF—National Broadcasting Co., Inc., New York City—Granted authority operate as licensed 3-28 relaybroadcast Easter Parade on Fifth Avenue.  
 WXER-W9XAI—Journal Company, Milwaukee, Wis.—Granted authority operate as licensed for tests on 3-30 and 3-31 and relaybroadcasts 4-1 to 4-3, inclusive, of smelt run at Escanaba, Mich.  
 KABE-KIGA—National Broadcasting Co., St. Paul, Minn.—Granted authority operate as licensed 3-27 relaybroadcast Minneapolis Journal's Dig Parade.  
 W9XPS—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to operate as licensed on 3-28 relaybroadcast street interviews in Peoria.  
 W3XGO-W3XGP—Baltimore Radio Show, Inc., Baltimore, Md.—Granted authority operate as licensed on 3-28 relaybroadcast description Easter Parade.  
 W8XH0—Radio Air Service Corp., Cleveland, Ohio—Granted authority to operate as licensed on 4-2 relaybroadcast program "Broadcast on Campus" from campus Western Reserve University.  
 WJEP—Stromberg-Carlson Tele. Mfg. Co., Rochester, N. Y.—Granted authority operate as licensed 3-24 to 4-3 inclusive, relaybroadcast Safety Campaign.  
 W9XPN-W9XPV—WDX Broadcasting Co., Tuscola, Ill.—Granted authority operate as licensed period March 24 to April 22 relaybroadcast from train running between Villagrove and Tuscola.  
 KIIH-KFAB Broadcasting Co., Lincoln, Nebr.—Granted authority as licensed on 3-28 relay broadcast Easter Parade, Lincoln, Nebr.  
 WBAM-W10XIP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted authority to operate as licensed on 3/28 relay broadcast description Easter Parade, New York.  
 WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted special temporary authority to operate from local sunset (March sunset, 5:45 p. m., CST) to 10 p. m. March 22, 1937, in order to broadcast a Democratic Jamboree; also operation unlimited time on April 5, 1937, in order to broadcast election returns.  
 WHBI—May Radio Broadcast Corporation, Newark, N. J.—Granted special temporary authority to use the transmitter of WNEW from 3 to 5 p. m., March 22 and 29, in order to broadcast baseball games from Florida.  
 WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Granted special temporary authority to use transmitter studio as main studio for period not to exceed 30 days while main studio is being remodeled.  
 KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate a 100 watt portable test transmitter on 1290 kc., between hours of 1 and 6 a. m., for period March 18 ending no later than April 1, to conduct location survey.  
 WPHR—WLBG, Inc., Petersburg, Va.—Granted special temporary authority to operate a 50 watt portable test transmitter in vicinity of Richmond, Va., between hours of 12 midnight and 6 a. m., EST, for period not to exceed 30 days, in order to make field intensity survey tests.  
 KPRC—Houston Printing Corp., Houston, Texas.—Granted extension special temporary authority to operate with 5 KW power night for period March 25 to April 23, 1937.  
 KALB—Alexandria Broadcasting Co., Alexandria, La.—Granted special temporary authority to operate from local sunset (March sunset, 6:15 p. m. and April sunset, 6:30 p. m., CST), to 12 midnight, for period March 22 to 27 inclusive, March 29 to 31, inclusive, April 1, 2, 3, 5 and 6, in order to broadcast local political campaign.

WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Granted special temporary authority to operate with power not to exceed 25 watts on the following frequencies: 550, 590, 650, 710, 780, 830, 890, 940, 990, 1050, 1100, 1140, 1190, 1240, 1300, 1350, 1400, 1460, 1520, 1550 and 1600 kc., between 1 and 6 a. m., for period not to exceed 3 weeks from March 16 (instead of April 16, 1937, granted March 9), in order to obtain information on performance of roof antennas by taking measurements of field produced by new tower at various heights.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent for period March 16 to April 15, for purpose of rebuilding transmitter to comply with Rule 132.

The Broadcast Division denied the request of WDAS Broadcasting Station, Inc., for extension of time for filing of its appearance in Docket 4080, in re its application for C. P.

Granted petition of Citizens Broadcasting Corporation to intervene in proceedings on application of Troy Broadcasting Co., Inc., for C. P. for new station at Troy, N. Y.

Granted petition of Hearst Radio, Inc., to intervene in the proceedings on the application of Troy Broadcasting Co., Inc., for C. P.

Denied motion of Congress Square Hotel Co. and Bremer Broadcasting Corp. to quash the Order to Take Depositions in Docket 4306 (application of Troy Broadcasting Co., Inc.) With regard to the Order of the Commission dated Feb. 26, 1937, for the taking of depositions by the Troy Broadcasting Co., Inc., in this case, the Broadcast Division waived the requirements of Rule 106.23 requiring a statement of the matters and facts which it is expected the witnesses will testify.

Granted petition of National Battery Broadcasting Co. to intervene in the proceedings on the application of Edward Hoffman (WMIN), St. Paul, Minn., for modification of License Docket 4342.

Granted petition of Smith, Keller & Cole (a partnership) for postponement of oral argument upon its application for C. P. for new station in San Diego, Calif., Docket 3939, until oral argument is heard with respect to application of Pacific Acceptance Corp. for C. P. to establish a new station in San Diego, Docket No. 2968.

The Broadcast Division waived requirements of Rule 104.6(b) and accepted the answer of the Mississippi Broadcasting Co., Inc. (WCOC), to the appearance of the applicant in the proceedings on the application of Virgil V. Evans, d/b as The Voice of S. C., Spartanburg, S. C., for C. P.

The Broadcast Division denied the petition of W. A. Patterson (WAPO), Chattanooga, Tenn., to grant without a hearing his application for C. P.

Granted petition of Royal Miller (KROY), Sacramento, Calif., requesting that the order to take depositions in support of his application for modification of C. P., Docket 4234, be amended so as to add the names of Al Wolfe and Robert Barringer of Sacramento, Calif., as witnesses to be examined on March 22, 1937, subject to any objections that may be raised by parties with conflicting interests.

## ORAL ARGUMENTS CONTINUED

Oral arguments scheduled for Thursday, April 1, 1937, involving Examiner's Reports Nos. 1-104, No. 1-324, and No. 1-334, were continued until April 8, 1937.

## APPLICATION RETIRED TO CLOSE FILE

KCRJ—Charles C. Robinson, Jerome, Ariz.—Application requesting authority to install new transmitter and antenna system, change hours of operation from specified to daytime, granted on July 2, 1936, was retired to closed files for want of prosecution.

## MISCELLANEOUS

Asheville Daily News, Harold H. Thoms (owner), Asheville, N. C.—Decided to hold on April 9, 1937, a rehearing on application for new station to operate on 1370 kc., 100 watts, unlimited time.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Denied petition requesting authority to participate in oral argument on examiner's report covering application of Clarence C. Dill for C. P. to erect new broadcast station in Washington, D. C., to operate on 1390 kc., 1 KW, unlimited time.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted petition to intervene in the hearing on the application of W. Va. Newspaper Publishing Co. for C. P. to erect a new broadcast station at Clarksburg, W. Va., to operate on 1250 kc., 1 KW, daytime only.

NEW—Athens Times, Inc., Athens, Ga.—Granted petition to intervene in the hearing on application of J. K. Patrick & Co. for C. P. to erect new station at Athens, Ga., to operate on 1310 kc., 100 watts night, 250 watts LS, unlimited time.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted petition to intervene in the hearing on the application of the Radiotel Corp. for C. P. to erect a new station in San Diego to operate on 920 kc., 500 watts, unlimited time.

KALB—Alexandria Broadcasting Co., Alexandria, La.—Denied petition asking Commission to cancel oral argument in Docket 4110. Postponed action on petition in so far as it prays for grant of the application until the application is determined upon its merits. This is an application for modification of license to change frequency from 1420 kc. to 1210 kc., and to increase hours of operation from daytime to unlimited.

WPG—City of Atlantic City, Atlantic City, N. J.—Granted petition to intervene in the hearing on the application of the Press-Union Publishing Company for a C. P. to erect a new station at Atlantic City to operate on 1200 kc., 100 watts, 250 watts LS, unlimited time.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Granted petition to intervene in the hearing on the application of the Northwest Research Foundation, Inc., for C. P. to erect a new special broadcast station to operate on 1530 kc., 1 KW, unlimited.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted petition to intervene in the hearing on the application of the Voice of Detroit, Inc., for a C. P. to erect a new broadcast station at Detroit, Mich., to operate on 1120 kc., with 500 watts night, 1 KW LS, unlimited time.

WJW—WJW, Inc., Akron, Ohio.—Granted petition to intervene in the hearing on the application of the Summit Radio Corp. for C. P. to erect a new broadcast station at Akron, Ohio, to operate on frequency 1550 kc., 1 KW, unlimited time.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted petition to intervene in the hearing on the application of George W. Young for C. P. to erect a new station in St. Paul, Minn., to operate on 920 kc., with 1 KW night, 5 KW LS, unlimited time.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted petition to intervene in the hearing on the applications of the National Battery Broadcasting Co. for C. P. to erect two new stations in St. Paul, Minn., (1) to operate on the frequency 580 kc., with 1 KW, unlimited, and (2) to operate on the frequency of 920 kc., with 1 KW, unlimited time.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Accepted answer to the appearance of the applicant in re application of Aberdeen Broadcast Co. (KABR), Docket 4255.

Paul B. McEvoy, Hobart, Okla.—Granted petition to withdraw without prejudice application for authority to erect and operate a new broadcast station to use 1420 kc., 100 watts, daytime.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Continued for approximately 30 days from April 13, 1937, hearing on application for C. P. to install vertical antenna and to increase power from 500 watts to 1 KW during nighttime hours.

WCAZ—Superior Broadcasting Service, Carthage, Ill.—Granted request to withdraw its application for modification of C. P. to make changes in equipment and to increase power from 100 watts to 250 watts, daytime only.

C. Kenneth Miller, Tulsa, Okla.—Denied petition asking Commission to reconsider and grant application for C. P. to erect new broadcast station to operate on 1310 kc., 100 watts, unlimited time. Hearing set for April 23, 1937.

Dr. William States Jacobs, d/b as William States Jacobs Broadcasting Co., Houston, Tex.—Granted request to continue hearing about 30 days after April 5, 1937, the date now set. This is an application for C. P. to erect new station at Houston to operate on 1230 kc., 1 KW, unlimited time.

F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Granted petition to reopen for further hearing on date about 30 days hence for purpose of receiving depositions. Secretary of Commission to send depositions formerly filed

in this Docket (No. 3979) to Charles Robert Jones, Notary Public, Rossville, Ga., under Commission seal for purpose of having deponents subscribe to depositions and return to Secretary at least 5 days prior to date of the reopened hearing.

WSAU—Northern Broadcasting Co., Wausau, Wis.—Rule 104.4 suspended with regard to application for modification of C. P. requesting increase in operation from daytime to unlimited time. Objections of Edward Hoffman dismissed.

WSAY—Brown Radio Service & Lab., Gordon P. Brown, owner, Rochester, N. Y.—Denied petition to reconsider and grant without hearing application to make changes in equipment and to increase power from 100 watts day only to 100 watts night and 250 watts day—full time.

Harold F. Gross and Edward C. Shields, Bay City, Mich.—Denied motion asking bill of particulars in application of James E. Davidson's (WBCM) application for modification of license of station WBCM to increase power from 500 watts unlimited time to 500 watts night, 1 KW until local sunset.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Denied petition asking Commission to reconsider and grant without hearing application for assignment of license of KOOS, daytime station operating on 1210 kc., from Pacific Radio Corp. to KOOS, Inc.

## APPLICATIONS RECEIVED

### First Zone

NEW—The Colonial Network, Inc., Providence, R. I.—Construction permit to erect a new broadcast station to be operated on 720 kc., 1 KW power, limited time. Amended to change name from Bay State Broadcasting Corporation to The Colonial Network, Inc.

NEW—Thomas J. Watson, Endicott, N. Y.—Construction permit to erect a new broadcast station to be operated on 1240 kc., 1 KW power, unlimited time, directional antenna for night use. Amended to give studio site as North Avenue, Endicott, N. Y., and transmitter site as 3½ miles east northeast of Endicott, adjacent to I. B. M. Gun Club, Union Township, New York.

WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license to increase power from 500 watts to 1 KW.

### Second Zone

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to change frequency from 1160 kc. to 1140 kc., hours of operation from simultaneous day WOWO, share WOWO night, to unlimited time, and install directional antenna for night use. Amended to change transmitter site from Bell's Lane, 8½ miles northeast of Wheeling, West Liberty, W. Va., to 2½ miles east of St. Clairsville, Richland Township, Ohio.

WCPO—Continental Radio Co., Cincinnati, Ohio.—License to cover construction permit (B2-P-1464) for new transmitter and antenna and move of transmitter.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Modification of license to change specified hours from daily except Sunday, 9:30 a. m. to 4:30 p. m.; Sunday, 9:00 a. m. to 1:30 p. m., CST, to daily except Sunday, 9:30 a. m. to 1:30 p. m.; 4:30 p. m. to 7:30 p. m.; Sunday, 9:00 a. m. to 1:30 p. m., CST.

WBLK—The Exponent Co., Clarksburg, W. Va.—Modification of construction permit (B2-P-1127) as modified for new transmitter and changes in hours of operation from day to unlimited, power from 100 watts to 100 watts night, 250 watts day, extend commencement and completion dates 90 and 180 days respectively, and make changes in antenna. Amended: Request 100 watts power day and night, and equipment changes.

WLAP—American Broadcasting Corporation of Kentucky, Lexington, Ky.—License to cover construction permit (B2-P-1373) as modified for equipment changes and approval of transmitter and studio sites.

WHP—WHP, Inc., Harrisburg, Pa.—License to cover construction permit (B2-P-1239) for new antenna and move of transmitter.

### Third Zone

KVOO—Southwestern Sales Corporation, Tulsa, Okla.—Construction permit to change hours of operation from simultaneous day WAPI, share WAPI night, to unlimited time, and install directional antenna for night use.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Modification of license to change hours of operation from simultaneous day, share WWVA night, to unlimited time. (Contingent upon the granting of WWVA's application for change in frequency.)

NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 250 watts power, daytime operation.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Modification of construction permit (B3-P-539) for new station, requesting approval of vertical antenna approval of transmitter site at Ocean Drive, Corpus Christi, Texas, and studio at Medical Professional Building, Corpus Christi, Texas.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Modification of license to increase night power from 500 watts to 1 KW.

WRDW—Augusta Broadcasting Co., Inc., Augusta, Ga.—Modification of construction permit (B3-P-1301) for move of transmitter and installation of vertical antenna requesting changes in equipment, and increase in power from 100 watts to 100 watts night, 250 watts day. Also extend completion date from 5-29-37 to 90 days after grant.

### Fourth Zone

KVOX—Robert K. Herbst, Moorhead, Minn.—Voluntary assignment of construction permit (B4-P-324) from Robert K. Herbst to KVOX Broadcasting Co.

NEW—Galesburg Broadcasting Co., Galesburg, Ill.—Construction permit for a new station to be operated on 1500 kc., 250 watts, daytime.

NEW—Metropolitan Radio Service, Inc., Chicago, Ill.—Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW power, unlimited time.

W9XAI—The Journal Co., Mobile, Ala.—Construction permit for replacement of transmitter and increase power from 7.5 watts to 50 watts.

### Fifth Zone

KXA—American Radio Telephone Co., Seattle, Wash.—Construction permit to make changes in equipment, install vertical antenna, increase power from 250 watts night, 500 watts day, to 1 KW and move transmitter and studio from 218 Bigelow Building, Fourth Avenue and Pike Street, Seattle, Washington, to site to be determined, Seattle, Washington.

KROY—Royal Miller, Sacramento, Calif.—License to cover construction permit (B4-P-713) as modified, for a new station.

KHUB—F. W. Atkinson, Watsonville, Calif.—License to cover construction permit (B5-P-781) as modified, for a new station.

KMO—KMO, Inc., Takoma, Wash.—License to cover construction permit (B5-P-1235) as modified, for increase in power, new equipment and move of transmitter.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW day and night.

NEW—Warren B. Worcester, San Diego, Calif.—Construction permit to erect a new station on 1400 kc., 250 watts night, 1 KW day, unlimited time.





# The National Association of Broadcasters

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

## NAB REPORTS

Vol. 5 - No. 15  
APRIL 8, 1937

Copyright, 1937. The National Association of Broadcasters

### WASHINGTON HIGHLIGHTS

Chicago selected for NAB Convention \* \* \* \* NAB Board of Directors decide at meeting in Washington, D. C., to assist in defense of the Montana and Washington State Copyright Laws \* \* \* \* endorse both the Duffy Copyright Bill (S. 7) and the Sheppard Copyright Bill (S. 2031) \* \* \* \* appoint committee to investigate problem looking to refund of monies paid to the Warner Bros.-owned Music Publishers Holding Corporation \* \* \* \* Appraise Havana conference \* \* \* \* Board members audition NAB recorded library \* \* \* \* authorize officers to proceed with the incorporation of a Bureau of Copyrights.

### NAB CONVENTION AT CHICAGO IN JUNE

The Board of Directors at their Spring Meeting selected Chicago, Illinois, as a meeting place for the 15th Annual NAB Convention. The exact date in June will be selected by the Executive Committee at an early date.

### NAB DIRECTORATE DIRECTS ASSISTANCE BE GIVEN MONTANA AND WASHINGTON

The Board of Directors of the NAB at a meeting held in Washington, D. C., April 7 agreed that competent counsel should be retained to assist in the defense of the Montana and Washington State Copyright laws and to advise State Associations concerning proposed legislation in their respective states.

### NAB ENDORSES FEDERAL COPYRIGHT BILLS

The NAB Directors on April 7 voted to support both the Duffy Copyright Bill (S. 7) and the Sheppard Copyright Bill (S. 2031). The Sheppard Bill is identical with the bill proposed by Ed Craney (KGIR, Butte, Mont.) in his letter to the General Manager of the Ascap on February 7, 1937, copy of which Mr. Craney sent to all NAB members.

### COMMITTEE APPOINTED TO INVESTIGATE REFUNDS BY WARNER BROS. MUSIC SUBSIDIARY

President C. W. Meyers, under authority given by the NAB Directorate on April 7, has appointed Joe Maland

(WHO, Des Moines), John Elmer (WCBM, Baltimore), and John Gillin (WOW, Omaha) as a committee of three to investigate and forward plans seeking the refund of monies paid by broadcasting stations to the Music Publishers Holding Corporation, a Warner Bros. subsidiary.

### BOARD APPRAISES HAVANA CONFERENCE

The Board of Directors of the NAB this week discussed the many ramifications of the International Radio Conference just concluded at Havana, Cuba. The Managing Director, James W. Baldwin, who spent a week in Havana as an unofficial observer, commended the attitude displayed by the members of the various government delegations and expressed the view that by reason of their technical qualifications and serious intentions very constructive results might be expected at the next conference scheduled to open in Havana November 26th.

The members of the Board were in agreement on the proposal that the problems incidental to a North American Radio agreement should be carefully studied and appraised in the interests of good radio broadcasting.

### INITIAL AUDITION NAB RECORDED LIBRARY ENTHUSIASTICALLY RECEIVED BY BOARD OF DIRECTORS

At a meeting of the Board of Directors this week the Director of the Bureau of Copyrights, Edward J. Fitzgerald, gave a one hour audition for the Directors to demonstrate the progress of the Bureau of Copyrights in the building of an electrical transcription library based primarily on public domain music.

The selections performed for the Board members were

### IN THIS ISSUE

	Page
Washington Highlights	2025
Convention City Selected	2025
Defense of State Copyright Laws	2025
Duffy and Sheppard Bills Endorsed	2025
MPHC Refund	2025
Havana Conference	2025
NAB Recorded Library	2025
Broadcast Court Docket	2026
Changes Recommended for WATR	2026
Brief in Support of State Copyright Bill	2026
Federal Trade Commission Action	2028
FTC Case Dismissed	2034
Federal Communications Commissions Action	2034

typical examples of one hundred and eighty selections comprising ten hours of music which have been produced by the NAB and which very shortly will be offered to member stations.

The quality of the library may best be measured by the unanimous adoption of a motion by the Board that the Managing Director and his staff should be highly commended for the work thus far accomplished in the building of a music library.

The present schedule of the Bureau of Copyrights calls for a total of twenty-five hours of recordings (approximately 500 selections) by June first.

Just one year ago this month the Board of Directors at a meeting in Chicago approved a plan submitted by the Managing Director which had as its main objective the creation of a library of one hundred hours of music based primarily on music in the public domain. The production and recording of the first 10 hours of music signals the execution of the plan which won the almost universal approval of the NAB members at the 14th annual convention.

The success of the NAB's efforts in building a so-called public domain library is expected to be judged by the ability of the arranging staff to modernize the old musical selections and make them conform to present day needs. This ability on the part of the Bureau of Copyrights is well demonstrated in the variety contained in the first ten hours including the popular swing dance numbers and other modern arrangements.

The creation of an independent supply of music for radio broadcasting should win the hearty approval of those representatives of the ASCAP, who for several years have publicly criticized the use of popular music by radio broadcasting stations and charged that the radio broadcasting industry was responsible for "killing" the sales of popular sheet music. Also, it is expected that the NAB accomplishments in creating for radio a supply of music based primarily on musical selections in the public domain will be cheered by those who have complained so vigorously against the use of phonograph records by radio broadcasting stations.

With the creation of a new corporation which has been authorized by the Board of Directors and which will handle all the business details incidental to distributing the music, definite proposals including cost of materials (recordings and sheet music) will be formally submitted to the membership. It is expected that distribution will begin within 30 to 60 days.

### BROADCAST COURT DOCKET

The following broadcast cases are now pending in the United States Court of Appeals for the District of Columbia:

Case No. 6762—Paul R. Heitmeyer (Cheyenne, Wyo.) vs. FCC.  
Case No. 6772—Eastland Company vs. FCC.

Case No. 6773—Congress Square Hotel vs. FCC.  
Case No. 6818—The Monocacy Broadcasting Company vs. Anning S. Prall et al., as FCC.  
Case No. 6852—Great Western Broadcasting Association, Inc. vs. FCC.  
Case No. 6853—Great Western Broadcasting Association, Inc. vs. FCC.  
Case No. 6854—Intermountain Broadcasting Corporation vs. FCC.  
Case No. 6866—Pulitzer Publishing Company vs. FCC.  
Case No. 6869—Missouri Broadcasting Company vs. FCC.  
Case No. 6870—A. H. Belo Corp. (WFAA) vs. FCC.  
Case No. 6906—Red River Broadcasting Company, Inc. vs. FCC.  
Case No. 6911—Continental Broadcasting Company vs. FCC.  
Case No. 6931—Tri-State Broadcasting Company, Inc. vs. FCC.

### CHANGES RECOMMENDED FOR WATR

Broadcasting station WATR, Waterbury, Conn., applied to the Federal Communications Commission to change its frequency from 1190 to 1290 kilocycles, increase its power from 100 to 250 watts and change its hours of operation from sharing with WOAI to unlimited time.

Examiner Melvin H. Dalberg in Report No. I-379 recommended that the application be granted. He found that there is ample program material available for additional hours of broadcasting and that the proposed operation of the station will not adversely affect the interests of any licensed station. Also there are "no pending applications which involve the possibility of objectionable interference to other stations." The Examiner found that the granting of the application would be in the public interest.

### BRIEF IN SUPPORT OF STATE COPYRIGHT BILL

Kenneth C. Davis has furnished the NAB with a copy of his brief in support of the State of Washington Copyright Bill (see NAB REPORTS, Vol. 5, No. 14, Page 2010).

Mr. Davis' brief follows:

The states have jurisdiction over a combination of copyright owners or proprietors, in that, "no more than the patent statute was the copyright act intended to authorize agreements in restraint of trade and tending to monopoly."

Straus vs. American Publishers Assn., 231 U. S. 222-224.  
Washington vs. ASCAP, 13 Fed. Supp. 141 (Vol. 13, No. 2).

"While the compositions owned and controlled by the defendant American Society of Composers, Authors and Publishers may be copyrighted, a suit to enjoin a conspiracy to restrain commerce and trade in such compositions is not one arising under the copyright laws of the United States." (Citing Straus vs. American Publishers, (supra) and Standard Oil Company vs. U. S., 283 U. S. 163.)

State of Washington vs. ASCAP, 13 Fed. Supp. 141 (Vol. 13, No. 2).

The appointment of a receiver in such a case is merely incidental to the main suit.”

Washington vs. ASCAP (Supra).  
(There are many cases on this point—see reported decision.)

The states may enforce the monopoly law in their way. —“It cannot be denied that the power of the state to protect the lives, health and property of its citizens, and to preserve good order *and the public morals*, its power to govern man and things within the limits of its dominion” is a power originally and always belonging to the states, not surrendered by them to the general government, nor directly restrained by the constitution of the U. S. and essentially exclusive.”

U. S. vs. Knight, 156 U. S. 1 and page 11.

A receiver may be appointed to enforce the Anti-trust laws, and the monopoly laws of a state.

McKinney vs. Kansas Natural Gas Co., 206 Fed. 772 (777).  
Malloney, Atty. General of Illinois, vs. American Tobacco Company, 221 U. S. 106.  
Clerk on Receivers, Vol. 1, Sec. 243, p. 332.  
Washington vs. ASCAP (supra).  
United States vs. Union Pacific Railroad, 226 U. S., p. 98.

Copyrights are property.

Ager vs. Murray, 105, 105 U. S. 126.

Mere service of process is not a Federal question.

Germanin Ins. Co. vs. Wisconsin, 119 U. S. 473.

*An intangible property may be so used in a state other than the owner's domicile as to give such property a situs analogous to the actual situs of tangible personal property in said state.*

U. S. National Bank vs. Main, 284 U. S. at 331.  
Palmer vs. Texas, 212 U. S., page 119.

The states have control over all property, tangible or intangible, having its situs there.

U. S. vs. Knight, 156 U. S. 1.

The situs of copyrights are coextensive throughout the United States.

Ager vs. Murray, 105 U. S. 126, 130.

A Texas statute providing that *Special appearances* shall constitute a general appearance does not deny “due process of Law or act as ‘deprivation of property rights.’” The Supreme Court of the United States so held in York vs. Texas, 11 Supp. Court 9, and Kaufman vs. Westers, 11 Supp. Court 298, a special appearance based on such a statute thus brings the defendants, non-resident or resident, personally and generally before the court.

The Federal courts would have no jurisdiction under the copyright laws, if any defendant sued for infringement, as the Receiver would have issued a license, and where a license exists, the copyright laws are only incidentally drawn into question; and as the state courts can determine *questions* or rights concerning the *title* of copyrights, and since there is a difference between a *case* and a *question* on copyright, the Federal court would have no jurisdiction until recission was sought by such plaintiff

of the license issued by the receiver in the State Court. Then too, the Copyright law states the “owner or proprietor” must bring an infringement action, and obviously the title would not be clear, so the infringement suit really involves only a “question” on copyright and not a “case,” and the State courts have jurisdiction thereof, and the Federal court has no such jurisdiction under the copyright laws.

McMullen vs. Bowers, 102 Fed. 494; Standard Dental vs. Tooth Co., 95 Fed. 291; Parger vs. Union Co., 20 Fed. 737; Dale Tile vs. Hyatt, 125 U. S. 46; Witteman vs. Witteman, 151 N. Y. S. 814; New Marshall vs. Marshall Co., 223 U. S. 473; Carl Lacmmle vs. Stern, 209 Fed. 129; Hoyt vs. Bates, 81 Fed. 641; Montgomery vs. Car Line, 43 Fed. 329; Hartell vs. Tilghman, 99 U. S. 547; Albright vs. Texas, 106 U. S. 347; Becker vs. Contoure Lab., 29 Fed. (2) 31; Danks vs. Gordon, 272 Fed. 881 (884); Fitch vs. Young, 230 Fed. 743; Hammachor vs. Wilson, 26 Fed. 239; Kelly vs. Porter, 17 Fed. 519; Silver vs. Holt, 84 Fed. 809; Wade vs. Lawden, 17 Supp. Court 425; DeBekker vs. Stokes, 248 Fed. 838; Marsh vs. Nichols, 11 Supp. Court 798.

Then too, Federal Courts follow those decisions of the State courts, which are based on the Criminal statutes of that state. This is so, because the question of whether a crime has been committed, *is not a Federal question.*

Howard vs. Fleming, 191 U. S. 126.  
Ughbanks vs. Armstrong, 208 U. S. 481.

The receiver or Anti-monopoly Board can set rates, and the receiver can make new contracts, or even renew old ones, and still, that does not create a Federal Question or violate the United States Constitution.

Washington vs. ASCAP, 13 Fed. Supp. 141.

Most combinations, pools, and groups have taken assignments from their members and have complete title to the copyrights of its members, and those who have signed said membership agreements, whether Publisher, Author, or Composer, giving such combination or entity a five year assignment, have really assigned the entire Copyright. Such assignments are held to be *absolute assignments*; a comparable illustration is the membership agreements of ASCAP which recite the *most* they (ASCAP) are to have, and the member *could not* give them any more. The Supreme Court of the United States held such membership contracts to be outright assignments carrying title. Thus, any title of the Receiver would be a complete title:

Manners vs. Morosco, 258 Fed. 537. Affirmed on this point in 252 U. S. 317.  
DRONE on Copyrights, page 337.

The various legislatures may declare that the property of the monopolist shall forfeit to the State after a reasonable time (See Idaho Statutes and many cases on this point).

Congress recently (last session) passed a law giving the *several states power to make reciprocal deals with one another for the purpose of endorsing their respective criminal laws*. The various state enforcement agencies could work out a per piece system and plan to curb such abuses.

Once a Court of Equity in a state has acquired jurisdiction over a defendant, non-resident or not, *the court may coerce and compel the defendant to act in relation to property not within its jurisdiction*. To illustrate, a court of equity in Vermont, having jurisdiction over the defendant in personum, can compel him to execute a deed to property in Texas.

Carpenter vs. Strange, 141 U. S. 87, 105.

The fact that a *special* appearance is made a *general* appearance by legislative act, and that service is not a Federal question, and that all defendants are doing business in each state where their music is *used*, or their entity performs some function of its charter, all of these will enable the various states to acquire jurisdiction *in personum* as well as in rem. Further, even though the matter is in rem at the start, yet the only known way for them to get a release of their property is by special appearance of special motion, otherwise, the property will be in suspense and under a cloud. If they make such an appearance, it is a general appearance by statute, and the action is then in personum.

If a sale of the *use* of a copyrighted work for public performance takes place in Chicago, and the use is broadened in scope to include Seattle, the owner of said copyrighted work whose sole value is in its *use*, once having obtained a consideration for its *use* and having sold said use for a particular occasion, parts with the right to further restrict that *use*. The Supreme Court of the United States in *Hobbs vs. Jennison*, 13 Supreme Court Reporter 879, and in *Adams vs. Burke*, 17 Wallace 453, said:

"Where the patentee, or the person having its rights, sells a machine or instrument, *whose sole value is in its 'use'* he receives a consideration for its 'use' and parts with the right to restrict that 'use'."

Injunction is a very proper way of enforcing criminal statutes:

Georgia Trust Co. vs. Georgia, 109 Ga. 756; 35 S. E. 323; 41 Corpus 198.

The act of one conspirator is the act of all, and where an agreement in violation of the Anti-Trust Laws is made, and one party (monopolists) pursues the course of conduct agreed upon, the other *parties* (the users) are liable as aiders and abettors.

State v. Racine, 63 Texas Civil app. 663; 134 S. W. 400; 41 Corpus 127.

A Federal license cannot shield one or operate as a shield in violation of state law—

49 Federal 238; see also Straus case, supra.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

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

**No. 3093.** Charging unfair competition through use of the term "Virginia" to describe meats or meat food products not obtained from live stock grown in Virginia, a complaint has been issued against **United Corporation**, trading as **Virginia Products Co.**, 212 American Bank Building, **Richmond, Va.**, and **George M. Crump**, individually and as the corporation's president.

The complaint alleges that the respondent company, by using the word "Virginia" in its trade name and on labels on containers of its products, and in other ways, represented to the purchasing public that the meats used in its products are obtained from hogs and cattle grown in Virginia, and that the products have been cured and processed by the well-known Virginia method.

According to the complaint, the respondent company, through arrangements with different meat packers, purchased deviled ham and corned beef ready packed and labeled as specified by the respondent company, but such products were neither obtained from Virginia cattle and hogs nor processed by the Virginia method.

**No. 3094.** Misrepresentation of the therapeutic value of a medicinal preparation designated "Excel Gland Tablets" is alleged in a complaint issued against **C. J. O'Crowley**, trading as **Excel Products**, 4336 Sheridan Road, **Chicago**.

Advertising in newspapers, magazines and circulars, the respondent allegedly represented that his tablets consist of gland medicines, and are a gland stimulant; that they constitute a competent aphrodisiac, enable one to be young again, and that the results from their use are sure.

Such representations are false and misleading, according to the complaint, which alleges that the respondent's product is not in any sense a gland treatment and is not a competent treatment for natural debility or for debility caused in any manner.

**No. 3095.** Use of a lottery scheme in selling blankets and bedspreads is alleged in a complaint issued against **Miller, Bain, Beyer & Co.**, 1001 Filbert St., **Philadelphia**. **William F. Allen**, **Charles H. Wolf**, **Edward M. Mullen** and **Charles H. Clark**, individually and as copartners in the firm, also are named respondents.

According to the complaint, the respondents advertise their merchandise and sales plan by means of cards, circulars and letters and sell their products to wholesalers and retailers, clubs, fraternal organizations, hospitals and charitable institutions for resale to the purchasing public.

The respondents' method of distributing their merchandise is described as a "Club Plan", the clubs organized having a fixed number of members, usually 60 or 100, each of whom pays weekly dues, generally 25 cents, for a given period of weeks, usually 20 or 24.

**No. 3096.** Unfair representations indicating that certain domestic-made products are imported from France, are alleged in a complaint issued against **Chanel, Inc.**, 35 West 34th St., **New York**, dealer in toilet preparations. The complaint alleges unfair competition in violation of Section 5 of the Federal Trade Commission Act.

Perfume products were labeled in a manner purporting to describe and refer to the place of their origin, according to the complaint, by use of the following names: "Glamour de Chanel, Paris, France"; "Chanel-Jasmin, Chanel, Paris"; "No. 5, Chanel, Paris", and "Gardenia de Chanel, Paris".

Use of these representations on cartons and containers is alleged to have had a tendency to deceive buyers into the mistaken belief that the products so named were made or compounded in France and imported into the United States, when, in fact, they were produced in the United States.

### STIPULATIONS AND ORDERS

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

**No. 1925.** **Clarence N. Debaugh**, trading as **C. D. Electric Co.**, **Ruxton, Md.**, in the sale of an electrical apparatus for re-

removal of surplus hair, designated "Monolux Hair Remover", agrees to stop using the words "safe", "painless" or "permanent" in describing this article, without at the same time qualifying such representations in accordance with the facts and the necessary care and skill required to be used in its application. The stipulation points out that use of this device by self-application is not safe, easy, painless, permanent or harmless, as was indicated in the respondent's advertising, unless great care and skill are used in its application.

**No. 1926. James D. Boulger, trading as Eastern Textile Co., Power Square, Greenfield, Mass.,** agreed to cease advertising bundles of dry goods remnants as "dress remnants", so as to imply that the bundles are composed wholly of remnants of dress materials. If the bundles are composed in substantial part of remnants of dress materials, and the words "dress remnants" are used to describe the contents, then such words shall be prominently accompanied by other words so as to indicate clearly that the bundles are not composed wholly of dress remnants, but in part of other materials. Boulger also agreed to stop advertising "Satisfaction Guaranteed or Money Back", so as to imply that in all instances both the purchase price and the postage paid by dissatisfied customers will be returned to them, when such is not a fact.

**No. 1928. The Bay Co., trading as American Plaster Co., 305 Bishop St., Bridgeport, Conn.,** agrees to stop using the word "sterilized" as a brand or mark for absorbent cotton which has not been rendered free from bacteria after being packaged, or in the packing of which the best accepted sanitary precautions have not been followed for the removal and exclusion of all bacteria. The company agrees to cease employing the word "sterilized" in such way as to imply that its products have been sterilized and are sanitary, when this is not a fact.

**No. 1929.** Use of lottery schemes in the sale of certain food products will be discontinued by **Hiram E. and Lottie Vickers, trading as Dub's Sandwich Co., 460 South Driver Ave., Durham, N. C.,** under terms of a stipulation entered into by these respondents.

Manufacturing peanut-butter and cheese sandwiches, candies and other similar products, and selling them exclusively to the jobbing trade or wagonmen, the respondents are said to have packed them in cartons containing 24 packages, each package holding five sandwiches wrapped in cellophane and selling for five cents each.

**No. 1930. Fred P. Weissman, Inc., 270 West 38th St., New York,** stipulated that on labels it will discontinue use of the phrase "100% Camel's Hair" as descriptive of those of its coats not composed of camel's hair, and of the words "Camel's Hair" either alone or with "100%", or in any manner so as to imply that the products to which such words apply are composed wholly of camel's hair, when this is not true. The stipulation provides that if the words "Camel's Hair" are used to describe coats made substantially of camel's hair, then such words shall be accompanied by other words in type equally conspicuous so as to indicate clearly that the coats are composed in part of materials other than camel's hair.

**No. 1931. Century Metalcraft Corporation, 1105 Lawrence Ave., Chicago,** has entered into a stipulation to discontinue certain unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act, in the sale of cooking utensils under the trade name "Silver-Seal".

The corporation agreed to cease representing in advertising matter and through salesmen that the waterless method of cooking with Silver-Seal utensils has been endorsed by leading medical authorities and dieticians, that such method of cooking can be accomplished only by use of Silver-Seal equipment, or that the cooking of foods in water necessarily deprives consumers of mineral salts, vitamins, nourishing elements and natural flavors of the foods, when such are not the facts; and that the eating of foods cooked in Silver-Seal utensils positively will improve health in all instances.

**No. 1932. Allen's Poultry Farms and Hatchery, Creston, Ia.,** stipulates that it will cease using in advertising matter the representation "We assure you prompt delivery," or any similar allegation which may imply that the company's orders are filled promptly, and will also cease alleging that its flocks are "rigidly culled in accordance with the requirements of the Iowa Poultry Improvement Association," when such are not the facts, and that "We guarantee them (Blue Diamond chicks) to satisfy you as to quality, ability to mature, health and type." The company agrees no longer to represent that at the end of 30 days from date of arrival, any chicks which have died or any which have not proved true to type, or are unsatisfactory, will be replaced at one-half price, or that live delivery of the number of chicks or-

dered is guaranteed. These representations will be discontinued unless such guarantees are fulfilled and claims for losses adjusted promptly as represented.

**No. 1933. Ezra Hollander, trading as Hollander Brothers, as Superior Laboratories, and as Supreme First Aid Co., 72 Franklin St., New York City,** stipulates that he will stop using in advertisements the word "Laboratories" as part of or in connection with any trade name under which he conducts his business, or in any way implying that he owns or controls a laboratory, when this is not a fact. He will also cease using the word "manufacturing," implying that he owns and operates a factory in which his products are made, when this is not true.

The respondent agrees to ban use of the words "sterilized" or "sanitary" in any manner implying that his products have been rendered free from bacteria after being packaged, or that the best accepted sanitary precautions have been followed for removal and exclusion of all bacteria after packaging, or that these articles are sterilized and sanitary, when this is not a fact. He agrees also to stop using the description "Grade-A Absorbent Cotton" on labels affixed to containers in which absorbent cotton not of that grade is packed, and to cease use of the representation that his gauze bandages are made from the best bandage cloth obtainable, when such is not a fact.

**No. 1934. Joseph Taylor Fleming, 411 Washington Bank Building, Pittsburgh, trading as Washington Art Association,** in the sale of photographic enlargements, will cease using the words "Art Association" as part of his trade name, the stipulation pointing out that there was no such organization, except as a trade name under which to carry on this business. Fleming agrees to stop representing that the prices at which enlargements are made are special or reduced below the regular and customary prices; that the work done is by America's foremost portrait artists; that many portraits made by the "Association" are used for exhibition purposes, and that, if a customer's picture is so used, he will be paid for the privilege of making such exhibition.

**No. 1935. Samuel Rodin, 33 Myrtle Ave., Brooklyn,** manufacturing luggage such as brief cases and Gladstone bags, agrees no longer to use the word "cowhide" alone or in connection with the word "Warranted" or with other words as a stamp or label to describe luggage which is not composed of leather made from the top or grain cut or layer of the cowhide. The stipulation provides that if the luggage is made of leather taken from the inner or flesh cut of the hide, and the word "cowhide" is used as descriptive of it, that word shall be immediately accompanied by other words printed in conspicuous type to disclose clearly that the luggage is not composed of leather made from the top or grain cut or layer of the hide of the cow.

**No. 1958. Timm Cap Co., Inc.,** engaged in manufacturing knitted goods, including knitted caps for boys' wear, in its stipulation, agrees to stop using the word "Timm" as part of its corporate or trade name, or in any way implying that it is the successor of Tim's Cap Corporation, or that its caps are manufactured thereby. Provision is made that whenever the corporate name containing the word "Timm" is used in advertising matter it should be prominently accompanied by the phrase "Established in 1934," to indicate clearly that Timm Cap Co., Inc., is not the successor of Tim's Cap Corporation.

Tim's Cap Corporation is said to have acquired a good will through the excellence of its product, "Tim's Cap," the patent on which expired in 1930. In 1933 Tim's Cap Corporation was formally dissolved, and in 1934 Timm Cap Co., Inc., was organized.

**No. 1959. Climax Radio & Television Corporation,** manufacturer of radio sets, agrees to discontinue employing the words "Edison," "Elgin," "Hamilton," or "Waltham" as brands or labels for products so as to imply that they are manufactured by or sold under a license or authorization from Thomas A. Edison, Inc., Elgin National Watch Co., Hamilton Watch Co., or Waltham Watch Co., respectively, when this is not a fact.

**No. 1960. Manhattan Soap Co., Inc.,** trading under its corporate name and as Bristol Soap Co., stipulates that it will desist from using fictitious prices on cartons or boxes in which its soap is packed or on the products themselves, and will stop using the word "Doctor" or abbreviation "Dr." to imply that its products are made in accordance with the prescription or under direction of a doctor, or contain special scientific features resulting from medical advice or service. The respondent agrees to cease using the word "medicated," to imply that its products have been treated or impregnated with medicine, or the word "health," to describe soap products so as to imply that they contain ingredients which give the user certain benefits beyond those obtained from using any toilet soap, when these are not the facts.

The respondent corporation agrees to stop using in advertising

matter representations to the effect that its soap is of a dollar quality, contains no coconut oil, or has extra beneficial qualities for the skin, when these assertions are not warranted by the facts.

**No. 1961.** **Union Knitting Mills**, 15 South Third St., Philadelphia, and **Lawson Jaffe**, trading as **Capitol Jewelers**, 5 North Wabash Ave., Chicago, have entered into stipulations with the Federal Trade Commission to discontinue certain unfair representations in the sale of their products.

The knitting mills company, manufacturer of sweaters, trading under its corporate name or under the name Home Knitting Mills, agrees to stop employing the words "All Wool" or "All Wool 100 per cent" as a label for products not composed of wool. The company agrees to cease using the word "wool" alone or in connection with the word "all" or with "100 per cent," in ways which imply that its articles are made of wool. The stipulation provides that if the products are composed in substantial part of wool, the word "wool," if used to describe the wool content, shall be prominently accompanied by other words clearly showing that the articles are not made wholly of wool.

**No. 1962.** **Lawson Jaffe**, a wholesale jeweler distributing birthstones and birthstone rings, agrees to desist from the use of the words "Free Offer" in connection with advertisements featuring the language "Send 10¢ to cover handling—mailing," and a pictorial representation of a ring set with a stone, such representation implying that by paying 10 cents only a customer would be given free a ring set with his birthstone, when this is not a fact.

Use of the words "special" and "limited" when the offer described is not limited or special but is the usual or customary offer, will be discontinued, as will be the use in advertising of the words "cameo", "ruby" or "onyx" to describe mountings of rings which are not set with those stones.

Jaffe will also stop using the word "platinum" alone or in connection with "rhodium", as descriptive of the finish of rings, when in fact such finish has no platinum content.

**No. 2323.** **The Clark Grave Vault Co.**, 375 East 5th Ave., Columbus, Ohio, has been ordered to cease and desist from false and misleading representations constituting unfair methods of competition in connection with the sale of metal burial vaults.

The respondent company was ordered to discontinue representing in purported certificates of warranty or in advertising matter that its vaults, made of ferrous metal, are absolutely water-proof and air-tight, and will remain so when placed underground for 50 years or for any stated period of time; that they are made of a metal resistant to rust or corrosion, which is proof against moisture and crumbling; that they will afford positive and permanent protection to the coffin and body encased therein, and are warranted for 50 years against water entering the vault due to rust or corrosion.

**No. 2578.** An order has been issued to cease and desist against **Bear Mill Manufacturing Co., Inc.**, 361 Broadway, New York, distributor of cotton and rayon fabrics, requiring that company to discontinue representing, through use of the word "mills" or "manufacturing", alone or with other words, as part of its corporate name, or in any other way, that it manufactures the products it sells, unless and until it actually owns or controls a mill in which they are made.

The respondent company does not control a factory where its products are made, nor any print works, dye works, bleach works, finishing works, spinnery or weavery, but is engaged solely in the sale and distribution of fabrics manufactured by others, according to findings in the case.

**No. 2673.** An order has been issued requiring **H. Will Elders**, of **St. Joseph, Mo.**, to cease and desist from certain unfair methods of competition in the sale of Dr. H. Will Elders' Filled Prescription for Women, and other preparations.

Elders is directed to discontinue representing that his preparations constitute a cure, remedy, or competent and adequate treatment for sterility in women, or that they are beneficial in treating such condition unless the representations are limited to cases of sterility due to functional weaknesses.

Other similar representations, some of them in the form of advertising testimonials, are directed to be discontinued, under the order.

**No. 2941.** An order has been served upon **General Electric Co.**, **Westinghouse Electric & Manufacturing Co.**, **Elliott Co.** and **Allis-Chalmers Manufacturing Co.**, an order to cease and desist from entering into or maintaining any conspiracy to fix and maintain uniform delivered prices in the sale of turbine generators and from selling turbine generators by agreement upon uniform performance guarantees. The order directs the respondents to cease and desist from engaging in the following acts in furtherance of any such conspiracy:

Selling turbine generators upon uniform performance guarantees where the guarantees are not based upon actual performance;

From using the pricing sheets of any of the companies as the pricing sheets of any of the others;

From submitting uniform bids.

The order, however, does not prohibit the exchange of scientific information, if not used for unlawful price fixing.

The order was predicated upon a complaint of the Commission charging a price fixing conspiracy in the sale of turbine generators, the purchasers of which are chiefly the Federal Government, state governments, municipal governments, and public utilities, and upon the answers of the companies admitting, for the purposes of the proceeding, only, the said conspiracy and the Commission's finding that the conspiracy had been entered into.

**No. 3049.** An order to discontinue misbranding certain articles of luggage sold in interstate commerce has been entered against **Samuel Brier**, trading as **Samuel Brier & Co.**, 310 Spruce St., Philadelphia, and **Quakertown Luggage Co., Inc.**, **Quakertown, Pa.**, of which Brier is president.

The order directs the respondents to cease and desist from representing, through use of the words "Warranted Cowhide", "Genuine Cowhide", "All Leather", "Genuine Leather", or any other words of similar import, that luggage made from the inner split of leather is made from the outer split or any part of the hide or skin other than the inner split.

## Broadcast Advertising in February

### HIGHLIGHTS OF THE MONTH

Total broadcast advertising during February amounted to \$10,182,325, a decline of 1.8% from the level of the previous month but an increase of 25.1% as compared to the corresponding month of last year. National network volume declined 5.7% as compared to January and local advertising dropped 2.5%. Regional network volume increased 4.5% and national non-network business rose 8.7%. All portions of the medium experienced gains as compared to last February. Local advertising increased to the greatest extent, rising 40.8%.

Radio broadcasting during February showed the greatest gain of any major medium as compared to the corresponding month of 1936. Whereas broadcast advertising increased 25.1% in volume, national magazine volume rose 12.8%, national farm paper volume 22.8%, and newspaper lineage 12.5%.

Non-network advertising increased 3.7% in volume over the preceding month and registered a gain of 33.9% over last February. Clear channel stations experienced the greatest increase over January, rising 6.5%. Compared to last February, regional station volume showed a gain of 58.3%. The South Atlantic-South Central area registered the greatest gain as compared to last month. All geographical districts showed substantial gains over last February.

Transcriptions showed the greatest increase of any type of rendition as compared to last month, rising 9.2%. Records and announcements showed the principal gains over last February. Announcements in the national non-network field and records in the local field showed the greatest increases over last month.

Principal gains were shown in the following sponsor groups: national network household equipment and soap and kitchen supplies; regional network tobacco, food-

stuffs and soap and kitchen supplies; national non-network automotive, beverage and soap and kitchen supplies; and local automotive and cosmetics. Retail broadcast advertising amounted to \$971,830, a decline of less than 1.0% from the level of January but 34.0% greater than last February.

### TOTAL BROADCAST ADVERTISING

Total broadcast advertising for the month of February is found in Table I.

**TABLE I**  
**TOTAL BROADCAST ADVERTISING**  
*1937 Gross Time Sales*

<i>Class of Business</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
National networks..	\$6,061,387	\$5,714,443	\$11,775,830
Regional networks..	92,169	96,382	188,551
National non-network	2,313,700	2,517,000	4,830,700
Local.....	1,902,300	1,854,500	3,756,800
<b>Total.....</b>	<b>\$10,369,556</b>	<b>\$10,182,325</b>	<b>\$20,551,881</b>

Total broadcast advertising for the month of February declined 1.8% from the level of last month. This was due mainly to a 5.7% drop in national network business. Local broadcast advertising volume also experienced a decrease, declining 2.5%. Regional network and national non-network volume recorded gains of 4.5% and 8.7%, respectively.

Compared to February of last year, total broadcast advertising registered a 25.1% gain in volume. Local advertising volume increased to the greatest extent, rising 40.8%. National network volume was 19.4% ahead of last February and regional network and national non-network volume experienced gains of 4.2% and 29.3%, respectively.

### COMPARISON WITH OTHER MEDIA

National magazine and national farm paper volume increased 39.8% and 49.1%, respectively, over January. Newspaper lineage, contrary to the trend of preceding years, experienced an increase of 4.0%. However, radio broadcasting showed the greatest gain in advertising volume of any major medium as compared to last February. Whereas radio broadcasting volume increased 25.1%, national magazine volume rose 12.8%, national farm paper volume 22.8%, and newspaper lineage 12.5%.

Advertising volume by major media is shown in Table II.

**TABLE II**  
**ADVERTISING BY MAJOR MEDIA**  
*1937 Gross Time and Space Sales*

<i>Advertising Medium</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
Radio broadcasting..	\$10,369,556	\$10,182,325	\$20,551,881
National magazines <sup>1</sup>	9,065,572	12,679,572	21,745,144
National farm papers <sup>1</sup>	541,539	807,703	1,349,242
Newspapers <sup>2</sup> .....	39,486,000	41,082,000	80,568,000
<b>Total.....</b>	<b>\$59,462,667</b>	<b>\$64,751,600</b>	<b>\$124,214,267</b>

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

<sup>2</sup> Estimated.

### NON-NETWORK ADVERTISING

Following the usual seasonal trend, non-network broadcast advertising increased 3.7% over the preceding month. Non-network gross time sales showed a 33.9% gain over February of last year. Clear channel and high-powered regional station volume increased 6.5% over the January level and regional station volume showed a gain of 2.0%. Local station volume remained at approximately the same level.

Regional station volume experienced the greatest gain when compared to the corresponding month of last year, rising 58.3%. Non-network advertising over clear channel and high-powered regional stations rose 22.9%, while local station volume increased 11.1%.

Non-network advertising by power of station is found in Table III.

**TABLE III**  
**NON-NETWORK ADVERTISING BY POWER OF STATION**  
*1937 Gross Time Sales*

<i>Power of Station</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
Over 1,000 watts.....	\$1,823,100	\$1,941,700	\$3,764,800
250-1,000 watts.....	1,839,900	1,876,300	3,716,200
100 watts.....	553,000	553,500	1,106,500
<b>Total.....</b>	<b>\$4,216,000</b>	<b>\$4,371,500</b>	<b>\$8,587,500</b>

The South Atlantic-South Central Area experienced the greatest gain in non-network advertising volume of any geographical district as compared to last month. Advertising in this region rose 9.6%. The New England-Middle Atlantic Area alone showed a decline, dropping 3.4%. Non-network advertising in the North Central Area and in the Pacific and Mountain Area rose 6.0% and 3.1%, respectively.

As compared to last February, non-network advertising volume in the New England-Middle Atlantic Area increased 60.8%. The volume in the South Atlantic-South Central Area rose 26.8%, in the North Central Area 25.2%, and in the Pacific and Mountain Area 31.5%.

Non-network broadcast advertising by geographical districts is found in Table IV.

**TABLE IV**  
**NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS**  
*1937 Gross Time Sales*

<i>Geographical District</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
New England-Middle Atlantic Area.....	\$1,097,900	\$1,060,600	\$2,158,500
South Atlantic-South Central Area.....	783,000	858,200	1,641,200
North Central Area....	1,564,700	1,658,800	3,223,500
Pacific and Mountain Area.....	770,400	793,900	1,564,300
<b>Total.....</b>	<b>\$4,216,000</b>	<b>\$4,371,500</b>	<b>\$8,587,500</b>

## NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Transcription business increased to the greatest extent as compared to the preceding month, rising 9.2%. Total live talent and record volume remained at approximately the same levels, while announcements rose 6.1%. Compared to last February, transcription volume rose 20.9%, live talent business 30.6%, record volume 59.7%, and announcements 55.5%.

In the national non-network field, transcriptions increased 13.2% in volume as against last month. Live talent advertising rose 4.1% and announcements 16.2%.

Record volume declined 40.4%. Transcription volume was 15.8% ahead of the level of last February. Live talent business rose 22.4%, announcements 90.8%, and record volume more than tripled.

Declines were fairly general in the local field with the exception of record volume which increased 8.6% over last month. Transcriptions declined 5.6%, live talent 3.4%, and announcements 1.2%. Marked increases over the corresponding month of last year occurred in all types of rendition. Local transcription volume rose 50.7%, live talent 42.1%, records 50.8%, and announcements 34.7%.

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

TABLE V  
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		1937 Gross Time Sales Local		Total		Cumulative Jan.-Feb.
	January	February	January	February	January	February	
Electrical transcriptions.....	\$710,850	\$804,800	\$190,130	\$179,400	\$900,980	\$984,200	\$1,885,180
Live talent programs.....	1,169,850	1,217,500	1,053,140	1,016,800	2,222,990	2,234,300	4,457,290
Records.....	15,110	9,000	74,200	80,600	89,310	89,600	178,910
Announcements.....	417,890	485,700	584,830	577,700	1,002,720	1,063,400	2,066,120
Total.....	\$2,313,700	\$2,517,000	\$1,902,300	\$1,854,500	\$4,216,000	\$4,371,500	\$8,587,500

## SPONSOR TRENDS IN FEBRUARY

Declines were general in the national network field with the exception of the household equipment, soap and kitchen supply and tobacco sponsor groups which registered increases as compared to last month. All groups except clothing, beverage and miscellaneous advertising showed gains over last February. Automotive advertising increased 49.1%, foodstuffs rose 42.2%, household equipment tripled, soap and kitchen supplies rose 52.4%, financial increased 41.3%, and radio set advertising more than doubled.

Foodstuffs, soap and kitchen supplies and tobacco advertising showed the most important gains over last month in the regional network field. Clothing and household equipment advertising experienced the most pronounced declines. As compared to last February, the principal increases were in the gasoline and accessory, cosmetic, beverage and tobacco sponsor groups.

National non-network automotive, beverage, and soap and kitchen supply advertising showed the principal gains over January. Department store advertising declined 16.6% and tobacco advertising 18.2%. The foodstuffs, beverage, confectionery, soap and kitchen supply and tobacco sponsor groups registered important gains over last February.

Local automotive advertising rose 25.2% and cosmetic advertising increased 34.2%, while gasoline and accessory advertising declined 54.8% and confectionery advertising 30.0%. With the exception of drug advertising, all groups showed increases when compared to the corresponding month of last year.

Broadcast advertising during February by major product and sponsor groups is shown in table VI, on page 2033.

Detailed information regarding various sponsor groups during the month of February is as follows:

1a. **Amusements.** As compared to last month, national non-network volume rose 2.9% and local advertising 24.9%. National non-network business 8.1% greater than during last February and local business 3.7% greater.

1. **Automotive.** National network volume declined 10.7% from January, while national non-network and local business showed gains of 91.8% and 25.2%, respectively. As against February, 1936, national network business increased 49.1% and local advertising 12.1%. National non-network volume declined 63.9%.

2. **Accessories and gasoline.** National network volume 11.4% less than during January. Regional network volume increased 6.8% and national non-network volume rose 9.1%. Local advertising declined 54.8%. Compared to the corresponding month of last year, national network and local business remained approximately the same, while regional network volume increased 91.1% and national non-network 7.6%.

3. **Clothing.** Compared to last month, national network volume decreased 17.4%, regional networks 76.3%, and local 16.6%. National non-network business rose 13.4%. National network volume 28.0% below the level of last February and national non-network volume 7.9% less. Regional network and local advertising 28.2% and 47.2% greater, respectively.

4. **Drugs and pharmaceuticals.** Regional network



**TABLE VI**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
**(FEBRUARY 1937)**

Type of Sponsoring Business	Gross Time Sales				Total
	National Networks	Regional Networks	National Non network	Local	
1a. Amusements.....	—	—	\$6,390	\$36,150	\$42,540
1-2. Automobiles and accessories:					
(1) Automobiles.....	551,501	—	83,880	95,670	731,051
(2) Accessories, gas and oils.....	414,664	17,260	143,610	49,090	624,624
3. Clothing and apparel.....	24,534	790	37,020	225,970	288,314
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	565,705	9,749	504,820	53,600	1,133,874
(5) Toilet goods.....	1,009,238	4,860	131,400	21,760	1,167,258
6-8. Food products:					
(6) Foodstuffs.....	1,198,143	32,091	598,560	276,710	2,105,504
(7) Beverages.....	315,958	8,325	107,670	100,650	532,603
(8) Confections.....	126,048	2,440	60,430	8,160	197,078
9-10. Household goods:					
(9) Household equipment and furnishings.....	118,128	1,235	69,770	178,460	367,593
(10) Soap and kitchen supplies.....	407,710	700	196,430	9,190	614,030
11. Insurance and financial.....	68,559	1,834	22,790	87,100	180,283
12. Radios.....	241,397	—	6,200	16,690	264,287
13. Retail establishments.....	—	800	15,220	156,510	172,530
14. Tobacco products.....	436,473	9,900	117,310	6,930	570,613
15. Miscellaneous.....	236,385	6,398	415,500	531,860	1,190,143
<b>Total.....</b>	<b>\$5,714,443</b>	<b>\$96,382</b>	<b>\$2,517,000</b>	<b>\$1,854,500</b>	<b>\$10,182,325</b>

volume rose 6.2%, while national network volume declined 7.8%, national non-network business 3.2%, and local advertising 12.6%. National network advertising 12.6% above last February and national non-network up 11.5%. Regional network volume down 27.6% and local 17.3%.

5. *Toilet goods.* National network volume 7.0% less than during January. Regional network business remained the same, while national non-network volume declined 1.1% and local advertising rose 34.2%. Gains as compared to February of preceding year as follows: national network 3.4%, regional network 44.6%, national non-network 10.1%, and local 16.9%.

6. *Foodstuffs.* National network volume alone declined as compared to last month, dropping 5.1%. Regional network volume rose 16.3%, national non-network business 1.6%, and local advertising 5.6%. Gains over February 1936 as follows: national networks 42.2%, regional networks 7.6%, national non-network 63.9%, and local 44.1%.

7. *Beverages.* National network 13.9% below January and regional network volume down 19.4%. National non-network business rose 51.2%, while local advertising remained the same. National network volume 15.4% less than February of last year. Regional network volume rose 96.9%, national non-network business 43.3%, and local advertising 61.9%.

8. *Confectionery.* Compared to last month, national network volume declined 3.9%, regional network business 18.6%, and local advertising 30.0%. National non-network business rose 35.0%. Regional network business 46.5% below last February, while national network volume rose 18.3%, national non-network 33.5%, and local advertising 93.3%.

9. *Household equipment.* National network busi-

ness three times as great as last month and national non-network business rose 13.2% and local business 5.7%. Regional network business declined 53.4%. Compared to last February, national network volume tripled and national non-network and local advertising increased 8.3% and 46.5%, respectively. Regional network volume declined 72.6%.

10. *Soap and kitchen supplies.* Gains over January as follows: national network 14.6%, regional networks more than tripled, national non-network 74.5%, and local 2.9%. National network volume increased 52.4% over last February, while national non-network volume was five times as great and local advertising more than tripled. Regional network volume declined materially.

11. *Insurance and financial.* National network volume 7.8% below January and local down 13.3%. National non-network volume increased 17.1%, while regional network business remained the same. National network volume 41.3% greater than during the corresponding month of last year, regional network business doubled, and local business rose 42.8%. National non-network volume declined 42.4%.

12. *Radio.* Compared to January, declines as follows: national network 15.5%, national non-network 4.6%, and local 14.5%. National network volume was more than double that of last February and local advertising rose 54.5%. National non-network business declined 62.1%.

13. *Department and general stores.* Regional business amounted to \$800. National non-network volume dropped 16.6% and local advertising 2.3% as compared to last month. National non-network business down 20.3% and local advertising up 59.7% as against last February.

14. *Tobacco products.* As against last month, national network and regional network volume increased 3.5% and 17.5%, respectively, while national non-network and local advertising declined 18.2% and 7.6%, respectively. Gains over last February as follows: national network 28.8%, regional network 62.5%, national non-network tripled, and local 11.8%.

15. *Miscellaneous.* National network volume declined 23.8% compared to last month. Regional network volume rose 57.2%, national non-network 9.8%, and local 6.6%. National network and regional network volume 38.0% and 40.5% below last February, respectively. National non-network rose 50.4% and local advertising 51.2%.

### RETAIL BROADCAST ADVERTISING

Retail broadcast advertising declined less than 1.0% from the level of the preceding month. This is much less than the usual seasonal decline in retail advertising. The volume for February was 34.0% greater than the level recorded in February of last year. Compared to last month, automotive advertising increased 34.8%, gasoline station advertising, 12.7%; drug store advertising, 51.8%; furniture store advertising, 15.5%; radio retailers, 20.0%; and hardware store advertising more than doubled. Clothing volume declined 15.6%, grocery store advertising, 24.8%; and confectionery store advertising 34.3%.

The principal increases as compared to last February were as follows: gasoline stations 37.9%, clothing 46.4%; beauty parlors 43.9%, household equipment dealers 69.0%, furniture stores 68.7%, department stores 46.6%, and hardware stores and radio retailers more than doubled. Drug store advertising declined 34.3%, grocery store advertising, 39.1%; and restaurant advertising 16.8%.

Retail broadcast advertising over individual stations is found in Table VII.

TABLE VII  
RETAIL BROADCAST ADVERTISING OVER  
INDIVIDUAL STATIONS

Type of Sponsoring Business	1937 Gross Time Sales	
	January	February
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$73,310	\$98,870
Gasoline stations, garages, etc.....	28,140	31,720
Clothing and apparel shops.....	291,610	245,900
Drugs and toilet goods:		
Drug stores.....	9,080	13,790
Beauty parlors.....	7,680	7,600
Food products:		
Grocery stores, meat markets, etc....	51,010	38,320
Restaurants and eating places.....	19,350	19,350
Beverage retailers.....	1,980	1,840
Confectionery stores.....	7,390	4,850
Household goods:		
Household equipment dealers.....	53,820	53,600
Furniture stores.....	103,390	119,500
Hardware stores.....	6,290	13,870
Radio retailers.....	14,330	17,190
Department and general stores.....	176,600	171,730
Tobacco shops.....	.....	.....
Miscellaneous.....	135,000	133,700
Total.....	\$978,980	\$971,830

### FTC CASE DISMISSED

No. 3027. The Federal Trade Commission has entered an order dismissing its complaint against **Flori Mothproofing Method, Inc.**, 252 South Broad St., Philadelphia, which had been charged with use of unfair methods of competition in connection with the sale of a liquid preparation designated "Flori", for use on garments, rugs, furniture and other articles as a protection against moths, carpet beetles and insects.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

#### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, April 12.

Monday, April 12

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Schuylkill Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.  
NEW—Pottsville News & Radio Corp., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

Tuesday, April 13

#### HEARING BEFORE AN EXAMINER

(Broadcast)

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—C. P., 1450 kc., 1 KW, unlimited time. Present assignment: 1450 kc., 500 watts, unlimited time.

Wednesday, April 14

#### HEARING BEFORE AN EXAMINER

(Broadcast)

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modification of license, 1430 kc., 250 watts, unlimited time. Present assignment: 1420 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, April 15

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

##### Examiner's Report No. 1-104:

KGGC—The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Modification of license, 1420 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts specified hours. *Other participants:* None.

##### Examiner's Report No. 1-324:

NEW—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., 1210 kc., 100 watts, daytime. *Other participants:* WSFA, Montgomery, Ala.; Seaboard Investment Co., Inc., Montgomery, Ala.

##### Examiner's Report No. 1-334:

NEW—Clarence C. Dill, Washington, D. C.—C. P., 1390 kc., 1 KW, unlimited time. *Other participants:* KQV, Pittsburgh, Pa.; KLRA, Little Rock, Ark.; WLVA, Lynchburg, Va.

##### Examiner's Report No. 1-338:

NEW—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—C. P., 1370 kc., 250 watts, daytime. *Other participants:* William W. Ottaway, Port Huron, Mich.

##### Examiner's Report No. 1-339:

WMAS—WMAS, Inc., Springfield, Mass.—C. P., 560 kc., 1 KW, unlimited time. *Other participants:* WBZA, Boston, Mass.; WSYR, Syracuse, N. Y.; WIS, Columbia, S. C.; WFIL, Philadelphia, Pa.; WQAM, Miami, Fla.; WTAG, Worcester, Mass.; WMCA, New York City; WSPR, Springfield, Mass. (Intervenor).

**Examiner's Report No. 1-342:**

WGBI—Scranton Broadcasters Inc., Scranton, Pa.—Modification of license, 880 kc., 500 watts, 1 KW LS, shares-WQAN. Present assignment: 880 kc., 500 watts, shares WQAN. Other participants: WABC, New York City; WESG, Elmira, N. Y.; WRNL, Petersburg, Va.

**Examiner's Report No. 1-351:**

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—C. P., 1140 kc., 250 watts, daytime. Other participants: Marysville-Yuba City Publishers, Inc., Marysville, Calif.; KVOO, Tulsa, Okla.

**Examiner's Report No. I-323:**

KFPM—Voice of Greenville, Greenville, Tex.—C. P., 1420 kc., 100 watts, daytime. Present assignment: 1310 kc., 15 watts, specified hours.

**Examiner's Report No. I-344:**

NEW—Hunt Broadcasting Assn., Greenville, Tex.—C. P., 1200 kc., 100 watts, daytime.

**Examiner's Report No. I-348:**

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Modification of license, 1210 kc., 100 watts, unlimited time.

**Examiner's Report No. I-349:**

NEW—Hannibal Broadcasting Co., Hannibal, Mo.—C. P., 1310 kc., 100 watts, unlimited time.  
NEW—The Courier-Post Publishing Co., Hannibal, Mo.—C. P., 1310 kc., 100 watts, 250 watts LS. unlimited time.

Friday, April 16

**HEARING BEFORE AN EXAMINER**

(Broadcast)

WTOD-WMBF—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Modification of license, 610 kc., 1 KW, unlimited time. Present assignment: 1300 kc., 1 KW, unlimited time.

**FURTHER HEARING BEFORE AN EXAMINER**

WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Modification of license, 1500 kc., 100 watts, unlimited time.  
WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Voluntary assignment of license, 1500 kc., 100 watts, unlimited time.

**APPLICATIONS GRANTED**

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted C. P. to use old W.E. 106-B equipment as an auxiliary transmitter and move same from near Des Moines, Wash., to 950 Pacific Ave., Tacoma, Wash., and operate with 1 KW for emergency purposes only.  
KRRC—H. E. Studebaker, Lewistown, Idaho.—Granted modification of C. P. approving transmitter site, changes in equipment and installation of vertical radiator.  
WILL—University of Illinois, Urbana, Ill.—Granted modification of C. P. extending completion date from May 22 to July 22, 1937.  
WHBP—Wilton Harvey Pollard, Huntsville, Ala.—Granted modification of C. P. to make changes in equipment.  
WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted license to cover C. P., 1410 kc., 500 watts night, 1 KW day, unlimited.  
KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Granted license to cover C. P., 1280 kc., 250 watts, unlimited time.  
KHUB—F. W. Atkinson, Watsonville, Calif.—Granted license to cover C. P., 1310 kc., 250 watts, daytime only.  
WHP—WHP, Inc., Harrisburg, Pa.—Granted license to cover C. P., 1430 kc., 500 watts night, 1 KW day, unlimited.  
WSAJ—Grove City College, Grove City, Pa.—Granted modification of license to change studio location and reduce hours of operation to Sundays from 4:30 to 5:30 p. m., and two days each week from 7:15 to 8:45 p. m., EST, and application for renewal of license dismissed from hearing docket.  
WBBR—Monmouth Broadcasting Co., Red Bank, N. J.—Granted license to cover C. P. authorizing changes in equipment.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted license for auxiliary transmitter on frequency 900 kc., with 1 KW power.  
KMO—KMO, Inc., Tacoma, Wash.—Granted license to cover C. P. and modifications thereof; 1330 kc., 1 KW, unlimited.  
KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted modification of license to increase power from 500 watts, 1 KW LS, to 1 KW day and night.  
KTEM—Bell Broadcasting Co., Temple, Tex.—Granted C. P. for new equipment and increase in day power from 100 watts to 250 watts.  
WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to install automatic frequency control.  
NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis., Mobile.—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.  
W9XAI—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis., Mobile.—Granted C. P. to make changes in equipment and increase power from 7.5 watts to 50 watts.  
NEW—A. H. Belo Corp., Grapevine, Tex.—Granted C. P. for new high frequency broadcast station, frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.  
WOTM—Lawrence W. McDowell, VERA LEE.—Granted third class private radio ship station license for a period of 1 year from date.  
WOTE—Joseph D. Peeler, ISABEL.—Granted third class private radio ship station license for a period of 1 year from date.

**SET FOR HEARING**

NEW—Kenneth Baker, Hartwell Gaus, V. A. Bermier, d/b as Key City Broadcasting Co., Kankakee, Ill.—C. P. for new station, 1500 kc., 100 watts, unlimited time.  
KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.  
WDNC—Durham Radio Corp., Durham, N. C.—C. P. to move transmitter site locally, install new equipment and directional antenna system for night-time use, change frequency from 1500 kc. to 600 kc., and increase power from 100 watts, unlimited, to 1 KW, unlimited time.  
WKEU—Radio Station WKEU, Griffin, Ga.—C. P. to install a vertical radiator, change frequency from 1500 kc. to 1310 kc., increase power and time of operation from 100 watts, daytime only, to 100 watts, unlimited time.  
WRC—National Broadcasting Co., Inc., Washington, D. C.—C. P. to move transmitter site locally, install new equipment and vertical radiator, and increase night power from 500 watts to 1 KW and day power from 1 KW to 5 KW.  
KVOD—Colorado Radio Corp., Denver, Colo.—C. P. to change transmitter site locally, install directional antenna system for night-time use, change frequency from 920 kc. to 630 kc., and increase power from 500 watts night and day, sharing equally with KFEL, to 1 KW, unlimited time.  
WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification of C. P. to install new equipment, change frequency from 1200 kc. to 1330 kc., increase night power from 100 to 250 watts and day power from 250 to 500 watts.  
KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Modification of license to change frequency and power to 620 kc., 500 watts night, 1 KW day, unlimited time.  
NEW—Dan B. Shields, Provo, Utah.—C. P. for new station, 1210 kc., 100 watts, unlimited time, site to be approved.  
NEW—Clark Standiford, L. S. Coburn, and A. C. Sidner, Fremont, Nebr.—C. P. for new station, 1370 kc., 100 watts, unlimited time, site to be determined with Commission's approval.  
KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license (amended 2-24-37) to request change in frequency from 1370 kc. to 1340 kc., increase night power from 100 watts to 250 watts (to be heard May 19, 1937).

**SPECIAL AUTHORIZATIONS**

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 8 to 9:30 p. m., EST, April 6, in order to broadcast speech of the National Commander of the American Legion.  
WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 11 p. m., EST, April 7, in order to broadcast a concert by the Vermont Symphony Orchestra.  
WGY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to rebroadcast routine transmissions

of Schenectady Police Dept. radio system on April 5, during dedication program.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m., and from 4 p. m. to local sunset (May sunset 7:15 p. m., EST), May 1, 8, 11, 15, 18, 22 and 28, 1937, in order to broadcast baseball games: also from 2:45 to 4:15 p. m., EST, May 2, 1937, in order to observe Charter Day—College Holiday.

### ACTION ON EXAMINER'S REPORT

KRLH—Ex. Rep. 1-376: Clarence Scharbauer, Midland, Tex.—Denied as in cases of default application for modification of license to change frequency from 1420 kc. to 1210 kc. Examiner Seward sustained.

### ORAL ARGUMENTS GRANTED

Oral arguments were granted, to be held May 6, 1937, in the following cases:

Ex. Rep. 1-336, Advertiser Pub. Co., Ltd., and Fred J. Hart, Honolulu, T.H. Ex. Rep. 1-360, Central States Broadcasting Co., Council Bluffs, Iowa. Ex. Rep. 1-361, Merrimac Broadcasting Co., Inc. (WLLH), Lawrence, Mass. Ex. Rep. 1-362, Sioux City Broadcasting Co., and C. W. Corkhill, Sioux City, Iowa.

### ORAL ARGUMENT CONTINUED

Oral arguments in the following cases, now scheduled to be heard on April 8, 1937, were continued to April 15, 1937:

Ex. Rep. 1-104, Golden Gate Broadcasting Co., San Francisco, KGGC. Ex. Rep. 1-324, John S. Allen, G. W. Covington, Jr., Montgomery, Ala. Ex. Rep. 1-334, Clarence C. Dill, Washington, D. C. Ex. Rep. 1-338, Port Huron Broadcasting Co., Port Huron, Mich. Ex. Rep. 1-339, WMAS, Inc., Springfield, Mass. Ex. Rep. 1-342, Scranton Broadcasters, Inc., WGBI, Scranton, Pa. Ex. Rep. 1-351, Golden Empire Broadcasting Co., Marysville, Calif.

### EFFECTIVE DATES EXTENDED

NEW—Ex. Rep. 1-269: Jack E. Brantley, Mrs. J. E. Brantley, and Jack E. Brantley, Jr., Savannah, Ga., and NEW—W. T. Knight, Jr., Savannah, Ga.—Effective date of order extended to May 11, 1937.

NEW—Ex. Rep. 1-295: A. Tornek, d/b as Metro Broadcasting Co., Los Angeles, Calif.—Effective date of order extended to May 11, 1937.

The Commission further extended the effective date of the decision of the Broadcast Division of November 17, 1936, in denying the application of WHB Broadcast Company, Kansas City, Mo., for C. P., Docket No. 3808, from April 8 to April 15, 1937.

### APPLICATION DISMISSED

NEW—C. E. Wilkinson Broadcasting Co., Inc., Mason City, Iowa.—Dismissed at request of applicant, application for C. P., 1210 kc., 100 watts, unlimited, heretofore set for hearing.

### APPLICATION DENIED

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

NEW—General Electric Co., Nr. Belmont, Cal.—C. P. emission A-3, 9530, 15330 kc., 20 KW, shares W2XAF and W2XAD (Unlimited by reason of difference in International time).

### MISCELLANEOUS

Carolina Advertising Corp., Columbia, S. C.—Granted petition to reopen the record to authorize the taking of additional evidence in support of its application for C. P. for a new station at Columbia to operate on 1370 kc., 100 watts, 250 watts LS, unlimited time. (Docket No. 4274.)

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted authority to intervene in the hearing on the application of the National Battery Broadcasting Co., for C. P. to erect

a new broadcast station at St. Paul, to operate on 580 kc., 1 KW, unlimited time.

KGFF—The KGFF Broadcasting Co., Inc., Shawnee, Okla.—Denied 60 day postponement of hearing on its application for modification of license to change frequency from 1420 to 1430 kc., and increase power from 100 watts, 250 watts LS, unlimited time, to 250 watts, unlimited time. (Docket No. 4424.)

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted continuance of hearing on application for modification of license to change power from 100 watts daytime, to 100 watts, 250 watts LS, unlimited time. (Docket No. 4401).

Philadelphia Radio Broadcasting Co.—Granted petition to be made respondent in the hearing of the application of Abraham Plotkin for C. P. for new station in Chicago to operate on 1570 kc., 1 KW, unlimited time.

WFLA-WSUN—Clearwater Chamber of Commerce, Clearwater, Fla.—Denied petition to intervene in the hearing on the application of the Isle of Dreams Broadcasting Corp., licensee of station WIOD-WMBF, for modification of license to change frequency from 1300 to 600 kc. (Docket No. 4425.)

The Yankee Network, Inc., Boston, Mass.—Granted petition to intervene at the hearing of the application of the Broadcasting Service Organization, WORL, Boston, Mass., for C. P. to increase power from 500 watts daytime, to 1 KW, unlimited time, 920 kc. (Docket No. 4206).

KROY—Royal Miller, Sacramento, Cal.—Denied petition to reconsider action in postponing hearing from April 5 to May 19, 1937, on application for modification of C. P. to change frequency from 1210 kc. to 1340 kc., power from 100 watts daytime, to 250 watts, 1 KW LS, unlimited.

KGA—Louis Wasmer, Spokane, Wash.—Granted petition to continue hearing now scheduled for April 6, 1937, to a later date to be fixed by Docket Section. Application is for modification of license to change frequency from 1470 kc., 5 KW unlimited time, to 950 kc., 1 KW, 5 KW LS, unlimited time.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Denied petition asking Commission to continue for an indefinite period the hearing in Dockets Nos. 4251, 4443, 4119 and 4206, now set for May 5, 1937. Docket 4251 is the application of Drovers Journal Publishing Co., for C. P. to install new transmitter, change hours of operation from daytime to unlimited, and increase power from 1 KW daytime only, to 1 KW night, 5 KW LS. Docket 4443 is the application of Geo. W. Young for C. P. to erect a new station at St. Paul, Minn., using directional antenna, on frequency of 920 kc., with power of 1 KW night, 5 KW day, unlimited. Docket 4119 is the application of the National Battery Broadcasting Co., for C. P. to erect a new station in St. Paul, Minn., using directional antenna on frequency of 920 kc., with power of 1 KW, unlimited time. Docket 4206 is the application of the Broadcasting Service Organization, Inc., licensee of station WORL, Boston, operating on frequency of 920 kc., for C. P. to install directional antenna, move transmitter to Cambridge, Mass., change hours of operation from daytime to unlimited, and to increase power from 500 watts daytime only to 1 KW, unlimited.

Ben M. Lidenton and A. L. McCarthy, d/b as Fields McCarthy Co., Poplar Bluff, Mo.—Accepted appearance filed late through misunderstanding, in re application for C. P. for new station at Poplar Bluff, Mo., to operate on 1310 kc., 100 watts, daytime. Hearing scheduled for April 12, 1937, continued to a date to be fixed by the Docket Section.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Denied petition asking Commission to reconsider action of March 16, 1937, in designating for hearing application for transfer of control from Roger W. Clipp and Frank V. Becker to the Delaware Channel Corp., and grant the same without hearing.

WMBQ—Metropolitan Broadcasting Co., Brooklyn, N. Y.—Granted temporary interim authority to Joseph Husid, receiver, to continue the operation of station for a reasonable time, i.e., 60 days, pending decision upon applications from WWBL, Paul J. Gollhofer and Lillian Kiefer for the facilities of WMBQ as well as application for renewal of license of WMBQ and an application from WMBQ for permit to install new equipment, move station, make changes in antenna, which were heard by Examiner Walker, February 16, 17, 18, 1937, not yet reported. The temporary license granted to receiver is specifically subject to recall and cancellation by Commission without advance notice or hearing at any time.

## RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown

- KFXR—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma City, Okla.—Granted extension of program test period 30 days from March 26, 1937.
- WSGN—Birmingham News Co., Birmingham, Ala.—Granted extension of program test period 30 days from March 24, 1937.
- WIRE—Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted extension of equipment test period 10 days from March 29.
- W9XPS—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to operate as licensed on March 30, relay broadcast WMBD Good Neighbor program.
- KABE-KIGA—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority to operate as licensed on 4-4-37, relay broadcast from Ft. Snelling Chapel, near St. Paul.
- WJEP—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate as licensed period, April 5 to 15, inclusive, relay broadcast Safety Campaign Program in Rochester.
- K6SCJ—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted extension program tests to April 30, 1937.
- McLaren Advertising Co., Ltd., Toronto, Canada.—Granted special temporary authority to transmit programs on behalf of the Imperial Oil Co., Ltd., over a Canadian network of National Hockey League playoff games which will be played in Boston, New York and Detroit for a period not to exceed 30 days.
- KOCA—Oil Capital Broadcasting Assn., Kilgore, Tex.—Granted special temporary authority to use studio located at 310½ Main St., Kilgore, Texas, instead of main studio located at Laird Ave., Kilgore, Tex., for a period ending in no event later than 4-20-37.
- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate 100 watt test transmitter on 580 kc., between midnight and 6 a. m., CST, for the period April 1 to April 10, 1937, for the purpose of adjusting directional antenna authorized by C. P.
- WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 10 a. m., EST, April 1 to April 30, 1937, inclusive, in order to broadcast Rutland County Community programs, provided no further extension is granted unless a formal application specifying a proper antenna is filed.

The Broadcast Division granted the petition of KTSA Broadcasting Co., licensee of Station WACO, to intervene in the proceedings upon the application of T. E. Kirksey for C. P. for new station at Waco, Texas, Docket 4275.

Granted petition of Dr. Geo. W. Young to intervene in the proceedings upon the application of Edward Hoffman, d/b as WMIN Broadcasting Co. (WMIN), for modification of license, Docket 4342.

Granted petition of Sabine Broadcasting Co., Inc. (KFDM), Beaumont, Texas, to intervene in the proceedings upon the application of Beaumont Broadcasting Assn. for C. P. for new station at Beaumont, Texas, Docket 4376.

Granted petition of Magnolia Petroleum Co., Dallas, Texas, to intervene in proceedings upon the application of Beaumont Broadcasting Assn. for C. P. for new station at Beaumont, Texas, Docket 4376.

Granted petition of Carolinas Radio, Inc., to intervene in the proceedings upon the application of WSOC, Inc., Charlotte, N. C., for C. P., Docket 4370.

Denied petition of WHFC, Inc., Cicero, Ill., requesting permission to intervene in the proceedings upon the application of Robert McCulla for C. P. for new station at Oak Park, Ill., Docket 3647.

The Broadcast Division disregarded the petition of the Don Lee Broadcasting System for authority to intervene in the proceedings upon the application of Pacific Acceptance Corp. for C. P. for new station at San Diego, Calif., Docket 2968, and directed that it be returned to the Docket Section to be associated with the record. The Broadcast Division also denied the petition of the Don Lee Broadcasting System for continuance of a period of 30 days of said hearing on Docket No. 2968.

Granted motion of Frazier Reame, Mansfield, Ohio, for continuance of the hearing on his application for C. P., Docket 4315,

and directed that the said hearing be continued until May 17, 1937.

Granted request of The Faith Broadcasting Co. for permission to amend its application for C. P. for new station at Wichita Falls, Tex., Docket 4218, relative to its antenna system, and directed that the amendment to this application be accepted without interrupting the progress of the hearing in the Wichita Falls cases, and further that all parties should be immediately notified.

Granted request of the Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y., for the issuance of a subpoena to compel the attendance of Anthony D'Angelo, Brooklyn, N. Y., President of the Paramount Broadcasting Corporation, in the so-called Brooklyn cases. The Commission denied the request of the Brooklyn Daily Eagle Broadcasting Co., Inc., for subpoena duces tecum to compel the attendance of Salvatore D'Angelo with certain books and documents of the Paramount Broadcasting Corporation.

Approved a form letter to be issued by the Accounting Department granting requests for extension of time for filing Report Form H for Holding Companies for the year 1936 until April 30, 1937, with the understanding that the reports be filed earlier than that date if practicable.

## APPLICATIONS RECEIVED

### First Zone

- WCAX—Burlington Daily News, Inc., Burlington, Vt.—License to 1200 cover construction permit (B1-P-1448) for changes in equipment, installation of vertical antenna, and increase in power.
- NEW—The Hampden-Hampshire Corp., Holyoke, Mass.—Construction permit for a new station to be operated on 1240 kc., 1 KW, unlimited time. To use directional antenna day and night.
- WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith & Mace, 1290 Saranac Lake, N. Y.—Voluntary assignment of construction permit and license from Smith and Mace to Upstate Broadcasting Corporation.
- WEBR—WEBR, Inc., Buffalo, N. Y.—License to cover construction permit (B1-P-1370) for new transmitter and vertical antenna.
- WMBO—WMBO, Inc., Auburn, N. Y.—Modification of construction permit (B1-P-1467) for new transmitter and vertical antenna, increase in power, and move of transmitter, requesting further changes in equipment and extension of completion date from 7-24-37 to 180 days after grant.
- WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—License to cover construction permit (B1-P-113) as modified for new equipment, change in frequency, power, and hours of operation, and move of studio and transmitter.
- NEW—Utica WUTK, Inc., Utica, N. Y.—Construction permit for 1420 a new station to be operated on 1420 kc., 100 watts, unlimited time.
- NEW—Juan Piza, Mobile, Puerto Rico.—Application for reinstatement of construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 50 watts.
- NEW—Juan Piza, Mobile, Puerto Rico.—License to cover above.
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be operated on 42000-56000, 60000-86000 kc., 7500 watts.
- NEW—National Broadcasting Co., Inc., vicinity of Canton and Enderbury Islands.—Construction permit for a new experimental broadcast station on board U. S. S. *Avocet*, to be operated on 6425, 8655, 12862.5, 17310 kc., 1000 watts.
- NEW—National Broadcasting Co., Inc., vicinity of Canton and Enderbury Islands.—License to cover above.

### Second Zone

- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to 560 transfer control of corporation from Lit Brothers Broadcasting System, Inc., to Lit Brothers, 4100 shares common stock.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to 560 transfer control of corporation from WFI Broadcasting Company to Strawbridge and Clothier, 3526 shares of common stock.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-1412) for vertical antenna and move of transmitter, requesting installation of directional antenna for day and night use when WOSU is operating; change hours of operation from specified hours to unlimited; and extend commencement and completion dates.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit to change frequency from 1200 kc. to 1390 kc.; make changes in equipment; increase power from 100 watts night, 250 watts day, to 500 watts day and night, and install directional antenna for night use. Amended to change transmitter site from Page Street between Morgan and Mountain View Streets, Lynchburg, Va., to near Lynchburg, Va.

NEW—Havens & Martin, Inc., Petersburg, Va.—Construction permit for a new station to be operated on 1210 kc., 100 watts night, 250 watts day, specified hours (unlimited except Sundays between 10:30 a. m. to 1:30 p. m., 5:30 p. m. to 7 p. m. and 7:30 p. m. to 9:30 p. m., EST). Requests facilities of WMBG when WMBG changes to 1350 kc.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Construction permit to move transmitter from 16-18 North Main Street, Wilkes-Barre, Pa., to extension North 3d Avenue, Kingston, Pa., and install vertical antenna.

NEW—Summit Radio Corp., Akron, Ohio.—Construction permit for a new special broadcast station to be operated on 1530 kc., 1 KW, unlimited time. Amended to install directional antenna for night use, for approval of transmitter site at adjacent to Manchester Road, south of city limits, near Akron, Ohio, and studio as site to be determined, business district, Akron, Ohio.

NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW, unlimited time. Amended: For approval of transmitter site at Whitmore Lake Road, Ann Arbor, Mich., and install directional antenna for night use.

XXX—King-Trendle Broadcasting Corp., Detroit, Mich.—Authority to transmit programs from Station WXYZ to stations of the Canadian Radio Commission.

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., ½ watt.

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit.

NEW—WAVE, Inc., Louisville, Ky.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—WAVE, Inc., Louisville, Ky.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

### Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Construction permit to install a new transmitter.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Construction permit to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW daytime.

NEW—W. W. Luce, Fort Lauderdale, Fla.—Construction permit for a new station to be operated on 1050 kc., 1 KW, daytime. Amended to change hours of operation from limited time to daytime, using 1 KW power.

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Construction permit to install a new transmitter, increase power from 100 watts to 100 watts night, 250 watts daytime.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power, and change frequency from 1200 kc. to 1210 kc. (contingent upon WSOC being granted 600 kc.).

WFTC—Jonas Weiland, Kinston, N. C.—License to cover construction permit (B3-P-944) as modified for a new station. Amended re equipment.

WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Authority to transfer control of corporation from present stockholders to Jay O'Brien.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Authority to install automatic frequency control.

WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—License to cover construction permit (B3-P-808) as modified for new station.

NEW—Radio Enterprises, Inc., Lufkin, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime. (Sections 12 (b), 17 (k), and balance sheet.)

KONO—Mission Broadcasting Co., San Antonio, Tex.—Voluntary assignment of license from Mission Broadcasting Co. to Eugene J. Roth, tr/as Mission Broadcasting Co.

KCMC—KCMC, Inc., Texarkana, Tex.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 100 watts night, 250 watts day time.

### Fourth Zone

WDAF—The Kansas City Star Co., Kansas City, Mo.—Modification of construction permit (B4-P-1418) for a new transmitter and vertical antenna and move of transmitter, requesting further changes in equipment.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-642) for changes in equipment and increase in power.

KFBI—The Farmers & Bankers Life Insurance Company, Abilene, Kans.—Voluntary assignment of license from The Farmers & Bankers Life Insurance Company to The Farmers & Bankers Broadcasting Corp.

WDSM—Fred A. Baxter, Superior, Wisc.—Modification of construction permit (B4-P-770) for a new station, requesting approval of vertical antenna, transmitter site at 38th Street and Tower Avenue, Superior, Wisconsin, and studio at 1507 Tower Avenue, Superior, Wisconsin.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—License to cover construction permit (B4-P-1507) for a new transmitter.

KRMC—Roberts MacNab Co. (Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, General Manager), Jamestown, N. Dak.—License to cover construction permit (B4-P-510) as modified, for new station.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—License to cover construction permit (B4-P-952) as modified, for new equipment, directional antenna and increase in power.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to make changes in equipment, move transmitter from 128 N. Pulaski Road to 100 N. Pulaski Road, Chicago, Illinois, and studio from same site to 14 N. Western Avenue, Chicago, Illinois. Amended: To install vertical antenna.

WMIN—Edward Hoffman, St. Paul, Minn.—Modification of license to change frequency from 1370 kc. to 1360 kc., and increase night power from 100 watts to 250 watts. Amended: To change requested frequency from 1360 kc. to 1400 kc.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Authority to transfer control of corporation from Lloyd C. Thomas to Rockford Consolidated Newspapers, Inc., 10 shares common stock.

NEW—Sam Klaver & Nathan Belzer, Omaha, Neb.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Authority to transfer control of corporation from Lytton J. Shields to First Trust Co., of St. Paul, Helen B. Shields & Frank J. Anderson, as representatives of the estate of Lytton J. Shields, deceased; Florence E. Brown, Guardian of the estate of James L. Brown, minor, and Florence E. Brown and Emmet Butler, as trustees under the last will and testament of Frank M. Brown, deceased, 1500 shares common stock.

NEW—F. B. Clements & Co., a co-partnership of F. Braden Clements, Clara D. Clements and C. C. Clements, d/b as Southern Minnesota Supply Co., Mankato, Minn.—Construction permit for a new station to be operated on 1500 kc., 100 watts, night, 250 watts day, unlimited time.

KXBY—First National Television Inc., Kansas City, Mo.—Construction permit to make changes in transmitting equipment, changes in directional antenna and increase in power from 1 KW to 5 KW.

XXX—Mutual Broadcasting System, Inc., Chicago, Ill.—Extension of authority to exchange programs with Station CKLW, Windsor, Ontario, and through the Telegraph office of the Canadian Pacific Railway at Windsor with the Canadian Broadcasting Corp.

NEW—The University of Minnesota, Minneapolis, Minn.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000, 86009-401000 kc., 100 watts. Amended: To omit request for 86000-401000 kc.

NEW—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—National Broadcasting Co., Inc., Chicago, Ill.—License to cover above.

### Fifth Zone

**KJBS**—Julius Brunton & Sons Co., San Francisco, Calif.—Modification of license to change frequency from **1070 kc.** to **1080 kc.** Amended: To change hours of operation from limited time to specified hours, 6:00 a. m. to 6:30 p. m. and 9:00 p. m. to midnight, PST, daily.

**KGDM**—E. F. Pepper, Stockton, Calif.—Construction permit to **1100** install a new transmitter, increase power from 1 KW to 5 KW, change frequency from **1100 kc.** to **1110 kc.**, hours of operation from daytime to unlimited time. Amended: To change requested frequency from **1110 kc.** to **1150 kc.**, and install directional antenna for night operation. (Antenna, transmitter site).

**NEW**—Floyd A. Parton, San Jose, Calif.—Construction permit for **1150** a new station to be operated on **1150 kc.**, 250 watts, daytime.

**NEW**—Cheyenne Radio Corp., Cheyenne, Wyo.—Construction **1210** permit for a new station to be operated on **1210 kc.**, 100 watts, 250 watts day, unlimited time. Amended: To give studio and transmitter sites, as sites to be determined, Cheyenne, Wyoming.

**KGGM**—New Mexico Broadcasting, Albuquerque, N. Mexico.—**1230** License to cover construction permit (B5-P-1359) for equipment changes, increase in power and move transmitter.

**KCRJ**—Charles C. Robinson, Jerome, Ariz.—Construction permit **1310** to make changes in equipment, install 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 711 Main Street, Jerome, Arizona to Lower Hogback, Jerome, Arizona.

**KGB**—Don Lee Broadcasting System, San Diego, Calif.—Construction permit to install a new transmitter, erect a vertical **1330** antenna, increase power from 1 KW to 1 KW night, 5 KW day and move transmitter from Pickwick Terminal Hotel, 132-152 Broadway, San Diego, California, to site to be determined, San Diego, California. Amended: To request 5 KW power night and day.

**KBPS**—Benson Polytechnic School (R. T. Stephens, Agent), Portland, Ore.—License to cover construction permit (B5-P-**1420** 1627) for changes in equipment.

**KPQ**—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-1617) for move of transmitter and erection of a vertical antenna, requesting authority to install a new transmitter, change frequency from **1500** **1500 kc.** to **1360 kc.**, power from 100 watts night, 250 watts day, to 1 KW, and extend commencement and completion dates.

**W6XRE**—Ben S. McGlashan, Los Angeles, Calif.—License to cover construction permit for a new high frequency broadcast station.





# Official Report of the American Delegation to The Regional Radio Conference Held in Habana, Cuba, March 15-29, 1937

“Washington, April 5, 1937.

“The Honorable  
The Secretary of State,  
Washington.

“SIR:

“In accordance with the Department's instruction of March 6, 1937, the Delegation of the United States of America to the Regional Radio Conference arrived at Habana, Cuba, on March 13, 1937. The Delegation consisted of the following:

T. A. M. Craven, Chief Engineer, Federal Communications Commission, Chairman;

E. K. Jett, Assistant Chief Engineer, Federal Communications Commission;

Gerald C. Gross, Chief, International Section, Federal Communications Commission;

Harvey B. Otterman, Treaty Division, Department of State.

“Upon arrival at Habana the American Embassy made available the services of Mr. Ellis O. Briggs, Second Secretary of the Embassy, who participated as a member in the work of the Delegation throughout the Conference.

## I. GENERAL

“At the opening plenary session the work of the Conference was presented by the host nation in the form of an agenda consisting of twelve questions for study. They are as follows:

1. Consideration of the possibility and necessity of resolving a newer and proper distribution of the channels corresponding to the broadcasting band ranging between 550 and 1600 kc., especially with reference to the North and Central American regions and the West Indies, and, if possible, to determine the assignment of exclusive, shared and local channels.

2. Examination of principles regulating the assignment of broadcasting bands in the Americas for short wave bands.

3. Consideration of convenience of revising the North and Central American Agreement, signed in Mexico City, in July 1933, and referring to the bands of frequencies from 1500 to 6000 kc.

4. Exchange of opinions concerning allocation of frequencies in waves below ten meters and especially concerning interference with those frequencies, from an international standpoint.

5. Proposal of measures, even if they be of a temporary nature, which may contribute to alleviate the interference situation which is being produced in the nations of North and Central America in relation to the broadcasting service in general.

6. Exchange of opinions concerning other problems confronted by the Americas in the different features of radiocommunication, and, if possible, adoption of practical resolutions, such as the use of directed waves and proper geographical separation between stations.

7. Proposal of new bases concerning classification and width of bands, classification of stations according to their power and definition of service areas of the different classes of stations, etc.

8. Consideration of the problems presented in the amateur radio bands of 20 and 40 meters. Study of the possibility of extending said bands and, especially, those corresponding to the radiotelephone communications.

9. Adoption of practical coordination measures and mutual aid amongst the neighboring nations through radiocommunication, in cases of national calamities, such as floods, earthquakes, hurricanes, etc.

10. Study of what should, in general, be understood in radiocommunication as ‘good engineering standards.’

11. Examination of the convenience of proposing and considering, in a Regional Conference of the Americas, any other matters deemed useful in avoiding the existing conflicts, or those which may appear in the future, in radiocommunication in the American countries.

12. Consideration of the convenience of calling, for the month of November, 1937, and at such place as may be decided upon, a Regional Radio Conference for the purpose of defining and studying, at a meeting of all the American nations, their point of view in connection with the Telecommunication Conference to be held at Cairo, in 1938.

During the course of the Conference a thirteenth question was added, reading as follows:

13. Study of means to suppress inductive interference with special reference to diathermic and similar apparatus.

"The Conference, at its first plenary session, unanimously elected Senator Wilfredo Albanes, a member and Vice President of the Cuban Senate and Chairman of the Cuban Delegation, to serve as Chairman of the Conference. The Honorable Ramiro Hernandez Portela, Minister of the Republic of Cuba to Argentina, was named to act as Secretary-General of the Conference.

"The following countries were represented and participated actively in the work: Canada, Cuba, Mexico, United States of America.

"The work of the Conference was divided among four main committees under the general direction of a steering committee (Comision de Iniciativos) which consisted of the Chairman of the Conference and the Chairmen of the other three Delegations. These committees were organized as follows:

1. Committee on Broadcasting:

Chairman, Walter A. Rush, Canada.  
Vice Chairman, Ignacio Galindo, Mexico.  
Secretary, Nicolas Paroz Stable, Jr., Cuba.

"This committee had assigned to it for study questions 1, 2 and 5 of the agenda.

2. Committee on Services other than Broadcasting:

Chairman, Agustin Flores, Mexico.  
Vice Chairman, E. K. Jett, United States of America.  
Secretary, Carlos A. Mendiola, Cuba.

"To this committee were assigned questions 3, 4, 8, 9 and 11 of the agenda.

3. Committee on Engineering Standards:

Chairman, T. A. M. Craven, United States of America.  
Vice Chairman, J. W. Bain, Canada.  
Secretary, Emilio Pando, Cuba.

"There were assigned to this committee for study questions 5, 6, 7, 10, 12 and 13 of the agenda.

"In addition to the three working committees mentioned above, at the opening of the Conference, a Committee on Credentials was appointed to examine the credentials of the Delegates; at the conclusion of the Conference a Committee on Drafting was appointed to revise the Final Acts.

"At the outset of the Conference it was proposed by the delegation of the United States and unanimously approved by the Conference that all decisions should be unanimous. This provided a measure of protection to

each of the nations involved and paved the way for harmonious agreement throughout the negotiations.

## II. WORK OF THE CONFERENCE

### COMMITTEE No. 1

"Three members of the American Delegation, namely T. A. M. Craven, Harvey B. Otterman and Ellis O. Briggs were assigned to this Committee. A considerable portion of the time of this Committee was devoted to the proposals on the part of Canada, Cuba and Mexico that exclusive channels be assigned to each nation and that these be divided on the basis of some formula which might be acceptable to all four nations represented. The United States' delegation was opposed to the allocation of exclusive channels and recommended that service be provided in accordance with the basic engineering standards which are covered in the report of Committee No. 3. The American Delegation pointed out that no formula could be devised which would be acceptable to all nations because service for each nation must be based, among other considerations, upon the following factors:

1. Total population of each nation.
2. Geographical distribution of the population over the entire area to be served in each nation.
3. Within each nation the density of population as a whole.
4. The density of population in various sections of any country.
5. The number of cities and towns in each nation.
6. The geographical distribution of cities and towns within each nation.
7. Extent and proportion of rural population as compared to total population of a nation.
8. The total inhabited area.
9. The extent of the area to be served.
10. The geographical configuration of a country.
11. Topographical conditions within each country.
12. Actual propagation conditions over the terrain in each country.
13. Atmospheric conditions to be expected in each country insofar as such conditions affect radio reception.
14. Man-made 'noise' conditions to be expected in each country which would affect the quality of radio service capable of being rendered to the public.
15. The variations in requirements for public radio service in various sections within a country.
16. Variations in public preference for broadcast programs requiring diversification of program service.
17. The area of the various metropolitan districts required to be served in each country.

18. The necessity for individual communities to have their own facilities for public self-expression on local problems.

19. The necessity for the seat of government to have facilities enabling mass communication with the entire public of a country.

20. Broadcasting facilities which exist and which have been established over an extended period of time.

"It was contended that the best method by which neighboring nations can take full advantage of the radio spectrum between 540 and 1600 kc., is for such nations, in collaboration with each other, to agree upon standards of engineering and then attempt to reconcile problems involving radio interference over the borders of each country by requiring the application of sound engineering principles which will, insofar as is practicable, provide for the maximum service in each nation with a minimum of radio interference between the stations of all the nations. Efforts should be made to take advantage of modern devices which assist in the reduction of interference, as well as upon great geographical separation between stations of high power, to share channels to the fullest extent possible consistent with sound engineering.

"After an intensive study of the views of each of the countries represented and a real attempt to decide the extremely complex problems on the basis of sound engineering principles rather than on the basis of national or political considerations, the Committee happily was able to arrive at a meeting of the minds and the following principles were agreed to unanimously:

## IN THE REGULAR BROADCASTING BAND

"With respect to clear channels, the former doctrine of international coverage has been changed to 'freedom from interference within the borders of a country.'

"The adoption of the United States standard practices for regional stations is applied to the North American region as a whole resulting in the use of regional channels by all nations when no interference will exist to any regional station under the engineering standards recognized in the engineering report of January 11 of the Commission's engineering department. This was accomplished after full consideration by all delegations of the doctrine long recognized by our Government with respect to sovereign rights of nations relative to the use of radio. Therefore, no new international principle or change of policy on the part of the United States is involved.

"With reference to clear channels, the rights of nations to use frequencies is modified when they cause interference to the reception of stations in other countries, and hence it is recognized that regional arrangements are necessary to permit the orderly joint use by all nations

of the narrow broadcasting band mutually agreed upon by nations of the world for allocation to broadcast service. No new international principles have been evolved here with regard to clear channels and the practice and policies of the United States have been sustained.

"Channels formerly assigned exclusively to a country can be used by other nations in daytime when no more than five microvolts interference is caused at the border by stations of another nation using the same channel. This will result in easing the present difficulties in the United States relative to our daytime stations by adding six channels which are in the band 550 to 1500 kc., which are not now available to us. While the same concession was made to Canada and to other nations, no harm can come to the United States stations if the terms of this agreement are set forth at the November Conference and agreed upon there and thereafter maintained in force by all nations.

"Three classes of clear channels, one class of regional channels and one class of local channels were recommended much along our own present or proposed practice except that the use of directional antennae is encouraged between nations when convenient. This is in accord with what has been recognized as engineering necessity in our own country.

"Inasmuch as Committee No. 3 was charged with the study of principles of engineering and related questions, the actual definitions of stations by various classes were drafted by it and are given as follows for convenience. The work of Committee No. 3 in drawing up these definitions was concurred in by Committee No. 1 and was ratified unanimously by the plenary session.

"Six classes of stations defined very much along the lines of the Federal Communications Commission's engineering department's January report were adopted. These do not materially change our existing practice and are in accord with our present necessities.

"For the purpose of promoting coordination between nations with respect to questions of interference in the broadcast band 540-1600 kc., each nation a party to this agreement should notify the others with respect to the call signs, frequency, power, antenna characteristics, and location of the stations they have authorized; and for purposes of obtaining cooperation with respect to international interference they shall state in which of the following classes they deem the stations they have authorized should be listed:

"Class I: A 'clear channel station' using Class A or B clear channels and designed to render primary and secondary service over extended areas and at relatively long distances. Those stations of this Class operating on Class B channels shall not be permitted to use more than 50 kw. power.

"Class II: A 'clear channel station' using Class C clear channels and designed to render primary and secondary

service over relatively wide areas and at relatively long distances. They may operate with not more than 50 kw. power and must use directional antennae or other means in order to avoid objectionable interference with other stations of the same class using the same channel.

“Class III: A ‘limited clear channel station’ using Class B or Class C clear channels and designed to render service to a portion of their normal primary service area which, according to the power used, may be relatively large. The power of these stations shall not exceed 50 kw. and they must use special measures or otherwise be located at a sufficient distance to prevent objectionable interference to the service of the clear channel stations regularly assigned the same channel as is used by the ‘limited clear channel station.’ A ‘limited clear channel station’ is subject to the interference it may receive from the Clear Channel stations using the same frequency.

“Class IV: A ‘regional station’ using a regional channel and designed to render service primarily to metropolitan districts and the rural areas contained therein and contiguous thereto. Their power may not exceed 5 kw. and their service areas are subject to mutual interference in accord with agreed upon engineering standards.

“Class V: An ‘urban station’ using a local channel and designed to render service primarily to cities and towns and the suburban areas contiguous thereto. The power of ‘urban stations’ may not exceed 1 kw. and their service areas are subject to mutual interference in accord with agreed upon engineering standards.

“Class VI: A ‘city station’ using a local channel and designed to render service primarily to cities and towns and the suburban areas contiguous thereto. The power of these stations may not exceed 250 watts and their service areas are subject to mutual interference in accord with agreed upon engineering standards.

“For the first time in international radio history, ‘objectionable interference’ has been defined in specific terms for use between nations on the North American continent. The United States practices are followed in this instance and it is believed that, in view of the general misunderstanding throughout the Americas of what is meant by interference of an objectionable character, this action will go far toward attaining an orderly use of the broadcast band in this region.

“The frequency 540 kc., is permitted to be used for broadcasting as provided for in the present agreement between Canada and the United States except that distance from the coast line is prescribed.

“The broadcast band was extended to 1600 kc. in accordance with the United States proposals at Mexico City and present United States policy.

“The use of 520 kc. and 530 kc. and all other long waves was rejected for broadcasting. This is in accord with the existing United States policy.

“The frequency separation of 10 kc. and the assign-

ment of frequencies in multiples of 10 kc. was maintained in accordance with the present United States policy.

“The division of the 107 channels between 540 and 1600 kc. is as follows:

58 as clear channels of all classes

33 as regional channels

16 as local channels, ten of which are for urban stations (our low power regionals) and six for city stations (our local)

“The fifty-eight clear channels will be used by four classes of stations, namely (a) clear channel stations using Class A clear channels which give freedom from interference to the border; (b) clear channel stations using Class B clear channels which give freedom of interference to the 100 microvolt day contour of the station during the day and the 500 microvolt sky wave signal intensity during the night; (c) clear channel stations using Class C channels with directional antennae or other means of avoiding objectionable interference; freedom from interference much along same lines as above and (d) limited clear channel stations, i.e., those which use Class B and C clear channels on condition they do not interfere with regular clear channel stations assigned these frequencies but which are limited in their primary coverage by the interference from the regular clear channel stations. This class of station is similar to the Class C station suggested by the Commission’s engineering department in its January report.

“An important recommendation agreed to by Committee No. 1 and ratified by the Conference is contained in Resolution No. 14 which recognizes the essential difference between broadcasting frequencies in the normal broadcast band 540-1600 kc. and broadcasting on short waves. While the former are recognized as being essentially for national service, it is pointed out that for successful short wave broadcasting and especially the cultural exchange of programs among the Americas, stations in the short wave broadcasting bands should be required to use sufficient power to permit the rendition of good international service.

“Your Delegation feels that this Regional Conference of the four nations while preliminary in character was eminently successful in establishing the fundamental needs for broadcasting service of the participating countries and through the achievement of unanimous agreement on the broadcasting engineering bases involved, the way is paved for a more comprehensive agreement among the participating nations in the November conference.

“The following resolutions which are contained in the Final Acts of the Conference attached hereto as Annex II were the results of Committee 1: Resolutions Nos. 1, 2, 3, 4, and 5.

#### COMMITTEE No. 2

“Two members of the American Delegation were appointed to serve on this Committee, namely E. K. Jett and Gerald C. Gross.

"The Committee carefully examined the Mexico City Agreement of 1933 and as a result of its work unanimously concurred in a revision of this agreement, the text of which is attached hereto as Annex I, Acts of the Conference. The changes made in the former text were minor in character and consist principally, first in a change in the amateur band 1715-2000 kc. to read 1750-2050 kc., the next band formerly reading 2000-2100 kc. to read 2050-2100 kc. This proposal was made by the United States Delegation and was agreed to unanimously in order to provide more frequencies for state police in the new band 1715-1750 kc., the upper limit of the amateur band being increased to 2050 kc. in order to compensate for the amount taken off at the lower end. Such upward shift in the amateur band also provides increased protection to the broadcasting band now extended from 1500 to 1600 kc.

"The Committee also unanimously agreed that the United States would furnish by September 15, 1937, a plan for a North American international police radio telegraph network. This proposal was made by the United States and is in accord with the plans being formulated by the Federal Communications Commission in cooperation with the International Association of Chiefs of Police and the Associated Police Communication Officers for intercity police communications concerning law enforcement matters.

"The Committee then agreed that frequencies above 30,000 kc. should be retained for the present in an experimental status with the understanding that definite proposals concerning the allocation of these frequencies will be made by each country for the November Conference. It was further agreed in this connection that it would be desirable from an engineering standpoint to allocate frequencies beginning at approximately 40 megacycles to the television service except for the amateur band, 56 to 60 megacycles.

"The following proposal on the part of the United States was adopted by Committee Number Two, was concurred in by Committee Number One, and was unanimously adopted by the plenary session:

"That subject to the internal regulations of each country, any radio transmitting station, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster, carry on emergency communication, with points other than those normally authorized."

"The Cuban Delegation recommended that the forty meter amateur band be subdivided into two parts: first, from 7000 to 7100 kc. to be used exclusively for radio telephone amateur communication by Latin American amateurs; and the other, from 7100 to 7300 kc. to remain as at present for radio telegraph amateur operation only.

In this connection the Delegation of the United States of America pointed out that such a plan does not fit in with its national needs, but in view of the desire of the Latin American countries to take such special action for their own amateurs, it was not felt that our delegation could reasonably oppose such a move at this time. The Cuban representative pointed out that the fourteen megacycle Madrid band which is used in the United States for radio telephone communication is not suited by reason of its propagation characteristics for radio telephone communication between most of the Latin American countries where the distances involved are comparatively short. After considerable discussion the resolution above referred to was unanimously adopted for study.

"Summarizing the following resolutions which are contained in the Final Acts of the Conference attached hereto as Annex I were the result of the work of Committee Number Two: Resolutions Nos. 6, 7, 8, 12 and 13.

### COMMITTEE NUMBER 3

"Three members of the American Delegation participated in the work of Committee No. 3, namely T. A. M. Craven, who served as chairman of the committee; E. K. Jett, and Gerald C. Gross. The only proposals submitted to the committee were those of the Canadian Delegation and those submitted by the Delegation of the United States of America. It was found after studying both sets of proposals that those submitted by the Delegation of the United States of America were more comprehensive in scope in that they not only included the essence of the Canadian proposals but also took into account the discussions previously held during the meetings of Committee No. 1 which obviously were not included in the Canadian proposals which were submitted on the first day of the committee meetings. Consequently, the proposals of the United States of America were taken as the basis for discussion and after some modifications and amendments as suggested by the other Delegations, the committee unanimously agreed on the engineering principles set forth in the Final Acts of the Conference and attached to this report as Annex I under the heading 'Engineering Principles', Resolution No. 9.

"These engineering principles are based on United States standards of antenna performance, interference, and equipment performance. The propagation and interference curves are those developed by the Engineering Department of the Federal Communications Commission as a result of broadcasting experience in the United States. They were accepted as guides in the determination of international interference and service.

"With respect to services other than broadcasting the committee agreed to recommend a study of high frequency broadcasting by all nations along the same lines as is already being accomplished in the United States with a

view to arriving at a more positive conception at the November Conference so that the American nations in the Western Hemisphere will be in a position to deal in collaboration with other nations at the approaching Cairo Radio Conference.

"The committee adopted a proposal of the Delegation of the United States of America to study ways and means to eliminate interference to radio service because of radio-therapeutic machines and other devices which have substantial radiation in space. This is also in accord with the present plans of the Federal Communications Commission.

"The committee also adopted the recommendation on the part of the United States of America concerning the prevention of spurious radiations, including harmonic modulation, key clicks, parasitic oscillations, and other transient effects.

"Another important point brought out by Committee No. 3 is found in Resolution No. 9, 'Engineering Principles', and reads as follows:

"Where two regions are separated by long distances such as North and South America, it is deemed good engineering practice to have different regional arrangements so as to permit the high powered clear channels in one region to use some of the frequencies allocated as regional or local channels in other regions and vice versa.'

"With respect to high fidelity broadcasting, it was agreed that the various administrations should study the problems incident to this type of service to the end that such service may be accommodated in accordance with good engineering principles.

"The committee agreed that the engineering standards mentioned in the agreement are subject to change in accordance with technical advances in the art and by mutual consent of the Governments which are parties to this agreement.

"Summarizing, the following resolutions which are contained in the Final Acts of the Conference attached hereto as Annex II were the result of the work of Committee No. 3: Resolutions Nos. 9, 11, and 14.

### STEERING COMMITTEE

"Two proposals originated in the Steering Committee and were unanimously approved by the plenary session. The first concerns the Inter-American Radio Conference to be held beginning November 1, 1937, in Habana. Because of the fact that Habana is so central and so convenient for the transportation of delegates from all the American nations the Conference went on record as accepting the offer of the Government of Cuba to hold the Conference at Habana beginning November 1, 1937. It

was suggested that the Republic of Cuba agree to invite the following twenty-three nations:

Argentina	Haiti
Bolivia	Honduras
Brazil	Mexico
Canada	Newfoundland
Chile	Nicaragua
Colombia	Panama
Costa Rica	Paraguay
Cuba	Peru
Dominican Republic	United States of America
Ecuador	Uruguay
El Salvador	Venezuela
Guatemala	

The Cuban Delegation informed the Conference that their Government would take the necessary steps.

"In addition, the Conference gave very careful study to a proposal made by the Cuban Government looking toward the establishment of a Regional Radio Consulting Committee for the Americas, whose principal functions would be supervisory. Such a committee would also act as the distribution center for the exchange of information concerning statistical data relative to the characteristics of stations which have been authorized by the American nations under the terms of the November agreement. Our delegation supported this idea which was presented by Cuba because we felt that it is through such an organization that an effective means can be secured in gradually raising the standards of engineering employed in practice by the various nations which will become parties to the engineering standards of the forthcoming November agreement. It is also essential that information with respect to the location and technical characteristics of stations authorized by each nation become known quickly. If these factors of engineering practice and exchange of information are not accomplished in fact, there would result an inevitable confusion and lack of uniformity in the broadcast band at least, which would again deteriorate service to listeners. In view of these factors, our delegation strongly supported the Cuban proposal and suggested that its permanent headquarters be Habana.

### CREDENTIALS COMMITTEE

"Because of the fact that the delegation had not been supplied with formal credentials by the Department, it was necessary for the American Embassy at Habana to issue a certificate for the delegation. This was accepted by the Credentials Committee, as were the credentials of the other delegations present. Mr. Otterman represented the delegation of the United States of America on this committee.

## DRAFTING COMMITTEE

"Because of the press of the work of the Conference and the fact that the informal plenary session was held on Easter Sunday and the closing plenary session on the following Monday afternoon, certain minor typographical errors necessarily appeared in the Final Acts of the Conference as printed. In order not to delay the final signing but to provide for the correction of these errors the Chairman of the Conference appointed a small Drafting Committee, consisting of Dr. Nicolas Mendoza of Cuba and Mr. Gerald C. Gross of the United States of America, which was authorized by the plenary session to make such editorial changes as were deemed necessary, especially with respect to questions of translation.

## CONCLUSION

"While your delegation feels that an extremely important and constructive work has been done in this preliminary Conference in Habana, it must necessarily point

out that in order to bring permanent stability to the radio industry not only in the United States but throughout all the nations in the Americas this work which was begun in March must be carried through to a successful conclusion at the November Conference. If the same fine spirit of cooperation and good will which was evidenced by each of the participating nations in this preliminary Conference is continued, it is only reasonable to believe that this goal so earnestly desired by all the nations involved will be successfully reached.

"In conclusion, your delegation desires to express its appreciation of the whole-hearted cooperation extended to it by officers and members of the staffs of the American Embassy and the American Consulate General at Habana.

"Finally, warm thanks are due the Cuban Government for its most generous treatment of the delegates to the Conference.

T. A. M. CRAVEN, *Chairman*  
E. K. JETT,  
GERALD C. GROSS  
HARVEY B. OTTERMAN

# Final Minutes of the Regional Radio Conference

## Convened in the City of Havana from March 15 to March 29, 1937

"The Governments of the United Mexican States, the United States of America, the Dominion of Canada and the Republic of Cuba, agreed to hold, in the city of Havana, a Radio Regional Conference, for the purpose of preparing and studying such matters of common interest as may serve as a basis for discussion at the Inter-American Radio Conference to be held in the month of November, 1937, as preliminary to the International Conference to be convened at Cairo in the month of February, 1938.

"Said four Governments appointed for that purpose the following Delegations:

### *For the United Mexican States:*

Mr. Alfonso Gomez Morentin,  
Director General of Posts and Telegraphs, Chairman.  
Mr. Ignacio Galindo,  
Engineer, Chief of the Office of Radiocommunication of the Direction General of Posts and Telegraphs.  
Mr. Agustin Flores,  
Engineer, Inspector of Radio of the Direction General of Posts and Telegraphs.

### *For the United States of America:*

Com. T. A. M. Craven,  
Chief Engineer, Federal Communications Commission, Chairman.

Mr. E. K. Jett,  
Assistant Chief Engineer, Federal Communications Commission.  
Mr. Gerald C. Gross,  
Chief, International Section, Federal Communications Commission.  
Mr. Harvey B. Otterman,  
Treaty Division, Department of State.  
Mr. Ellis O. Briggs,  
Second Secretary, American Embassy, Havana.

### *For Canada:*

Mr. Walter Rush,  
Controller of Radio.  
Mr. J. W. Bain,  
Radio Engineer.  
Mr. Donald Manson,  
Canadian Broadcasting Corporation.  
Mr. K. A. MacKinnon,  
Radio Engineer, Canadian Broadcasting Corporation.

### *For Cuba:*

Mr. Wifredo Albanes,  
Senator of the Republic, Chairman of the Cuban Delegation.  
Mr. Nicolas G. Mendoza,  
Director of Radio.

Mr. Arturo Novo Vidal,  
Inspector General of Radio.

Mr. Alfonso Hernandez Cata,  
Superintendent of Laboratory, Department of  
Communications.

Mr. Luis Moas,  
Assistant to the Director of Protocol, Department  
of State.

Mr. Raul Karman,  
Engineer.

Mr. Julio Cesar Ulloa,  
Engineer.

Mr. Luis Martinez,  
Engineer.

Mr. Andres Ascencio,  
Major of the Constitutional Army.

Mr. Jose Lara,  
Lieutenant of the Central Division of the National  
Police.

Mr. Amadeo Saenz de Calahorra,  
Engineer, Member of the Radio Club of Cuba.

Captain Carlos M. Choca Quintana,  
Chief of the Signal Corps of the Constitutional  
Navy.

"The Conference held its Inaugural Session at 5:00 p. m. of the 15th day of March, 1937, in the Assembly Hall of the Department of Education, attended by all the Delegations and, as guests of honor, by Mr. Alfonso Cravioto, Mexican Ambassador, Mr. Herbert Grant Watson, British Minister, and Mr. Bissett, Trade Commissioner of the Dominion of Canada.

"The Conference was inaugurated, in the name of the Government of Cuba, by Mr. Melanio Diaz, Secretary of Communications.

"Mr. Wifredo Albanes, Senator of the Republic of Cuba and Chairman of the Cuban Delegation, was elected, by the unanimous vote of all the Delegations, to be Chairman of the Conference.

"Dr. Ramiro Hernandez Portela, Cuban Minister to the Argentine Republic, was appointed Secretary General.

"The Conference, at this Session, resolved to create in addition to the Committees on Credentials and on Initiatives, provided in the Regulations, three Committees of a technical character, for the prior study of the topics suggested for the Conference, and named as follows:

"First Committee: Broadcasting in General.

"Second Committee: Radiocommunications and other Services.

"Third Committee: Engineering.

"Messrs. Alfonso Gomez Morentin, Com. T. A. M. Craven and Walter A. Rush, Chairmen of the Delegations of the United Mexican States, the United States of America and the Dominion of Canada, were unanimously ap-

pointed, in the order above mentioned, determined by lots drawn, Vice-Chairmen of the Conference.

"The following were likewise unanimously elected as Chairmen of the respective Committees:

First Committee:

Chairman: Walter A. Rush (Canada).

Second Committee:

Chairman: Engineer Agustin Flores (Mexico).

Third Committee:

Chairman: Com. T. A. M. Craven (U. S. A.).

"Senator Dr. Wifredo Albanes, Chairman of the Conference, was acknowledged, in accordance with the Regulations, as Chairman of the Committee on Initiatives, constituted also under the provisional Regulations, by the Chairmen of the four Delegations.

"The above mentioned Committees convened daily in the premises assigned for that purpose by the Government of Cuba, in the Hotel National, carefully examining each and all the topics submitted to them for study, and the enumeration of which is as follows:

1st.—Consideration of the possibility and necessity of resolving a newer and more proper distribution of the channels corresponding to the broadcasting band ranging between 550 and 1600 kcs., especially with reference to the American regions of the North and Center, and the West Indies, and, if possible, to determine the assignment of exclusive shared and local channels.

2nd.—Examination of principles regulating the assignment of broadcasting channels in the Americas for short wave bands.

3rd.—Consideration of the convenience of revising the North and Central American Agreement, signed in Mexico City, in July, 1933, and referring to the bands of frequencies from 1500 to 6000 kcs.

4th.—Exchange of opinions concerning allocation of frequencies in waves below ten meters, and especially concerning interferences with those frequencies, from an international standpoint.

5th.—Proposal of measures, even if they be of a temporary nature, which may contribute to at least relieve the interference situation which is being produced in the nations of North and Central America in relation to the broadcasting service in general.

6th.—Exchange of opinions concerning other problems confronted by the Americas in the different features of radiocommunication, and, if possible, adoption of practical resolutions, such as the use of directed waves and the proper geographical separation between stations.

7th.—Proposal of new bases concerning classification and width of channels, classification of stations



according to their power and definition of service areas of the different classes of stations, etc.

8th.—Consideration of the problems presented in the amateur radio bands of 20 and 40 meters. Study of the possibility of extending said bands and, especially, those corresponding to radiophone communications.

9th.—Adoption of practical coordination measures and mutual aid amongst the neighboring nations through radiocommunication, in cases of national calamities, such as floods, earthquakes, hurricanes, etc.

10th.—Study of what should, in general, be understood in radiocommunication as 'a good standard of engineering.'

11th.—Examination of the convenience of proposing and considering, in a Regional Conference of the Americas, any other matters deemed useful in avoiding the existing conflicts, or those which may appear in the future, in radiocommunication in the American countries.

12th.—Consideration of the convenience of calling, for the month of November, 1937, and at such place as may be resolved, a Regional Radio Conference for the purpose of defining and studying, at a meeting of all the American nations, their points of view in connection with the Telecommunication Conference to be held at Cairo, in 1938.

13th.—Study of the means to suppress the Inductive Interference, with special reference to diathermy and similar apparatus.

"The Delegates examined carefully the provisional Regulation for the Conference, submitted to them by the Cuban Government for consideration, and, after agreeing on some amendments thereto, unanimously approved the same.

"The Committees, after an exhaustive deliberation, resolved to submit to the consideration of the Conference the drafts of Resolution hereinafter set forth and which were unanimously approved by the Conference in its Plenary Session held the 29th day of March, 1937, in the Assembly Hall of the Department of Education.

### RESOLUTIONS APPROVED

*"The Regional Radio Conference, held at Havana, in the month of March, 1937, has resolved, unanimously, to express to the Governments herein represented, its recommendation that the following be agreed upon, as a basis of discussion at the forthcoming Inter-American Regional Radio Conference, now scheduled for November 1st, 1937.*

"No. 1.—

"The sovereign right of all nations to the use of every radio broadcasting channel is recognized. Nevertheless,

the Governments recognize that, until technical development reaches a state that permits the elimination of radio interference of international character, it is agreed that regional arrangements are essential in order to promote standardization and to minimize such interference.

"No. 2.—

"The Governments recognize that radio broadcasting service can be rendered in each nation by six classes of stations, each having different standards of service and interference conditions.

"No. 3.—

"The frequency band between 1500 and 1600 kilocycles should be assigned to radio broadcasting service in the Americas.

"No. 4.—

"For the purposes of this Conference, it is unanimously agreed that the words in the English language 'clear channel' shall be interpreted in the Spanish language as 'canal despejado,' and vice-versa, both expressions being understood as meaning the same thing.

"For the purposes of this Conference, it is unanimously agreed to accept the interpretation of the English words 'objectionable interference' as 'interferencia molesta' in the Spanish language and vice-versa, both expressions being understood to mean the same thing.

### DEFINITION OF CHANNELS

"No. 5.—

"Three categories of channels exist, namely: Clear, regional and local.

"*Clear channels:* A clear channel is primarily one on which stations render service over wide areas and which are cleared of objectionable interference, within their primary service areas and over all or a substantial portion of their secondary service areas, from other stations operating on the same frequency.

"There are three classes of clear channels, namely:

"A.—Clear channels on which stations may operate with powers of more than 50 kw. and have their primary and secondary service areas free from objectionable interference within the limits of the country in which the said stations are located.

"B.—Clear channels on which no station may operate with a power in excess of 50 kw. In addition to the clear channel station operating on this frequency there may be stations of other classes providing the latter do not cause objectionable interference within either the primary or secondary service area of the clear channel station. In this class of clear channel, the determination of objectionable interference is obtained from measurements of the interference at a given day field strength contour of the clear channel station.

"C.—Clear channels on which no station may operate with a power in excess of 50 kw. There may be more than one clear channel station on this class of channel but each station must use a directional antenna or other means in order to prevent objectionable interference within the service areas of the other stations. In this class of clear channel, the determination of objectionable interference is obtained from measurements of the interference at a given day field strength contour.

"*Regional channels*: A regional channel is one on which several stations may operate with power not in excess of 5 kw. and whose primary service areas may be reduced as a consequence of mutual interference to given field strength contours.

"*Local channels*: A local channel is one on which several stations may operate with powers not in excess of 5 kw. and whose primary service areas may be reduced as a consequence of mutual interference to given field strength contours.

"*Definition of primary service area*: The primary service area of a clear channel station is that area determined by the field strength contour at which the ratio between ground and sky wave at night approaches unity.

"*Definition of secondary service area*: The secondary service area of a clear channel station is that area within which the service is provided principally by means of indirect radiation and in consequence thereof the field strength varies from time to time.

"*Definition of objectionable interference*: Objectionable interference is that degree of interference produced when the field strength of an interfering station operating on the same frequency as that of the desired station exceeds 5% of the field intensity of the desired station 10% of the time or more.

"*Limits of objectionable interference*: A station shall be considered as not capable of causing objectionable interference to a clear channel station when it uses the same frequency and is separated from the clear channel station by a time difference of five hours, or if it is located no closer to the clear channel station than indicated in the following Table:

Power	Distances	
	Miles	Kilometers
1 kw. or less	3.000	4.825
5 kw.	3.250	5.230
50 kw.	3.500	5.630
over 50 kw.	4.000	6.440

"*General*: Stations operating on clear channels should in principle employ relatively high power and may employ under certain specified conditions powers in excess of 50 kw.

"Each nation to which a clear channel may be assigned must use such channel in a manner that conforms to the

best practice of good engineering. If within a number, to be determined, of years from the day of signing this agreement a nation to which has been assigned a clear channel does not make use of such channel in accordance with good allocation engineering practice, any other nation, which is a party to this Agreement, shall have the right to use such channel in the same manner and under the same conditions as employed by the nation to which the channel was originally assigned.

"When one nation to which a clear channel has been assigned agrees to permit another nation to use it in a manner not in accord with this Agreement, other nations signatories to this Agreement must be notified in sufficient time to permit their presenting objections thereto.

"All nations in a specified region may use all regional and local channels in accordance with the agreed standards of engineering.

## FREQUENCIES ABOVE 1600 KC/S

### A.—Services Other Than Broadcasting

No. 6.—

I.—The participating Governments may assign any frequency and any type of wave to any radio stations under their authority, upon the sole condition that no interference with any service of another country results therefrom.

II.—The participating Governments undertake to assign frequencies to the stations under their jurisdiction in conformity with the Table "Distribution of Frequencies to Services".

III.—TABLE I.—*Distribution of Frequencies to Services*

General Frequency Band (kc.)	Exact Limits of the Band (kc.)	Service Allocation
1600–1650	1605–1650	Maritime Mobile.
1650–1655	1650–1654	General Experimental.
1655–1750	1654–1750	Fixed and Mobile (primarily police).
1750–2050	1750–2052	Amateur.
2050–2100	2052–2102	Fixed and Mobile.
2100–2200	2102–2202	Mobile (primarily ship stations).
2200–2300	2202–2302	Fixed and Mobile.
2300–2395	2302–2396	Mobile (primarily police).
2395–2400	2396–2402	General Experimental.
2400–2500	2402–2502	Mobile (primarily police).
2500–2600	2502–2602	Mobile (primarily coast stations).
2600–2735	2602–2734	Aeronautical and Mobile.
2735–2740	2734–2742	Mobile (primarily intership, assignable frequency 2738 kc.).
2740–2850	2742–2850	Fixed and Mobile.
2850–3000	2850–3002.5	Aeronautical and Mobile.
3000–3065	3002.5–3062.5	Fixed and Mobile.
3065–3100	3062.5–3097.5	Air Mobile.
3100–3110	3097.5–3112.5	Mobile (primarily air Mobile calling frequency 3105 kc.).
3110–3150	3112.5–3152.5	Mobile.
3150–3265	3152.5–3267.5	Fixed and Mobile (primarily air Mobile).
3265–3320	3267.5–3322.5	Fixed.
3320–3440	3322.5–3442.5	Fixed and Mobile.
3440–3485	3442.5–3487.5	Fixed and Mobile (primarily air Mobile).
3485–3500	3487.5–3500	General Experimental.
3500–4000	3500–4000	Amateur.

"Table II may be used as a guide for the designation of frequencies to be assigned to stations.

"\*IV.—The participating Governments in allocating frequencies above 4000 kc. agree to adhere to the provisions of Appendix No. 1, except that the band of frequencies from 5600 to 5700 kc. shall be assigned exclusively to the Air Mobile Service.

"V.—In general, in the frequency range 1600-3000 kilocycles, the frequencies assigned shall be integral multiples of 4 kilocycles. Communication channels wider than 4 kilocycles may be assigned where the authorized band width of the emission requires the use of such wider channels. For example, two adjoining telegraph channels may be assigned for telephony, in which case the frequency assigned to a station should be the mid-frequency of such channels. The frequencies to be assigned to stations are given in Table II. Departure from these assignments may be made in order to make more efficient use of the frequency space available.

## VI. TABLE II

Assignable frequencies based on radiotelegraph emission.

1600	2060	2228	2396	2564
1604	2064	2232	2400	2568
1608	2068	2236	2404	2572
1612	2072	2240	2408	2576
....	....	....	....	....
....	....	....	....	....

(Complete table agreed to but not reproduced).

"VII.—The frequency tolerance of the carrier wave of the stations authorized by the respective Governments in the band 1600-6000 kilocycles shall be equal to or less than the value specified in Table III.

## TABLE III

### TOLERANCE TABLE

Frequency Band 1600-6000 kc.	Tolerances permissible for transmitters in- stalled before January 1, 1934 (1). Plus or Minus.		Tolerances for new transmitters installed after January 1, 1934. Plus or Minus.	
A.—Fixed stations	0.03%		0.01%	
B.—Land stations	0.04%		0.02%	
C.—Mobile stations using frequencies not normally used for ship radiotele- graph transmis- sions	0.05%		0.02%	
D.—Mobile stations using any wave within the band	0.1%		0.1%	

(1) The tolerances given in this column will be applicable only until January 1, 1940. After that date all transmitters shall conform to the tolerances given in the second column.

"VIII.—The participating Governments agree to require stations under their jurisdiction to use transmitters which are as free as practicable from all spurious emissions such as those due to harmonics, decrement, spacing waves, frequency modulation, key clicks, type of keying,

etc., not essential to the type of communication being carried on.

"IX.—The procedure to be followed in the elimination of interference between radio stations under the jurisdiction of the participating Governments shall be covered by separate agreements.

"X.—The restriction against certain types of emissions in the band 325 to 345 kc., contained in Appendix No. 1, par. 11 (1), will not be applicable to the region of North and Central America.

"XI.—All the coastal stations (except those in Hudson Bay) under the jurisdiction of the participating Governments shall be considered as being in a region of heavy traffic in the sense of Appendix No. 2, par. 1 (6)-a. As a result, traffic on the wave of 500 kilocycles (410 kc. on the Great Lakes) shall be limited to the conditions fixed in said Appendix No. 2, par. 6 (a).

"XII.—Definitions of terms:

"(1).—*Telecommunication*: Any telegraph or telephone communication of signs, signals, writing, images and sounds of any nature, by wire, radio, or other systems or processes of electrical or visual (semaphore) signalling.

"(2).—*Radiocommunication*: Any telecommunication by means of Hertzian waves.

"(3).—*Radiotelegram*: Telegram originating in or destined to a mobile station, transmitted on all or part of its route over the radio channels of the mobile service.

"(4).—*Public correspondence*: Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

"(5).—*Private operating Agency*: Any individual, company or corporation, other than a government institution or agency, which is recognized by the government concerned and which operates telecommunication installations for the purpose of exchanging public correspondence.

"(6).—*Administration*: A government administration.

"(7).—*International service*: A telecommunication service between offices or stations under the jurisdiction of different countries, or between stations of the mobile service, except when the latter are of the same nationality and are within the limits of the country to which they belong. An internal or national telecommunication service which is likely to cause interference with other services beyond the limits of the country in which it operates, shall be considered as international service from the standpoint of interference.

"(8).—*Limited service*: A service which can be used only by specified persons or for special purposes.

"(9).—*Mobile service*: A radiocommunication service carried on between mobile and land stations and by mobile stations, communicating among themselves, special services being excluded.

“(10).—*Fixed stations*: A station not capable of being moved, and communicating by radio with one or more stations similarly established.

“(11).—*Land station*: A station not capable of being moved, carrying on a mobile service.

“(12).—*Coast station*: A land station carrying on a service with ship stations. This may be a fixed station used also for communication with ship stations; in this case, it shall be considered as a coast station only for the duration of its service with ship stations.

“(13).—*Aeronautical station*: A land station carrying on a service with aircraft stations. This may be a fixed station also for communication with aircraft stations in this case, it shall be considered as an aeronautical station only for the duration of its service with aircraft stations.

“(14).—*Mobile station*: A station capable of being moved and which ordinarily does move.

“(15).—*On board station*: A station on board either of a ship which is not permanently moored, or an aircraft.

“(16).—*Ship station*: A station on board a ship which is not permanently moored.

“(17).—*Aircraft station*: A station on board an aerial vehicle.

“(18).—*Radiobeacon station*: A special station the emissions of which are intended to enable an on-board station to determine its bearing or a direction with reference to the radiobeacon station, and in some cases also the distance which separates it from the latter.

“(19).—*Radiodirection-Finding station*: A station equipped with special apparatus for determining the direction of the emissions of other stations.

“(20).—*Telephone broadcasting station*: A station carrying on a telephone broadcasting service.

“(21).—*Television broadcasting station*: A station licensed for the transmission of transient visual images of moving or fixed objects, for simultaneous reception and reproduction by the general public.

“(22).—*Amateur station*: A station used by an amateur, that is, by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

“(23).—*Private experimental station*: A private station for experiments looking to the development of radio technique or science.

“(24).—*Private radio station*: A private station, not open to public correspondence, which is authorized solely to exchange with other private radio stations, communications concerning the private business of the license holder or holders.

“(25).—*Frequency assigned to a station*: The frequency assigned to a station is the frequency occupying the center of the frequency band in which the station is

authorized to work. In general this frequency is that of the carrier wave.

“(26).—*Frequency band of an emission*: The frequency band of an emission is the frequency band actually occupied by the emission for the type of transmission and for the signalling speed used.

“(27).—*Frequency tolerance*: The frequency tolerance is the maximum permissible separation between the frequency assigned to a station and the actual frequency of emission.

“(28).—*Power of a radio transmitter*: The power of a radio transmitter is the power supplied to the antenna.

In the case of a modulated-wave transmitter, the power in the antenna shall be represented by two numbers, one indicating the power of the carrier supplied to the antenna and the other the actual maximum rate of modulation used.

“(29).—*Aeronautical service*: A radio service carried on between aircraft stations and land stations, and by aircraft stations communicating among themselves. This term shall also apply to fixed and special radio services intended to insure the safety of aerial navigation.

“(30).—*Fixed service*: A service carrying on radio communication of any kind between fixed points excluding broadcasting services and special services.

“(31).—*Special service*: A telecommunication service carried on especially for the needs of a specific service of general interest and not open to public correspondence, such as: a service of radio-beacons, radio direction finding, time signals, regular meteorological bulletins, notices to navigators, press messages addressed to all, medical notices, medical consultations, standard frequencies, emissions for scientific purposes, etc.

“(32).—*Telephone broadcasting service*: A service carrying on the broadcasting of radiophone emissions primarily intended to be received by the general public.

“(33).—*Visual broadcasting service*: A service carrying on the broadcasting of visual images, either fixed or moving, intended to be received by the general public primarily.

“(34).—*Amateur service*: A radio service carried on between amateur stations.

“(35).—*Air mobile service*: A radio service carried on between aircraft carriers and by aircraft stations communicating among themselves.

“(36).—*General experimental service*: A radio service carried on by experimental stations engaged in research or development in the radio art.

“(37).—*Police service*: The radio service carried on by provincial, state, or municipal police authorities for emergency services principally with mobile police units.

“(38).—The term ‘channels’ means the portion of the radio spectrum of a width sufficient to permit of its use

by a radio station for communication purposes; it comprises the following three elements, all defined below:

- 1) the 'frequency band of emissions.'
- 2) twice the specified 'frequency tolerance.'
- 3) the 'interference guard bands,' if required.

"(39).—The term frequency band of emission means that the frequency band of an emission is the frequency band actually occupied by this emission for the type of transmission and for the signalling speed used.

"(40).—The term 'interference guard bands' means the frequency bands additional, to the frequency band of emission and frequency tolerance, which may be allowed in order that there shall be no interference between stations having adjacent frequency assignments. In general this provision is dependent upon receiver selectivity and transmitter characteristics.

"(41).—The term 'primarily' used in connection with certain bands in the allocation table of this agreement, means that as duly authorized installations of the primary services are undertaken, they will have preference on the available channels in that particular band.

"The assignment of channels to other services in the general allocation for each of these bands will be carried out in such a manner as to prevent undue interference with existing stations of the primary service.

"(42).—*Facsimile broadcast station*: A station licensed to transmit images of still objects for record reception by the general public.

## APPENDIX I

"Allocation and use of frequencies (wave lengths) and of types of emissions.

"(Exact text of Article 7 of General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932.)

## APPENDIX II

"Use of waves in the mobile service.

"(Exact text of Article 19 of General Radio Regulations annexed to the International Telecommunication Convention, Madrid, 1932.)

"No. 7.—

"That the 40-meter amateur band be subdivided in two parts: one from 7000 to 7100 kc. exclusive for radiophone amongst the Latin American amateurs, and the other, from 7100 to 7300 kc. to remain as before, only as a radiotelegraph band.

"No. 8.—

"That consideration be given to the establishment of an international regional police radiotelegraph system with the object of taking action at the forthcoming regional conference of November 1, 1937. In this connection, the

United States of America is requested to act as the centralizing administration and to furnish not later than September 15, 1937, to the countries invited to the November Conference, the draft of a plan for study in advance of the regional conference.

"No. 9.—

"The Third Committee of this Conference (Engineering) held several meetings, in order to comply with the task entrusted to it by the Conference, to establish the engineering standards indispensable for the fulfillment of the resolutions adopted by the First and Second Committees, relating to the topics submitted to the study of said Committees.

"It acted, therefore, on the work rendered by said Committees, making a thorough study of the problems and drawing up an extensive document, in which the technical principles that it considered necessary to recommend as a basis for the execution of said resolutions are set forth.

"This is the document inserted hereinafter:

## ENGINEERING PRINCIPLES

### PART I

#### *Broadcasting 540-1600 kc.*

#### *Classes of Stations*

"For the purpose of promoting coordination between nations with respect to questions of interference in the broadcast band 540-1600 kc., each nation a party to this agreement should notify the others with respect to the call signs, frequency, power, antenna characteristics, and location of the stations they have authorized; and for purposes of obtaining cooperation with respect to international interference they shall state in which of the following classes they deem the stations they have authorized should be listed:

"Class I: A 'clear channel station' using Class A or B clear channels and designed to render primary and secondary service over extended areas and at relatively long distances. Those stations of this Class operating on Class B channels shall not be permitted to use more than 50 kw. power.

"Class II: A 'clear channel station' using Class C clear channels and designed to render primary and secondary service over relatively wide areas and at relatively long distances. They may operate with not more than 50 kw. power and must use directional antennae or other means in order to avoid objectionable interference with other stations of the same class using the same channel.

"Class III: A 'limited clear channel station' using Class B or Class C clear channels and designed to render service to a portion of their normal primary service area which, according to the power used, may be relatively large. The

power of these stations shall not exceed 50 kw. and they must use special measures or otherwise be located at a sufficient distance to prevent objectionable interference to the service of the clear channel stations regularly assigned the same channel as is used by the 'limited clear channel station.' A 'limited clear channel station' is subject to the interference it may receive from the clear channel stations using the same frequency.

"Class IV: A 'regional station' using a regional channel and designed to render service primarily to metropolitan districts and the rural areas contained therein and contiguous thereto. Their power may not exceed 5 kw. and their service areas are subject to mutual interference in accord with agreed upon engineering standards.

"Class V: An 'urban station' using a local channel and designed to render service primarily to cities and towns and the suburban areas contiguous thereto. The power of 'urban stations' may not exceed 1 kw. and their service areas are subject to mutual interference in accord with agreed upon engineering standards.

"Class VI: A 'city station' using a local channel and designed to render service primarily to cities and towns and the suburban areas contiguous thereto. The power of these stations may not exceed 250 watts and their service areas are subject to mutual interference in accord with agreed upon engineering standards.

"The engineering standards of operation under which each class of station renders service is as follows:

Class of Stations	Permissible Power	Signal Intensity Contour Within Which Service Should Be Free of Objectionable Interference**	
		Day	Night
Class I using Class A clear channels	More than 50 kw	Boundary of country in which station is located	Boundary of country in which station is located
Classes I and II using Class B clear channels	50 kw or less	1/10 millivolt	5/10 millivolt, secondary service
Class III	50 kw or less	5/10 millivolt*	2½ millivolts, primary service*
Class IV	5 kw or less	5/10 millivolt	2½ millivolts, primary service
Class V	1 kw or less	2 millivolts	4 millivolts, primary service
Class VI	250 watts or less	2 millivolts	4 millivolts, primary service

\* These Class III stations are subject to unlimited interference from Classes I and II; but it is recommended that Class III stations be so located that this interference is not objectionable within the above mentioned contours.

\*\* In accordance with other articles in this agreement this freedom of interference does not apply to any signal intensity which is within the confines of a country other than that in which the station is located.

### Number of Frequencies for Each Class of Channel

"In the frequency band 540-1600 kc. which it is agreed shall be used for broadcasting by parties to this agreement, the number of channels available to each class of channel in any specified region should be as follows:

Clear channels .....	58
Regional channels .....	33
Local channels .....	16
<b>Total .....</b>	<b>107</b>

"The frequency 540 kc. may be used only by stations located at least 1000 miles from the nearest seacoast and should not be used under any other conditions for the reason that such stations are capable of rendering interference to international services of nations not a party to this agreement, as well as to services of nations a party to this agreement, which operate aviation and maritime radio services in accordance with the International Telecommunications Convention at Madrid.

### Frequency Separation

"Within the broadcast band 540-1600 kc., the frequencies which are assigned to broadcasting stations shall be

in multiples of ten, and stations operating on these frequencies shall not deviate from their assigned frequency by more than 50 cycles.

### Use of Channels by Classes of Stations

"In general, clear channels should be assigned to clear channel stations, the regional channels to regional stations, and local channels to urban and local stations.

"In any specified region and under conditions in which objectionable interference is not likely to occur, 'limited clear channel stations' (Class III) may use Class B and C clear channels.

"Also, in any specified region and under conditions in which objectionable interference will not occur, Class V and VI stations may use frequencies assigned to Class IV stations.

"Between the hours of sunrise and sunset any class of station may use clear channels of Class A provided no objectionable interference is caused within the country in which is located the station which is normally assigned such clear channel for regular use.

"Where two regions are separated by long distances

such as North America and South America, it is deemed good engineering practice to have different regional arrangements so as to permit the high powered clear channels in one region to use some of the frequencies allocated as regional or local channels in other regions and vice versa.

### Objectionable Interference: Same Channel

“Objectionable interference shall be said to exist to the service of the classes of stations specified herein when the signals radiated from another station using the same channel exceed at the specified point of measurement the field intensities, indicated below, 10% of the time or more:

<i>Class of Station</i>	<i>Permissible Intensity of Interfering Signal</i>	<i>The Contour or Boundary on or Within Which Interference is to be measured</i>
Class I using Class A clear channels	5 microvolts (day) 25 microvolts (night)	The boundary of the country in which the desired station is located.
Class I using Class B clear channels	5 microvolts (day)  25 microvolts (night)	The 100 microvolt day contour of the desired station. The 100 microvolt day contour of the desired station.
Class II	5 microvolts (day)  25 microvolts (night)	The 100 microvolt day contour of the desired station. The 100 microvolt day contour of the desired station.
Class III	25 microvolts (day)*  125 microvolts (night)*	The 500 microvolt day contour of the desired station. The 500 microvolt day contour of the desired station.
Class IV	25 microvolts (day)  125 microvolts (night)	The 2000 microvolt day contour of the desired station. The 500 microvolt day contour of the desired station.
Class V	100 microvolts (day)  200 microvolts (night)	The 2000 microvolt day contour of the desired station. The 2000 microvolt day contour of the desired station.
Class VI	100 microvolts (day)  200 microvolts (night)	The 4000 microvolt day contour of the desired station. The 2000 microvolt day contour of the desired station. The 4000 microvolt day contour of the desired station.

\* Does not refer to interference from clear channel stations on the same frequency.

### Objectionable Interference: Adjacent Channels

“Objectionable interference between the signals of stations using adjacent channels shall be said to exist when the field of intensity of the ground wave of the undesired station exceeds a definite value 10% of the time or more at the agreed upon points of measurement within the service area of the desired station and shall be determined by the following ratios:

<i>Channel Separation</i>	<i>Permissible Minimum Ratio of Desired and Undesired Signals</i>
10 kc.	1 to .5
20 kc.	1 to 10
30 kc.	1 to 50

*Day Signal Intensity Contour of Desired Station on or within which Interference Measurements shall be made. (In millivolts per meter)*

<i>Class of Station</i>	<i>For day Interference</i>	<i>For night Interference</i>
Classes I and II	0.1	0.5
Classes III and IV	0.5	2.0
Classes V and VI	2.0	4.0

### Antenna Performance

“For the purpose of estimating objectionable interference of an international character, clear channel stations shall be assumed to produce an effective field of 200 millivolts per meter at one mile (324 millivolts per meter at one kilometer) corrected for attenuation, for each

“From the standpoint of interference stations separated by 40 kc. or more may be situated in the same city provided good engineering principles are followed in choosing their transmitter sites.

“For the purpose of determining interference of an international character between stations using adjacent channels, objectionable interference shall be said to exist when the undesired signal intensity exceeds the following values 10% or more at the designated points of measurement in the service area of the desired station:

*Permissible Intensity of Interfering Signal (in millivolts per meter) on 10-20-30 kc. frequency separation*

<i>10 kc.</i>		<i>20 kc.</i>		<i>30 kc.</i>	
<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>
.05	.25	1.0	5.0	5.0	25.0
.25	1.0	5.0	20.0	25.0	100.0
1.0	2.0	20.0	40.0	100.0	200.0

kilowatt of antenna input power to the antenna.

“Stations of ‘limited clear channel’ and regional classification shall be assumed to produce an effective field of 150 millivolts per meter at one mile (243 millivolts per meter at one kilometer) corrected for attenuation, for each kilowatt of antenna input power.

“Stations of an urban and city classification shall be assumed to produce an effective field of 125 millivolts per meter at one mile (202 millivolts per meter at one kilometer) corrected for attenuation, for each kilowatt of input power.

“In order to determine the effect of comparative radiation of a station employing a directional antenna, it is necessary to determine the unattenuated field at one mile (or one kilometer) in the direction of the service area of the station with which there is a probability of interference, and then to express this value in terms of that of a station having similar classification, utilizing an antenna of the stipulated efficiency.

### *Determination of Power*

“With respect to the notifications of statistical data concerning the characteristics of radio broadcasting stations, each nation, party to this agreement, agrees to determine the power of its stations in one of the following manners:

1. Antenna Input Power consisting of the square value of the antenna current times the value of the antenna resistance.
2. Determination of effective field intensity recordings, corrected for attenuation. Such recordings to be made on several radials. This effective field can then be related to the effective field normally expected for the antenna efficiency used in this agreement for the different classes of stations.

### *Method of Determining the Presence of Objectionable Interference*

“In the case of interference to Class A stations from stations using the same channel, the probability of such interference must be determined by the application of the use of the interference curve with the location of the border of the country in which the Class A station is located.

“The presence of objectionable interference may be presumed to exist in the service area of all stations, except for Class A as specified above, when an interfering station is radiating the normally expected effective field in the direction of a station interfered with and the distance between the two stations is less than that indicated in the distance tables used as a guide. Another acceptable method of determining the probability of objectionable interference is to utilize the interference curves which are ‘field intensity versus distance,’ and which are adopted as guides.

“Actual proof of interference must be obtained by field intensity recordings taken by Government engineers or such other agency as may be mutually acceptable to the parties concerned, and for daylight interference the total

time taken for recordings should be at least five days under good transmission conditions and for at least fifty per cent of the daylight transmission time of the interfering station. In the event of night interference, the recordings should be commenced two hours after sunset of the most westerly station and should be taken each night for ten days (not necessarily consecutive) of good transmission conditions and for at least fifty per cent of the night transmission time of the interfering station after the stipulated commencement of the recordings. (See Resolution No. 11.)

### *Propagation Curves*

“In computing strength of signal at a given distance from a station of given power, for the purpose of establishing frequency-mileage separation tables for the guidance of the Administrations, it is proposed to use as a basic curve for day propagation the curve for 1000 kc., annexed hereto, entitled, ‘Ground Wave Field Intensity vs. Distance For One Kilowatt Radiated From Short Antenna, Ground Conductivity =  $10^{-13}$   $\epsilon = 15$  Field at One Kilometer, 300 Millivolts Per Meter’ (187 mv/m at one mile).

“It is to be understood that in using this curve different values of unattenuated field at one mile (or one kilometer) shall be used for the different classes of stations. The values to be used are:

For clear channel stations	200 mv/m at one mile (324 mv/m at one kilometer)
For ‘limited clear channel’ and regional stations	150 mv/m at one mile (243 mv/m at one kilometer)
For urban and city stations	125 mv/m at one mile (202 mv/m at one kilometer)

“These values are for one kilowatt input to the antenna.

“For night propagation it is proposed to use the graphs of sky wave field intensity, attached hereto, entitled, ‘Average Sky Wave Field Intensity Corresponding to the Second Hour After Sunset in the Recording Station, 100 Millivolts Per Meter at One Mile (161 at one kilometer).’

### *Width of Broadcast Channels*

“The present width of 10 kc. for broadcast channels shall be maintained in the band 540-1600 kc.

### *Broadcast Frequency Assignments*

“The frequencies assigned to broadcast stations in the band 540-1600 kc. shall be in multiples of 10 kc.

## **PART II**

### *High Frequency Broadcasting*

“It is the sense of this Conference that there is a need for the study of the high frequency broadcasting situation in the Americas so that an orderly arrangement based on



sound engineering principles can be obtained. Such an arrangement could be designed so as to permit the interchange of broadcasting programs among the American nations free of objectionable interference.

"This study should include an observation of the high frequency portion of the radio spectrum in order to determine existing conditions and causes of interference which are present.

"Each nation should be prepared to exchange this information at the forthcoming Inter-American Regional Radio Conference with the view of perfecting a plan which could be presented at the Cairo Radio Conference beginning February 1, 1938.

"Such a plan could be coordinated with the plans of other nations in other portions of the world in full collaboration between the Americas and other nations who must also share these high frequency broadcasting bands.

### PART III

#### *Miscellaneous Matters*

##### *Interference from Electrical Devices*

"It is considered that radio-therapeutic machines and other apparatus in which the radiation in space is not suppressed constitute a serious source of objectionable interference to radio communication and broadcasting services. It is therefore recommended that the various nations study the ways and means for eliminating or reducing this serious source of interference which has proved to be international in character.

##### *Prevention of Spurious Radiation*

"The Administrations shall endeavor to reduce or eliminate spurious radiations from a transmitter. These radiations should not be of sufficient intensity to cause interference on receiving sets of modern design which are tuned outside the frequency band of emission required for the type of emission employed. In the case of type A-3 emission (radiotelephony) the transmitter should not be modulated in excess of its modulation capability to the extent that interfering spurious radiations occur, and in the case of amplitude modulation the operating percentage of modulation should not be less than 75 per cent on peaks of frequent recurrence. Means should be employed to insure that the transmitter is not modulated in excess of its modulation capability.

"A spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any harmonic modulation products, key clicks, parasitic oscillations or other transient effects.

##### *Study With Respect to High Fidelity Broadcasting*

"The various Administrations agree to study the problems incident to high fidelity broadcasting to the end that

this type of service may be accommodated in accordance with good engineering principles.

#### *Changes of Engineering Standards*

"The engineering standards mentioned in this agreement are subject to change in accordance with technical advances in the art and by mutual consent of the Government parties to this agreement.

---

"No. 10.—

"It was resolved by the Conference to hold an Inter-American Radio Conference, to be inaugurated the first day of November, 1937, to which there shall be submitted, as a basis for discussion, all the matters prepared and studied by the present Regional Conference as well as any other questions which the American nations may suggest before the 30th day of August, 1937.'

"It requests the Cuban Government to offer its hospitality for the holding of said Conference in the city of Havana and, in such a case, to kindly invite all the American nations to be present at the said Conference of November 1, 1937.'

"No. 11.—(See 'Method of Determining the Presence of Objectionable Interference'—Resolution No. 9.)

"If the signal intensity for all these recordings at the specified point of measurement exceeds the value specified herein as constituting objectionable interference for ten per cent of the time or more there shall be ground for complaint under the provisions of this agreement.

---

"No. 12.—

"That the frequencies higher than 30 megacycles be retained in an experimental status with the understanding that definite proposals concerning the allocations of these frequencies will be made by each country at the regional radio conference to be held beginning 1st November, 1937. In this connection it appears desirable from an engineering standpoint to allocate frequencies beginning at approximately 40 megacycles to the television service except for the amateur band 56 to 60 megacycles.

---

"No. 13.—

"That subject to the internal regulations of each country, any radio transmitting station, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster, carry on emergency communication, with points other than those normally authorized.

“No. 14.—

“It is considered that short wave broadcasting services are extremely useful for the exchange of programs among the American nations but that they differ from the services of the regular broadcast band (540-1600 kc.) because the latter are essentially useful primarily for national service. In the determining factors for the use of short wave broadcasts as among nations, it is considered that the principles which should govern the assignment to stations of these short waves must differ entirely from those considered in the assignment of frequencies in the regular broadcast band for national service, because of the radically different propagation characteristics between said classes of waves.

“It is considered essential that, if short waves are to be used effectively for international service—for which they seem to be admirably suited—stations which use these channels should be required to use them with sufficient power to secure the rendition of good international service. Insofar as the American nations are concerned, the distribution of short waves should be based on a principle which enables a proper interchange of programs from the various centers of talent, rather than on a principle which necessitates the distribution of frequencies from the standpoint of national service.

“No. 15.—

“That the ‘Pan-American Radio Technical Union’ be established at such place as may be determined, for the purpose of creating a regional organization, of an advisory character, to centralize and facilitate the exchange of radio technical information among the following American Governments:

“Argentine Republic, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Newfoundland, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay and Venezuela.

“This organization shall be maintained by proportional quotas from the countries concerned, the annual expenses to be limited to a maximum of \$25,000.

“The Cuban Government is requested to forward prior to August 30, 1937, to the Governments which are to participate in the November Conference, a preparatory statement of the terms in which said organization is to be created and relative to the details of its working.

“The Conference resolved to acknowledge the efficiency and special assiduity with which the officials assigned to

the office of the Secretary General have collaborated to the greater success of its work, Messrs. Nicolas Perez Stable, Dr. Carlos A. Mendiola, Dr. Emilio Pando and Eng. Nicolas M. Quintana deserving to be especially mentioned.

“The names of Messrs. Eduardo Morales de los Rios, Dr. Alberto Hevia and Julio F. Berndes, as well as those of Antonio Bruzon and Misses Mencia and Washington, likewise deserve to be mentioned.

“It also seems appropriate to give special mention to the personnel of the office of the Secretary General, who have rendered a maximum of individual effort in the works of this Conference.

---

*“And for the proper recording, the present FINAL MINUTES have been signed by all the Delegates, in the City of Havana, this 29th day of March, 1937.*

Por los Estados Unidos Mexicanos\*  
For the United Mexican States:

Ignacio Galindo.  
Agustin Flores.

Por los Estados Unidos de America:  
For the United States of America:

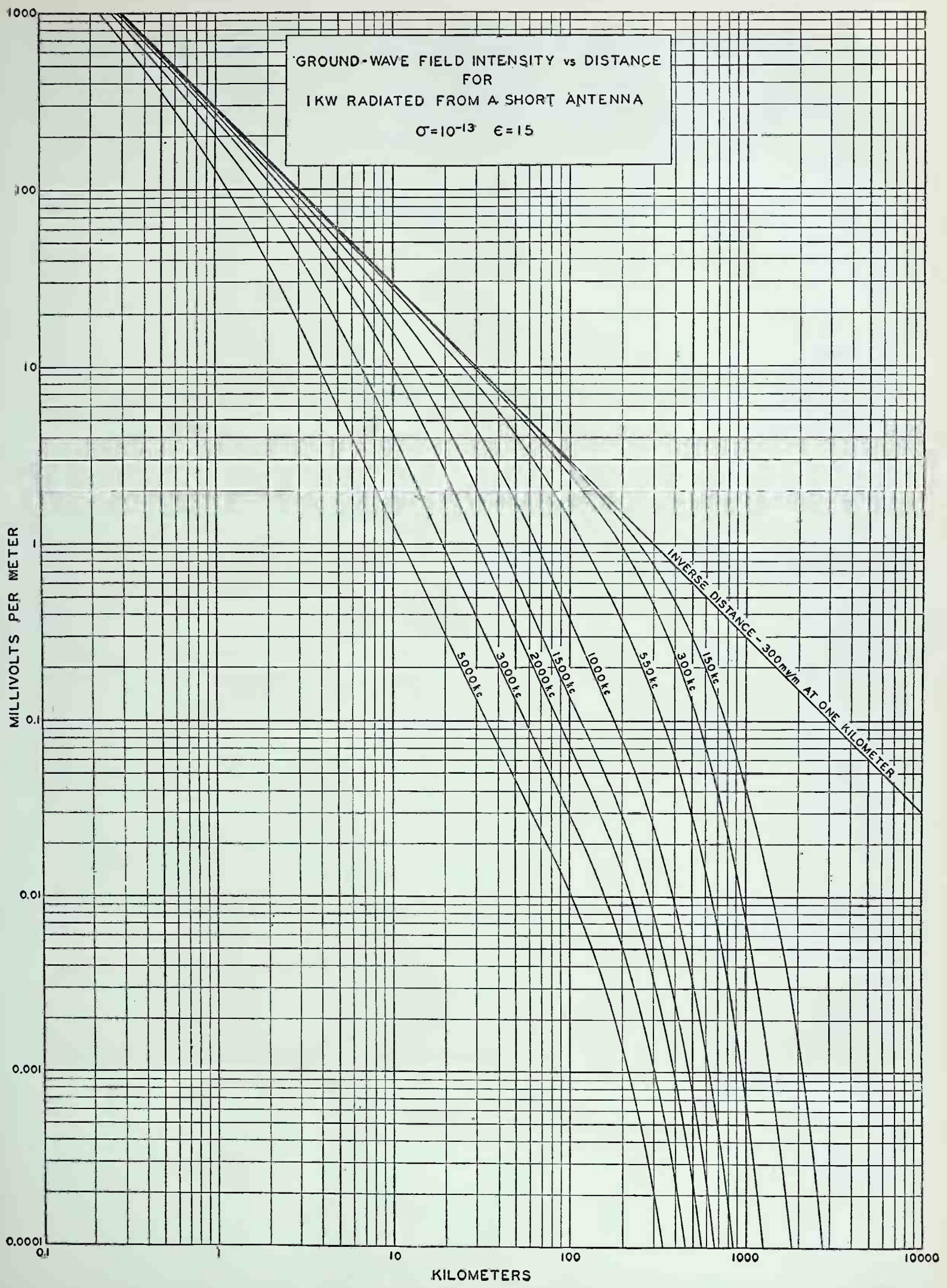
T. A. M. Craven.  
E. K. Jett.  
Gerald C. Gross.  
Harvey B. Otterman.  
Ellis O. Briggs.

Por el Dominio del Canada:  
For the Dominion of Canada:

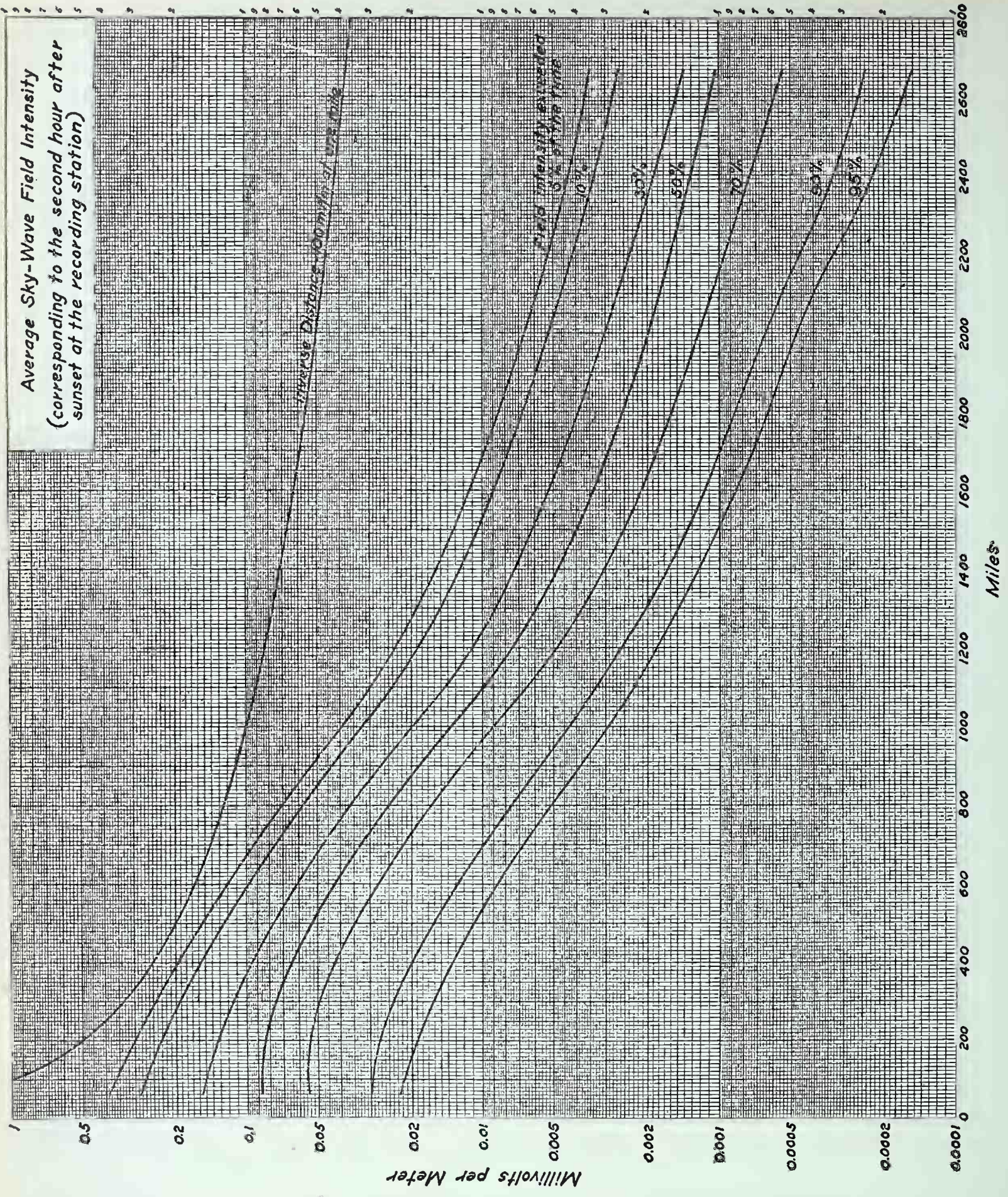
Walter A. Rush.  
J. W. Bain.  
Donald Manson.  
K. A. Mackinnon.

Por la Republica de Cuba:  
For the Republic of Cuba:

Wifredo Albanes.  
Nicolas G. de Mendoza.  
Arturo Novo Vidal.  
Alfonso Hernandez Cata.  
Luis Moas.  
Raul Karman.  
Julio Cesar Ulloa.  
Luis Martinez.  
Andres Ascencio.  
Jose Lara.  
Amadeo Saenz de Calahorra.  
Carlos Choça Quintana.



Average Sky-Wave Field Intensity  
(corresponding to the second hour after  
sunset at the recording station)



**NAB REPORTS**

Vol. 5 - - No. 16  
 APRIL 15, 1937

Copyright, 1937. The National Association of Broadcasters

**WASHINGTON RADIO HIGHLIGHTS**

"April 14, 1937.

NAB fifteenth annual convention set for June 20-23, inclusive, Hotel Sherman, Chicago \* \* \* \* FCC Commissioner Payne suggests taxing broadcasting stations from \$1 to \$3 per watt per year depending upon wattage of the station \* \* \* \* Recommendation made in letter to Representative Boylan of New York \* \* \* \* Also communicates suggestion for bill to Congress \* \* \* \* Contends that proposed bill would net U. S. Government nearly seven million dollars annually \* \* \* \* Compares broadcasting and concessions granted telegraph companies from which it receives reduced rates \* \* \* \* Contends his bill will transfer burden of regulation from government to radio industry.

"Honorable John J. Boylan,  
 "House of Representatives,  
 "Washington, D. C.

"My dear Congressman Boylan:

"In accordance with our conversation of the other day, I am sending you my ideas of a bill that would meet the serious situation that exists with regard to the taxing of the broadcast stations. As neither Dr. Miller nor myself is a bill drafter by birth or profession, I suppose you will have the bill run over by your Legislative Counsel of the House. There has been a widespread conviction that the enormous profits made by the broadcast stations more than justify a special tax, as they now enjoy the use of a great national resource and it is the government that bears the burden of the regulation without which they could not exist. Various members of both branches of Congress have at times suggested that this situation should be remedied, but all the suggestions were in the form of taxation of the gross revenue or net income. This form of taxation with the varying sums and the large amount of labor involved is obviously not as workable or practical as the one outlined in the bill enclosed.

**NAB CONVENTION, JUNE 20-23, HOTEL SHERMAN, CHICAGO**

The Fifteenth Annual NAB Convention will be held June 20, 21, 22 and 23, 1937, at the Hotel Sherman, Chicago, Illinois. The decision on dates and the hotel was made after a thorough examination of the available facilities in Chicago. The schedule of rates follow:

- Single: \$2.50; 3.00; 3.50; 4.00; 4.50; 5.00.
- Double: \$4.00; 4.50; 5.00; 6.00; 7.00; 8.00.
- Twin Beds: \$5.00; 6.00; 7.00; 8.00; 10.00.

Make your reservations now.

**PAYNE SUGGESTS WATTAGE TAX**

Federal Communications Commissioner George Henry Payne, in a communication to Representative Boylan of New York this week suggests a tax on the wattage of broadcasting stations. In his letter to the congressman, Commissioner Payne says:

**IN THIS ISSUE**

	<i>Page</i>
Washington Radio Highlights .....	2041
NAB Convention June 20-23, Hotel Sherman, Chicago....	2041
Payne Suggests Wattage Tax.....	2041
Securities Act Registrations .....	2043
Recommends Changes for WCOP.....	2043
New Alaskan Station Recommended.....	2043
Recommends Dismissal of Application.....	2044
Increased Power Recommended for WMBD.....	2044
Recommendation Against New Station.....	2044
KINY Power Increase Denial Recommended.....	2044
Denial Recommended in Michigan Cases.....	2044
Federal Trade Commission Action.....	2044
Federal Communications Commission Action.....	2046

*Make Your Plans Now to Attend the*

**FIFTEENTH ANNUAL NAB CONVENTION**

**HOTEL SHERMAN**

**CHICAGO, ILLINOIS**

**JUNE 20, 21, 22, and 23, 1937**

"The levy on power in the form of a special tax is simple, calculable at once and is eminently fair. To give you some idea of the profits, it is a fact that there are not more than \$40,000,000 invested in the broadcasting business and the gross revenue last year exceeded \$107,000,000, with the possibility of its reaching \$125,000,000 to \$130,000,000 in the current year. Not long ago, one station, which represented an investment of \$177,192.15, was sold for \$1,250,000; another, which represented an investment of \$146,006.02, was sold for \$452,500.00; and still another, which represented an investment of \$90,321.09, was sold for \$300,000.00—and so on.

"Computed on the broadcast licenses now in effect, the total amount of revenue that this special tax will yield will be \$6,946,395.00, including the tax on an experimental broadcast license now in effect, representing a temporary increase of 450,000 watts.

"Many years ago the government gave to the telegraph companies concessions in land and timber and the government has since that time continued to receive compensation in the form of substantially lower rates. The government, as you know, pays only forty per cent of the normal rates on all messages sent by telegraph. In the case of the broadcast industry the government has made a far more valuable gift from the public resources without any compensation whatever.

"The proposed special tax will be no burden on the broadcast industry as it represents less than six per cent of the revenue of the industry. At best it is but a small return for the great privilege the industry enjoys in using the people's airwaves. I may mention, in this connection, that the bill represents purely a revenue measure and that no special tax heretofore levied by the government, including the special taxes of the Harrison Act and the Firearms Act, which are largely regulatory, has ever been upset by the courts."

"Very sincerely yours,

"GEORGE HENRY PAYNE,  
Commissioner."

#### A BILL

To provide for the taxation of operators of radio broadcast stations.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Broadcast Station Tax Act of 1937."

#### Section 1. Definitions.

That when used in this Act—

(a) That the term "person" includes a partnership, company, association, corporation, trust or estate, as well as a natural person.

(b) The term "United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands or the Canal Zone.

(c) The term "Commission" means the Federal Communications Commission.

(d) The term "Commissioner" means the Commissioner of Internal Revenue.

(e) The term "collector" means the collector of internal revenue.

(f) The term "Secretary" means the Secretary of the Treasury.

(g) The term "station" means a broadcast station.

(h) The term "broadcast station" means a station used for the dissemination of radiotelephone emissions intended to be received by the public.

(i) The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

#### Sec. 2 (a). Special Tax Rates and Registration.

On or before July 1, 1937, or upon first engaging in the operation of a broadcast station in the United States, and thereafter on or before the first day of July of each year, every person operating a broadcast station in the United States shall register with the collector for the district in which such station is located, his name or style, principal place of business, and places of business in such district, and pay a special tax, computed on the power authorized by the Commission for use by the station, at the following rates:

For every station authorized to use not in excess of 1000 watts, \$1.00 a watt for each watt authorized.

For every station authorized to use in excess of 1000 watts and not in excess of 10,000 watts, \$2.00 a watt for each watt authorized.

For every station authorized to use in excess of 10,000 watts, \$3.00 a watt for each watt authorized.

#### (b) Computation of Tax.

If the tax is payable on the 1st day of July in any year it shall be computed for one year; if the tax is payable on any other day it shall be computed proportionately from the 1st day of the month in which the liability to the special tax commenced to and including the 30th day of June following: Provided that, in the case of failure on the part of the Commission to renew a license for any station in respect to which special tax has been paid the unexpired portion of the period for which the special tax stamp has been issued may be redeemed.

#### (c) Part Time Stations.

In the case of a part time station, the tax shall be that proportion of the tax imposed by subsection (a) which the

number of daily hours authorized by the Commission bears to 24 hours.

(d) Varying Power Stations.

In the case of a station using varying amounts of power, the tax shall be at the rate imposed by subsection (a) using as the basis the weighted average amount of power authorized by the Commission.

(e) Borrowed Time.

Time borrowed from or loaned to another station shall not affect the basis of the tax.

Sec. 3. Exemptions.

The provisions of section 2 shall not apply to a station certified by the Commission to the Commissioner as (1) operated by the United States Government, any State, Territory, or possession of the United States, or any political subdivision thereof, or the District of Columbia; or (2) operated exclusively for non-profit purposes and broadcasting only unsponsored programs.

Sec. 4. Administrative Provisions.

All provisions of law (including penalties) applicable with respect to the taxes imposed by section 1 of the Act of December 17, 1914, as amended (U.S.C. Suppl. VII, Title 26, sections 1040 and 1383) shall, insofar as not inconsistent with this Act, be applicable with respect to the taxes imposed by this Act.

Sec. 5. Separability Clause.

If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 6. Authority for Regulations.

The Commissioner, with the approval of the Secretary, shall prescribe such rules and regulations as may be necessary for carrying the provisions of this Act into effect.

## SECURITIES ACT REGISTRATIONS

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

- North American Finance Corporation, Richmond, Va. (2-2946, Form A-2)
- Edison Brothers Stores, Inc., St. Louis, Mo. (2-2947, Form A-2)
- Chester Pure Silk Hosiery Co., St. Louis, Mo. (2-2951, Form A-1)
- Taylor-Colquitt Co., Spartanburg, S. C. (2-2952, Form A-2)
- Pick Properties Corporation, Chicago, Ill. (2-2953, Form A-1)
- Katz Drug Company, Kansas City, Mo. (2-2954, Form A-2)
- United Services Life Insurance Company, Washington, D. C. (2-2955, Form A-1)
- Elizabeth Gold Mining Company, Limited, Toronto, Canada. (2-2956, Form A-1)
- The New York Woman, Incorporated, New York City. (2-2958, Form A-1)

- Arthur J. Morris and William E. Wheeler, voting trustees of The New York Woman, Incorporated, New York City. (2-2959, Form F-1)
- Pfeiffer Brewing Company, Detroit, Mich. (2-2960, Form A-1)
- Hamilton Manufacturing Company, Two Rivers, Wis. (2-2961, Form A-2)
- Reliable Stores Corporation, Baltimore, Md. (2-2962, Form A-2)
- Stayton Oil Company, Denver, Col. (2-2963, Form A-1)
- Bridgeport Brass Company, Bridgeport, Conn. (2-2964, Form A-2)
- The Master Electric Company, Dayton, Ohio. (2-2965, Form A-2)
- The United Electric Coal Companies, Chicago, Ill. (2-2966, Form A-2)
- Brewster Aeronautical Corporation, Long Island City, N. Y. (2-2967, Form A-1)
- Bethesda Industrial Savings & Loan Company, Bethesda, Md. (2-2968, Form A-1)
- Monogram Pictures Corporation, New York City. (2-2969, Form A-2)
- Chicago Mail Order Company, Chicago, Ill. (2-2972, Form A-2)
- Virginia Surety Company, Roanoke, Va. (2-2973, Form A-2)
- Commonwealths Distribution, Inc., New York City. (2-2974, Form A-1)
- Gold Recovery Mining & Milling Corporation, Nederland, Col. (2-2975, Form A-1)
- Hollywood-Vine Building Corporation, Los Angeles, Cal. (2-2976, Form A-2)
- Atlantic Investors Trust, Boston, Mass. (2-2977, Form A-1)
- Somoa Products Company, Inc., Chicago, Ill. (2-2609, Form A-1)
- National Aircraft Company, Los Angeles, Cal. (2-2765, Form A-1)
- Lac-Teck Gold Mines, Limited, Toronto, Canada. (2-2794, Form A-1)

## RECOMMENDS CHANGES FOR WCOP

Broadcasting station WCOP, Boston, Mass., applied to the Federal Communications Commission to change its frequency from 1120 to 1130 kilocycles. It now operates daytime only and asked that it be allowed limited time until local sunset Salt Lake City, Utah. It operates with 500 watts.

Examiner George H. Hill in Report No. I-380 recommended that the application be granted. He found that "there appears to be a definite need in the Boston area for the services such as are proposed by the applicant." Some slight interference might result from granting the permit for a short time but the Examiner states that "it appears that the increased service which will be rendered by station WCOP would greatly outweigh any interference caused by the proposed operation."

## 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 Petersburg, Alaska, to use 1420 kilocycles, 100 watts and unlimited time on the air.

Examiner R. H. Hyde in Report No. I-384 recommended that the application be granted. The Examiner states that "the evidence disclosing the relatively limited amount of radio service now available in the community

and general area proposed to be served and the unusual conditions existing in the area with respect to transportation and communication facilities indicates a substantial need for local radio transmission facilities." He found also that granting the license would be in the public interest.

### RECOMMENDS DISMISSAL OF APPLICATION

The Cadillac Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Dearborn, Mich., to use 1140 kilocycles, 500 watts power and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-381 recommended that the application be allowed to be withdrawn without prejudice at the request of the applicant.

### INCREASED POWER RECOMMENDED FOR WMBD

Broadcasting station WMBD, Peoria, Ill., operating on a frequency of 1440 kilocycles with unlimited time applied to the Federal Communications Commission to have its power increased from 500 watts and 1000 watts LS, to 1,000 watts and 5,000 watts LS.

Examiner George H. Hill in Report No. I-383 recommended that the application be granted. The Examiner states that "there appears to be a need for the service proposed to be rendered," also that "no objectionable interference would be caused to the protected service area of any station now licensed should WMBD be granted authority to operate with 5,000 watts, daytime power."

### RECOMMENDATION AGAINST NEW STATION

The Peninsular Newspapers, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at Palo Alto, Cal., to use 1160 kilocycles, 250 watts and daytime operation.

Examiner P. W. Seward in Report No. I-382 recommended that the application be denied. He found that "the evidence adduced at the hearing does not establish a need for additional daytime service in the area proposed to be served." The Examiner states that the application is not in the public interest.

### KINY POWER INCREASE DENIAL RECOMMENDED

Broadcasting station KINY, Juneau, Alaska, applied to the Federal Communications Commission to change its frequency from 1310 to 1430 kilocycles and to in-

crease its power from 100 to 250 watts. It operates unlimited time.

Examiner R. H. Hyde in Report No. I-386 recommended that the application be denied. He found that "the applicant has not shown that the granting of this application under the conditions shown, particularly with respect to transmitter and antenna location, would serve the public interest, convenience and necessity."

### DENIAL RECOMMENDED IN MICHIGAN CASES

W. H. Marolf applied to the Federal Communications Commission for a construction permit to erect a new broadcast station at Escanaba, Mich., to use 1500 kilocycles, 100 watts and unlimited time on the air. The Escanaba Daily Press Company applied for the same facilities.

Examiner R. H. Hyde in Report No. I-385 recommended that the Marolf application be denied and that the application of the Escanaba Daily Press Company be dismissed. The latter had asked for a continuance of its hearing.

### FEDERAL TRADE COMMISSION ACTION Complaints

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

**No. 3097. Wesleyan Diesel Service, Inc.,** 2906 Leavenworth St., Omaha, Neb., dealer in correspondence courses in Diesel engine installation and maintenance, is named respondent in a complaint charging certain unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Advertising in newspapers, magazines, circulars and by radio, the respondent company is alleged to have made assertions which served as representations to prospective pupils that several young men possessing required qualifications would be selected and trained for Diesel engine work; that there is a great demand for trained men in this activity; that good positions can be obtained by students after completing the respondent company's courses; that the tuition fee will be refunded if a student is not satisfied with results obtained after completion of the course, and other like representations.

**No. 3098.** Allying use of a lottery scheme in the sale of blankets and bedspreads, a complaint has been issued against **Penn Dry Goods Co.,** 731 Arch St., Philadelphia, and **George J. Nothnagel, Collingswood, N. J.,** trading under the name of **The Stanley Store** and as agent of the **Penn Dry Goods Co.**

The complaint alleges that the respondents advertise their merchandise and sales plan by means of cards, circulars and letters and sell their products to wholesalers and retailers, clubs, fraternal organizations, hospitals and charitable institutions for resale to the purchasing public.

The respondents' method of distributing their merchandise is described as a "Club Plan", the clubs organized having a fixed number of members, usually 60 or 100, each of whom pays weekly dues, generally 25 cents, for a given period of weeks, usually not to exceed 20 or 24.

**No. 3099. Biloxi Oyster Exchange,** of Biloxi, Miss., its officers and directors, and 24 member companies operating in six southern states, are charged in a complaint with entering into and maintaining a price-fixing agreement which has resulted in lessen-



ing competition in the interstate sale and distribution of canned oysters. Fourteen of the companies have their headquarters in Mississippi, and the others in Louisiana, Alabama, Georgia, South Carolina and Florida.

Ernest Desporte, Jr., is president and general manager and Cary F. Goodman, secretary-treasurer of the exchange. The exchange was organized in 1933, according to the complaint, for collecting and disseminating information for oyster canners and packers, operating a selling agency for the canned oysters processed by its members, selling canned oysters for its own account, and for the further purpose of putting into effect the acts and practices alleged in the complaint to constitute unfair competition in violation of Section 5 of the Federal Trade Commission Act.

Acting in cooperation with each other, and with Biloxi Oyster Exchange, and pursuant to their alleged agreement and for the purpose of maintaining it, the respondents are said to have engaged in the following practices:

(1) Fixing and maintaining throughout each season uniform sales prices, brokerage fees, discounts, label allowances, and terms and conditions under which they sell canned oysters to the trade; (2) permitting Biloxi Oyster Exchange to have access to their books and sales records; (3) furnishing the exchange with weekly or other periodical statistical data, such as names and addresses of buyers, number of cases of oysters sold to each buyer, prices at which all sales were and are made, copies of all invoices of shipments and of bills of lading, and other reports; and (4) regulating and curtailing the processing of oysters and the canning thereof, and arbitrarily limiting and restricting the seasons or periods within which the respondents obtain and pack oysters.

**No. 3100.** False and misleading representations as to the therapeutic value of a medicinal preparation designated as "Willard Tablets" is alleged in a complaint issued against **Willard Tablet Co., Inc.**, 215 West Randolph St., **Chicago**.

Advertising over the radio and in newspapers, magazines and circulars, the respondent company allegedly asserted that its preparation is a competent treatment for stomach and duodenal ulcers, all stomach disorders and hyperacidity, and that it will correct an abnormal acid condition at once.

**No. 3101.** Alleging unfair competition in the sale of feminine hygiene preparations, a complaint has been issued against **Oliver L. Von Bachelie**, 2335 Commonwealth Ave., and 2148 North Halsted St., **Chicago**, trading as **H. Shade's Laboratories** and as **Bureau of Education, H. Shade's Laboratories**.

Preparations advertised as "Shade's Cones", "Shade's Suppositories" and "Shade's Antiseptic Powder", were represented directly and through implication as being safe, competent and reliable for the uses intended, when, according to the complaint, these were not the facts.

Use by the respondent of the name "Bureau of Education", and certain advertising assertions, allegedly were the means of directly representing or implying that such bureau is a separate organization devoted to scientific research on questions involving so-called marriage hygiene, when in fact, according to the complaint, such a bureau does not exist but the name is used to promote the sale of Bachelie's products.

**No. 3102.** **Ralston Purina Co., St. Louis**, is named respondent in a complaint alleging misrepresentation of a dog food sold under the trade name "Purina Dog Chow."

In promoting the sale of its dog food, the respondent company allegedly represents in advertising matter and on labels that the product contains pure beef, pure meat, or meat, and whole milk, and that one pound contains as much food value as three pounds of fresh or canned meat.

The complaint charges that the portion of the products contents described as pure beef, pure meat or meat, is not such, and is properly known and referred to as dehydrated meat scraps; that the product is made of dried skimmed milk, and that one pound does not have the food value of three pounds of fresh or canned meat.

## STIPULATIONS AND ORDERS

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

**No. 2229.** **Joseph A. Piuma**, a manufacturing pharmacist at 600 Spring St., **Los Angeles**, has been ordered to discontinue false representations in advertising which tend to mislead the purchasing public as to the therapeutic value of a medicinal preparation known as "Glendage", offered as a gland tonic.

The respondent was directed to cease advertising that his preparation is a gland tonic or the best gland remedy known; that it stimulates all the glands to healthy activity and will restore vigorous health, and that it is a remedy for nervousness, overwork, and lack of vigor.

**No. 2485.** An order has been issued to cease and desist against **Philip Welsh, Pacific Palisades, Calif.**, directing discontinuance of certain unfair representations in the interstate sale of books and booklets under the name "The 7 Essentials of Health". Welsh trades under the name of **The Welsh Foundation**.

The "seven essentials" are designated by Welsh, according to findings, as follows: Fresh air, natural foods, water, sunshine, exercise and occupation, rest and mental attitude. In each booklet the respondent is said to present in detail his theories as to the mode of living which should be pursued to gain health. The pamphlets in general are said to deal with mental and physical hygiene.

The order directs Welsh to stop asserting that persons, by following and using his theories and instructions, can prevent and cure all bodily diseases and receive beneficial treatment for any of a list of some 50 specific ailments, diseases and conditions ranging from adenoids to yellow jaundice.

**No. 2835.** Prohibiting certain unfair representations in the sale of poultry medicines, an order has been issued to cease and desist against **E. G. and M. W. Zellers**, trading as **Zellers Laboratories Orrton Ave. and Noble St., Reading, Pa.**

The order bars representation that "Zellers Kamala Nicotine Tabs" is an effective remedy or treatment for, or agency for the removal of intestinal parasites in fowls; that "Zellers Fowl Tone Formula No. 1" and "Carbo-Zel Tablets" are effective remedies for intestinal flu, coccidiosis, and other diseases, and that "Zellers Fowl Tone Formula No. 2" is scientifically prepared to successfully combat the ravages of intestinal worms in fowls, and will counteract toxic poisons, or is a worm preventive.

**No. 2907.** Prohibiting unfair competition through misrepresentation of domestic products as foreign, an order has been issued to cease and desist against **Anna R. Barletta**, trading as **Barletta Manufacturing & Packing Co., and Hercules A. Barletta**, all of 2100-2102 East 177th St., **New York**.

The order directs the respondents, in connection with the sale of flavoring extracts or compounds, to stop representing, directly or indirectly, through use of any foreign language, symbol, or picturization, or through any other means, that flavoring extracts compounded or manufactured in the United States, are produced in Italy or any other foreign country, and imported into the United States.

**No. 2912.** An order to discontinue certain unfair methods of competition has been entered against **Frank McKinnon**, 710 Eddy St., **Providence, R. I.**, engaged in the sale of tinted or colored enlargements of photographs and of the frames therefor. McKinnon trades as **Eastern Art Co.** and as **United Art Association**.

The order directs McKinnon and his salesman to cease and desist from representing that his photographic enlargements are oil paintings, portrait paintings or water-color paintings, or paintings, produced by hand without the aid of photography.

Findings in the case are that the pictures so represented as "paintings" are merely enlargements of original photographs, tinted or colored by spraying thereon crayon, pastel, water color or other powdered pigments.

**No. 2947.** An order prohibiting unfair representations in the sale of luggage and billfolds has been issued against **George Landon** and **Michael Mason Warner**, 360 North Michigan Ave., **Chicago**, trading as **Landon & Warner**.

The respondents are directed to stop advertising, through use of the words "cowhide", "genuine cowhide", "choice leather" and "A-1 quality leather", that Gladstone bags or other luggage made in whole or in part from the under layers or flesh side of cowskin, are made from the outer layer which is of higher quality.

Use of the term "14-K Gold" or any other symbol of similar import to describe initials or letters placed on handbags, when such initials are not 14-K gold and are gold plated, is also prohibited, as is the representation that letters or initials of purchasers are encased within a 14-K gold frame when such frame is not composed of 14-K gold or is gold plated.

**Nos. 3000-3002 to 3007, inclusive.** Ten companies manufacturing and selling automobiles, and three automobile financing companies have entered into stipulations not to resume representations in their advertising as to the amount charged retail purchasers of motor vehicles as financing charges under deferred payment plans, which the Commission had alleged to be misleading.

Upon acceptance of the stipulations, the Commission dismissed the complaints against the respondent companies without prejudice. The companies signing the stipulations are:

**The Nash Motors Co.; Chrysler Corporation** and its subsidiaries; **Chrysler Sales Corporation** and those companies manufacturing **DeSoto, Dodge, and Plymouth** cars; **Graham-Paige Motors Corporation; Hudson Motor Car Co.; Reo Motor Car Co.; Packard Motor Car Co.; and Commercial Credit Co., Commercial Investment Trust Corporation, and Universal Credit Corporation**, the last three named being financing companies.

Each respondent company agreed to cease and desist from separately or concertedly using or furnishing to authorized dealers or distributors any advertising matter in which the expression "6%" is used, without equally prominent use, in direct conjunction therewith, of explanatory language which makes it clear that the "6%" does not refer to or indicate 6 per cent per annum simple interest.

Each company further stipulated that it will not at any time employ any advertising which, regardless of lack of any deceptive intent, may be reasonably construed as indicating that the additional cost of purchasing on time payments is only 6 per cent, or any other per cent simple interest per annum on unpaid balances of the purchase price if such is not a fact.

According to the stipulations, one motor company adopted and advertised the so-called "6% Plan" in conjunction with a finance company, and by force of competition this plan was generally adopted throughout the motor vehicle industry.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, April 19:

Monday, April 19

#### HEARING BEFORE AN EXAMINER

(Special Broadcast)

- NEW—Abraham Plotkin, Chicago, Ill.—C. P., 1570 kc., 1 KW, unlimited time.
- NEW—Philadelphia Radio Broadcasting Co., Philadelphia, Pa.—C. P., 1570 kc., 1 KW, unlimited time.
- NEW—Food Terminal Broadcasting Co., Cleveland, Ohio.—C. P., 1500 kc., 100 watts, daytime.
- NEW—Summit Radio Corp., Akron, Ohio.—C. P., 1530 kc., 1 KW, 1 KW LS, unlimited time.
- WHK—Radio Air Service Corp., Cleveland, Ohio.—Modification of license, 1390 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1390 kc., 1 KW, 2½ KW LS, unlimited.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—C. P., 1380 kc., 1 KW, unlimited time. Present assignment: 1380 kc., 500 watts; Simul-D, WSMK, S. H. Night.
- NEW—Valley Broadcasting Co., Youngstown, Ohio.—C. P., 1350 kc., 1 KW, unlimited time.
- WSMK—WSMK, Incorporated, Dayton, Ohio.—C. P., 1380 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1380 kc., 200 watts. Simul-Day, S. H. Night.
- WMBH—Joplin Broadcasting Co., Joplin, Mo.—C. P., 1380 kc., 500 watts, unlimited time. Present assignment: 1420 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, April 20

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Radio Enterprises, Inc., Hot Springs, Ark.—C. P., 1310 kc., 100 watts, daytime.
- NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—C. P., 1310 kc., 100 watts, daytime.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Voluntary assignment of license, 1040 kc., 10 KW. Shares KRLD.

Thursday, April 22

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

##### Examiner's Report No. I-309:

- 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.

##### Examiner's Report No. I-350:

- WNBC—State Broadcasting Corp., New Britain, Conn.—C. P., 1380 kc., 250 watts, 1 KW LS, unlimited time. Present assignment: 1380 kc., 250 watts, daytime.

##### Examiner's Report No. I-353:

- NEW—Hildreth & Rogers Co., Lawrence, Mass.—C. P., 680 kc., 1 KW, daytime.
- NEW—Old Colony Broadcasting Corp., Brockton, Mass.—C. P., 680 kc., 250 watts, daytime.

Friday, April 23

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—John C. Hughes, Phoenix City, Ala.—C. P., 1310 kc., 100 watts, daytime.
- NEW—Galesburg Printing & Pub. Co., Galesburg, Ill.—C. P., 1500 kc., 250 watts, daytime.
- NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—C. P., 1550 kc., 1 KW, unlimited time.
- WBCM—James E. Davidson, Bay City, Mich.—Modification of license, 1410 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1410 kc., 500 watts, unlimited time.

#### APPLICATIONS GRANTED

- WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted C. P. for changes in equipment, installation of new antenna system and increased in daytime power from 2½ to 5 KW; 1270 kc., 1 KW night, unlimited time.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted C. P. to install new equipment.
- KCMC—KCMC, Inc., Texarkana, Tex.—Granted C. P. to install new equipment and increase day power from 100 to 250 watts; 1420 kc., 100 watts night, unlimited time.
- KBPS—Benson Polytechnic School, Portland, Ore.—Granted license to cover C. P.; 1420 kc., 100 watts night and day, sharing with KXL.
- WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—Granted license to cover C. P. as modified; 1250 kc., 250 watts, daytime only.
- WFTC—Jonas Weiland, Kinston, N. C.—Granted license to cover C. P. as modified; 1200 kc., 100 watts night, 250 watts day, unlimited time.
- KRNT—Iowa Broadcasting Co., Des Moines, Ia.—Granted license to cover C. P. as modified; 1320 kc., 1 KW night, using directional antenna, 5 KW day, non-directional, unlimited.
- KRMC—Roberts-MacNab Co. (Arthur L. Roberts, R. B. McNab, A. J. Breitbach, Gen. Mgr.), Jamestown, N. Dak.—Granted license to cover C. P. and modifications thereof; 1310 kc., 100 watts night, 250 watts day, Simul-D, share KVOX night.
- KFIR—KGIR, Inc., Butte, Mont.—Granted license to cover C. P.; 1340 kc., 1 KW night, 2½ KW day, unlimited time.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover C. P.; 630 kc., 500 watts night, 1 KW day, simul-day, share KFRU night.
- KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Granted license to cover C. P. as modified; 1370 kc., 100 watts, unlimited time.
- WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted license to cover C. P. as modified; 1390 kc., 1 KW, specified hours.
- KAND—Navarro Broadcasting Assn., J. C. West, President, Corsicana, Tex.—Granted modification of C. P. to move transmitter and studio sites locally, make changes in equipment, and extend completion date from June 20, 1937, to 60 days thereafter.
- WRTD—The Times Dispatch Publishing Co., Richmond, Va.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator and change in previously approved equipment.

WRDW—Augusta Broadcasting Co., Inc., Augusta, Ga.—Granted modification of C. P. to make changes in equipment and increase day power from 100 to 250 watts.

KSRO—The Press Democrat Publishing Co., Santa Rosa, Calif.—Granted modification of C. P. approving transmitter and studio sites, changes in authorized equipment and approving vertical radiator.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted modification of C. P. approving transmitter and studio sites and installation of vertical radiator.

KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—Granted modification of C. P. authorizing changes in equipment and extension of commencement date for 60 days and completion date for 180 days thereafter.

KOVC—George B. Bairey, Valley City, N. Dak.—Granted voluntary assignment of license to KOVC, Inc.; 1500 kc., 100 watts, unlimited.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted authority to install automatic frequency control equipment.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted special temporary authority to broadcast police calls for period not exceeding 30 days, pending building of new police transmitter; 1420 kc., 100 watts, 250 watts LS, unlimited.

NEW—Loyola University, Portable Mobile, New Orleans, La.—Granted C. P. for new relay high frequency station, frequencies 31100, 34600, 37600 and 40600 kc., 7 watts.

NEW—Loyola University, Portable Mobile, New Orleans, La.—Granted C. P. for new relay high frequency station, frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

NEW—WCAU Broadcasting Co., Mobile.—Granted C. P. for new high frequency relay station, frequencies 31100, 34600, 37600 and 40600 kc., ½ watt. Also granted license to cover same.

NEW—WAVE, Inc., Mobile.—Granted C. P. for new high frequency relay station, frequencies 31100, 34600, 37600 and 40600 kc., 50 watts.

NEW—WAVE, Inc., Mobile.—Granted C. P. for new high frequency relay station, frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

#### SET FOR HEARING

NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—C. P. for new station to operate on 1210 kc., 250 watts, daytime, exact transmitter, studio site and type of antenna to be determined with Commission's approval.

NEW—WSMB, Inc., New Orleans, La.—C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter site to be determined with Commission's approval.

NEW—Warren B. Worcester, San Diego, Calif.—C. P. for new station to operate on 1400 kc., 250 watts night, 1 KW day, unlimited time, exact location to be determined subject to Commission approval.

NEW—L. Laurence Martin, Amarillo, Tex.—C. P. for new station to operate on 1120 kc., 250 watts, S.H. (7 a. m. to 8 p. m., CST).

NEW—Western Union College, La Mars, Iowa.—C. P. for new station to operate on 1210 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Metropolitan Radio Service, Inc., Chicago, Ill.—C. P. for new special station to operate on 1570 kc., 1 KW, unlimited time, exact transmitter site to be determined subject to Commission approval.

NEW—Athens Times, Inc., Athens, Ga.—C. P. for new station to operate on 1210 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

NEW—The Ohio Broadcasting Co., Steubenville, Ohio.—C. P. amended, requesting new station to operate on 1420 kc., 100 watts, daytime only, exact transmitter and studio sites to be determined with Commission approval.

NEW—The Ohio Broadcasting Co., Marion, Ohio.—C. P. for new station amended to read: 1200 kc., 100 watts, daytime only, exact transmitter site to be determined with Commission's approval.

NEW—The Ohio Broadcasting Co., East Liverpool, Ohio.—C. P. for new station amended to request 1270 kc., 250 watts, daytime only, exact transmitter and studio sites to be determined with Commission's approval.

NEW—The Ohio Broadcasting Co., Salem, Ohio.—C. P. for new station amended to request 780 kc., 250 watts, daytime only, exact transmitter and studio sites to be determined with Commission's approval.

NEW—G. Kenneth Miller, Tulsa, Okla.—C. P. for new station amended to request 1310 kc., 250 watts, daytime only.

KCRC—The Enid Radiophone Co., Enid, Okla.—C. P. to install new equipment, a vertical radiator and increase power from 250 watts unlimited time to 500 watts unlimited time.

KXA—American Radio Telephone Co., Seattle, Wash.—C. P. to move station locally to site to be determined subject to Commission approval; make changes in equipment and increase power from 250 watts night, 500 watts day, to 1 KW, 760 kc., limited.

WCMI—Ashland Broadcasting Co., Inc., Ashland, Ky.—C. P. to move transmitter site locally to site to be determined; install new equipment; changes in antenna system; change frequency from 1310 kc. to 1120 kc.; increase night power from 100 watts to 250 watts, and day power from 250 watts to 1 KW.

WBIK—The Exponent Company, Clarksburg, W. Va.—Modification of C. P. to make changes in equipment and increase power from 100 watts daytime to 100 watts unlimited time; also requesting extension of commencement date from 12/28/36 to 90 days after grant, completion date to 180 days thereafter.

KIUL—Garden City Broadcasting Co. (Homer A. Ellison and Frank D. Conard), Garden City, Kans.—Voluntary assignment of license to KIUL, Inc.; 1210 kc., 100 watts, unlimited.

#### RENEWAL OF LICENSES

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

KALE, Portland, Ore.; KCRC, Enid, Okla.; KFDN, Casper, Wyo.; KECA, Los Angeles, Calif.; KFAC, Los Angeles; KFH, Wichita, Kans.; KFJM, Grand Forks, N. Dak.; KGA, Spokane, Wash.; KGB, San Diego, Calif.; KGCX, Wolf Point, Mont.; KGER, Long Beach, Calif.; KGHF, Pueblo, Colo.; KGIR, Butte, Mont.; KGNF, North Platte, Neb.; KID, Idaho Falls, Idaho; KIDO, Boise, Idaho; KIEM, Eureka, Calif.; KLO, Ogden, Utah; KLRA, Little Rock, Ark.; KLS, Oakland, Calif.; KMO, Tacoma, Wash.; KOH, Reno, Nev.; KOMA, Oklahoma City; KOY, Phoenix, Ariz.; KQV, Pittsburgh, Pa.; KRNT, Des Moines, Iowa; KSCJ and auxiliary, Sioux City, Iowa; KSO, Des Moines, Iowa; KTBS, Shreveport, La.; KTUL, Tulsa, Okla.; KWK, St. Louis, Mo.; WAAB and auxiliary, Boston, Mass.; WADC, Village of Tallmadge, Ohio; WALA, Mobile, Ala.; WAWZ, Zarepath, N. J.; WBCM, Bay City, Mich.; WBIG, Greensboro, N. C.; WBNS, Columbus, Ohio; WCKY, Covington, Ky.; WCOA, Pensacola, Fla.; WCSC, Charleston, S. C.; WDRG, Hartford, Conn.; WEVD, New York City; WFBC, Greenville, S. C.; WGAR, Cleveland, Ohio; WGES, Chicago; WHBL, Sheboygan, Wis.; WHDL, Olean, N. W.; WHEC, Rochester, N. Y.; WHIS, Bluefield, W. Va.; WHOM, Jersey City, N. J.; WIOD-WMBF, Miami, Fla.; WIRE, Indianapolis; WJSV, Washington, D. C.; WKBW, Buffalo, N. Y.; WNAC, Nashville, Tenn.; WMBD, Peoria, Ill.; WNBC, New Britain, Conn.; WOKO, Albany, N. Y.; WORK, York, Pa.; WQBC, Vicksburg, Miss.; WROK, Rockville, Ill.; WSAI, Cincinnati; WSAR, Fall River, Mass.; WSFA, Montgomery, Ala.; WSMK, Dayton, Ohio; WSPD, Toledo, Ohio.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted renewal of license for the period ending October 1, 1937.

#### SPECIAL AUTHORIZATIONS

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 8 to 11 a. m. CST, April 17, 1937, in order to broadcast regional band contest.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate from 6:45 to 7:15 p. m., EST, April 23, in order to broadcast Methodist Convention.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Neb.—Granted extension of special temporary authority to operate with power of 5 KW at night for the period April 27 to May 26, 1937.

WEEL—Columbia Broadcasting System, Inc., Boston, Mass.—Granted extension of special temporary authority to maintain and employ formerly licensed transmitter (licensed on 2/16/37), as auxiliary unit without an approved frequency monitor.

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Granted special temporary authority to operate a 50 watt portable transmitter on **1420 kc.**, in the metropolitan area of Uniontown, between the hours of 12 midnight and 6 a. m., EST, for a period not to exceed 30 days, in order to make field measurements to determine site for station.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, the following Saturdays: April 10, 17, 24; May 1 and 8, 1937, in order to broadcast special programs by the Buffalo Fire Department and local safety programs; also 8:30 to 10 a. m., EST (Sundays), April 11, 18, 25 and May 2 and 9, 1937, in order to broadcast religious services from various local churches and from 2 to 3 p. m., EST, April 11, 18, 25, May 2 and 9, in order to broadcast religious programs from the Catholic Evidence Guild (provided station WSVS remains silent).

WILL—University of Illinois, Urbana, Ill.—Granted extension of special temporary authority to operate a 100-watt test transmitter on **580 kc.** between 12 midnight and 6 a. m., CST, for the period April 11 to 20, 1937, for the purpose of adjusting the directional antenna system authorized by C. P.

United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter on plane owned by the United Air Lines Transport Corp. bearing call letters KHAZT as a relay broadcast station on frequencies **3492.5, 4797.5, 6425, 8655, 12862 kc.**, for testing period April 10 to 25, and program transmission on consecutive Sundays beginning April 25 and ending no later than May 30, 1937. Program consisting of bird's-eye view description from plane while in flight over Yellowstone Park, Rocky Mt. Zion and Bryce, Grand Canyon, Yosemite, Mt. Rainier on respective Sundays.

#### APPLICATIONS DISMISSED

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

WDEV—Chas. B. Adams, Executor of Estate of Mary M. Whitehill and of Estate of Harry C. Whitehill, Waterbury, Vt.—C. P., **550 kc.**, 1 KW, daytime.

NEW—Mile High Radio Corp., Denver, Colo.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited.

NEW—National Battery Broadcasting Co., St. Paul, Minn.—C. P., **920 kc.**, 1 KW, unlimited.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P., **920 kc.**, 1 KW, 5 KW LS, unlimited.

NEW—Central Michigan Radio Co., James Bourland et al., Mt. Pleasant, Mich.—C. P., **570 kc.**, 250 watts, unlimited.

NEW—Edgar L. Bill, Peoria, Ill.—C. P., **1040 kc.**, 250 watts, daytime.

NEW—Northwest Publications, Inc., Duluth, Minn.—C. P., **580 kc.**, 250 watts, daytime.

NEW—George W. Young, St. Paul, Minn.—C. P., **920 kc.**, 1 KW, 5 KW, unlimited.

The following applications, heretofore set for hearing, were dismissed at request of applicants: (Hearings on these applications were scheduled for April 6, 1937.)

NEW—Times Publishing Co., Okmulgee, Okla.—C. P., **1210 kc.**, 100 watts, daytime.

NEW—The Record Publishing Co., Okmulgee, Okla.—C. P., **1210 kc.**, 100 watts, daytime.

#### EXAMINER'S REPORT SUBMITTED DURING WEEK OF APRIL 2 TO 9

WATR—Ex. Rep. 1-379: The WATR Company, Inc., Waterbury, Conn.—Application for C. P. to change frequency from **1190 kc.** to **1290 kc.**, power from 100 watts to 250 watts, and hours of operation from limited-WOAI to unlimited. Examiner M. H. Dalberg recommended grant.

#### ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. 1-363: State Capitol Broadcasting Assn. (R. B. Anderson, President), Austin, Tex.—Granted oral argument to be held May 13, 1937.

WLMU—Ex. Rep. 1-365: Lincoln Memorial University, Middleboro, Ky.—Granted oral argument to be held May 13, 1937.

NEW—Ex. Rep. 1-366: Bay County Publishers, Inc., Panama City, Fla.—Granted oral argument to be held May 20, 1937.

#### EFFECTIVE DATE EXTENDED

KSEI—Ex. Rep. 1-250: Radio Service Corp., Pocatello, Idaho.—Effective date of order extended from April 13 to May 13, 1937.

#### MISCELLANEOUS

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Denied petition asking continuance and redesignation for hearing before Broadcast Division of application for modification of license to increase power from 800 watts to 1 KW, daytime only.

NEW—World Publishing Co., Tulsa, Okla.—Granted petition accepting appearance in application for C. P. to erect new broadcasting station to operate on **940 kc.**, 1 KW night, 5 KW LS, unlimited time. Respondents allowed additional period of 10 days within which to file answers.

R. W. Page Corporation, Phenix City, Ala.—Granted petition to intervene at the hearing on the application of John C. Hughes, Phenix City, Ala., for C. P. to erect a new station to operate on **1310 kc.**, 100 watts, daytime hours.

Northwest Research Foundation, Inc., Seattle, Wash.—Granted continuance of hearing on application for C. P. to erect a new station to operate on **1530 kc.**, 1 KW, unlimited, from April 28, 1937, to on or about June 15.

First National Television, Inc., Kansas City, Mo.—Granted petition to intervene in the hearing upon the application of KCMO Broadcasting Corp., Kansas City, Mo., for C. P. to change frequency from **1370 kc.** to **1450 kc.**, and increase power from 100 watts, unlimited time, to 1 KW, unlimited time.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted petition to intervene in the hearing on the application of W. W. Luce for C. P. to erect a new broadcast station at Fort Lauderdale, Fla., to operate on frequency **1050 kc.**, with 1 KW, LS, daytime only.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted petition to intervene in the hearing on the application of F. W. Borton for C. P. to erect a new broadcast station at Coral Gables, Fla., to operate on **1420 kc.**, with 100 watts, unlimited time.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Waived Rule 104.6 to permit applicant's appearance to become part of the record in Docket 4462, involving application for renewal of license. The appearance was due to be filed on March 25, 1937, and was filed on March 26th, but since it does not appear that any injury has been occasioned by reason of the failure to file said answer, the appearance is accepted.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Denied request that Commission reconsider its action of April 2, 1937, denying a petition to postpone hearing scheduled for April 14, 1937, on the application of KGFF Broadcasting Co., Inc., for modification of license to change frequency from **1420 kc.** to **1430 kc.** and increase power from 100 watts, 250 watts LS, to 250 watts, unlimited time.

Wichita Broadcasting Co., Wichita Falls, Tex.—Denied request asking Commission to dismiss from the hearing docket application of West Texas Broadcasting Co. for C. P. to erect and operate new broadcast station at Wichita Falls, Tex., on **1360 kc.**, 1 KW, unlimited time (Docket 4218).

WDOD—WDOD Broadcasting Corp., Chatanooga, Tenn.—Granted petition to correct defects in depositions but denied request to reconsider action in application of F. M. Gleason, d/b as North Georgia Broadcasting Co., Docket 3979.

WSMK—WSMK, Inc., Dayton, Ohio.—Refused and returned to applicant proposed amendment to application for C. P. to install new transmitter and directional antenna, move transmitter and increase power from 200 watts unlimited to 250 watts night, 500 watts day. Hearing scheduled for April 19, 1937.

C. P. Sudweeks, Spokane, Wash.—Granted petition to reinstate application for C. P. to erect new broadcast station at Spokane to operate on **950 kc.**, 500 watts night, 1 KW LS, unlimited time.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Reconsidered action of February 16, 1937, in granting without hearing application to change equipment and to increase day power from 1 KW to 5 KW. Application designated for hearing to be held in conjunction with application of Birmingham News Co. for C. P. to erect and operate new radio broadcasting station at Birmingham on **590 kc.**, 1 KW, unlimited time.

## RATIFICATIONS

The Division ratified the following acts authorized on the dates shown:

- W4XCI—The Atlanta Journal Co., Atlanta, Ga.—Granted authority to operate as licensed for a period of 30 days from April 5, to relaybroadcast AAA National Safety Campaign, and also from Atlanta Fire Department Training School.
- W9XPV-W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed for a period of 30 days beginning April 4, to relaybroadcast WPA projects, Douglas County Schools and Farms.
- W8XIL—Crosley Radio Corp., Cincinnati, Ohio.—Granted authority to operate as licensed on April 4, 11, 18 and 25 to relaybroadcast description by city officials of traffic violations observed.
- W2XMI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted authority to operate as licensed on April 10, 1937, to relaybroadcast program of Circus Arena, Madison Square Garden.
- W8XAN—The Sparks-Withington Co., Jackson, Mich.—Granted extension of special temporary authority to operate W8XAN at Plant No. 3, Jackson, Mich., on frequencies of 42000-56000, 60000-86000 kc.; 100 watts, for period of 30 days, from April 1 to April 30, 1937, due to fire at Plant No. 1.
- WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted extension of special temporary authority to maintain and employ the present licensed 6-B transmitter of WKRC as station's auxiliary transmitter without an approved frequency monitor and modulation monitors, for period April 1 to April 30, 1937.
- WCBD—WCBD, Inc., Chicago, Ill.—Granted special temporary authority to use transmitter of station WMBI for period not to exceed 30 days pending repair to WCBD's transmitter, which was destroyed by fire.
- KHUB—Mrs. Anna Atkinson, executrix of estate of F. W. Atkinson, Watsonville, Calif.—Granted special temporary authority to operate station for period April 5 to May 4, 1937.
- KTMS—The News Press Publishing Co., Santa Barbara, Calif.—Granted special temporary authority to operate a 50 watt portable crystal controlled transmitter between hours of 12 midnight and 6 p. m., PST, for period not to exceed 30 days, in order to make field intensity survey tests in metropolitan area of Santa Barbara. However, such tests not permitted during monitoring schedule.

Granted petition of Allen T. Simmons (WADC), Tallmadge, Ohio, to intervene in the proceedings upon the application of Summit Radio Corp. for C. P. to erect a new station at Akron, Ohio. (Docket No. 4438.)

Granted petition of Durham Radio Corp. (WDNC), Durham, N. C., to intervene in the proceedings upon the application of WSOC, Inc., Charlotte, N. C., for C. P. (Docket No. 4370.)

Granted petition of The Enterprise Company, Beaumont, Tex., to intervene in the hearing on the application of Beaumont Broadcasting Assn. for C. P. to erect a new station at Beaumont, Tex. (Docket 4376.)

Granted petition of Port Arthur College (KPAC), Port Arthur, Tex., to intervene in the hearing on the application of Beaumont Broadcasting Assn. for C. P. to erect a new station at Beaumont, Tex. (Docket 4376.)

Denied motion of Magnolia Petroleum Company and the Sabine Broadcasting Co. (KFDM) to postpone the hearing on the application of the Beaumont Broadcasting Assn. for C. P. to erect a new station at Beaumont, Tex. (Docket 4376.)

Denied motion of Baton Rouge Broadcasting Co., Inc. (WJBO), to postpone hearing on application of Beaumont Broadcasting Assn. for C. P. to erect a new station at Beaumont, Tex. (Docket 4376.)

The Broadcast Division, upon its own motion, extended the effective date of its decision of December 1, 1936, in granting the application of Southwest Broadcasting Co., Prescott, Ariz., for C. P., Docket No. 3797, and denying the application of W. P. Stuart, Prescott, Ariz., for C. P., Docket No. 3906, to April 5, 1937.

The Division authorized Messrs. Ring, Massing, Dalrymple and Porter to proceed to Laredo, Tex., via New Orleans and Houston and return, leaving Washington, D. C., not later than evening of April 13, in connection with trial of the United States v. Norman Baker, et al.

Denied request of Radio Broadcasting Corp. (KTFI), Twin Falls, Idaho, for postponement of effective date of Commission's order granting its application for renewal of license, Docket 3343,

and denying its application for modification of license. (Docket 2825.)

Granted petition of KGIR, Inc., Butte, Mont., insofar as it requests postponement of hearing on application of Royal Miller for modification of license, Docket 4234, from April 5 to May 19, 1937, and denied said petition insofar as it requests postponement of hearings on applications of Royal Miller and Greater Kampeska Radio Corp., Dockets 4170 and 4234, to be heard on same date as the application of Tucson Motor Service Co.

## APPLICATIONS RECEIVED

### First Zone

- WUYC—City of New York, Dept. of Plant & Structures, New York, N. Y.—Modification of construction permit (B1-P-678) as modified, for changes in equipment and move of transmitter, requesting extension of completion date from 5-27-37 to 11-15-37.
- WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license to use W. E. Type 106-B transmitter as an alternate transmitter instead of an auxiliary transmitter.
- 1410 W2XAX—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to install new equipment and increase power from 50 watts to 7500 watts. Amended: To change request from construction permit for a new station to construction permit for W2XAX.

### Second Zone

- WPHR—WLBG, Incorporated, Richmond, Va.—Modification of 880 construction permit (B2-P-667) for move of transmitter and studio, further requesting authority to install new transmitter, make changes in antenna for approval of transmitter site at North of City limits on Route 1, Richmond, Virginia, and studio at 323 E. Grace Street, Richmond, Va.
- WSAZ—WSAZ, Incorporated, Huntington, W. Va.—Construction 1190 permit to install a new transmitter and increase day power from 1 KW to 5 KW. Also make changes in antenna.
- WHBC—Edward P. Graham, Canton, Ohio.—Authority to install 1200 automatic frequency control apparatus.
- WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of 1350 construction permit (B2-P-338) for change in frequency, power, hours of operation, installation of directional antenna and move of transmitter, requesting authority to install a new transmitter and make changes in antenna.
- WHK—Radio Air Service Corp., Cleveland, Ohio.—Construction 1390 permit to install directional antenna for night use.
- WEED—William Avera Wynne, Rocky Mount, N. C.—Construction 1420 permit to make changes in equipment, increase power from 100 watts night, 250 watts day to 500 watts, change frequency from 1420 kc. to 1240 kc., change hours of operation from unlimited day, share WCHV night to unlimited time and install directional antenna for night use.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, 1420 Ky.—License to cover construction permit (B2-P-1373) as modified for equipment changes and approval of transmitter and studio sites.
- NEW—William F. Maag, Jr., Youngstown, Ohio.—Construction 1420 permit for a new station to be operated on 1420 kc., 100 watts, daytime.

### Third Zone

- NEW—E. B. McChristy, Brownwood, Texas.—Construction 630 permit for a new station to be operated on 630 kc., 250 watts, daytime.
- NEW—The Tribune Co., Tampa, Fla.—Construction permit for a 940 new station to be operated on 940 kc., 1 KW night, 5 KW day, unlimited time. Amended: To give transmitter site as ¼ mile South of Memorial Highway on bank of Rocky Creek, Tampa, Florida.
- WRBL—WRBL Radio Station, Inc., Columbus, Ga.—License to 1200 cover construction permit (B3-P-1396) as modified for changes in equipment, increase in power and move of transmitter and studio.
- WMFN—P. K. Ewing, Grenada, Miss.—Modification of construc- 1210 tion permit (B3-P-829) as modified for changes in equipment and move of transmitter, requesting extension of commencement and completion dates.
- NEW—Dr. William States, Jacobs Broadcasting Co., Houston, 1220 Texas.—Construction permit for a new station to be operated on 1220 kc., 1 KW, unlimited time. Amended: To install directional antenna for night use.

NEW—Radio Enterprises, Inc., Lufkin, Texas.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—License to cover construction permit (B3-P-1302) for changes in equipment, installation of new antenna and increase in power.

NEW—Arthur Lucas, Savannah, Ga.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of construction permit (B3-P-1531) for changes in equipment and increase in day power, requesting authority to install a directional antenna for night use.

KRRV—Red River Valley Broadcasting Corp., Sherman, Texas.—Construction permit to change frequency from 1310 kc. to 1450 kc., install a new transmitter, erect a vertical antenna, increase power from 250 watts to 500 watts and change hours of operation from daytime to unlimited. (Contingent upon the grant of KTBS' application for 620 kc.).

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Construction permit to make changes in antenna, move of transmitter from 1 mile east of Kosciusko, Mississippi to Terry Road, Jackson, Mississippi, and studio from 212 Washington Street, Kosciusko, Mississippi, to corner of Griffith & Lamar Streets, Jackson, Mississippi.

#### Fourth Zone

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit to install a new transmitter.

NEW—Wm. E. Walker & Merrill F. Chapin, d/b as Walker & Chapin, Oshkosh, Wisc.—Construction permit for a new station to be operated on 1010 kc., 250 watts, unlimited time. Amended: To give name as Wm. E. Walker & Merrill F. Chapin, d/b as Walker & Chapin.

WJJD—WJJD, Incorporated, Chicago, Ill.—Modification of license to change hours of operation from 6 a. m., CST, until local sunset at Salt Lake City, Utah to 6 a. m., EST. (Chicago, daylight saving time) to local sunset at Salt Lake City, Utah. Amended: Requesting this authority from 4-25-37 to 9-25-37.

KELO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Modification of construction permit (B4-P-696) for a new station, requesting changes in authorized equip-

ment, for approval of transmitter site at 3 miles West of Sioux Falls, S. Dak., and approval of antenna. Also change studio site from Carpenter Hotel, Sioux Falls, S. Dak. to 319 South Philips Ave., Sioux Falls, S. Dak. Amended: To make changes in equipment.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—License to cover construction permit (B4-P-636) as modified, for changes in equipment, increase in power and installation of directional antenna.

KATE—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Modification of construction permit (B4-P-883) for a new station, requesting authority to change authorized frequency from 1200 kc. to 1420 kc., make changes in equipment, change power from 100 watts to 250 watts and give studio site as Albert Hotel, Albert Lea, Minnesota.

NEW—Thomas F. Airth, Wythe Walker & Rex Schepp, d/b as Evanston Broadcasting Co., Evanston, Ill.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts daytime, unlimited time. Amended: To give studio and transmitter sites as Church & Orrington Streets, Evanston, Illinois.

#### Fifth Zone

NEW—R. M. Dickinson, San Diego, Calif.—Construction permit for a new station to be operated on 890 kc., 1 KW night, 5 KW day, unlimited time.

KORE—Frank L. Hill and C. G. Phillips, d/b as Eugene Broadcast Station, Eugene, Ore.—License to cover construction permit (B5-P-1360) for changes in equipment and move of transmitter and studio.

KGGC—The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Construction permit to install a new antenna, move transmitter from 1445 Ellis Street to 230 Eddy Street, San Francisco, Calif.

#### Puerto Rican Zone

NEW—United Theatres, Inc., San Juan, Puerto Rico.—Construction permit for a new station to be operated on 570 kc., 1 KW, unlimited time.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico.—Modification of construction permit (B-P-668) for changes in antenna, change specified hours, and move transmitter and studio, requesting changes in authorized equipment and extension of commencement and completion dates.

**W. WRIGHT GEDGE, NAB DIRECTOR,  
 DIES**

It is with the deepest regret that we have learned of the death at Detroit, Michigan, of W. Wright Gedge. Mr. Gedge was a Director of the NAB, having been elected for a three-year term at the Colorado Springs Convention in 1935. Burial was at Wyoming Village, a suburb of Cincinnati, Ohio, on Monday of this week. Mr. Gedge, who was associated with WMBC in Detroit, had been prominent in the broadcasting industry and the activities of the Association for several years. The members of the NAB have lost a loyal and faithful servant.

**BROADCAST STATION TAX BILL**

Representative Boylan of New York has introduced a bill (H. R. 6440) in the House "to provide for the taxation of operators of radio-broadcast stations". It has been referred to the House Committee on Ways and Means. This is the bill which was suggested to Mr. Boylan by Federal Communications Commissioner Payne and it was printed in full in last week's issue of NAB Reports.

**COMMISSION GRANTS NEW STATION**

The Federal Communications Commission this week granted a construction permit for the erection of a new station to A. Frank Katzentine at Miami Beach, Fla., to operate on 1500 kilocycles, 100 watts unlimited time. The order is effective May 25.

**APPEALS COURT UPHOLDS FCC**

The United States Court of Appeals for the District of Columbia this week affirmed the decision of the lower court in the Monocacy Broadcasting Company case.

The decision is as follows:

UNITED STATES COURT OF APPEALS FOR THE  
 DISTRICT OF COLUMBIA.

No. 6818:

THE MONOCACY BROADCASTING COMPANY, A CORPORATION, Appellant,

v.

ANNING S. PRALL, EUGENE O. SYKES, NORMAN S. CASE,  
 IRVIN STEWART, THAD H. BROWN, GEORGE H. PAYNE,  
 AND PAUL A. WALKER, AS THE FEDERAL COMMUNICATIONS  
 COMMISSION.

Appeal from the District Court of the United States for  
 the District of Columbia.

Decided April 19, 1937.

*G. Ridgely Sappington*, of Baltimore, Md., and *Stuart T. Saunders* and *J. V. Morgan*, of Washington, D. C., for appellant.

*Hampson Gary*, *George B. Porter*, and *Fanny Neyman*, all of Washington, D. C., for appellee.

Before MARTIN, Chief Justice, and ROBB, GRONER and STEPHENS, Associate Justices.

**IN THIS ISSUE**

	<i>Page</i>
W. Wright Gedge, NAB Director, Dies.....	2051
Broadcast Station Tax Bill.....	2051
Commission Grants New Station.....	2051
Appeals Court Upholds FCC.....	2051
Trenton Station Recommended.....	2053
Tennessee Applications Recommended for Denial.....	2054
Maine-Massachusetts Application Recommendations.....	2054
Recommendation on New Wyoming Station.....	2054
Changes Recommended for WMEX.....	2054
New Tennessee Station Recommended.....	2054
Recommendations in Dallas Cases.....	2055
Power Increase Recommended for KARK.....	2055
Recommends Denial of New Station.....	2055
Federal Trade Commission Action.....	2055
Cases Closed by FTC.....	2056
Federal Communications Commission Action.....	2056

**Make Your Plans Now to Attend the NAB Convention  
 at Hotel Sherman, Chicago, June 20-23, 1937**

MARTIN, *Chief Justice*: This is an appeal from a decree of the District Court of the United States for the District of Columbia granting a motion of the appellee to dismiss a bill of complaint filed by appellant. The appellant was plaintiff below, the Federal Communications Commission was defendant, and the parties will be so named in this opinion.

It was alleged in substance in the plaintiff's bill that on June 7, 1935 the plaintiff, the Monocacy Broadcasting Company, a corporation, filed an application with the Federal Communications Commission for a permit to construct a new broadcasting station near Rockville, Md., and appellant set out as a statement of facts in support of the application;

That on July 2, 1935 the Commission considered the application and forthwith granted it without a hearing, under the provisions of Rule 44 of the Commission's Rules and Regulations. A permit accordingly was issued to the applicant;

That Rule 44 aforesaid provided that any application which is properly filed and conforms to the regulations of the Commission may be granted by the Commission without a hearing, if it appears conclusive to the Commission from the face of such application, and from other information had by the Commission, that the granting of such application would serve public interest, convenience, and necessity, and would not adversely affect the interest of any other person or corporation holding a permit or other authorization from the Commission, or having an application therefor pending before the Commission, "provided, however, that any such grant shall be conditional and may be suspended and reconsidered by the Commission as hereinafter provided.";

That on July 23, 1935 WCAU Broadcasting Company, owner and operator of Station WCAU, Philadelphia, filed a protest against the application of plaintiff on the ground that the proposed station would cause objectionable interference with the service rendered by Station WCAU. The protest complied in every respect with the provisions of the Commission's Rule 45 covering such procedure;

That Rule 45 aforesaid provides in substance as follows: In any case where an application is granted in whole or in part without a hearing as provided in Rule 44, any person, whose interests are adversely affected by such grant, may obtain a hearing upon such application by adhering to the following procedure: Such parties shall, within 20 days from the date on which public announcement of such grant is made at the principal office of the Commission, or from its effective date if a later date is specified by the Commission, file with the Commission and serve upon or mail to the applicant a protest in writing directed to the action of the Commission making such grant. Upon the receipt by the Commission of such

protest the application involved will be set for hearing and the applicant and other parties in interest notified thereof; provided, however, that upon such hearing the verified protest shall be taken as a pleading limiting the issues to be tried, but not as evidence of the facts therein stated;

That on January 25, 1935 the American Broadcasting Company, owner and operator of Station WOL, Washington, D. C., filed a protest, which however failed to comply with the requirements of Rules 45, *supra*, and the protest was denied by the Commission;

That on September 5, 1935, the Commission notified the plaintiff that its application had been set for hearing on September 25, 1935 upon the protest of Station WCAU, such hearing to be "upon the issues set forth in said protest.";

That on September 16, 1935 the American Broadcasting Company, filed a petition for leave to intervene in the hearing to be held on September 25th upon plaintiff's application, pursuant to the protest of Station WCAU, but the petition did not set out any problem of interference with the WOL service area;

That on September 18, 1935 plaintiff filed an opposition to the aforesaid petition of WOL for leave to intervene, and moved to strike the petition from the files, on the ground that it failed to comply with the Commission's Rule 59, requiring that a petition to intervene in a proceeding must disclose "a substantial interest in the subject matter of the hearing.";

That on September 19, 1935 Station WCAU voluntarily withdrew its protest, and the Commission notified appellant that the hearing scheduled for September 25th was cancelled;

That plaintiff claimed that pursuant to the Commission's Rule 46 no further action was then necessary under the rules to make final a formal grant of the plaintiff's application, inasmuch as no protest remained before the Commission;

That nevertheless on September 24, 1935 the Commission reconsidered the plaintiff's application for the construction of a new station as aforesaid, and designated it for hearing with instructions that notices of the hearing be sent to Stations WCAU and WOL; that this action of the Commission was based upon no facts whatsoever in addition to those originally set forth by plaintiff and upon consideration of which the Commission had found that the public interest would be served and no person adversely affected by the operation of the proposed station;

That on September 27, 1935 plaintiff filed a motion with the Commission to reconsider its action designating appellant's application for a rehearing and to make final the original grant to plaintiff; this motion however was denied by the Commission on October 29, 1935, and the



application of appellant was set for hearing before an examiner on February 3, 1936.

Plaintiff avers that upon the aforesaid facts it is lawfully possessed of a valid and absolute construction permit; that the only action which remained for the Commission to perform was to issue its approval of a site for the transmitter of the proposed station, but the Commission refuses to approve a transmitter site, and without such approval plaintiff may not commence construction and its permit may automatically be forfeited and lost; that plaintiff will thereby suffer irreparable damage. Plaintiff alleges that it had no remedy at law and only by the prompt interposition of a court of equity can plaintiff's interest be protected and irreparable injury to it avoided, wherefore, it prays that the court may grant to plaintiff an injunction enjoining the defendant from holding any hearing upon plaintiff's application to construct the new radio station set out in its original application, and to issue a modified permit to plaintiff for the construction of the radio station first applied for by it.

The defendant filed a motion to dismiss the bill of complaint above set out upon the ground, among others, that plaintiff had a plain, speedy, and adequate remedy at law under Sec. 402 (b) of the Communications Act of 1934 which provides for appeals to the United States Court of Appeals for the District of Columbia, and the bill of complaint does not show that plaintiff has exhausted his legal remedy thereunder.

Thereupon the district court sustained the motion and dismissed plaintiff's bill.

We are of the opinion that the decision of the district court is correct. It is fundamental that a court of equity will not issue an injunction where plaintiff has a plain, adequate, and complete remedy at law. Appellant had such a remedy under Sec. 402 (b), Subsec. (2) of the Communications Act of 1934 (48 Stat. 1093) which provides in part as follows:

"An appeal may be taken, in the manner hereinafter provided, from decisions of the Commission to the Court of Appeals of the District of Columbia [now United States Court of Appeals for the District of Columbia] in any of the following cases:

(1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, whose application is refused by the Commission.

(2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application."

Under Subsection 2 the appellant had a right to appeal immediately from the refusal of the Commission to make final, without a hearing, the original grant to it. It has been repeatedly held that the foregoing statute delegates to this court exclusive jurisdiction over all such appeals as the present one, and that other courts will not grant equitable relief by injunction in such cases. *United States v. American Bond & Mortgage Co.*, 31 F. (2d) 448; *White v. Fed. Radio Commission*, 29 F. (2d) 113; *Sykes v. Jenny Wren Co.*, 64 App. D. C. 379; 78 F. (2d) 729.

Section 267 of the Judicial Code (28 USCA 384) reads as follows: "Suits in equity shall not be sustained in any court of the United States in any case where a plain, adequate, and complete remedy may be had at law." In the case of *Matthews v. Rodgers*, 284 U. S. 521, Mr. Justice Stone, referring to sec. 267 of the Judicial Code, said:

"The effect of this section which was but declaratory of the rule in equity, established long before its adoption, is to emphasize the rule and to forbid in terms recourse to the extraordinary remedies of equity where the right asserted may be fully protected at law."

It is contended by appellant that the case of *Federal Radio Commission v. Stromberg-Carlson Tel. Manufacturing Co.*, 60 App. D. C. 31, is authority for a different rule. We think however that this contention cannot be sustained. In that case the company was an existing licensee and the terms of its unconditional license had been changed by the Commission during a license period without notice to the licensee and without a hearing or an opportunity to the licensee to be heard. The opinion of this court in that case was that the ruling of the Commission was not simply erroneous, but was void. The decision does not furnish authority for the appellant's claim in the present case.

It is contended further by appellant that Sec. 414 of the Communications Act of 1934 is contrary to our conclusion. The section reads as follows:

"Nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this chapter are in addition to such remedies."

It may be observed however that the rule followed in our present decision does not "abridge or alter the remedies now existing at common law or by statute" but is consistent with such existing remedies at common law and by statute.

The decree of the lower court is therefore affirmed.

*Affirmed.*

## TRENTON STATION RECOMMENDED

The Journal Company, Milwaukee, Wis., the Mid-Atlantic Corporation, Washington, D. C., and the Trenton Times, Trenton, N. J., all applied to the Federal Communications Commission for construction permits in their respective cities, all asking for 1570 kilocycles, and unlimited time on the air. The Journal and Mid-Atlantic Corporation asked for 1,000 watts with the Trenton Times asking for 250 watts.

Examiner Ralph L. Walker in Report No. I-395 recommended that the application of the Trenton Times be granted and that the other two applications be denied.

The Examiner stated in his report that "while the programs of research and experimentation of the Journal Company and the Mid-Atlantic Corporation may be expected to provide additional and desirable data in connection with the development and practical application of high fidelity broadcasting, the proposal of the Trenton

Times gives more promise of substantial contribution to the radio art as a whole."

### TENNESSEE APPLICATIONS RECOMMENDED FOR DENIAL

The Knoxville Journal Broadcasting Company applied to the Federal Communications Commission for the erection of a new station at Knoxville, Tenn., to use 1200 kilocycles, 100 watts and 250 watts LS and unlimited time. Also Richard M. Casto applied for the same facilities at Johnson City, Tenn.

Examiner George H. Hill in Report No. I-389 recommended that both of the applications be denied. He found that there is sufficient radio service at Knoxville and in the case of the Johnson City application recommendation has been made for the erection of a new station at that point.

### MAINE-MASSACHUSETTS APPLICATION RECOMMENDATIONS

The Cumberland Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Portland, Me., to use 1210 kilocycles, 100 watts and unlimited time. Also the Twin City Broadcasting Company and Philip J. Wiseman both applied to the Commission for the same assignment and both asking to erect a station at Lewiston, Me. The Cape Cod Broadcasting Company applied to the Commission to construct a station at Barnstable, Mass., and George M. Haskins to erect a station at Hyannis, Mass., both asking for 1210 kilocycles, 100 watts and 250 watts LS and unlimited time on the air. Also Arthur E. Seagrave asked for a construction permit for a new station at Lewiston, Me., to use 1420 kilocycles, 100 watts and 250 watts LS and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-388 made the following recommendations relative to these requests.

1. The application of Philip J. Wiseman, of Lewiston, Maine, be dismissed as in the case of default.
2. The application of George M. Haskins, of Hyannis, Massachusetts, which, it was stated, had been withdrawn, be dismissed as in the case of default.
3. The application of Twin City Broadcasting Company, Inc., of Lewiston, Maine, be *denied*.
4. The application of Arthur E. Seagrave, of Lewiston, Maine, be *denied*.
5. The application of Cumberland Broadcasting Company, Inc., for a construction permit to operate on 1210 kilocycles with 100 watts power, unlimited time, be *granted*.

6. The application of Harriett M. Alleman and Helen W. MacLellan, doing business as Cape Cod Broadcasting Company, of Barnstable, Massachusetts, for a construction permit to operate on 1210 kilocycles with 100 watts power at night and 250 watts until local sunset, unlimited time, be *granted*.

### RECOMMENDATION ON NEW WYOMING STATION

The Frontier Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Cheyenne, Wyo., to use 1420 kilocycles, 100 watts night and 250 watts LS, with unlimited time.

Examiner P. W. Seward in Report No. I-391 recommended that the Commission "suspend action until final disposition by the Courts of the application of Paul H. Heitmeyer for authority to construct a radio station in Cheyenne." The Examiner states that if the Heitmeyer application is denied that the granting of this application would be in the public interest.

### CHANGES RECOMMENDED FOR WMEX

Broadcasting station WMEX, Boston, Mass., applied to the Federal Communications Commission to change its frequency from 1500 to 1470 kilocycles, and to increase its power from 100 watts and 250 watts LS to 5,000 watts. The station operates on unlimited time.

Examiner John P. Bramhall in Report No. I-392 recommended that the application be granted. He found that a need for the additional service in the area proposed to be served was definitely established. It was also found that no interference would be caused by the changes and the increased power and changed frequency would be in the public interest.

### NEW TENNESSEE STATION RECOMMENDED

The Johnson City Broadcasting Company has applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Johnson City, Tenn., to use 1200 kilocycles, 100 watts and 250 watts LS and unlimited time on the air.

Examiner George H. Hill in Report No. I-387 recommended that the application be granted "subject to the selection of an approved transmitter site" by the Commission. The Examiner states that no objectionable interference would occur to any existing station if the application were granted. Also the Examiner states that adequate local talent is available to supply the needs of the proposed station.

## RECOMMENDATIONS IN DALLAS CASES

Richard S. Gozzaldi applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at Dallas, Texas, to use 1500 kilocycles, 100 watts and daytime operation. Also A. L. Chilton applied for a construction permit for Dallas to use 990 kilocycles, 1000 watts power and daytime operation.

Examiner Robert L. Irwin in Report No. I-390 recommended that both of the applications be denied, that the latter application be denied if the Commission grants the applications of the Dallas Broadcasting Company and the Centennial Broadcasting Company but that the Chilton application be granted if either of these applications are denied by the Commission. The Examiner found that the operation of the proposed Chilton station would not be expected to cause objectionable interference with any existing station but the operation of the proposed Gozzaldi station would cause interference. The Gozzaldi application is not in the public interest but the Chilton application would be except for the applications now pending before the Commission.

## POWER INCREASE RECOMMENDED FOR KARK

Broadcasting station KARK, Little Rock, Ark., operating unlimited time on 890 kilocycles applied to the Federal Communications Commission to increase its power from 500 watts and 1,000 watts LS to 1,000 watts all the time.

Examiner John P. Bramhall in Report No. I-393 recommended that the application be granted. He states that there is need for additional service in the area proposed to be served and that the granting of the application would be in the public interest.

## RECOMMENDS DENIAL OF NEW STATION

Arthur H. Groghan applied to the Federal Communications Commission for a construction permit for the erection of a new station at Minneapolis, Minn., to use 1310 kilocycles, 100 watts power and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-394 recommended that the application be denied. He found that it is doubtful if the applicant would be able financially to continue the operation of the proposed station "in the event that the same should not operate at a profit over an appreciable period of time." The Examiner stated also that the evidence failed to disclose a need for the establishment of a new station at Minneapolis and that it would not be in the public interest.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

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

**No. 3103.** Use of unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act, is alleged in a complaint issued against **Lawton V. and Henry F. Crocker, Chester, Vt.**, engaged in publishing and selling advertising folders and maps in interstate commerce.

Trading as **The National Survey Co., The National Survey, and National Survey**, the respondents are said to represent their maps as being "official" when, according to the complaint, they are not "official" maps.

The respondents allegedly cause one of their trade names to appear on their advertising folders and maps, together with such labels and designations as "Official National Survey Maps", "Official Map of the World", "Official Map of the United States", "Official Map of New England", and "Official Map of New York". On some of the maps, the complaint alleges, the respondents make use of an imprint of a state seal together with a designation such as "The Official Map of Maine".

**No. 3104.** Misrepresentations in the sale of cosmetics is alleged in a complaint issued against **Colonial Dames Co., Ltd.**, trading also as **Colonial Dames, Inc.**, 4652 Hollywood Blvd., **Hollywood, Calif.**

Alleging violation of Section 5 of the Federal Trade Commission Act, the complaint charges the respondent company with representing that **Colonial Dames Beauty Wash** has an instant beautifying effect on the skin, that **Colonial Dames Massage Cream** will quickly banish all traces of dryness and sluggishness, leaving the skin freshly stimulated and vibrant, and that **Colonial Dames Beautifier** remains always on the skin surface, thereby preventing pores from becoming clogged and actually building beauty into the skin.

**No. 3105.** Alleging unfair competition in the sale of hosiery through use of a lottery scheme, a complaint has been issued against **Carl Smith**, 618 Roscoe St., **Chicago**, trading as **Fashion Silk Co.**

The respondent, the complaint charges, distributes through the mails sales outfits, including pushcards and circulars, explaining his plan of selling hosiery and of allotting it and other articles as premiums. Sales of hosiery are made by means of the pushcards and in accordance with instructions printed on the cards, it is alleged. Premiums are awarded to purchasers in accordance with such instructions.

**No. 3106.** **George C. Miller & Co., Inc.**, 927 Washington St., **Boston**, is charged, in a complaint, with unfair competition in the sale of candy through use of a sales plan involving a lottery. The lottery was conducted by means of punchboards distributed to dealers with assortments of candy, according to the complaint.

**No. 3107.** Charged with entering into an unlawful agreement to suppress competition and to create a monopoly in the sale of industrial rivets, 13 companies manufacturing such products, their trade association and its president, are named respondents in a complaint alleging violation of Section 5 of the Federal Trade Commission Act.

The respondent companies are: **Shelton Tubular Rivet Co. and Shelton Tack Co.**, both of **Shelton, Conn.**; **Tubular Rivet & Stud Co.**, 87 Lincoln St., **Boston**; **Judson L. Thomson Mfg. Co.**, South St., **Waltham, Mass.**; **Milford Rivet & Machine Co.**, **Milford, Conn.**; **Chicago Rivet & Machine Co.**, 1830 South 54th Ave., **Chicago**; **Manufacturers' Belt Hook Co.**, 1315 West Congress St., **Chicago**; **National Rivet & Mfg. Co.**, **Waupun, Wis.**; **Scovill Mfg. Co.**, Mill St., **Waterbury, Conn.**; **Penn Rivet Corporation**, 3rd and Huntingdon Sts., **Philadelphia**; **Townsend Co.**, **New Brighton, Pa.**; **John Hassall, Inc.**, Clay and Oakland Sts., **Brooklyn**, and **J. W. Coombs Mfg. Co., Inc.**, **Fort Washington, Pa.**

### Stipulations and Orders

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

**Nos. 1963-1964.** Under two stipulations entered into, a **Chicago** mail order house and a **St. Louis** firm have agreed to discontinue misbranding and misrepresenting turtle oil cream which they sell in interstate commerce.

**Chicago Mail Order Co.**, 511 South Paulina St., **Chicago**, stipulated that in the sale of a turtle oil cream designated "Vivani", it will cease using the words "turtle oil" as descriptive of a product whose oil content is not composed of turtle oil, and will stop using the words "turtle oil" in any manner so as to imply that the oil content is composed wholly of turtle oil, when such is not a fact. The stipulation provides that when the words "turtle oil" are used to describe a product whose content is composed in substantial part of turtle oil, then such words shall be immediately accompanied by other words in type equally conspicuous, so as to indicate clearly that the oil content is composed in part of other oils.

**Benjamin Anselm Co.**, 6000 Goodfellow Blvd., **St. Louis**, signed a stipulation to discontinue use of the words "turtle oil" to describe preparations sold under the names "Vivani" and "Amethyst." It agreed also to discontinue the use on labels or in advertising matter of representations to the effect that its so-called "Tissue Cream", when applied externally to the skin, will penetrate or be absorbed by the skin so as to nourish or revitalize impoverished tissues, and thereby prevent cracking, fine lines and wrinkles, or fill in hollows of the neck and arms, when such are not the facts.

**Nos. 1965-1966.** **Graef & Schmidt, Inc.**, 456 Fourth Ave., **New York**, and **Utility Blade & Razor Corporation**, 200 Burnett Ave., **Maplewood, N. J.**, both engaged in the sale of razor blades, have entered into stipulations to discontinue use of the words "English Razor Steel", as descriptive of blades not made from English steel.

The two companies also agreed to cease using the words "English Razor Steel" in any manner implying that the blades to which such words refer are made from English razor steel or manufactured in England from such steel, when such are not the facts.

**No. 1967.** **E. A. Morgan**, 622-626 Broadway, **Cincinnati**, has entered into a stipulation to cease representing in advertising matter, or in any manner, that runs, snags and breaks in silk hosiery and lingerie are prevented by use of two preparations he sells and designates as "Run-safe" and "Runless."

Trading as **Runsafe Sales Co.** and as **E. A. Morgan & Co.**, Morgan also agreed to discontinue the use in advertising matter of pictorial representations purporting to show, in the form of "before" and "after" treatments, the effects of the use of his products on silk hosiery and lingerie, but which pictorial representations are said to be merely the reproduction of incorrect drawings.

**Nos. 2322 and 2325.** Prohibiting certain unfair representations in the sale of metal grave vaults, orders have been issued to cease and desist against the **Champion Company**, **Springfield, Ohio**, and **Perfection Steel Body Company**, trading as **Perfection Burial Vault Company**, **Galion, Ohio**. The respondent companies' representations were held to constitute unfair competition in violation of Section 5 of the Federal Trade Commission Act.

In the sale and distribution of ferrous metal burial vaults in interstate commerce, the Champion Company is directed to stop the use of representations, in certificates of warranty or guaranty, in advertising, or in any other manner, to the effect that the metal contained in the vaults is able for any fixed period of time, after being placed underground, to resist rust and corrosion or the effects thereof, and that the vaults will remain air-tight, vermin-proof or water-proof.

The order against the Perfection Company directs it to discontinue making representations, in the same manner, to the effect that the metal of which its vaults are made is able to resist rust or corrosion or the effects thereof, or that the vaults will remain air-tight, vermin-proof or water-proof for 50 years, or for any fixed period after being placed underground.

**No. 2644.** An order to cease and desist has been issued against **Paul Greenberg**, trading as **Beverly Products Co.**, 66 Vernon St., **Springfield, Mass.**, prohibiting certain unfair representations in the sale of medicinal preparations advertised as **Beverly Femin Tablets** and **Beverly Menses Tablets**.

Selling these products in interstate commerce, Greenberg was directed to stop representing **Beverly Femin Tablets** as an effective, potent and powerful germicide under the conditions of use for feminine hygiene, and **Beverly Menses Tablets** as a cure, remedy or competent and adequate treatment for women's diseases generally.

**No. 2916.** Prohibiting unfair competition through sale of candy by methods involving use of a lottery, an order to cease and desist

has been issued against **Maple City Candy Co.**, 405 Tyler St., **LaPorte, Ind.** The respondent company's practices were held to be in violation of Section 5 of the Federal Trade Commission Act.

## CASES CLOSED BY FTC

**No. 2622.** The Federal Trade Commission has issued an order closing its case against **C. E. Trees & Co., Inc.**, **Indianapolis**, charged with unfair competition in the sale of flavoring extracts.

Closing of the case followed the respondents signing of a stipulation to cease unfair representations in the sale of its product, called "Four Per Cent—the Perfect Mixer". The respondent company agreed to stop describing its product by use of the symbol "4%" or any per cent designation unless such be qualified by use of the phrase "contains no alcohol", in conspicuous type. In closing the case, the Commission reserved its right to reopen it should circumstances warrant.

**No. 2632.** The Commission has dismissed without prejudice its complaint against **Cummer Products Co.**, **Bedford, Ohio**, which had been charged with using unfair methods of competition in connection with the sale of a cleaning fluid designated "Energine".

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, April 26.

Monday, April 26

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Frank M. Stearns, Salisbury, Md.—C. P., 1200 kc., 250 watts, daytime.

WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Modification of license, 1500 kc., 100 watts, unlimited time.

WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Voluntary assignment of license, 1500 kc., 100 watts, daytime.

Thursday, April 29

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-337:

WOAI—Southland Industries, Inc., San Antonio, Tex.—Transfer of control of corporation; 1190 kc., 50 KW, unlimited time.

Examiner's Report No. 1-352:

NEW—George Harm, Fresno, Calif.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. 1-355:

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license, 1410 kc., 500 watts, 1 KW LS, unlimited. Present assignment: 1410 kc., 500 watts, unlimited time.

Examiner's Report No. 1-357:

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—C. P., 550 kc., 250 watts, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Robert Raymond McCulla, Oak Park, Ill.—C. P., 1500 kc., 100 watts, daytime.

Friday, April 30

#### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—F. W. Borton, Coral Gables, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

**FURTHER HEARING BEFORE AN EXAMINER**  
(Broadcast)

NEW—Earl Weir, St. Petersburg, Fla.—C. P., 1370 kc., 100 watts, unlimited time.

**APPLICATIONS GRANTED**

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Granted voluntary assignment of license from Evening Herald Publishing Co. to Hearst Radio, Inc.; 780 kc., 1 KW night, 5 KW day, unlimited.

WMFN—P. K. Ewing, Grenada, Miss.—Granted modification of C. P. extending commencement date to 4-28-37 and completion date to 10-28-37.

KSUB—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—Granted modification of C. P. to make changes in equipment.

WNYC—City of New York, Dept. of Plant and Structures, New York City.—Granted modification of C. P. to extend completion date to 11-15-37.

WDSM—Fred A. Baxter, Superior, Wis.—Granted modification of C. P. approving transmitter site at 38th St. and Tower Ave., Superior, Wis., and studio site 1507 Tower Ave., Superior; and vertical radiator.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Granted license to cover C. P., 1360 kc., 1 KW, unlimited time.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted license to cover C. P., 1310 kc., 100 watts night, 250 watts day, unlimited.

WEBR—WEBR, Inc., Buffalo, N. Y.—Granted license to cover C. P., 1310 kc., 100 watts night, 250 watts day, unlimited time.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted license to cover C. P. and modifications thereof; 1420 kc., 100 watts night, 250 watts day, unlimited time.

WJJD—WJJD, Inc., Chicago, Ill.—Granted modification of license to change time of operation from limited, i.e., 6 a. m., CST, to LS at Salt Lake City, Utah, to limited, i.e., 6 a. m., EST, to LS at Salt Lake City, Utah, for period April 25 to September 25, 1937, during Chicago daylight saving time.

NEW—WBNS, Inc., Mobile (Columbus, Ohio)—Granted C. P. for new relay broadcast station, frequencies 1646, 2090 and 2830 kc., 175 watts.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted C. P. approving transmitter site southeast of St. Joseph, and approving vertical radiator.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Granted license to cover C. P., 1200 kc., 100 watts night and day, sharing with WJBC.

KROY—Royal Miller, Sacramento, Calif.—Granted license to cover C. P. as modified; 1210 kc., 100 watts, daytime only.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted amended C. P. covering local move of transmitter to 100 N. Pulaski Road; studio to 14 North Western Ave.; installation of new equipment and vertical radiator.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted C. P. covering changes in equipment and increase in day power from 1 KW to 5 KW.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Granted C. P. to move transmitter site to North 3rd Ave., Kingston, Pa., and install vertical radiator.

WAYX—E. F. and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted license to cover C. P., 1230 kc., 1 KW, unlimited time.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted license to cover C. P. as modified; 1400 kc., 1 KW night, 5 KW day, unlimited time, using directional antenna system for night-time operation only.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted modification of C. P. for changes in equipment and extend completion date from July 24, 1937, to 180 days after grant.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted consent to involuntary transfer of control of the National Battery Broadcasting Co. from Lytton J. Shields, deceased, to the present stockholders' legal representatives—The First Trust Co. of St. Paul, Helen B. Shields and Frank J. Anderson, representatives of the estate. Also granted

renewal of license for the period May 1 to November 1, 1937; 1460 kc., 10 KW night, 25 KW day, unlimited.

King Trendle Broadcasting Corp., Detroit, Mich.—Granted extension of authority to transmit programs from Station WXYZ to stations of the Canadian Radio Commission by means of commercial telephone wires of Michigan Bell Telephone Company.

Houston Printing Corp., Houston, Tex.—Granted extension of special temporary authority to operate with power of 5 KW night, for period April 24 to May 23, 1937.

NEW—Radio Air Service Corp., Cleveland, Ohio.—Granted C. P. for new high frequency station, frequencies 31600, 35600, 38600 and 41000 kc. on experimental basis and these frequencies subject to change without prior notice or hearing; 50 watts.

WABV—Juan Piza, Mobile, San Juan, P. R.—Granted C. P. for relay station, frequencies 1622, 2058, 2150 and 2790 kc., 50 watts. Also granted license covering same.

NEW—National Broadcasting Co., Inc., Chicago, Ill.—Granted C. P. for new relay station, frequencies 31100, 34600, 37600 and 40600 kc., 50 watts. Also granted license covering same.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted amended C. P. for new high frequency station, frequency 25950 kc., on experimental basis, 200 watts.

W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Granted license to cover C. P. for new high frequency broadcast station on experimental basis, 88000, 120000, 240000 and 500000 kc., 500 watts.

W2XAX—Columbia Broadcasting System, Inc., New York City.—Granted C. P. authorizing changes in equipment; increase power of visual broadcast transmitter to 7500 watts power; and move of transmitter to top of Chrysler Bldg., New York City.

**APPLICATIONS DISMISSED**

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

NEW—Utica Observer Dispatch, Inc., Utica, N. Y.—C. P., 950 kc., 1 KW LS, daytime.

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—C. P., 1210 kc., 100 watts, 250 watts LS, share KPPC.

NEW—E. Virginia Newspaper Publishing Co., Clarksburg, W. Va.—C. P., 1250 kc., 1 KW LS, daytime.

KSLM—Oregon Radio, Inc., Salem, Ore.—C. P., 1110 kc., 500 watts, 500 watts LS, unlimited.

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Modification of license, 6060, 9590 kc., 15290 kc., 10 KW, 10 KW LS, unlimited time.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of license, 940 kc., 1 KW LS, daytime until 6 p. m., EST.

**APPLICATION RETIRED TO FILES**

WAIM—Wilton E. Hall, Anderson, S. C.—Application for C. P. requesting changes in equipment, move transmitter and change frequency to 630 kc., power to 1 KW, time to daytime only, which was granted April 7, 1936, contingent upon selection of a satisfactory transmitter site and antenna design, was retired to closed file since the applicant has requested to relinquish this authority.

**ACTION ON EXAMINERS' REPORTS**

NEW—Ex. Rep. 1-333: A. Frank Katzentine, Miami Beach, Fla.—Granted C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval). Examiner John P. Bramhall sustained. Order effective May 25, 1937.

WCOA—Ex. Rep. 1-359: Pensacola Broadcasting Co., Pensacola, Fla.—Granted C. P. to make changes in antenna and transmitter; move transmitter from San Carlos Hotel, northwest corner Palafox and Garden Sts., Pensacola, to (site to be determined subject to Commission's approval); and increase power from 500 watts to 1 KW; 1340 kc., unlimited time. Examiner M. H. Dalberg sustained. Order effective May 25, 1937.

NEW—Ex. Rep. 1-374: H. O. Davis, Mobile, Ala.—Denied as in cases of default application for C. P. for new station to operate on 610 kc., 250 watts night, 500 watts LS, unlimited time. Examiner P. W. Seward sustained.

## ORAL ARGUMENTS GRANTED

- NEW—Ex. Rep. 1-370: Falls City Broadcasting Corp., Falls City, Nebr.—Granted oral argument to be held May 20, 1937.
- NEW—Ex. Rep. 1-373: J. L. Statler, d/b as Baker Hospital, Muscatine, Iowa.—Granted oral argument to be held May 20, 1937.
- NEW—Ex. Rep. 1-377: Radio Enterprises, partnership of J. R. Curtis and R. Lacy, Lufkin, Tex.—Granted oral argument to be held May 20, 1937.
- NEW—Red Lands Broadcasting Assn., Ben T. Wilson, Pres., Lufkin, Tex.—Granted oral argument to be held May 20, 1937.
- WJBR—Ex. Rep. 1-378: J. B. Roberts, Gastonia, N. C.—Granted oral argument to be held May 27, 1937.
- NEW—Virgil V. Evans, Gastonia, N. C.—Granted oral argument to be held May 27, 1937.

## EFFECTIVE DATE EXTENDED

- NEW—Ex. Rep. 1-291: The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Effective date of order extended to May 15, 1937.
- NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—Effective date of order extended to May 15, 1937.
- WSBT—Ex. Rep. 1-315: The South Bend Tribune, South Bend, Ind.—Effective date of order extended from April 20 to April 27, 1937.
- WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Effective date of order extended from April 20 to April 27, 1937.

## RENEWAL OF LICENSES

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

- KGNO, Dodge City, Kans.; WBNX, New York City; WFAB, New York City; WFBL, Syracuse, N. Y.; WHAZ, Troy, N. Y.; WSBT, South Bend, Ind.; WTAQ, Green Bay, Wis.
- KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted renewal of license for the period ending September 1, 1937.
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted renewal of license for the period ending October 1, 1937.

## SET FOR HEARING

- NEW—State Broadcasting Corp., New Orleans, La.—C. P. for new station, **1370 kc.**, 100 watts, unlimited time. Exact site to be determined with Commission's approval.
- NEW—Zenith Radio Corp., Chicago, Ill.—C. P. for new television broadcast station at Chicago, on an experimental basis under the provisions of Rules 1031, 1033 and 1034; frequencies **42000-55000** and **60000-86000 kc.**, visual power 1000, aural power 1000 watts, unlimited time.
- WRVA—Larus & Bros. Co., Inc., Richmond, Va.—C. P. to move transmitter site 15 miles southeast of Richmond, Va.; install new equipment and a directional antenna system for day and night operation, and increase power from 5 KW to 50 KW.
- KGB—Don Lea Broadcasting System, San Diego, Calif.—C. P., already in hearing docket, amended so as to request change in transmitter site locally to site to be determined; install new equipment and vertical radiator; and increase power from 1 KW to 5 KW, unlimited time. To be heard before the Broadcast Division.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Modification of license to change frequency from **1070 kc.** to **1080 kc.** and change hours of operation from limited time to specified hours as follows: 6 a. m. to 6:30 p. m. and 9 p. m. to midnight, PST, daily. To be heard before the Broadcast Division.
- NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—C. P., already in hearing docket, amended to request new special broadcast station; **1550 kc.**, 1 KW, unlimited time, using directional antenna system at night to protect WQXR. Hearing scheduled for April 23.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Application for C. P. amended to request move of transmitter locally; install directional antenna for night-time operation, and new equipment; increase night power to 1 KW, day power to 5 KW.
- KRKD—Radio Broadcasters, Inc., Frank P. Doherty, Los Angeles, Calif.—Authority to transfer control of corporation from Frank P. Doherty to J. F. Burke, Sr., and Loyal K. King.

Operates on **1120 kc.**, 500 watts night,  $2\frac{1}{2}$  KW day, S-KFSG.

- NEW—Summit Radio Corp., Akron, Ohio.—C. P. amended to request application for new station to operate on **1530 kc.**, 1 KW, unlimited time, using directional antenna system for night-time operation to protect stations WBRY and KXBY. Transmitter site adjacent to Manchester Road, south of Akron city limits, near Akron; studio to be determined in business district of Akron.
- NEW—El Paso Broadcasting Co., El Paso, Tex.—Application for C. P. amended to request **940 kc.**, 1 KW, unlimited time; approval of transmitter site at 2250 ft. South Spruce Street on line of Boone Street, extended southward, El Paso, Tex.
- NEW—W. W. Luce, Lauderdale, Fla.—Application for C. P. amended to request **1050 kc.**, 1 KW, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- WMAL—National Broadcasting Co., Inc., Washington, D. C.—Application for modification of license to increase night power from 250 to 500 watts; **630 kc.**
- NEW—Fall River Herald News Publishing Co., Fall River, Mass.—Application for C. P. amended to request **1210 kc.**, 100 watts night, 250 watts day, unlimited time, exact transmitter site and type of antenna to be determined with Commission's approval.
- NEW—Centennial Broadcasting Corp., Dallas, Tex.—C. P. for new station, **1500 kc.**, 100 watts, daytime only, exact transmitter site to be determined with Commission's approval.
- NEW—Thomas J. Watson, Endicott, N. Y.—Application for C. P. for new station, **1240 kc.**, 1 KW, unlimited time, using directional antenna system for night-time operation.
- NEW—W. W. Hunt, J. B. DeMotte and F. H. Miller, d/b as The Ocala Broadcasting Co., Ocala, Fla.—Application for C. P. for new station, **1500 kc.**, 100 watts night, 250 watts day, unlimited time.
- NEW—F. B. Clements & Company, a co-partnership consisting of F. Braden Clements, Clara D. Clements, and C. C. Clements, d/b as Southern Minn. Supply Co., Mankato, Minn.—Application for C. P. for new station, **1500 kc.**, 100 watts night, 250 watts day, unlimited time, exact transmitter site to be determined with Commission's approval.
- NEW—A. Annas, K. C. Elliott, D. L. Green, and C. D. Newton, d/b as Hickory Broadcasting Co., Hickory, N. C.—Application for C. P. for new station, **1370 kc.**, 100 watts, daytime only.

## EXAMINERS' REPORTS RELEASED

- WCOP—Ex. Rep. 1-380: Massachusetts Broadcasting Corp., Boston, Mass.—Examiner George H. Hill recommended grant of modification of license to change frequency from **1120 kc.** to **1130 kc.**, and hours of operation from daytime to limited time until local sunset at Salt Lake City.
- NEW—Ex. Rep. 1-381: Cadillac Broadcasting Co., Dearborn, Mich.—Examiner M. H. Dalberg recommended grant of C. P. for new station to operate on **1140 kc.**, 500 watts, daytime.
- NEW—Ex. Rep. 1-382: Peninsula Newspapers, Inc., Palo Alto, Calif.—Examiner P. W. Seward recommended denial of C. P. for new station to operate on **1160 kc.**, 250 watts, daytime.
- WMBD—Ex. Rep. 1-382: Peoria Broadcasting Co., Peoria, Ill.—Examiner Hill recommended grant of C. P. to increase power from 500 watts night, 1 KW LS, to 1 KW night, 5 KW LS.
- NEW—Ex. Rep. 1-384: Edwin A. Kraft, Petersburg, Alaska.—Examiner R. H. Hyde recommended grant of application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited.
- NEW—Ex. Rep. 1-385: W. H. Marolf, Escanaba, Mich.—Examiner Hyde recommended denial of C. P. requesting new station to operate on **1500 kc.**, 100 watts, unlimited time.
- NEW—The Escanaba Daily Press Co., Escanaba, Mich.—Examiner Hyde recommended dismissal of application for C. P., **1500 kc.**, 100 watts, daytime.
- KINY—Ex. Rep. 1-386: Edwin A. Kraft, Juneau, Alaska.—Examiner Hyde recommended denial of C. P. requesting change in frequency from **1310 kc.** to **1430 kc.**, and increase in power from 100 to 250 watts.
- NEW—Ex. Rep. 1-387: Johnson City Broadcasting Co., Johnson City, Tenn.—Examiner Hill recommended grant of C. P. for new station to operate on **1200 kc.**, 100 watts night, 250 watts local sunset, unlimited time.

NEW—Ex. Rep. 1-389: Knoxville Journal Broadcasting Co., Knoxville, Tenn.—Examiner Hill recommended denial of C. P. for new station to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time.

NEW—Richard M. Casto, Johnson City, Tenn.—Examiner Hill recommended denial of C. P. for new station to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time.

NEW—Ex. Rep. 1-390: Richard S. Gozzaldi, d/b as The Oak Cliff-Dallas County Broadcasting Co., Dallas, Tex.—Examiner R. L. Irwin recommended denial of application for C. P., 1500 kc., 100 watts, daytime.

NEW—A. L. Chilton, Dallas, Tex.—Examiner Irwin recommended denial of application for C. P., 1500 kc., 100 watts, daytime, if Commission grants applications of Dallas Broadcasting Co. and Centennial Broadcasting Co., and grant if Commission denies either the application of the Dallas Broadcasting Co. or the Centennial Broadcasting Co.

NEW—Ex. Rep. 1-391: Frontier Broadcasting Co., Cheyenne, Wyo.—Examiner P. W. Seward recommended suspension until the final disposition by the courts of the application of Paul H. Heitmeyer for authority to construct a radio broadcast station in Cheyenne. In event the decision of the Commission be sustained by the courts, then it is recommended that application of the Frontier Broadcasting Co. for C. P. to operate on 1420 kc., 100 watts night, 250 watts LS, unlimited time, be granted.

NEW—Ex. Rep. 1-388: Cumberland Broadcasting Co., Inc., Portland, Maine.—Examiner Dalberg recommended grant of C. P. for new station to operate on 1210 kc., 100 watts, unlimited time.

NEW—Twin City Broadcasting Co., Inc., Lewiston, Me.—Examiner Dalberg recommended denial of C. P. for new station to operate on 1210 kc., 100 watts, unlimited time.

NEW—Philip J. Wiseman, Lewiston, Me.—Examiner recommended dismissal of application as in cases of default, same facilities as above.

NEW—Harriet M. Alleman and Helen M. MacLellan, d/b as Cape Cod Broadcasting Co., Barnstable, Mass.—Examiner Dalberg recommended grant of C. P. for new station to operate on 1210 kc., 100 watts night, 250 watts LS, unlimited time.

NEW—George M. Haskins, Hyannis, Mass.—Examiner recommended dismissal as in cases of default application for same facilities as above.

NEW—Arthur E. Seagrave, Lewiston, Me.—Examiner recommended denial of application for C. P., same facilities as above.

#### MISCELLANEOUS

KLZ—KLZ Broadcasting Co., Denver, Colo.—Dismissed without prejudice application for C. P. to erect new broadcast station in Denver to operate on 1210 kc., 100 watts night, 250 watts LS, unlimited. Dismissed petition of Colorado Radio Corporation to intervene in hearing of above application.

WHN—Marcus Loew Booking Agency, New York City.—Accepted answer as respondent to appearance of applicant KYW, Westinghouse E. & M. Co., Philadelphia, Pa., for C. P., Docket 4265. Hearing scheduled for May 18, 1937.

NEW—William F. Maag, Youngstown, Ohio.—Denied petition to intervene at hearing of application for C. P. to erect new radio broadcasting station at Youngstown, Ohio, to operate on 1350 kc., 1 KW, unlimited. Petition filed only four days before hearing scheduled for April 19, 1937. Rule 105.20 requires that petitions to intervene be filed 10 days prior to hearing.

WBAX—John H. Stenger, Jr., Wilkes Barre, Pa.—Denied petition asking Commission for special temporary authority to operate unlimited time beginning April 15, pending action on application for full time authorization.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Denied petition asking Commission to reconsider its action of March 10, 1936, in designating for hearing application for consent to transfer control of stations KGMB, Honolulu, and KHBC, Hilo, from J. L. P. Robinson to the Pacific Theatres and Supply Co., Ltd.

KTSA—KTSA Broadcasting Co., San Antonio, Texas.—Granted petition to intervene in hearing of application of Wichita Falls Broadcasting Company for modification of C. P. to increase power from 250 watts night to 1 KW, and day power from 1 KW to 5 KW LS, unlimited time.

NEW—J. Leslie Boss, Sarasota, Fla.—Denied request for a further extension of 90 days for taking depositions in re application for C. P. to erect new broadcast station at Sarasota, to operate on 1390 kc., 250 watts, daytime only.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Denied petition to operate under its new assignment of 1260 kc., 250 watts, unlimited time, pending compliance with Rule 131. This rule was adopted October 15, 1935, and requires applicants for new, additional or different broadcast facilities to specify a radiating system the efficiency of which complies with the requirements of good engineering practice.

NEW—Smith Keller & Cole, San Diego, Calif.—Granted petition to intervene in hearing of application of Radiotel Corp., for C. P. to erect new broadcast station at San Diego to operate on 920 kc., 500 watts, unlimited time.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted renewal of regular license for period ending July 1, 1937. Application for renewal of license for period Jan. 1 to July 1, 1937, was designated for hearing January 26, 1937, because of pendency of application of WHNY, Buffalo, N. Y., for facilities of WSVS. This application has been dismissed from hearing calendar at request of WBNY.

WXYZ—King-Trendle Broadcasting Co., Detroit, Mich.—Granted petition to intervene in hearing of application of Voice of Detroit, Inc., for C. P. to erect new broadcasting station at Detroit, to operate on 1120 kc., 500 watts night, 1 KW, LS.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted postponement of hearing from May 14, 1937, to approximately 30 days, new date to be fixed by Docket Section, on application for C. P. to install vertical antenna and increase night time power from 500 watts to 1 KW.

NEW—Virgil V. Evans, d/b as Voice of South Carolina, Spartanburg, S. C.—Waived Rule 106.5(b), and directed that answer filed on behalf of Virgil V. Evans, d/b as the Voice of South Carolina, to the appearance of Carolina Radio, Inc., applicant for C. P. to erect a new station at Charlotte, N. C., to operate on 880 kc., 500 watts night, 1 KW, LS, unlimited time, be accepted and that said answer be made a part of the record.

NEW—J. Laurence Martin, Tucumcari, New Mexico.—Denied petition requesting Commission to set aside order of the Broadcast Division rendered October 13, 1936, denying application for a new radio station at Tucumcari, to operate on 1200 kc., 100 watts, limited time, and to grant the same. Also denied request for further extension of effective date.

WHB—WHB Broadcasting Company, Kansas City, Mo.—Denied petition for review and reversal of decision of Broadcast Division denying application to install new equipment, change frequency from 860 to 1120 kc., change hours of operation from daytime to unlimited, with 500 watts power at night and 1 KW day, and employing a directional antenna system during nighttime operation. Also denied alternate proposal for rehearing and stay of effective date of order fixed as April 15, 1937.

WNNY—Black River Valley Broadcasts, Inc., Watertown, N. Y.—Denied petition requesting Commission to reconsider and set aside its action of December 2, 1936, in which it reversed the order of the Broadcast Division of September 22, 1936, which granted an application for C. P. for a new station at Watertown, N. Y., to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.

#### SPECIAL AUTHORIZATIONS

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 5 to 6 P. M., C. S. T., April 30, in order to broadcast game; 10 to 11 A. M., May 1, baseball game; 4 to 6:30 P. M., May 1, football game and President's banquet; 12 noon to 2 P. M., May 2, Loyalty Luncheon, and from 4 to 6 P. M., May 2, to broadcast Purdue band concert.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 2:45 to 4:15 P. M., E. S. T., May 9, (instead of May 2, 1937, as granted in minutes of April 2, 1937), in order to observe Charter-Day College Holiday.

WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to operate with reduced power for a period not to exceed 10 days while installing new transformers.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with KQV from 7:15 to 7:30 P. M., E. S. T. (Sundays), April 18 and 25.

WICA—C. A. Rowley, Ashtabula, Ohio.—Granted special temporary authority to operate a 50 watt test transmitter on 940 kc., during daytime hours for a period April 15 to

May 14, 1937 in order to test for transmitter sites near Ash-tabula. However, such tests not permitted during hours prescribed for Commission monitoring schedule, during experimental period except from 5:10 to 5:30 A. M., May 11.

**WBZ**—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Granted special temporary authority to operate a 500 watt radio transmitter at and near the site specified in application for C. P., on frequency 1020 kc., between hours of 1 and 6 A. M., E. S. T., for period April 26 to May 6, 1937, in order to make measurements as to possible coverage of transmitter to be located as proposed in above mentioned C. P. Schedule should be arranged so as to cause no interference to any station monitoring regular schedule.

**WDZ**—WDZ Broadcasting Co., Tuscola, Ill.—Granted special temporary authority to operate from 5 to 6 A. M., C. S. T., for period of 30 days, in order to reach farmers in the territory surrounding station WBZ who are in their fields during the summer months by 5 A. M.

**WCAL**—St. Olaf College, Northfield, Minn.—Granted special temporary authority to operate from 2 to 3 P. M., C. S. T., the following Sundays: April 25, May 2, 9, 16, 23 (provided WTCN remains silent), in order to continue to schedule NBC programs with commencement of daylight saving time in New York City.

**WTCN**—Minnesota Broadcasting Corp., Minneapolis, Minn.—Same as above except from 3 to 4 P. M., C. S. T., provided WCAL remains silent.

**WFIL**—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of temporary authority to operate on 560 kc., with power of 1 KW at night, for period May 1 to May 31, pending filing of and action on license application to cover C. P. for this authority.

**WHDF**—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 10 to 10:30 A. M., C. S. T., April 27 to May 1, inclusive, in order to broadcast (first fifteen minutes) Magic Hour Programs and the balance of the time to broadcast transcription program utilizing music of World Sustaining Library.

**KOTN**—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special authority to operate 7:30 to 10:30 P. M., C. S. T., April 21, 22, May 13, 14, 17 to 21 inclusive, in order to broadcast night baseball games.

**KFRO**—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from local sunset (May sunset, 7:15 P. M.) to 9 P. M., C. S. T., using power of 100 watts, on Sundays, May 2, 9, 16, 23 and 30, 1937, in order to broadcast church services of the Kelly Memorial Methodist Church of Longview.

**WEST**—Associated Broadcasters, Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with station WKBO from 10 to 11 A. M. and 5 to 6 P. M., E. S. T., for period April 25 to May 24, 1937, due to adoption of Daylight Saving Time in Easton, Pa.

**WMBG**—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 P. M., E. S. T., on Sundays from May 1, 1937, to May 31, 1937, inclusive (provided WBBL remains silent), in order to broadcast special programs.

**WFBR**—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted special temporary authority to operate a 50 watt portable transmitter between the hours 1 and 6 A. M., E. S. T., for the period April 21 to May 20, 1937, in order to conduct a location survey in and around Baltimore. However, such tests not permitted during those hours prescribed for Commission monitoring schedule.

**RCA** Communications, Inc., Bolinas, Calif.—Granted special temporary authority to operate point-to-point telegraph stations KEQ on frequency 11950 kc., KEW on 7715 kc., and KEG on 5110 kc., to communicate with relay broadcast station aboard plane of United Air Lines Transport Corp., call letters KHAZT, for period April 19 to May 30, 1937, for the purpose of maintaining contact-control communication connection with reception of preliminary test schedules incidental to reception of one-half-hour programs to be delivered to NBC on April 25, May 2, 9, 16, 23 and 30.

**W3XDS**—RCA Communications, Inc., Camden, N. J.—Granted special temporary authority to operate with power of 5 KW on 590 kc. during broadcast experimental hours from 1 to 6 a. m., EST, for period not to exceed 10 days, provided schedule is arranged so as to cause no interference to stations maintaining regular programs, in order to make certain measurements of radio frequency harmonic radiation.

**KGDY**—Voice of South Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent for

the period April 16 to May 1, 1937, for the purpose of rebuilding transmitter to comply with Rule 132. Provided, this authority shall not be construed as a finding by the Commission with respect to any application of KGDY pending before it, particularly the renewal application or upon any issues raised thereby. Also that station shall not resume operation until such time as photographs and other necessary evidence are submitted showing equipment is in entire agreement with all requirements of rules and regulations of Commission and good engineering practices.

**WJBW**—Chas. C. Carlson, New Orleans, La.—Granted special temporary authority to remain silent if necessary for a period not to exceed 15 days pending necessary repairs.

## RATIFICATIONS

The Division ratified the following acts authorized on the dates shown:

**KABE-KIGA**—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority to operate as licensed on Thursdays for period of 30 days from April 22, relaybroadcast from University of Minnesota Farm School instead of authority granted by wire on April 14. Also granted authority to operate as licensed on April 20 relaybroadcast from University of Minnesota Mechanical Engineering Bldg.

**W8XIK**—Crosley Radio Corp., Cincinnati, Ohio.—Granted authority to operate as licensed April 20 relaybroadcast interviews of early arrivals opening ball game on 4-20 or 4-21, relaybroadcast events at ball game.

**W8XHV**—The Evening News Assn., Inc., Detroit, Mich.—Granted authority to operate as licensed 4-24 relaybroadcast program connection opening trout fishing season in Michigan.

**W10XDX**—National Broadcasting Co., Inc., New York City.—Granted authority to operate as licensed April 22, 23 and 24 relaybroadcast description intercollegiate track meet, Philadelphia.

**W9XPY**—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted authority to operate as licensed for period April 17 to 29, inclusive, relaybroadcast from Keeneland Race Track.

**WKOK**—Radio Station WKOK, Sunbury, Pa.—Granted authority to continue use of present transmitter until not later than midnight April 30, that is Rule 132 waived until that date.

Authority granted change coupling system as necessary to match new transmitter; however, if necessary, change antenna system, necessary submit details which must comply with Rule 131. Above authority shall not be construed as acceptance of explanation of discrepancy report. Use new equipment must comply Rules 164 and 165.

**WJEP**—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted temporary authority to operate relay station WJEP as licensed, April 16 to April 25, 1937, to relay broadcast of safety campaign in Rochester.

**W4XBT**—Radio Station WSOC, Inc., Charlotte, N. C.—Granted temporary authority to operate relay stations as licensed, for period April 15 to 17, 1937, inclusive, to relay broadcast from Carnival Grounds, provided no wire lines available.

Granted petition of WGAR Broadcasting Company to intervene in the proceedings on the application of the Food Terminal Broadcasting Co. for a C. P. to erect a broadcast station at Cleveland, Ohio. Docket 4436.

Granted petition of WKBN Broadcasting Corp. to intervene in the proceedings on the application of Valley Broadcasting Co. for a C. P. to erect a broadcast station at Youngstown, Ohio. Docket 4066.

Denied petition of Isle of Dreams Broadcasting Corp. (WIOD-WMBF), Miami, Fla., requesting that the Commission reconsider its action of February 9, 1937 in designating for hearing its application for modification of license, Docket No. 4425, and grant same without a hearing.

Granted petition of the Great Lakes Broadcasting Corp. to intervene in the proceedings on the application of the Food Terminal Broadcasting Co., Cleveland, Ohio, for a C. P. to erect a new station at Cleveland, Ohio. Docket No. 4436.

Granted the petitions of the Pennsylvania Broadcasting Company (WIP), the Seaboard Radio Broadcasting Corp. (WIBG), and WDAS Broadcasting Station, Inc. (WDAS), to intervene in the proceedings on the application of the Philadelphia Radio Broadcasting Co. for a C. P. to erect a broadcast station in Philadelphia, Pa. Docket 4439.

**KVGB**—Ernest Edward Buehlen, Great Bend, Kans.—Granted extension of program test for period of 30 days from April 8, 1937.



W9XPS—Peoria Broadcasting Co., Peoria, Ill.—Granted temporary authority to operate relay station W9XPS as licensed on April 30, 1937, to relay broadcast of WMBD Good Neighbor Program.

KROY—Royal Miller, Sacramento, Calif.—Granted extension of program test for period of 30 days from April 14.

WSAY—Brown Radio Service Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Granted special temporary authority to operate from local sunset April 6:45 p. m. to 8:45 p. m., EST, April 19 to 24, inclusive, in order to contribute time to the Rochester Post of Volunteers of America, who are conducting a drive for funds for welfare and mission work.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from local sunset April 6:30 p. m. to 6:45 p. m., CST, each evening from April 16 to 30, inclusive, in order to broadcast the baseball scores in the Cotton States, Southern, National and American leagues.

Granted petition of Decatur Newspapers, Inc., to intervene in the proceedings upon the application of Ann Arbor Broadcasting Co., Inc., for C. P. for new special experimental broadcast station at Ann Arbor, Mich (Docket No. 4178).

Denied petition of Robert J. Craig, d/b as Golden Gate Broadcasting Co. (KGGC), to reconsider and grant their pending application for modification of license without hearing oral argument.

Waived requirements of Rule 104.6(b) and excepted the answers of WKBH, Inc., to the applicants' appearances in Docket No. 4068 (Joplin Broadcasting Co.), Docket No. 4469 (KQV Broadcasting Co.), and Docket No. 4470 (WSMK, Inc.).

NEW—General Electric Co., near Belmont, Calif.—The Broadcast Division reconsidered its action of April 2, 1937, in denying C. P. for 9530, 15330 kc., 20 KW, Emission A3, shares W2XAF and W2XAD (unlimited by reason of difference in International time), as in cases of default for failure to file appearance and statement of facts to be proved (R. 104.6(b)), and directed that above application be reinstated on hearing docket, hearing to be held commencing on May 17, 1937, and that Rule 104.6(b) be suspended and the appearance of applicant be excepted, and also directed that an order be entered accordingly and forwarded to all interested parties.

## APPLICATIONS RECEIVED

### First Zone

NEW—Colonial Broadcasting Co., Morristown, N. J.—Construction permit for a new station to be operated on 620 kc., 1 KW, unlimited time. Amended to specify directional antenna for day and night use and give transmitter site as near Whippany, N. J.

NEW—The Yankee Network, Inc., Quincy, Mass.—Construction permit for a new facsimile broadcast station to be operated on 41000 kc., 500 watts.

NEW—The Yankee Network, Inc., Quincy, Mass.—License to cover above.

NEW—City of New York, Dept. of Plant and Structures, New York, N. Y.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 40 watts.

### Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-P-1085) for changes in equipment, new antenna, increase in power, and move of transmitter, further requesting authority to install new transmitter, directional antenna for day and night use, increase power from 1 KW to 5 KW, move transmitter from 1500 feet north of Monument and City Line Ave., Merion Twp., Pennsylvania, to 63rd Street and Schuylkill River, Pennsylvania, and extend commencement and completion dates.

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Construction permit to install a new transmitter; increase power from 500 watts to 1 KW night, 5 KW day; change hours of operation from limited time to unlimited time; make changes in antenna and move transmitter from Sharon Road (10 miles north), Columbus, Ohio, to site to be determined, Columbus, Ohio. Amended to omit request for unlimited time.

NEW—Genesee Radio Corporation, Flint, Mich.—Construction permit for a new station to be operated on 1200 kc., 100 watts night, 250 watts day, specified hours.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a new relay broadcast station to be operated on 1605, 2022, 2102, 2758 kc., 50 watts.

W2XGN—Berks Broadcasting Co., Reading, Pa.—Modification of construction permit (B2-PRE-34) to extend commencement and completion dates.

W3XGM—Reading Broadcasting Co., Reading, Pa.—Modification of construction permit (B2-PRE-35) to extend commencement and completion dates.

### Third Zone

KMIB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to change frequency from 1200 kc. to 620 kc.; make changes in equipment; increase power from 100 watts night, 250 watts day, to 500 watts day and night, and install directional antenna for night use. Amended re antenna and change transmitter site from Milhaven Road to Loop Road, Monroe, La.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—880 Modification of construction permit (B3-P-1434) for changes in equipment, requesting authority to install vertical antenna and move transmitter from U. S. Highway No. 45, 2½ miles southeast city limits, Meridian, Miss., to U. S. Highway 45 North, 1.3 miles north of city limits, Meridian, Miss.

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—1080 Construction permit to install a directional antenna for night use.

NEW—Radio Station WFNC (Partnership of C. Frank Walker & 1210 Waldo W. Primm) Fayetteville, N. C.—Construction permit for a new station to be operated on 1210 kc., 250 watts, daytime.

NEW—Ward Optical Co., Dr. T. B. Ward, Owner, Fayetteville, 1310 Ark.—Construction permit for a new station to be operated on 1310 kc., 15 watts, daytime and limited time. Amended: To change power from 15 watts to 100 watts, hours of operation from daytime and limited time to unlimited time, make changes in equipment and give transmitter and studio sites as Wolf Building on West Mt. St., Fayetteville, Ark.

NEW—Harry Schwartz, Tulsa, Okla.—Construction permit for a 1310 new station to be operated on 1310 kc., 250 watts, daytime.

NEW—Burl Vance Hedrick, Near Salisbury, N. C.—Construction 1340 permit for a new station to be operated on 1340 kc., 1 KW, daytime.

WATL—J. W. Woodruff, tr. as Atlanta Broadcasting Co., Atlanta, 1370 Ga.—License to cover construction permit (B3-P-1228) as modified, for new transmitter and antenna, increase in power and move of transmitter and studio.

NEW—Brenau College, Gainesville, Ga.—Construction permit for 1420 a new station to be operated on 1420 kc., 100 watts night, 250 watts daytime, unlimited time.

NEW—Station WIS, Incorporated, Columbia, S. C.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—Construction permit to change location of station from Madison & Third Streets to 139 S. Main St., Memphis, Tenn.

W5XCL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—License to cover construction permit for a new relay broadcast station.

W5XR—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—License to cover construction permit for a new relay broadcast station.

### Fourth Zone

KFRU—KFRU, Inc., Columbia, Mo.—Construction permit to 630 make changes in transmitting equipment, install a vertical antenna, increase power from 500 watts, 1 KW day, to 5 KW, and move transmitter from 1200 Broadway to site to be determined, Boone County, Missouri.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—770 Modification of license to change hours of operation from simultaneous daytime, synchronously (experimentally) night with KFAB, to unlimited (contingent upon KFAB being granted change in frequency).

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Construction 1080 permit to install a new transmitter and directional antenna for night use; change frequency from 770 kc. to 1080 kc., power from 10 KW to 50 KW, hours of operation from simultaneous day, share WBBM night, to unlimited time; and move transmitter from 17th and Holdrege Streets, Lincoln, Nebr., to Range 7 E., N. W. ¼ Sec. 4, Twp. 12, N. Lancaster County, Nebraska.

KRMC—Roberts-MacNab Co. (Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Mgr.), Jamestown, N. Dak.—Modification of license to change frequency from 1310 kc. to 1370 kc., and change hours of operation from simultaneous day KVOX, share KVOX night, to unlimited time.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Authority to make changes in automatic frequency control equipment.

NEW—Curtis Radiocasting Corp., Richmond, Ind.—Construction permit for a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time.

NEW—The Champaign News-Gazette, Inc., Champaign, Ill.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 10 watts.

NEW—The Champaign News-Gazette, Inc., Champaign, Ill.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 2 watts.

#### Fifth Zone

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to install a new transmitter, erect a vertical antenna, increase power from 1 KW to 1 KW night, 5 KW day, and move transmitter from 87 East San Antonio Street, San Jose, Calif., to site to be determined, Santa Clara County, California.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts night, 250 watts daytime. Amended to install vertical antenna.

KSUB—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—Modification of construction permit (B5-P-841) as modified for a new station, requesting changes in authorized equipment.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Construction permit to make changes in equipment and increase power from 1 KW night, 2½ KW day, to 5 KW night and day. Amended to omit request for increase in night power.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Construction permit to install a new transmitter and change frequency from 1500 kc. to 1360 kc., change power from 100 watts night, 250 watts day, to 1 KW.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—License to cover construction permit (B5-P-1483) for changes in equipment.

KSLM—Oregon Radio, Inc., Salem, Ore.—Construction permit to change frequency from 1370 kc. to 1360 kc., install a new transmitter, make changes in antenna, and increase power from 100 watts to 500 watts.

KAWM—A. W. Mills, Gallup, N. Mex.—License to cover construction permit (B5-P-601) as modified for a new station.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING

WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

Vol. 5 - - No. 18  
APRIL 29, 1937

Copyright, 1937. The National Association of Broadcasters

### SLOWIE APPOINTED FCC SECRETARY

Thomas J. Slowie, 41, of Clinton, Iowa, was appointed yesterday as secretary of the Federal Communications Commission. The appointment was made by the members of the FCC sitting *en banc*.

Mr. Slowie was educated in the public schools of Clinton, Iowa. He first came to Washington in 1930 as secretary to Representative P. M. Jacobsen of the Second Congressional District of Iowa, remaining in that position until Mr. Jacobsen's death in 1936. Representative Jacobsen was succeeded by his son, W. M. Jacobsen, who retained Mr. Slowie as secretary up to the present time.

Mr. Slowie was in the army during the World War, and at various times has served as City Auditor and City Clerk of Clinton. He was also in the insurance business for several years.

Insofar as it could be learned late yesterday Mr. Slowie has not had any radio experience. Mr. Slowie succeeds Herbert L. Pettey, who resigned the place several months ago.

### ANOTHER COPYRIGHT BILL

Senator Guffey, of Pennsylvania, has introduced a bill (S. 2240) to amend and consolidate the copyright act of March 4, 1909. The bill has been referred to the Senate Committee on Patents and is identical with H. R. 5275 which Representative Daly introduced on March 3.

### FCC GRANTS NEW STATION

H. W. Wilson and Ben Farmer were granted a construction permit this week by the Federal Communications Commission for the construction of a new broadcast station at Wilson, N. C., to use 1310 kilocycles, 100 watts power daytime operation. The order is effective on June 1 and sustains the recommendation of Examiner P. W. Seward.

### WARING VS. WDAS

The appeal by radio station WDAS to the Supreme Court of Pennsylvania from the adverse decision of the Court of Common Pleas of Philadelphia in the case brought by Fred Waring to enjoin the broadcasting of phonograph records was argued in Philadelphia on April 21. Former Attorney General William A. Schnader argued the case for the station and Maurice J. Speiser presented the case for Waring. The decision was reserved by the Court of seven Judges—Chief Justice Kaphart, Stern, Drew, Shaffer, Maxey, Linn and Barnes. No decision is likely before May 24, when the Court reconvenes at Harrisburg.

Mr. Schnader commenced his argument by reading the pleadings and showing the narrow issues involved. He then referred to the hearing before Judge McDevitt of Common Pleas which he characterized as being far more unique than Waring's performances and in which the rules of evidence were suspended for the day. After discussing the testimony, he stated that the findings of Judge McDevitt were based upon evidence which should have been excluded as having no bearing on the issues in the case, pointing out, among other things, that the defendant's name or the name of its station was mentioned only once throughout the entire hearing by the plaintiff and the plaintiff's witnesses. He then referred to the

### IN THIS ISSUE

	Page
Slowie Appointed FCC Secretary.....	2063
Another Copyright Bill.....	2063
FCC Grants New Station.....	2063
Waring v. WDAS.....	2063
Securities Act Registrations.....	2064
Recommends Against KSFO Transfer.....	2065
New Florida Station Recommended.....	2066
Recommends Against Iowa Station.....	2066
Changes Recommended for KLPM.....	2066
New Station Recommended.....	2066
Recommends Denying Georgia Station.....	2066
Federal Trade Commission Action.....	2066
FTC Closes Cases.....	2068
Federal Communications Commission Action.....	2068

Make Your Plans Now to Attend the NAB Convention  
at Hotel Sherman, Chicago, June 20-23, 1937

failure of Judge McDevitt to find certain facts which were admitted by the pleadings or by the evidence, following which the station filed 137 exceptions to the decision of the court below. The exceptions, he said, were argued before Judge McDevitt and another Judge instead of before three judges, Judge Kun sitting with Judge McDevitt disagreeing vigorously on the argument with Mr. Speiser's contentions and the decision of the court. After a couple of months a unanimous decision came down, however, dismissing the 137 exceptions without assigning any reason or rendering any opinion.

Mr. Schnader then briefly discussed the law involved and argued that there was no authority in any of the English-speaking countries for giving a common law right of property in the manner in which a performer rendered a selection which he did not own. He next argued that if there was any property right in Waring, that he had lost that right when he published the records by allowing the phonograph manufacturers to market them. He explained that the legend on the record "Not licensed for radio broadcasting" did not refer to Waring at all and could only refer to a copyright license from the copyright owners of the song to broadcast that song and that since the station had a license from ASCAP, the legend was of no significance. He further stated that under the many decisions of the United States Supreme Court and other Federal courts, it was impossible for the seller of an article to restrict the use of that article after its outright sale. As to unfair competition, Mr. Schnader said that the plaintiff had not even pleaded such a cause of action.

Mr. Speiser argued at considerable length claiming that there was a common law right of property, that band leaders all over the country were suffering from the broadcasting of phonograph records and claimed that Waring had made an agreement with the R. C. A. Victor Company, in which the records were agreed not to be used for broadcasting and that their use was to be restricted to the homes. He referred to what he called other broadcasting stations were doing in the way of announcements to deceive the public into thinking that the artist himself was in the studio, but had to admit that such practices did not apply to station WDAS. He claimed, however, that the chancellor was entitled to take into consideration what was being done by other stations and stated that none of the findings of Judge McDevitt was based upon what other stations did. He argued that the records made a number of years ago were not up to Waring's present standards and that this was interfering with his activities and that, furthermore, Waring had an exclusive contract with a radio advertiser which the defendant was interfering with by broadcasting Waring's records.

Various members of the court evidenced their interest

in the issues involved by their questions to counsel. One Judge asked if Sarah Bernhardt had spoken lines of a play in a certain way, if that would prevent someone else from speaking it the same way and it was pointed out that it was the contention of Waring that this was so. Another Judge inquired of Mr. Speiser if Waring should have performed "Annie Laurie," which was presumably in the public domain, if he could prevent someone else from performing "Annie Laurie" the same way. Mr. Speiser said that he believed that Waring should be able to prevent this being done. Still another Judge inquired if somebody happened to read Shakespeare aloud in a certain manner if that person could prevent other persons from reading Shakespeare in that identical fashion and Mr. Speiser replied that that was his contention.

It was brought out during the argument that even if a contract did exist between Waring and the phonograph company of the nature claimed by Waring, that the station knew nothing whatever about it and that certainly it could not be bound to observe contracts of which it knew nothing. Mr. Speiser also argued that Waring's right of privacy was violated by using phonograph records. One of the Judges inquired if the station did not use the name of Waring if then there could be no claim of violation of the right of privacy. Mr. Speiser, however, contended that it would make little or no difference if the name were used, that the thing that Waring complained about was the use of his personal performance.

## SECURITIES ACT REGISTRATIONS

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

- Apex Gold Mines, Ltd., Vancouver, B. C. (2-2978, Form A-1)
- B. F. Avery & Sons Company, Louisville, Ky. (2-2979, Form A-2)
- American Forging & Socket Company, Pontiac, Mich. (2-2980, Form A-2)
- Parkersburg Rig & Reel Company, Parkersburg, W. Va. (2-2981, Form A-2)
- Union Premier Food Stores, Inc., Philadelphia, Pa. (2-2982, Form A-2)
- Hamburger Distillery, Inc., Pittsburgh, Pa. (2-2983, Form A-1)
- Marion-Reserve Power Company, Marion, Ohio. (2-2984, Form A-2)
- Burlington Mills Corporation, Greensboro, N. C. (2-2985, Form A-1)
- Aviation Capital, Inc., New York City. (2-2986, Form A-1)
- North American Oil Company, Baltimore, Md. (2-2988, Form A-1)
- McClelland-Kennard Company, Barnesville, Ohio. (2-2989, Form A-2)
- Investment Corp. of Philadelphia, Philadelphia, Pa. (2-2990, Form A-2)
- Reynolds Spring Company, Jackson, Mich. (2-2991, Form A-2)
- Kane-America Corporation, Fort Worth, Texas. (2-2992, Form E-1)
- Educational Pictures, Inc., New York City. (2-2993, Form A-1)
- Di-Noc Manufacturing Company, Cleveland, Ohio. (2-2994, Form A-2)
- C. D. Marshall et al., Pittsburgh, Pa. (2-2995, Form F-1)
- Clear Springs Water Service Co., Wilkes-Barre, Pa. (2-2996, Form A-2)
- Monarch Machine Tool Company, Sidney, Ohio. (2-2997, Form A-2)

Payne Furnace & Supply Company, Beverly Hills, Cal. (2-2998, Form A-1)  
Atlas Press Company, Kalafmazoo, Mich. (2-2999, Form A-2)  
Air Associates, Inc., Garden City, N. Y. (2-3000, Form A-2)  
Macon Gas Company, Macon, Ga. (2-3001, Form A-2)  
Binks Manufacturing Company, Chicago, Ill. (2-3002, Form A-1)  
Rheem Manufacturing Company, Richmond, Cal. (2-3003, Form A-2)  
Kane's, Inc., Boston, Mass. (2-3004, Form A-2)  
Fruehauf Trailer Company, Detroit, Mich. (2-3005, Form A-2)  
Davidson Bros., Inc., Detroit, Mich. (2-3006, Form A-2)  
Earl Fruit Company, San Francisco, Cal. (2-3007, Form A-2)  
National Bellas Hess, Inc., Kansas City, Mo. (2-3008, Form A-2)  
Thrifty Drug Stores, Inc., Los Angeles, Cal. (2-3009, Form A-1)  
Brown-McLaren Mfg. Company, Detroit, Mich. (2-3010, Form A-2)  
Davies County Distilling Co., Owensboro, Ky. (2-3011, Form A-1)  
New England Fire Insurance Co., Pittsfield, Mass. (2-3012, Form A-2)  
S. D. Warren Company, Boston, Mass. (2-3013, Form A-2)  
Nashua Gummed & Coated Paper Co., Nashua, N. H. (2-3014, Form A-2)  
Scherer Leather Company, Cudahy, Mass. (2-3015, Form A-2)  
Columbia American Distillers, Inc., Columbia, Ill. (2-3016, Form A-1)  
The Zonolite Company, Libby, Mich. (2-3017, Form A-2)  
Wilson & Bennett Mfg. Company, Chicago, Ill. (2-3018, Form A-2)  
Hupp Motor Car Corp., Detroit, Mich. (2-3020, Form A-2)  
National Oil Products Company, Harrison, N. J. (2-3021, Form A-2)  
Federal-Mogul Corporation, Detroit, Mich. (2-3022, Form A-2)  
Southern New England Telephone Company, New Haven, Conn. (2-3023, Form A-2)  
Fort Howard Paper Company, Green Bay, Wis. (2-3026, Form A-2)  
Durham Manufacturing Company, Muncie, Ind. (2-3027, Form A-2)  
Independence Fund of N. America, Inc., New York City (2-3028, Form C-1)  
The Hendey Machine Company, Torrington, Conn. (2-3029, Form A-2)  
San-Nap-Pak Mfg. Co., New York City. (2-3032, Form A-2)  
Shamrock Oil & Gas Corp., Amarillo, Texas. (2-3033, Form A-1)  
American Colortype Company, Clifton, N. J. (2-3034, Form A-2)  
The Foundation Company, New York City. (2-3036, Form A-2)  
The Aro Equipment Corp., Bryan, Ohio. (2-3037, Form A-2)  
New Idea, Inc., Coldwater, Ohio. (2-3038, Form A-2)  
The Schiff Company, Columbus, Ohio. (2-3039, Form A-2)  
Struthers Wells-Titusville Corp., Warren, Pa. (2-3040, Form A-2)  
Joslyn Mfg. & Supply Co., Chicago, Ill. (2-3042, Form A-2)  
General Reinsurance Corp., New York City. (2-3043, Form A-2)  
Berghoff Brewing Corp., Fort Wayne, Ind. (2-3044, Form A-2)  
Clark Controller Company, Cleveland, Ohio. (2-3045, Form A-2)  
Central Steel & Wire Company, Chicago, Ill. (2-3046, Form A-2)  
Vacuum Concrete Corp., New York City. (2-3047, Form A-1)  
Rio Grande Brewing Corp., San Francisco, Cal. (2-3048, Form A-1)  
Moran Transportation Corp., New York City. (2-3049, Form A-2)  
National Gas & Electric Corp., New York City. (2-3050, Form A-2)  
Transcontinental Petroleum Corp., Dallas, Texas. (2-3051, Form A-1)  
H. T. Poindexter & Sons Co., Kansas City, Mo. (2-3052, Form A-2)  
Meier & Frank Company, Portland, Ore. (2-3053, Form A-1)  
Consolidated Retail Stores, Inc., St. Louis, Mo. (2-3054, Form A-2)  
The Englander Spring Bed Co., Brooklyn, N. Y. (2-3055, Form A-1)  
Ryan Aeronautical Company, San Diego, Cal. (2-3056, Form A-2)  
King David Mining Company, Salt Lake City, Utah. (2-3057, Form A-1)  
O'Sullivan Rubber Company, Inc., New York City. (2-3058, Form A-2)

General Carpet Corporation, Philadelphia, Pa. (2-3059, Form A-2)  
Belmont Radio Corporation, Chicago, Ill. (2-3060, Form A-2)  
New Amsterdam Casualty Company, Baltimore, Md. (2-3061, Form A-2)  
Consumers Steel Products Corp., Detroit, Mich. (2-3062, Form A-1)  
General Alloys Company, Boston, Mass. (2-3063, Form A-2)  
Gandy Bridge Company, St. Petersburg, Florida. (2-3064, Form A-2)  
Standard Fruit & Steamship Corp., New Orleans, La. (2-3065, Form A-2)  
Cessna Aircraft Company, Wichita, Kans. (2-3066, Form A-1)  
Alco Valve Company, Maplewood, Mo. (2-3067, Form A-2)  
Credit Acceptance Corporation, Rochester, N. Y. (2-3068, Form A-2)  
Laclede Packing Company, St. Louis, Mo. (2-3069, Form A-2)  
Pennsylvania Glass Sand Corporation, Lewiston, Pa. (2-3070, Form A-2)  
Solar Aircraft Company, San Diego, Cal. (2-3071, Form A-1)  
Neisner Brothers, Inc., Rochester, N. Y. (2-3072, Form A-2)

## RECOMMENDS AGAINST KSFO TRANSFER

The Associated Broadcasters, Inc., licensee of station KSFO, San Francisco, Cal., and Western Broadcast Company (now incorporated as Columbia Broadcasting System of California, Inc.) applied to the Federal Communications Commission for consent to the assignment of the license of KSFO to the latter corporation.

Examiner R. H. Hyde, in Report No. I-399 recommended that the application be denied. In connection with the recommendation the Examiner says that:

Examination of the contract, consideration of the evidence regarding the properties proposed to be leased and then immediately replaced for the most part by the lessee, and examination of the business of the station, likewise proposed to be leased and then replaced for the most part, indicates that the chief consideration for the "rental" agreed upon is the use or opportunity to use the operating assignment of Station KSFO, subject to the approval of the Commission. The sums proposed to be paid for this privilege and the other conditions of the so-called lease are matters determined by agreement between the applicants, with notice of, and of course subject to, any laws applicable thereto. Nothing in the contract, in the absence of some affirmative action by the Commission, could possibly change the terms of the station license, which, it may be noted, runs for only a fraction of the time period covered in the contract; no rights to the operating assignment in question or any of the privileges for which a license is required by the Communications Act of 1934 could be established against the regulatory power of the Commission by any agreement between these parties or by any payments which one may make to the other as consideration to stand aside or vacate an operating assignment in favor of the second party. But the terms, including payments proposed to be made in a transaction of this character, are nevertheless considered material to the question as to whether or not approval of a transfer of license would be in the public interest.

The payments proposed to be made in this case by the assignee do not appear to be out of line with the usefulness and value the KSFO operating assignment would have to the assignee. On the other hand, it is obvious that the assignor is requiring payments in amounts which can be explained only by the fact that it has a license from the government giving it exclusive privileges as to the use of the operating assignment desired by the assignee. This use of the privileges granted in the station license does not appear consistent with the condition imposed by law and included in each license; that the licensee use the privileges conferred to the full extent thereof to serve the public interest.

It appears that the acquisition of control of Station KSFO by the assignee would result in improvements to the service of the station in the technical quality of its broadcasts and with respect to the quality of the programs provided for the interest of the public. Also, it is apparent that the acquisition of control of Station KSFO by the assignee would contribute to the further development and maintenance of the national network broadcast system represented by the assignee, and be advantageous to the promotion of the interests of that system. But it does not appear from anything in the evidence regarding this particular system, or regarding the requirements of network broadcasting, that there is any necessity for the acquisition of control of this station by the same interests now controlling a number of other stations.

The applicants have not shown that the granting of the application would serve the public interest, convenience or necessity.

#### **NEW FLORIDA STATION RECOMMENDED**

The Metropolis Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at Jacksonville, Florida, to use 1290 kilocycles, 250 watts and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-397 recommended that the application be granted. He found that the proposed station would not cause any objectionable interference. The Examiner states that most of the programs on the existing stations is devoted to chain programs. He feels that the application would be in the public interest.

#### **RECOMMENDS AGAINST IOWA STATION**

The Rapids Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Cedar Rapids, Iowa to use 1310 kilocycles, 100 watts power and unlimited time on the air.

Examiner George H. Hill in Report No. I-398 recom-

mended that the application be denied. He found that the operation of the proposed station would result in mutual interference between station KROC and the proposed station. It would also cause interference in the daytime with KRNT and the Examiner states that Cedar Rapids "appears to be receiving ample radio service from existing stations."

#### **CHANGES RECOMMENDED FOR KLPM**

Broadcasting station KLPM, Minot, N. D., applied to the Federal Communications Commission to change its frequency from 1240 to 1360 kilocycles, its power from 250 watts to 500 watts night and 1,000 watts day and from sharing time to unlimited time.

Examiner John P. Bramhall in Report No. I-400 recommended that the application be granted. He states that the proposed changes will not adversely affect the interests of WGES, WSBT and KCRC. The Examiner states that granting the application would be in the public interest.

#### **NEW STATION RECOMMENDED**

Walter H. McGenty, applied to the Federal Communications Commission for a construction permit for the erection of a new station at Rice Lake, Wis., to use 1210 kilocycles, 250 watts and daytime operation.

Examiner John P. Bramhall in Report No. I-401 recommended that the application be granted. He states that there is a definite need for daytime service in the area proposed to be served, and that the proposed station will not cause any interference with any existing station or proposed one and that the application will serve the public interest.

#### **RECOMMENDS DENYING GEORGIA STATION**

The North Georgia Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Rossville, Ga., to use 1200 kilocycles, 100 watts power and daytime operation.

Examiner P. W. Seward in Report No. I-396 recommended that the application be denied. He found that the applicant is not "financially qualified to construct and operate the proposed station", also he states that "the evidence adduced at the hearing does not show that a need exists for additional radio service in the area proposed to be served."

#### **FEDERAL TRADE COMMISSION ACTION**

##### **Complaints**

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The

respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

**Nos. 3108-3109.** Alleging unfair competition through use of lottery methods in the sale of candy, complaints have been issued against **Unique Novelties, Inc.,** and **Winthrop Novelty Co., Inc.,** both of 35-37 Claver Place, **Brooklyn.**

The complaint against **Unique Novelties, Inc.,** charges use of a game of chance in the distribution of an assortment of caramels together with small and large pennants which allegedly are distributed free to purchasers procuring caramels of a certain color. This company is also alleged to have sold an assortment of chewing gum by a lottery method in which felt pennants were distributed.

**Winthrop Novelty Co., Inc.,** is alleged to have sold an assortment composed of 150 caramels, together with 12 jigsaw puzzles which were given free to purchasers procuring candies having a certain colored center.

The Winthrop company is also charged with representing itself as a manufacturer, when, in fact, it does not own or control a plant or manufacture any of the candy sold by it.

**No. 3110. Reliable Typewriter & Adding Machine Co.,** 303 West Monroe St., **Chicago,** is charged with unfair competition in the sale of its products, in a complaint.

Representations of the respondent company are alleged to mislead customers into believing that the company's small size adding machines will take the place of large and expensive machines; that its machines are accurate and easy to operate, and that the respondent company manufactures its products and wholesales them at \$1.95 each, when, according to the complaint, these are not the facts.

The complaint alleges that the respondent company's adding machines are not comparable and equivalent to the large and more expensive machines in performance and special features; that the company wholesales its adding machines at less than \$1.95 a unit, and that it does not manufacture its products, nor own a factory, but has its machines made by an independent establishment.

**Nos. 3111-3112.** Complaints alleging use of unfair methods of competition in the sale of candy by means of lottery methods have been issued against **Deran Confectionery Co.,** 134 Cambridge St., **Cambridge, Mass.,** and **Keeley's, Inc.,** 258 South State St., **Salt Lake City.**

Under the sales plan used by the Cambridge concern, it is charged that purchasers who select certain pieces of candy from an assortment receive a package or box of candy free.

The plan employed by Keeley's, Inc., it is alleged, involves use of a punch board, certain numbers on which entitle customers to a prize of a box or package of candy.

**No. 3113.** Charging unfair competition in the sale of cosmetics and toilet articles, a complaint has been issued against **William A. Woodbury Sales Co., Inc.,** 347 Fifth Ave., **New York,** and **William A. Woodbury, Richard Picard and Arthur Baum,** individually and as officers of the company.

Alleging violation of Section 5 of the Federal Trade Commission Act, the complaint charges the respondents with use of the words "turtle oil cream" in labels attached to containers of a product comprising an emulsion of oils and fats, the major portion of which preparation is allegedly not turtle oil. The complaint points out that many purchasers prefer facial creams with a turtle oil base.

In selling face creams, shaving creams, tooth pastes and other cosmetics and dentifrices, the respondents are alleged to have had printed on their cartons: "Prepared by William A. Woodbury Corporation." This and other similar designations allegedly serve as representations that William A. Woodbury Sales Co., Inc., is a manufacturer and that it manufactures and prepares the products sold by the respondents, when, according to the complaint, this company operates no factory and is not a manufacturer of such articles.

**No. 3115. Lechler Laboratories, Inc.,** 334 Audubon Ave., **New York,** is charged in a complaint with unfair competition in the interstate sale of its "Lechler '569' Instantaneous Hair Lightener."

The respondent company is alleged to have represented, either directly or by implication, that its hair lightener requires no peroxide; that the bleaching agent of this product is not similar to peroxide, and performs its bleaching action without peroxide, and that the preparation does not contain peroxide and is superior to products which do contain it.

According to the complaint, the respondent company's article is composed of such ingredients that its bleaching action is actu-

ally accomplished by hydrogen peroxide. Allegedly it does contain peroxide, and its bleaching action is not substantially different from other products of which peroxide is a part.

## Stipulations and Orders

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

**No. 1802.** An order has been issued vacating and setting aside an order to cease and desist entered April 3, 1934, against **National Candy Co., Inc., St. Louis,** prohibiting unfair competition in the sale of candy by methods involving a lottery or game of chance.

The Commission has also issued an amended and supplemental complaint charging this company with practices similar to those alleged in the former complaint, namely, distributing to dealers candy so packed and assembled as to involve use of a lottery scheme when sold to consumers.

Such alleged lottery scheme, according to the amended complaint, was affected through use of assortments of uniform sized candies, a small number of which had centers of a different color. Buyers drawing the pieces of different color or the last piece in the assortment, received a prize, according to the amended complaint.

**No. 1968. Stark Calendars, Inc.,** 203 South Dearborn St., **Chicago,** agreed to cease using in catalogues or on letterheads such words as "Manufacturers" or "Manufactured By" so as to imply that it makes the calendar pads and stands it sells, or that it owns or controls a plant where such products are manufactured. The corporation also will stop stamping its products with the phrase "Pat. Appl'd For," when, in fact, application for a patent has not been made.

**No. 1969. Henry F. Martinat, trading as Martinat Hosiery Mills, Valdese, N. C.,** agrees to stop using the phrase "Pure Thread Silk Reinforced with Art Silk," to designate hosiery not composed of silk, and from use of the word "Silk," alone or with other words, to imply that the products so referred to are made of silk. The stipulation provides that should such articles be composed in substantial part of silk, that word, if used to describe such silk content, shall be accompanied by other words in equally bold type to show that the articles are not made altogether of silk.

**No. 1970. Eddie Manufacturing Co.,** 9 West Illinois St., **Chicago,** will discontinue as a trade name or brand for its radio dials the name "Majestic," either alone or with the words "Radio Corporation" or with any other words so as to create the impression that the dials or the radio sets to which they are attached are manufactured by Grigsby-Grunow Company or its successor in business, Majestic Radio and Television Corporation of Chicago, when such is not a fact. According to the stipulation, the right to use the name "Majestic" is vested in the latter corporation.

**No. 1971.** Under a stipulation entered into, **Perey S. Lucas and Gerald A. Rice, trading as Edison Electrical Schools,** 1740 University Ave., **Berkeley, Calif.,** will cease using certain unfair methods of competition in connection with the sale of correspondence courses in Diesel and radio engineering.

They agreed to discontinue use of representations in advertisements which may tend to confuse or mislead applicants for employment into the erroneous belief that they are in a position to offer employment to men mechanically inclined. They also will stop advertising their business in newspapers under the classification heading "Help Wanted—Men" or "Reliable Men Wanted," when, in fact, the purpose of such advertising is not to obtain male help but to enroll students for a course of instruction.

**No. 1973. G. M. and R. J. Plate, trading as The Plate Manufacturing Co.,** 1328 Broadway, **New York,** in selling a powdered ammonia alum product, originally under the trade name "Kant-Run" but more recently as "HoSaver," stipulate that they will desist from use in advertisements of the representation "Protects lingerie and silk and rayon hose against runs, rips, snags and breaks," or of other assertions of like meaning when the preparation will not accomplish the results claimed.

**No. 1974. H. O. Schmidt and R. C. Kruger, trading as Delta Manufacturing Co. and Delta Furniture Co.,** 2939 North Oakley Ave., **Chicago,** engaged in the sale of telephone cabinets, stipulated that they will cease using the words "Manufacturing" in their trade name, or any other words or assertions of similar meaning, or the pictorial representation of a factory to imply that they make the products they sell, or that they own or operate a plant in which such products are manufactured. They also will discontinue representing that their cabinets are made

of "only the finest woods" or entirely of quartered oak, when such are not the facts.

**No. 1975. Dunham Co., Berea, Ohio,** selling farm machinery, agreed to cease representations in advertising matter to the effect that throughout the world at the present time there are 450,000 Dunham machines in use, and that such machines work and re-work 110,000,000 acres every year. According to the stipulation, the representations as to the number of machines in operation and the acreage on which such machines are used are not warranted as they are not properly based on accurately compiled facts.

**No. 1976. J. P. Smith Shoe Co., 671 Sangamon St., Chicago,** according to its stipulation, will stop using the words "British Walkers" to imply that its shoes are of British origin or made in Great Britain, and, if such a phrase is used as a trade name, brand or label for its shoes, it will be accompanied in equally large type by other words clearly showing that such shoes are not of British origin or made in Great Britain. The stipulation points out that at a time subsequent to its use of the foregoing practice the respondent company caused the phrase "Made in U. S. A." to be stamped below the words "British Walkers," but in comparatively small and inconspicuous type.

**No. 1977. Herbert R. Johnson, 4554 Broadway, Chicago,** trading as **Johnson's Battery Process Co.,** and selling a battery solution, will discontinue in his advertising matter representations to the effect that his product will counteract the corrosive elements of storage battery electrolyte, restore the efficiency of used batteries, remove sulphate from the plates, or give batteries longer life and superior performance, when such are not the facts. Johnson also stipulated that he will stop using the words "Automotive Test Laboratories of America" on his so-called certificates of merit so as to imply that such laboratory is an accredited institution and that his product has been tested by it or by any accredited testing laboratory, when such is not a fact. According to the stipulation, Johnson's product, known as "Johnson's Battery Process" or "Johnson's More Power," will not in any manner change the performance of or be beneficial to a battery, nor has it been tested by an accredited testing laboratory.

**No. 2852. I. B. Kleinert Rubber Co., 485 Fifth Ave., New York,** has been ordered to cease and desist from representing in advertising matter that a baby garment it sells in interstate commerce under the trade name "Softex," or any other trade name, is free from latex or any other form of gum rubber, or is rubberless, when, in fact, some parts of the garment contain latex or some form of rubber. The respondent company's representations were found to constitute unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act.

**No. 2963.** Under an order entered, **Zion Holy Spiritual Mission and Eustace N. French,** trading as **Zion Holy Spiritual Mission Laboratories,** 3338 South State St., Chicago, have been directed to discontinue unfair methods of competition in connection with the interstate sale of medicinal products.

Specifically, the respondents are ordered to cease and desist from representing, through use of the words "laboratories" and "manufacturers," alone or with other words, or through any other means, that they compound or manufacture their medicinal products, until and unless they own and operate or control a laboratory or plant wherein such products are made.

**No. 2976. Olson Rug Co., 2800 North Crawford Ave., Chicago,** has been ordered to cease and desist from using unfair methods of competition in connection with the interstate sale of rugs which it manufactures from old materials, such as used rugs, carpets and clothing.

Findings in the case are that advertisements in newspapers, catalogues, sample books and other advertising matter contained representations tending to cause a part of the purchasing public to form the mistaken belief that the rugs which the respondent company sells are made from the identical materials sent to it by each customer, together with other materials furnished by the respondent company, such as new wool. It was found that the Olson company does not make a practice of manufacturing the rugs it delivers to customers from the specific materials they send in, but makes them from old materials previously sent in by other customers.

**Nos. 3048 and 3080.** Orders to cease and desist have been issued against a **Chicago** distributor of a foot treatment and a **New York** manufacturer of a skin treatment, directing those companies to stop misrepresenting the healing value of their products.

**Pedodyne Co., Inc., 180 North Wacker Drive, Chicago,** is ordered to stop asserting that "Pedodyne," sold as a bunion treatment, will banish, cure or heal bunions or give perfect foot comfort, or that it will end bunion torture, give permanent re-

sults, penetrate beneath the outer skin, and is a scientific or recent discovery.

**No. 3056. Winifred Sorenson and Edward Beales,** trading as **Sorenson-Beales Candy Co., 1114 Fifth St., Sioux City, Iowa,** have been ordered to cease and desist from selling and distributing in interstate commerce candy so packed and assembled that sales to the public are to be made, or may be made, by means of a lottery scheme.

Findings are that the respondents distributed to wholesalers and jobbers certain assortments of candy together with pushcards. The Commission's order directs that the respondents discontinue supplying dealers with such pushcards, either with assortments of candy or separately, for use in the sale of candy to the purchasing public.

**No. 3066.** An order to cease and desist has been issued against **Russek's Fifth Avenue, Inc., Fifth Avenue at Thirty-Sixth St., New York,** directing discontinuance of certain unfair methods of competition in the sale of dress goods and garments.

Such merchandise is not to be described as silk, according to the order, when not composed entirely of silk, and the word "satin" is not to be used, alone or with other words, to refer to the fabric of merchandise, dress goods or garments not made wholly from silk.

## FTC CLOSES CASES

**No. 2730.** The Federal Trade Commission has closed its case against **W. H. Charleston,** who traded as **Marajah & Co.** and as **Kala Products Co.,** at 5930 South Parkway, Chicago. The case was closed for the reason that the respondent is no longer engaged in the sale of cosmetics and medicinal preparations, and therefore has discontinued the practices alleged in the complaint which the Commission issued against him, and which alleged the use of unfair methods of competition. The case was closed without prejudice to the Commission's right to reopen it should circumstances warrant.

The Commission also dismissed its complaint against the **Chilean Nitrate Sales Corporation** and the **Chilean Nitrate Educational Bureau, Inc.,** a subsidiary, New York corporations with offices at 120 Broadway, New York City.

The complaint was dismissed upon execution of a stipulation with the Commission by the respondent corporations.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, May 3:

Monday, May 3

### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—J. Leslie Doss, Sarasota, Fla.—C. P., 1390 kc., 250 watts, daytime.
- NEW—KLZ Broadcasting Co., Denver, Colo.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of license, 920 kc., 250 watts, 500 watts LS, unlimited. Present assignment: 920 kc., 250 watts, 500 watts LS, share WRAX.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Authority to transfer control of corporation to John Iraci; 920 kc., 250 watts, 500 watts LS, share WRAX.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of license, 920 kc., 1 KW, share WRAX day and night. Present assignment: 920 kc., 250 watts, 500 watts LS, share WRAX.
- WRAX—WRAX Broadcastng Co., Philadelphia, Pa.—Authority to transfer control of corporation to John Iraci; 920 kc., 250 watts, 500 watts LS, share WPEN.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Modification of license, 920 kc., 1 KW, share WPEN day and night. Present assignment: 920 kc., 250 watts, 500 watts LS, share WPEN.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—C. P., 920 kc., 1 KW, unlimited time. Present assignment: 920 kc., 500 watts, day.



Tuesday, May 4

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Clarence A. Berger and Saul S. Freeman, Coeur d'Alene, Idaho.—C. P., 1200 kc., 100 watts, daytime.  
KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Modification of C. P., 570 kc., 1 KW, 5 KW LS, unlimited time (directional antenna). Present assignment: 570 kc., 250 watts, 1 KW LS, unlimited time.  
WSAJ—Grove City College, Grove City, Pa.—Renewal of license, 1310 kc., 100 watts, specified hours.

Wednesday, May 5

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—David J. Mercier and Geo. F. Warren, d/b as Northern Broadcasting Co., Traverse City, Mich.—C. P., 830 kc., 500 watts, daytime.  
WLB—University of Minnesota, Minneapolis, Minn.—C. P., 760 kc., 1 KW, 5 KW LS, S-WCAL ( $\frac{2}{3}$  daytime). Present assignment: 1250 kc., 1 KW S.H.  
WCAL—St. Olaf College, Northfield, Minn.—C. P., 760 kc., 1 KW, 5 KW LS, S-WLB ( $\frac{1}{3}$  daytime). Present assignment: 1250 kc., 1 KW,  $2\frac{1}{2}$  KW LS, specified hours.  
WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Modification of license, 1250 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1250 kc., 1 KW, 5 KW LS, specified hours.

Thursday, May 6

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-336:

- NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—C. P., 1370 kc., 100 watts, unlimited time.  
NEW—Fred J. Hart, Honolulu, T. H.—C. P., 600 kc., 250 watts, unlimited time.

Examiner's Report No. 1-360:

- NEW—Central States Broadcasting Co., Council Bluffs, Iowa.—C. P., 1500 kc., 100 watts, unlimited time.

Examiner's Report No. 1-361:

- WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Special experimental authority, 1370 kc., 10 to 100 watts, unlimited time, synchronously with WLLH. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. 1-362:

- NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.  
NEW—C. W. Corkhill, Sioux City, Iowa.—C. P., 1420 kc., 100 watts, unlimited time.

Friday, May 7

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—W. E. Whitmore, Hobbs, N. Mex.—C. P., 1500 kc., 100 watts, daytime.  
WEAN—The Yankee Network, Inc., Providence, R. I.—C. P., 780 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 780 kc., 1 KW, unlimited time.  
NEW—Warner & Tumble Radio Service (R. V. Warner and G. H. Tumble), Memphis, Tenn.—C. P., 2558 kc., 25 watts, unlimited.

APPLICATIONS GRANTED

- KIDO—Frank L. Hill and C. C. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Granted amended C. P. covering changes in equipment and increase in day power from  $2\frac{1}{2}$  KW to 5 KW.  
WMTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted C. P. to install new equipment.

KGCC—The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Granted C. P. approving transmitter site and vertical radiator.

KAWM—A. W. Mills, Gallup, N. Mex.—Granted license to cover C. P. as modified, 1500 kc., 100 watts, unlimited time.

WCPO—Continental Radio Co., Cincinnati, Ohio.—Granted license to cover C. P., 1200 kc., 100 watts night, 250 watts day, unlimited time.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted license to cover C. P., 1200 kc., 100 watts night, 250 watts day, specified hours.

WPRA—Puerto Rico Advertising Co., Mayaguez, P. R.—Granted modification of C. P. covering authority to install apparatus other than that previously approved and extend commencement date to 30 days after grant and completion date to 90 days after grant.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Granted authority to make changes in automatic frequency control equipment.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted extension of present license for a period of 1 month.

WSAN—WSAN, Inc., Allentown, Pa.—Granted renewal of license on a temporary basis, pending hearing on renewal application.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted renewal of license on a temporary basis, pending hearing on renewal application.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted renewal of license on a temporary basis, pending hearing on renewal application.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted extension of present license for a period of 1 month.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted extension of present license for a period of 1 month.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted renewal of license on a temporary basis and application for renewal set for hearing.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Granted renewal of license on a temporary basis and application for renewal set for hearing.

KgXCJ—Honolulu Broadcasting Co., Ltd., Mobile.—Same, except experimental relay broadcast station.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate 8:45 to 9:45 p. m., CST, April 28, 1937, to broadcast debate between South Dakota State College and Yankton College.

SET FOR HEARING

NEW—Continental Radio Company, Denver, Colo.—Application for C. P. for new station to operate on 630 kc., 500 watts night, 1 KW day, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Floyd A. Parton, San Jose, Calif.—Application for C. P. for new station to operate on 1150 kc., 250 watts, day only, exact transmitter site to be determined with Commission's approval.

NEW—William F. Maag, Jr., Youngstown, Ohio.—Application for C. P. for new station to operate on 1420 kc., 100 watts, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Havens & Martin, Inc., Petersburg, Va.—Application for C. P. for new broadcast station to operate on 1210 kc., 100 watts night, 250 watts day, specified hours as follows: unlimited, except Sundays, 10:30 a. m. to 1:30 p. m.; 5:30 to 7 p. m., and 7:30 to 9:30 p. m., EST; transmitter and studio sites to be approved. (Applicant requests facilities of WMBG when that station changes frequency from 1210 kc. to 1350 kc.)

NEW—Arthur Lucas, Savannah, Ga.—Application for C. P. for new station to operate on 1310 kc., 100 watts night-day, unlimited time, exact transmitter and studio sites and type of antenna to be determined subject to Commission approval.

NEW—The Hampden-Hampshire Corp., Holyoke, Mass.—Application for C. P. for new station to operate on 1240 kc., 1 KW, unlimited time, using directional antenna system for both day and night-time operation.

NEW—E. B. McChristy, Brownwood, Tex.—Application for C. P. for new station to operate on 630 kc., 250 watts day, exact transmitter and studio sites to be determined subject to Commission approval.

**NEW**—Utica WUTK, Inc., Utica, Oneida Co., N. Y.—Application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time, exact transmitter site to be determined with Commission's approval.

**KATE**—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Application for modification of C. P. for change in studio location locally; install new equipment; change frequency from **1200 kc.** to **1420 kc.**; increase power from 100 watts to 250 watts, daytime only.

**WHKC**—Associated Broadcasting Corp., Columbus, Ohio.—Application for C. P., already in hearing docket, amended to request move of transmitter site to site to be determined (locally); install new equipment and vertical radiator; increase night power from 500 watts to 1 KW and day power from 500 watts to 5 KW, limited time.

**KFRU**—KFRU, Inc., Columbia, Mo.—Application for C. P., already in hearing docket, amended to request move of transmitter site locally to site to be determined; install new equipment; increase night power from 500 watts to 5 KW and day power from 1 KW to 5 KW. To be heard before the Broadcast Division.

### RENEWAL OF LICENSES

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

**KFBK**, Sacramento, Calif.; **WBBR**, Brooklyn, N. Y.; **WHK**, Cleveland, Ohio; **WHP**, Harrisburg, Pa.; **WTFI**, Athens, Ga.

**KG DY**—Voice of South Dakota, Huron, S. Dak.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the pending application for renewal.

**WKBH**—WKBH, Inc., La Crosse, Wis.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the pending application for renewal.

**KGNC**—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon application for renewal and upon the question of transfer of control of this station.

**WFEA**—New Hampshire Broadcasting Co., Manchester, N. H.—Granted conditional renewal of license on a temporary basis only subject to whatever action may be taken upon application for renewal and upon petition of WSPD in opposition to the granting of renewal of license to this station; also subject to the condition that applicant shall not permit the night-time signal intensity without attenuation of station WFEA 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.

**KXYZ**—Harris County Broadcast Co., Houston, Tex.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, pending receipt and action on renewal application.

**WQDM**—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, pending receipt and action on renewal application.

**WSMB**—WSMB, Inc., New Orleans, La.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, pending receipt and action on renewal application.

**KFQD**—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, subject to such action as may be taken on pending application for renewal.

**WPRO**—Cherry & Webb Broadcasting Co., Providence, R. I.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, subject to such action as may be taken on pending application for renewal.

**KGBU**—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only for the period May 1 to June 1, pending receipt and action on renewal application.

**W3XDD**—Bell Tel. Labs, Inc., Whippany, N. J.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, in exact conformity with existing license.

**W8XO**—The Crosley Radio Corp., Nr. Mason, Ohio.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, in exact conformity with existing license.

**W3XL**—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, in exact conformity with existing license.

**W8XAR**—Westinghouse E & M Co., Nr. Saxenburg, Pa.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, in exact conformity with existing license.

**W2XKI**—National Broadcasting Co., Inc., New York City.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

**W10XR**—National Broadcasting Co., Inc., Portable-Mobile.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

**W1XEH**—The Travelers Broadcasting Serv. Corp., Avon, Conn.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

**W1XAC**—The Yankee Network, Inc., Quincy, Mass.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

**W1XEY**—Conn. State College, Storrs, Conn.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

**W9XER**—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted renewal of high frequency broadcast station license on an experimental basis for the period ending April 1, 1938, subject to change without prior notice or hearing.

**W4XCA**—Memphis Commercial Appeal Co., Memphis, Tenn.—Present high frequency broadcast (experimental) station license extended for a period of one month from May 1 to June 1, 1937, pending receipt and action on application for renewal of license.

### SPECIAL AUTHORIZATIONS

**WTAW**—Agricultural and Mech. College of Texas, College Station, Tex.—Granted special temporary authority to operate from 3:50 to 7 p. m., CST, May 4, 13; from 3:55 to 4:30 p. m., and 5:30 to 7 p. m., CST, May 14; and 2:55 to 6 p. m., CST, May 8 in order to broadcast intercollegiate baseball games.

**WCAD**—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m., and 4 p. m. to local sunset (April sunset, 6:45 p. m.), April 30, 1937 (instead of May 1, 1937, as granted on April 2, 1937), in order to broadcast baseball games.

**WHDH**—Matheson Radio Co., Inc., Boston, Mass.—Granted special temporary authority to operate from 9:30 to 10 p. m., EDST, Thursday, April 29, in order to broadcast a speech by James Roosevelt, guest of honor at banquet to be tendered Peter F. Tague, Postmaster, Boston.

**WAAF**—Drovers Journal Pub. Co., Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, from April 25 to August 31, 1937, in order to conform with the adoption of Daylight Saving Time in Chicago.

**WPTF**—WPTF Radio Company, Raleigh, N. C.—Granted special temporary authority to rebroadcast special NBC program of the coronation of King George VI from 4 to 6 a. m., EST, Wednesday, May 12, 1937.

**WSMK**—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with station KQV from 8 to 9:30 p. m., EST, Friday, May 14, in order to broadcast a Band Festival of the Oakwood High Schools.

**WAGM**—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate on Eastern Daylight Saving Time in place of EST for period April 25 to July 1, 1937.

**WCAX**—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate Daylight Saving Time instead of EST as licensed, during the period that DST is recognized as official time in Burlington, Vt., but for the period beginning April 25 and ending no later than June 1, 1937.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted special temporary authority to operate new WE 100-watt transmitter, style 310A, for period not to exceed 30 days, pending receipt and action on application for C. P.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate a 100 watt portable test transmitter on 1290 kc., between the hours of 1 and 6 a. m., MST, for the period ending in no event later than May 10, in order to conduct location survey.

KRMC—Roberts-MacNab Co., Jamestown, N. Dak.—Granted special temporary authority to operate unlimited nighttime for a period not to exceed 30 days or in no event later than June 1 (provided KVOX remains silent).

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted special temporary authority to transmit programs originating aboard the Yacht IORANO for a period not to exceed 30 days.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (May sunset 7:15 p. m.), to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, beginning May 1 and ending in no event later than May 30, 1937, pending compliance with Rule 131 on modification of license application requesting this authority.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted special temporary authority to rebroadcast over radio station KGNC the conversation taking place between general experimental portable mobile stations W5XAS and W5XAR, operating on frequency of 31600 kc., for 1 hour between dates of May 1 and May 6, 1937, flying weather permitting.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 4 p. m., CST, May 3 to 6, 1937, inclusive (provided KGGF remains silent), in order to broadcast a special educational program.

WCBD—WCBD, Inc., Chicago, Ill.—Granted extension of special temporary authority to use transmitter of WMBI for the period of 30 days from May 3, pending repair to WCBD's transmitter, which was destroyed by fire.

WHDF—The Upper Mich. Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 1 p. m., CST, May 5, 12, 19 and 26, 1937, in order to broadcast religious programs of Calvary Northland Mission stations of Ontonagon, Mich.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 P. M., CST, May 11, 13, 18, 20, 25 and 27, and from 8:15 to 9:15 p. m., CST, May 12, 19 and 26 (provided WNAD remains silent), in order that WNAD may remain silent during University examinations and vacation.

Ben S. McGlashan, Aboard Yacht EL PERRITO—Granted special temporary authority to operate ship transmitter WDFL aboard Yacht EL PERRITO as a relay broadcast station utilizing frequencies 1622, 2058, 2150, 2790 kes., in order to broadcast Foreign Trade Week Program sponsored by Los Angeles Chamber of Commerce, for period May 15 to May 22, 1937.

W10XGY—Donald Roebing on board yacht IORANO—Granted special temporary authority to operate general experimental station aboard yacht IORANO as a relay broadcast station to transmit programs, under sponsorship of Smithsonian Institution over station WFLA-WSUN, Clearwater, Fla., for period not to exceed 30 days.

WSAY—Brown Radio Service Lab., Rochester, N. Y.—Granted special temporary authority to operate from 12 midnight to 6 a. m., EST, April 25 through May 10, 1937, for purpose of taking field intensity measurements. However, not permitted to operate during hours prescribed for Commission's monitoring schedule in May.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted special temporary authority to operate with power not to exceed 25 watts on the following frequencies: 550, 590, 650, 710, 780, 830, 890, 940, 990, 1050, 1100, 1140, 1190, 1240, 1300, 1350, 1400, 1460, 1520, 1550 and 1600 kc., between hours of 1 and 6 a. m., for period May 1 to 21, 1937, in order to obtain information on the performance of roof antennas by taking measurements of field produced by new tower at various heights, providing operating schedule is arranged so objectionable interference is not caused to any station maintaining regular program during this period.

## EXAMINERS' REPORTS RELEASED SINCE APRIL 20, 1937

WMEX—Ex. Rep. 1-392: The Northern Corporation, Boston, Mass.—Examiner John P. Bramhall recommended grant of application for C. P. to change frequency from 1500 kc. to 1470 kc., and power from 100 watts, 250 watts LS, to 5 KW.

KARK—Ex. Rep. 1-393: Arkansas Radio & Equipment Co., Little Rock, Ark.—Examiner Bramhall recommended grant of modification of C. P. to change power from 500 watts, 1 KW LS, to 1 KW, unlimited.

NEW—Ex. Rep. 1-394: Arthur H. Croghan, Minneapolis, Minn.—Examiner M. H. Dalberg recommended denial of application for C. P. for new station to operate on 1310 kc., 100 watts, daytime.

NEW—Ex. Rep. 1-395: The Journal Company, Milwaukee, Wis.—Examiner R. L. Walker recommended denial of application for C. P. to operate on 1570 kc., 1 KW, unlimited time.

NEW—Mid-Atlantic Corp., Washington, D. C.—Examiner R. L. Walker recommended denial of application for C. P. to operate on 1570 kc., 1 KW, unlimited time.

NEW—Trenton Times, Trenton, N. J.—Examiner Walker recommended grant of application for C. P. for new station to operate on 1570 kc., 250 watts, unlimited.

NEW—Ex. Rep. 1-396: F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Examiner P. W. Seward recommended denial of application for C. P. for new station to operate on 1200 kc., 100 watts, daytime.

NEW—Ex. Rep. 1-397: The Metropolis Company, Jacksonville, Fla.—Examiner Dalberg recommended grant of application for C. P. for new station to operate on 1290 kc., 250 watts, unlimited time.

NEW—Ex. Rep. 1-398: Stanley Reid and Chas. Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Iowa.—Examiner Geo. H. Hill recommended denial of application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time.

KSFO—Ex. Rep. 1-399: The Associated Broadcasters, Inc., Assignor, and Western Broadcast Co. (now Columbia Broadcasting System of California), Assignee.—Examiner R. H. Hyde recommended denial of application for consent to voluntary assignment of license of station KSFO, San Francisco, to the Columbia Broadcasting System of California, Inc. Station operates on 560 kc., 1 KW, unlimited time.

## APPLICATIONS DISMISSED

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

NEW—Ben S. McGlashan, San Diego, Calif.—C. P., 550 kc., 250 watts, daytime.

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Application for 990 kc., 250 watts, 250 watts LS, limited time.

## APPLICATION DENIED

NEW—Scott M. Matheson, d/b as Provo Broadcast Co., Provo, Utah.—Denied as in cases of default for failure to file an appearance in accordance with Rule 104.6(c) application for C. P. for 1210 kc., 100 watts, 100 watts LS, unlimited time.

## APPLICATION RETIRED TO FILES

WLBL—State of Wisconsin, Wisconsin Department of Agriculture and Markets, Stevens Point, Wis.—Application for 900 kc., 5 KW LS, specified hours, retired to files, inasmuch as a succeeding application to move transmitter, install new equipment and antenna, increase power to 5 KW, and change hours of operation from specified to daytime only, was granted without a hearing on September 22, 1936.

## MISCELLANEOUS

KUJ—KUJ, Inc., Walla Walla, Wash.—Denied petition asking Commission to reconsider action denying application in Docket No. 3187, and to remand application to docket section for further hearing. This is an application for modification of license to install new equipment, move transmitter locally, change frequency from 1370 kc. to 1250 kc., and to increase power from 100 watts, unlimited, to 250 watts, unlimited.

WSOC—WSOC, Inc., Charlotte, N. C.—Granted petition to intervene in hearing on application of Carolina Radio, Inc., for C. P. to erect new broadcast station at Charlotte, N. C., to operate on **880 kc.**, 500 watts night, 1 KW LS, unlimited time (Docket 4488).

Columbia Radio Co., Inc., Columbia, S. C.—Granted petition for continuance of hearing on application of Carolina Advertising Corp. Hearing scheduled for May 10, 1937, now fixed for May 24, 1937. This application by Carolina Advertising Corp. is for C. P. to erect new broadcast station at Columbia, S. C., to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Denied petition asking Commission to reconsider its action of April 9, 1937, in designating for hearing application for new broadcast station at Raleigh, N. C., to operate on **1210 kc.**, 250 watts, daytime only, and to grant the same without hearing.

KHUB—F. W. Atkinson, Licensee, Watsonville, Calif.—Granted further extension for 60 days of temporary authority to Anna Atkinson, widow of F. W. Atkinson, who died April 3, 1937, to operate station pending filing of formal application looking toward transfer of license to the widow, sole beneficiary under will.

Robert Raymond McCulla, Oak Park, Ill.—Granted petition asking Commission to continue for 30 days hearing upon application for C. P. to authorize establishment of new broadcast station at Oak Park, Ill., upon frequency **1500 kc.**, 100 watts, daytime (Docket No. 3647).

WSPR—Quincy A. Brackett et al., d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Granted petition to intervene in hearing of application of Westinghouse Electric & Manufacturing Co. (licensee WBZA, Springfield), for C. P. specifying **550 kc.**, 1 KW, unlimited time (Docket 4120).

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted petition to intervene in proceedings upon application of Radio Broadcasting Service Organization, Inc. (WORL), Boston, for C. P. specifying the operating assignment of **920 kc.**, 1 KW, unlimited time (Docket 4206).

WOAI—Southland Industries, Inc., San Antonio, Tex., and Columbia Broadcasting System.—Granted 60-day postponement of oral argument (now scheduled for April 29) upon pending application for consent to transfer control of WOAI to the Columbia Broadcasting System.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Hearing on application for modification of C. P. reopened. Further hearing is to determine stock ownership of applicant corporation.

#### EFFECTIVE DATES EXTENDED

NEW—Ex. Rep. 1-345: H. Wimpy, Albany, Ga.—Effective date of order extended to May 4, 1937.

NEW—Americus Broadcast Corp., Albany, Ga.—Effective date of order extended to May 4, 1937.

WSBT—Ex. Rep. 1-315: The South Bend Tribune, South Bend, Ind.—Effective date of order extended to May 11, 1937.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Effective date of order extended to May 11, 1937.

#### RATIFICATIONS

The Division ratified the following acts authorized on the dates shown:

W10XAL—Columbia Broadcasting System, New York City.—Granted authority to operate as licensed for period of 30 days from April 24.

W2XE—Columbia Broadcasting System, New York City.—Granted extension of equipment tests for period of 10 days from April 22.

WAAK-W4XBT-W4XBZ—Radio Station WSOC, Inc., Charlotte, N. C.—Granted authority to operate as licensed May 1, relaybroadcast program from Charlotte's new Municipal Airport over WSOC.

WCPO—Continental Radio Co., New York City.—Granted extension program test period 30 days from 4/18.

WAAQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority operate as licensed beginning 4/17 to 5/16, inclusive, relaybroadcast interviews with school children.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted authority commence operation under terms of license granted July 22, 1936, and revised time sharing agreement submitted in

December, 1936, inasmuch as WILL has been authorized to commence program tests on **520 kc.**, effective 4/19.

KUSD—University of South Dakota, Vermillion, S. D.—Granted authority commence operation under terms of license granted July 25, 1936, in accordance with revised time sharing agreement submitted by KFNF in December, 1936, inasmuch as WILL has been authorized to commence program tests on **580 kc.**, effective April 19.

WSBC—WSBC, Inc., Chicago, Ill.—Granted special temporary authority to use the facilities of WEDC beginning 6 a. m., CST, April 20, and ending no later than April 29, 1937, during equipment tests.

KSRO—Press Democrat Publishing Co., Santa Rosa, Calif.—Granted special temporary authority to operate a 100-watt test transmitter between 12 midnight and 6 a. m., PST, for period April 25 to May 4, in order to make field intensity survey tests.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m. and from 2 to 3 p. m., EDST, instead of EST, from April 25 to June 30, 1937, provided WBNY remains silent.

Granted petition of WRBL Radio Station, Inc., to intervene in proceedings upon application of John C. Hughes for C. P. to erect new station at Phenix City, Ala., and denied petition of WRBL Radio Station, Inc., to postponement of the hearing upon the above application of Hughes, until such time as it might be heard simultaneously with the application of the petitioner.

Granted petition of WHFC, Inc., to intervene in proceedings upon application of Robert Ramond McCulla for C. P. for new broadcast station at Oak Park, Ill. (Docket 3647).

The Broadcast Division approved a letter to be sent to the licensees of all stations under the jurisdiction of the Broadcast Division requesting the submission immediately to the Commission properly certified copies of all contracts entered into since July 15, 1934 (not previously furnished), which may in anywise affect control of the station.

#### ACTION ON EXAMINERS' REPORTS

WKZO—Ex. Rep. 1-306: WKZO, Inc., Kalamazoo, Mich.—Granted C. P. to move transmitter from Nichol's Road, west of Kalamazoo, to (site to be determined, subject to Commission's approval), Kalamazoo Twp.; make changes in equipment; change power from 1 KW day to 250 watts night, 1 KW day; and change hours of operation from daytime to unlimited; **590 kc.** Examiner Geo. H. Hill sustained. Order effective June 8, 1937.

NEW—Ex. Rep. 1-329: Bayou Broadcasting Co., Houston, Tex.—Denied application for C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, daytime. Examiner R. L. Walker reversed. Order effective June 15, 1937.

WGBI—Ex. Rep. 1-342: Scranton Broadcasters, Inc., Scranton, Pa.—Granted application for modification of license to increase power from 500 watts to 500 watts night, 1 KW day, **880 kc.**, share with WQAN. Examiner John P. Bramhall sustained. Order effective May 25, 1937.

KALB—Ex. Rep. 1-348: Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted modification of license to change frequency from **1420 kc.** to **1210 kc.**; increase power from 100 watts day to 100 watts day and night; change hours of operation from daytime to unlimited. Examiner John P. Bramhall sustained. Order effective June 15, 1937.

NEW—Ex. Rep. 1-364: Isadore Goldwasser, Anniston, Ala.—Denied application for C. P. for new broadcast station to operate on **1420 kc.**, 100 watts, daytime. Examiner R. L. Walker reversed. Order effective June 1, 1937.

NEW—Ex. Rep. 1-368: H. W. Wilson and Ben Farmer, Wilson, N. C.—Granted application for C. P. for new broadcast station to operate on **1310 kc.**, 100 watts, daytime. Examiner P. W. Seward sustained. Order effective June 1, 1937.

#### ORAL ARGUMENT

WELI—Ex. Rep. 1-372: City Broadcasting Corp., New Haven, Conn.—Granted oral argument to be held May 27, 1937.

NEW—Lawrence K. Miller, Pittsfield, Mass.—Granted oral argument to be held May 27, 1937.

#### APPLICATIONS RECEIVED

##### First Zone

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—**920** Construction permit to make changes in equipment.

WLWL—Missionary Society of St. Paul the Apostle, New York, 1100 N. Y.—Voluntary assignment of license from Missionary Society of St. Paul the Apostle to Arde Bulova.

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to 1280 install a new transmitter.

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—1550 Construction permit to install new equipment, increase power from 1 KW to 5 KW, and give transmitter site as site to be determined, New York, N. Y.

NEW—National Broadcasting Co., Inc., vicinity of Canton and Enderbury Islands.—Construction permit for a new experimental broadcast station (on board U. S. S. Avocet) to be operated on 6425, 8655, 12862.5, 17310 kc., 1000 watts. Amended to change class of service from relay to experimental broadcast.

NEW—National Broadcasting Co., Inc., vicinity of Canton and Enderbury Islands.—License to cover above.

### Second Zone

WQAN—The Scranton Times (copartnership), E. J. Lynett, Wm. 880 R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Scranton, Pa.—Modification of license to use WGBI's transmitter as a main transmitter and increase power from 250 to 500 watts.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—License to use 880 the present transmitter of WQAN as an auxiliary transmitter for WGBI. Contingent upon the granting of application for modification of license to use WGBI's transmitter as WQAN's main transmitter and increase power.

WQAN—The Scranton Times (copartnership), E. J. Lynett, Wm. 880 R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Jr., Scranton, Pa.—License to use present main transmitter as an auxiliary transmitter. Contingent upon the granting of application to use WGBI's transmitter as WQAN's main transmitter and increase power.

KYW—Westinghouse Electric & Manufacturing Co., Philadelphia, 1020 Pa.—Construction permit to make changes in equipment and increase power from 10 KW to 50 KW. Amended to make changes in directional antenna.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification 1210 of license to change hours of operation from specified hours to unlimited time.

WBLY—Herbert Lee Blye, Lima, Ohio.—Construction permit to 1210 make changes in transmitter and increase power from 100 watts to 250 watts.

WBLK—The Exponent Co., Clarksburg, W. Va.—License to cover 1370 construction permit (B2-P-1127) as modified, for a new station, requesting approval of studio site at Robinson Grand Theatre Bldg., 444½ W. Pike Street, Clarksburg, W. Va.

NEW—Richland Broadcasting Co., Mansfield, Ohio.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts, daytime. Amended to change name from Frazier Reams to Richland Broadcasting Co.

WSMK—WSMK, Inc., Dayton, Ohio.—Construction permit to in- 1380 stall a new transmitter; increase power from 200 watts to 250 watts night, 500 watts day; change hours of operation

from simultaneous day, specified hours night, to unlimited time; move transmitter from near Dayton, Ohio, to Montgomery County, Ohio; and install directional antenna for night use. Amended to make changes in directional antenna for night use.

### Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas.— 570 License to cover construction permit (B3-P-1715) for a new transmitter.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Construction 1400 permit to install a new transmitter, erect a directional antenna for night use, increase power from 500 watts, 1 KW day to 1 KW night, 5 KW day and move transmitter from 38th & Newport Streets, Tulsa, Oklahoma to 6 mi. North of Tulsa, 1½ mi. E. of Turley, Oklahoma.

NEW—A. L. Beaird, Jasper, Ala.—Construction permit for a new 1500 station to be operated on 1500 kc., 100 watts, unlimited time.

WKEU—Radio Station WKEU—Griffin, Ga.—Authority to install 1500 automatic frequency control.

NEW—United Broadcasting Co., Tulsa, Okla.—Construction per- 1550 mit for a new special broadcast station to be operated on 1550 kc., 1 KW, unlimited time.

### Fourth Zone

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.— 920 Construction permit for a new broadcast station to be operated on 920 kc., 1 KW night, 5 KW day, unlimited time. To use directional antenna at night. Amended: To make changes in transmitter.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—License to 1050 cover construction permit (B4-P-736) as modified, for a new station.

WCB D—WCB D, Incorporated, Chicago, Ill.—Construction permit 1080 to install a new transmitter and vertical antenna, and move transmitter from Temple Site, Zion, Illinois to Church Road, Addison Township, Illinois.

NEW—John P. Harris, Hutchinson, Kans.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time.

NEW—Decatur Newspapers, Inc., Decatur, Ill.—Construction per- 1550 mit for a new special broadcast station to be operated on 1550 kc., 1 KW, unlimited time.

NEW—Minnesota Broadcasting Corp., Minneapolis, Minn.—Con- 1550 struction permit for a new high frequency broadcast station to be operated on 26100 kc., 150 watts. Amended: To delete 26100 kc. and add 26050 kc.

### Fifth Zone

None.

### Alaskan Zone

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Author- 780 ity to transfer control of corporation from J. P. Hannon to R. E. McDonald, 166 shares Common Stock.



# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

Vol. 5 - No. 19  
MAY 6, 1937

Copyright, 1937. The National Association of Broadcasters

### BUCHAREST DELEGATES NAMED

The State Department has announced that the President has approved the designation of the following delegation to represent the American government in the fourth meeting of the International Radio Consulting Committee, which will be held at Bucharest, Rumania, commencing May 21.

#### Delegates:

Dr. J. H. Dellinger, Chairman,  
Bureau of Standards,  
Department of Commerce.  
Captain Stanford C. Hooper,  
Vice Chairman,  
United States Navy.  
Lieutenant Colonel D. M. Crawford,  
United States Army.  
Mr. E. K. Jett,  
Federal Communications Commission.  
Mr. Gerald C. Gross,  
Federal Communications Commission.  
Mr. Francis Colt de Wolf,  
Treaty Division,  
Department of State.

#### Technical Adviser:

Colonel J. Carroll Cone,  
Department of Commerce.

#### Secretary:

William Walter Schott,  
American Legation,  
Budapest, Hungary.

### McNARY TO REPRESENT NAB

James C. McNary, consulting radio engineer, will represent the National Association of Broadcasters at the fourth meeting of the International Radio Consulting Committee to begin May 21 at Bucharest, Rumania.

### PLEASE RETURN DELEGATE CARDS

Members are urged to return promptly the cards furnished to them indicating the names of the delegate and alternate designated to represent the station at the NAB Convention in Chicago, June 20-23, 1937.

### BROADCAST ADVERTISING BILL

Representative Martin, of Massachusetts, has introduced a bill in the House (H. R. 4960) to regulate advertising of imported articles. The bill has been referred to the House Committee on Interstate and Foreign Commerce. Section 3 is devoted to broadcast advertising and is as follows:

"Sec. 3. In radio broadcasting where commercial broadcasting is used in the promotion of and to advertise for sale in the United States any imported article or material, a broadcasting announcer shall, at the beginning and end of each broadcast period, clearly state the name of the country of origin of the article or material advertised."

### GOSPEL PENCIL COMPANY

Member stations should examine carefully the proposal which is being made by the Gospel Pencil Company. An

### IN THIS ISSUE

	Page
Bucharest Delegates Named.....	2075
McNary to Represent NAB.....	2075
Broadcast Advertising Bill.....	2075
Gospel Pencil Company.....	2075
J. J. Moore—Natl. Feature Service Co.....	2076
Unemployment Insurance.....	2076
Securities Act Registration.....	2076
Recommends Power Increase for WJAR.....	2076
Changes Recommended for KDON.....	2076
Recommends Assignment for KFXR.....	2076
Broadcast Advertising in March.....	2077
Federal Trade Commission Action.....	2081
FTC Closes Case.....	2082
Federal Communications Commission Action.....	2082

**Make Your Plans Now to Attend the NAB Convention  
at Hotel Sherman, Chicago, June 20-23, 1937**

examination here of the correspondence between this company and a member station indicates the proposal is a scheme to obtain free time on radio stations.

### J. J. MOORE—NATIONAL FEATURE SERVICE COMPANY

Quincy A. Brackett, Radio Station WSPR, Springfield, Mass., is anxious to learn the whereabouts of one J. J. Moore and one M. V. Watson, recently operating as the National Feature Service Company of Indianapolis, Indiana. Mr. Brackett requests that members notify him immediately should they be able to assist him in locating Moore or Watson.

### UNEMPLOYMENT INSURANCE

The Pennsylvania Unemployment Compensation Division in an official analysis of the State Unemployment Compensation Law stated in question and answer form as follows:

"Q. Hotels, restaurants, and clubs frequently engage the services of orchestras, entertainers and other artistic talent. Are they considered the employers of such talent?

"A. If the hotel, restaurant or club directs and controls the activity of the entertainers, in addition to paying their salaries, they are the employers. If the hotel, restaurant or club enters into a contract with a director or agent of the entertainers and if the latter controls and pays the entertainers, then the director or agent is the employer." (See Prentis-Hall Labor and Unemployment Insurance Service, p. 29,537 (.031); Page Pa. 29,519, 4-28-37.)

### SECURITIES ACT REGISTRATIONS

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

- Michigan Bumper Corporation, Grand Rapids, Mich. (2-2534, Form A-1)
- Ray Airconditioning Corp., New York City. (2-2642, Form A-1)
- Mexican Quicksilver Company, Wilmington, Del. (2-3073, Form A-1)
- Herman Hanson Oil Syndicate, Turtle Lake, N. Dak. (2-3074, Form A-1)
- U. S. Realty & Improvement Co., New York City. (2-3075, Form A-2)
- Strouss-Hirshberg Company, Youngstown, Ohio. (2-3076, Form A-2)
- Sheller Manufacturing Corp., Portland, Ind. (2-3077, Form A-2)
- Gardner Aircraft, Inc., Wilmington, Del. (2-3077, Form A-1)
- Interstate Department Stores, Inc., New York City. (2-3080, Form A-2)
- British-American Mining Company, Inc., Philadelphia, Pa. (2-3081, Form A-1)
- Naybob Gold Mines, Ltd., Toronto, Canada. (2-3032, Form A-1)
- Boulder Dam Hotel Corp., San Diego, Calif. (2-3083, Form A-1)
- Time Cap Corporation, Brooklyn, N. Y. (2-3084, Form A-1)
- Koine Brothers Company, New York City. (2-3085, Form A-2)
- Jacob Kline, Chicago, Ill. (2-3036, Form A-1)
- George Kline, New York City. (2-3087, Form A-1)
- Nunn-Bush Shoe Company, Milwaukee, Wis. (2-3088, Form A-2)

- Revere Cooper & Brass, Inc., New York City. (2-3089, Form A-2)
- Chateau Dubois International Vintages, New York City. (2-3092, Form A-1)
- Gray & Dudley Company, Nashville, Tenn. (2-3093, Form A-2)
- Columbia Country Club, Chevy Chase, Md. (2-3094, Form A-2)
- Carrell Steel Company, Chicago, Ill. (2-3095, Form A-1)
- Inland Steel Company, Chicago, Ill. (2-3096, Form A-2)
- Central Ohio Light & Power Co., Findlay, Ohio. (2-3097, Form A-2)
- Professional Insurance Corp., Jacksonville, Fla. (2-3098, Form A-1)
- C. A. Antrim et al., St. Louis, Mo. (2-3099, Form F-1)

### RECOMMENDS POWER INCREASE FOR WJAR

Broadcasting station WJAR, Providence, R. I., applied to the Federal Communications Commission to increase its daytime power from 1,000 to 5,000 watts. The station now operates full time on 890 kilocycles.

Examiner Ralph L. Walker in Report No. I-404 recommended that the application be granted. He states that the record disclosed the need for additional service in the area proposed to be served. Also the increased power will not cause interference with any existing stations, and it would be in the public interest.

### CHANGES RECOMMENDED FOR KDON

Broadcasting station KDON, Del Monte, Cal., applied to the Federal Communications Commission to change its frequency from 1210 to 1400 kilocycles, and to increase its power from 100 watts to 250 watts and 1,000 watts LS. It operates unlimited time. Also the Salinas Newspapers Inc., of Salinas, Cal., applied to the Commission for a construction permit for the erection of a new station at that place to use 1390 kilocycles, 250 watts and daytime operation.

Examiner P. W. Seward in Report No. I-405 recommended that the KDON application be granted and that the other application be denied. The Examiner found that only one of these applications could be granted. He states that the present station is rendering a superior service and considered that in the public interest its application should be granted.

### RECOMMENDS ASSIGNMENT FOR KFXX

Broadcasting station KFXX, Oklahoma City, Okla., applied to the Federal Communications Commission for a license renewal and the station and the Plaza Court Broadcasting Company applied to the Commission for consent to assignment of the station license to the latter named company. The station uses 1310 kilocycles, 100 watts and 250 watts LS and unlimited time on the air.

Examiner Robert L. Irwin in Report No. I-402 recommended that both applications be granted. He found that the granting of the application would be in the public interest.



# BROADCAST ADVERTISING IN MARCH

## HIGHLIGHTS OF THE MONTH

Total broadcast advertising in March amounted to \$11,628,154, an increase of 14.2% over the February level and a gain of 24.6% over the level of last March. Gross time sales for the month were the greatest in history, being slightly greater than the total recorded for last October. Advertising in all portions of the medium increased in volume as compared to last month, with national non-network business registering the greatest gain. Total broadcast advertising for the first three months of 1937 amounted to \$32,180,035, a gain of 26.1% as compared to the corresponding period of 1936. Radio broadcast advertising seems to be headed for another record-breaking year.

Although advertising in national magazines and newspapers increased to a greater extent than radio as compared to last month, radio broadcasting continued to show the greatest increase in advertising volume as compared to corresponding periods of last year. Whereas radio showed a gain of 24.6% in volume over last March, national magazine volume increased 15.6%, national farm paper volume 7.1%, and newspaper volume 4.1%.

Continuing the seasonal trend, non-network advertising increased 18.5% over February and 35.6% over last March. Although all sizes of stations registered substantial gains, the greatest increase occurred in the regional station group. Advertising in this group rose 23.5% over February. The New England-Middle Atlantic Area led all geographical districts in increased volume, both as compared to last month and as to March 1936.

Transcription volume showed the greatest gain of any type of rendition as compared to last month, rising 31.2%. As against last March, announcements showed the greatest increase but was seconded by transcriptions. Transcriptions in the national non-network field and announcements in the local field experienced the most important increases over February. All types of rendition in the local field, with the exception of records, were ahead of last March levels.

The principal gains over last month among the sponsor groups were as follows: national network household equipment and soap and kitchen supply, regional network drug and household equipment, national non-network automotive and local tobacco and confectionery advertising. Compared to last March, national network radio set and household equipment, regional network clothing and financial, national non-network beverage, soap and kitchen supply and tobacco, and local confectionery and tobacco advertising registered the principal gains. Total retail broadcast advertising increased 21.0% over last month and 20.8% over March 1936.

# TOTAL BROADCAST ADVERTISING

Total broadcast advertising for the month of March is found in Table I.

TABLE I

## TOTAL BROADCAST ADVERTISING

1937 Gross Time Sales

Class of Business	February	March	Cumulative Jan.-Mar.
National networks...	\$5,714,443	\$6,344,510	\$18,120,340
Regional networks...	96,382	101,944	290,495
National non-network	2,517,000	3,037,000	7,867,700
Local.....	1,854,500	2,144,700	5,901,500
Total.....	\$10,182,325	\$11,628,154	\$32,180,035

Total broadcast advertising for the month increased 14.2% over the level of February, with all portions of the medium registering gains. National non-network business increased to the greatest extent, rising 20.6%. Local business increased 15.6%, national network volume 11.0% and regional network volume 5.7%.

Compared to the corresponding month of last year, broadcast advertising showed an increase of 24.6% in volume. National non-network business also showed the greatest gain when compared to last March, increasing 44.8%. Local volume rose 24.5% and national network volume 17.4%. Regional network business declined 9.4%.

## COMPARISON WITH OTHER MEDIA

Advertising in national magazines showed the greatest gain of any major medium as compared to last month, rising 22.9%. However, newspaper advertising recorded a gain of 22.3%. Farm paper volume declined 1.0% as compared to February.

Continuing the trend of the last two months, radio broadcasting showed the greatest gain in advertising volume of any major medium as compared to the corresponding month of last year. Compared to the 24.6% gain for radio over last March, national magazine volume increased 15.6%, national farm paper volume 7.1% and newspaper volume 4.1%.

Advertising volume by major media is shown in Table II.

TABLE II

## ADVERTISING BY MAJOR MEDIA

1937 Gross Time and Space Sales

Advertising Medium	February	March	Cumulative Jan.-Mar.
Radio broadcasting...	\$10,182,325	\$11,628,154	\$32,180,035
National magazines <sup>1</sup>	12,679,572	15,586,852	37,331,996
National farm papers <sup>1</sup>	807,703	799,755	2,148,997
Newspapers <sup>2</sup> .....	41,082,000	50,264,000	130,832,000
Total.....	\$64,751,600	\$78,278,761	\$202,493,028

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

<sup>2</sup> Estimated.

## NON-NETWORK ADVERTISING

Total non-network broadcast advertising showed an 18.5% gain in volume as compared to February and a 35.6% increase compared to March of 1936. Regional station volume showed the greatest increase both as compared to February of the current year and March 1936. Advertising over clear channel and high-powered regional stations increased 13.1% over February. Regional station volume increased 23.5% and local station volume 20.9%. As compared to March 1936, clear channel and high-powered regional station volume rose 22.7%, regional station volume 54.7% and local station volume 25.2%.

Broadcast advertising by power of station is found in Table III.

TABLE III

### NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1937 Gross Time Sales		
	February	March	Cumulative Jan.-Mar.
Over 1,000 watts.....	\$1,941,700	\$2,195,500	\$5,960,300
250-1,000 watts.....	1,876,300	2,316,800	6,033,000
100 watts.....	553,500	669,400	1,775,900
Total.....	\$4,371,500	\$5,181,700	\$13,769,200

Non-network advertising in the New England-Middle Atlantic Area led all geographical districts in increased volume as compared to last month. Advertising volume in this area increased 29.5%. Non-network advertising in the South Atlantic-South Central Area increased 12.5%, in the North Central Area 16.0% and in the Pacific and Mountain Area 15.5%.

All sections of the country showed substantial gains in non-network advertising volume as compared to the corresponding month of last year. Advertising in the New England-Middle Atlantic Area increased 54.4%, in the South Atlantic-South Central Area 27.5%, in the North Central Area 30.5% and in the Pacific and Mountain Area 31.3%.

Non-network advertising by geographical districts is shown in Table IV.

TABLE IV

### NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1937 Gross Time Sales		
	February	March	Cumulative Jan.-Mar.
New England-Middle Atlantic Area.....	\$1,060,600	\$1,373,800	\$3,532,300
South Atlantic-South Central Area.....	858,200	966,100	2,607,300
North Central Area.....	1,658,800	1,924,800	5,148,300
Pacific and Mountain Area.....	793,900	917,000	2,481,300
Total.....	\$4,371,500	\$5,181,700	\$13,769,200

### NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Total transcription volume continued to show the greatest rate of increase of any type of rendition, rising 31.2% above the level of February. Live talent business increased 13.1% and announcement volume 20.7%. Record volume declined 13.8%. Compared to last March, transcriptions rose 36.5%, live talent 30.1%, records 9.2%, and announcements 49.3%.

In the national non-network field, transcriptions rose 33.9% as compared to the level of last month. Live talent business increased 11.4%, announcements 20.4%, and record volume nearly doubled. Compared to last March, transcriptions rose 36.4%, live talent 37.1%, announcements 88.4% and record volume again doubled.

In the local field, increases were general with the exception of record volume which declined 25.6% from the level of February. Transcriptions rose 19.3%, live talent 15.2% and announcements 21.0%. As against last March, transcriptions in the local field increased 36.6%, live talent 22.8% and announcements 27.2%. Record volume again declined, dropping 4.5%.

Non-network advertising by type of rendition is found in Table V.

TABLE V

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

Type of Rendition	1937 Gross Time Sales						
	National Non-network		Local		Total		Cumulative Jan.-Mar.
	February	March	February	March	February	March	
Electrical transcriptions.....	\$804,800	\$1,077,800	\$179,400	\$214,100	\$984,200	\$1,291,900	\$3,177,080
Live talent programs.....	1,217,500	1,356,900	1,016,800	1,171,600	2,234,300	2,528,500	6,985,790
Records.....	9,000	17,300	80,600	59,900	89,600	77,200	256,110
Announcements.....	485,700	585,000	577,700	699,100	1,063,400	1,284,100	3,350,220
Total.....	\$2,517,000	\$3,037,000	\$1,854,500	\$2,144,700	\$4,371,500	\$5,181,700	\$13,769,200

### SPONSOR TRENDS IN MARCH

With the exception of beverage, confectionery and miscellaneous advertising, all sponsor groups showed gains in the national network field as compared to last month.

Gains were general, with the greatest increases being recorded in the household equipment, soap and kitchen supply, accessory, tobacco and cosmetic sponsor groups. In the regional network field, household equipment and

miscellaneous advertising doubled, while drug and tobacco advertising also enjoyed substantial gains. Accessory and cosmetic advertising declined materially. Automotive advertising nearly tripled in the national non-network field and clothing, beverage and household equipment advertising increased materially. In the local field, clothing, confectionery and tobacco advertising increased in volume to the greatest extent. Only amusement and drug volume showed a decrease in the local field.

Household equipment, soap and kitchen supply, financial, radio set and automotive advertising showed the most substantial gains in the national network field as com-

pared to March of 1936. The clothing and miscellaneous sponsor groups registered declines. In the regional network field, clothing, financial and tobacco advertising showed the most marked gains, while soap and kitchen supply and confectionery volume declined materially. Beverage, soap and kitchen supply, and tobacco advertising tripled in the national non-network field, while confectionery and tobacco advertising increased materially in the local field. Drug advertising in the local field declined 24.4%.

Broadcast advertising during March by major product and sponsor groups is shown in Table VI.

TABLE VI  
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS  
(MARCH, 1937)

Type of Sponsoring Business	National Networks	Regional Networks	Gross Time Sales		Total
			National Non-network	Local	
1a. Amusements.....	—	—	\$2,420	\$32,990	\$35,410
1-2. Automobiles and accessories:					
(1) Automobiles.....	\$607,592	—	235,320	115,880	958,792
(2) Accessories, gas and oils.....	484,272	\$9,908	165,100	53,790	713,070
3. Clothing and apparel.....	25,494	820	52,290	303,280	381,884
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	586,200	15,032	438,070	49,380	1,088,682
(5) Toilet goods.....	1,172,322	1,120	154,360	21,760	1,349,562
6-8. Food products:					
(6) Foodstuffs.....	1,333,284	33,660	737,210	328,530	2,432,684
(7) Beverages.....	285,252	6,495	159,800	115,310	566,857
(8) Confections.....	119,232	1,930	54,390	12,480	188,032
9-10. Household goods:					
(9) Household equipment and furnishings.....	162,386	2,488	114,440	204,670	483,984
(10) Soaps and kitchen supplies.....	517,010	875	223,450	9,480	750,815
11. Insurance and financial.....	75,751	2,220	19,390	88,400	185,761
12. Radios.....	249,802	—	5,290	18,740	273,832
13. Retail establishments.....	—	—	18,450	187,620	206,070
14. Tobacco products.....	509,883	13,200	152,630	11,830	687,543
15. Miscellaneous.....	216,030	14,196	504,390	590,560	1,325,176
Total.....	\$6,344,510	\$101,944	\$3,037,000	\$2,144,700	\$11,628,154

Details as to trends in the various fields of sponsorship are as follows:

1a. **Amusements.** National non-network volume down 62.1% and local business 8.7% as compared to February. National non-network volume 82.8% lower than during March 1936. Local business rose 6.4% over last March.

1. **Automotive.** Compared to February, gains as follows: national network 10.2%, local 21.1%, and national non-network almost three times as great. Compared to last March, national network volume rose 41.8%, while national non-network and local advertising remained approximately the same.

2. **Gasoline and accessories.** As against last month, national network volume up 16.7%, national non-network business 14.9%, and local advertising 9.5%. Regional network volume declined 42.5%. National network and national non-network increased 8.1% and 6.5%, respectively, as compared to last March, while regional network and local advertising declined 16.5% and 22.4%, respectively.

3. **Clothing.** Gains over February as follows: na-

tional networks 3.9%, regional networks 3.8%, national non-network 41.2%, and local 34.2%. Compared to March of the preceding year, national network volume declined 40.5%, while national non-network and local advertising rose 18.1% and 22.0%, respectively, and regional network volume more than doubled.

4. **Drugs and pharmaceuticals.** National network volume up 3.6% and regional network volume 54.2% as compared to February. National non-network business declined 13.2% and local advertising 7.8%. As against March 1936, national network volume rose 31.7% and regional network volume 5.3%, while national non-network business declined 12.3% and local advertising 24.4%.

5. **Toilet goods.** National network volume up 16.1% as compared to February. National non-network volume increased 17.4% and local advertising remained the same. Regional network volume declined 76.9%. Compared to last March, national network volume increased 0.8%, national non-network business 28.3%, and local advertising remained the same. Regional network volume declined 50.4%.

6. **Foodstuffs.** Gains over February as follows: national networks 11.3%, regional networks 4.8%, national non-network 23.1%, and local 18.7%. Gains as compared to March of the preceding year as follows: national networks 27.3%, regional networks 8.6%, national non-network 70.0%, and local 44.1%.

7. **Beverages.** National network volume dropped 9.7% as compared to February and regional network volume declined 21.9%. National non-network volume increased 48.4% and local advertising rose 14.5%. Compared to last March, national network volume declined 14.1%, while regional network volume increased 9.1%, local advertising 40.1%, and national non-network volume tripled.

8. **Confectionery.** Compared to February, national network volume declined 5.4%, regional network volume 20.9%, and national non-network business 9.9%. Local advertising increased 52.9%. As against last March, national network volume declined 1.2%, regional network volume 67.2%, and national non-network business 3.3%. Local advertising tripled in volume.

9. **Household equipment.** As against February, national network volume increased 37.4%, national non-network business 64.0%, and local advertising 14.6%. Regional network volume doubled. National network volume three times as great as during March 1936. Regional network volume declined 50.4% and national non-network and local advertising increased 44.8% and 8.3%, respectively.

10. **Soap and kitchen supplies.** Gains compared to February as follows: national networks 26.8%, regional networks 25.0%, national non-network 13.7%, and local 3.1%. Compared to March 1936, national network volume increased 61.3% and national non-network business more than tripled. Regional network business declined materially, while local advertising dropped 20.2%.

11. **Insurance and financial.** As against February, national network volume increased 10.5%, regional network volume 21.0%, and local advertising 14.9%. National non-network volume declined 14.9%. National network volume 43.2% ahead of last March. Regional network volume increased four times and local advertising remained the same. National non-network volume declined 29.8%.

12. **Radio.** National network advertising 3.4% ahead of February. Local advertising increased 12.2%, while national non-network advertising dropped 14.6%. National network volume doubled as compared to March of 1936, while national non-network advertising declined 53.2%. Local advertising increased 17.5%.

13. **Department and general stores.** Compared to February, national non-network advertising increased 21.2% and local advertising 19.8%. As against last

March, national non-network advertising rose 39.9% and local business 44.5%.

14. **Tobacco products.** Gains over February as follows: national networks 16.8%, regional networks 33.3%, national non-network 30.1%, and local 70.7%. Compared to last March, national network volume increased 34.0% and regional network volume 42.8%. National non-network volume more than tripled, while local advertising doubled in amount.

15. **Miscellaneous.** Whereas national network volume declined 8.6% as compared to February, regional network volume doubled, national non-network business increased 21.3%, and local advertising rose 11.0%. Compared to last March, national network volume dropped 51.6% and regional network volume 8.4%. National non-network volume rose 93.0% and local advertising 41.4%.

## RETAIL BROADCAST ADVERTISING

Total retail broadcast advertising increased 21.0% as compared to the preceding month and exceeded the level of March of 1936 by 20.8%. Compared to February, the principal gains occurred in the clothing, drug, grocery store, restaurant, household equipment, hardware and department store advertising groups. Beauty parlor, furniture store and radio set advertising declined. As against last March, principal gains were recorded in the drug, restaurant, beverage, confectionery, household equipment, hardware store and department store advertising fields. Automotive, gasoline station, and grocery store advertising declined as compared to last March.

Broadcast advertising by retail establishments will be found in Table VII.

TABLE VII  
RETAIL BROADCAST ADVERTISING OVER  
INDIVIDUAL STATIONS

Type of Sponsoring Business	1937 Gross Time Sales	
	February	March
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$98,870	\$105,910
Gasoline stations, garages, etc.....	31,720	34,720
Clothing and apparel shops.....	245,900	332,130
Drugs and toilet goods:		
Drug stores.....	13,790	20,470
Beauty parlors.....	7,600	6,980
Food products:		
Grocery stores, meat markets, etc....	38,320	47,180
Restaurants and eating places.....	19,350	35,500
Beverage retailers.....	1,840	4,900
Confectionery stores.....	4,850	9,180
Household goods:		
Household equipment dealers.....	53,600	65,920
Furniture stores.....	119,500	112,090
Hardware stores.....	13,870	29,590
Radio retailers.....	17,190	14,860
Department and general stores.....	171,730	204,280
Tobacco shops.....		
Miscellaneous.....	133,700	152,500
Total.....	\$971,830	\$1,176,210

## FEDERAL TRADE COMMISSION ACTION

### Complaints

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

**No. 3114. Germania Tea Co.,** 608 First Ave., Minneapolis, and **Consolidated Drug Trade Products, Inc.,** 544 South Wells St., Chicago, are named respondents in a complaint alleging unfair competition in the sale of Germania Herb Tea and Germania Orange Pekoe Tea.

In advertising matter, on labels and over the radio, the respondent companies allegedly represent that the two products, when used in connection with a designated reducing diet, have a substantial therapeutic value in the treatment of obesity.

According to the complaint, the products are of no value as a remedy for obesity, neither plays any important part in reducing weight when used in connection with a designated reducing diet, and they might prove harmful to a substantial portion of persons using them continuously without the direction or supervision of a doctor.

**No. 3116. False and misleading representations** in connection with the sale of soap, in violation of Section 5 of the Federal Trade Commission Act, are alleged in a complaint issued against **Wolf Creek Soap Co.,** North Western Ave., Dayton, Ohio.

Certain brands of the respondent company's soap allegedly are marked to retail at from 50 cents to \$1 a unit, when, in fact, the complaint charges, they are sold to retail dealers for 8 cents each, are made from cheap and inferior ingredients, and are not of such quality as to justify a retail price in any way closely approximating the retail price or value represented. The prices at which these soaps are actually sold to customers do not appear on the containers, according to the complaint.

**No. 3118. Continental Briar Pipe Co., Inc.,** 80 York St., Brooklyn, is charged in a complaint with using unfair methods of competition in the interstate sale of tobacco pipes.

The respondent company sells two of its products under the names "Doctor Pipe" and "The Famous Doctor Pipe", the word "Doctor" being stamped on each pipe. By means of such designation and through the use of certain assertions in advertising matter, the company allegedly makes representations to the effect that such pipes and the filters in them have been designed by or are made under the supervision of doctors and tested by doctors and others in laboratories; that they have special qualities not possessed by similar products, and furnish a filtered and sanitary smoke.

**No. 3119. New York Pattern Co., Inc., Fashion Institute, Inc., and John Howie Wright,** who is said to control the two organizations, all of 119 West 19th St., New York, are charged, in a complaint with unfair competition in violation of Section 5 of the Federal Trade Commission Act.

Disparagement of the products and business of their competitor, Hollywood Pattern Co., controlled by Conde Nast Publications, Inc., is alleged in the complaint. The respondents, distributors of low-priced style patterns, are charged with circulating among retail stores where the Hollywood Pattern Company's low-priced patterns are sold, various false and deceptive assertions regarding the latter's salability, the quality and workmanship of the higher priced patterns sold by the Nast company through Vogue magazine, and the financial standing and ability of Conde Nast Publications, Inc.

The respondents are also charged with imitating the design and color of the Hollywood Pattern Company's counter display books.

Fashion Institute, Inc., through use of the word "institute", is alleged to have represented itself to retailers as an impartial and reliable agency for dissemination of fashion news and information, when, in fact, according to the complaint, it is a private organization manufacturing low-priced paper dress patterns and selling these and fashion news and information for private gain.

The complaint points out that Conde Nast Publications, Inc., issuing Vogue patterns in the higher class field, in 1934 began also a lower priced pattern business, entirely separated from the Vogue trade, and organized the separate corporation, Hollywood Pattern Co., to sell cheaper patterns under the registered trade name "Hollywood".

When, according to the complaint, the New York Pattern Co., Inc., learned of the Nast plans to enter the lower-priced field, it also obtained from the Patent Office a trade-mark in the name "Hollywood" for use on its low-priced paper dress patterns.

**No. 3120. Use of fictitious price markings and of other false representations** in connection with the interstate sale of various articles of merchandise is alleged in a complaint issued against **Gotham Sales Co., Inc., and Harry J., Alfred, Max, Martin and Alexander Gottsegen,** having their principal place of business at 37 Union Square, New York, and branch offices in Chicago, New Orleans and San Francisco.

The respondents are wholesalers of peddlers' and retail dealers' supplies, including cosmetics, perfumes, dental and shaving creams, toilet accessories, spices, extracts, and other household products and notions. They trade under the names Universal Merchandise Co., Tip Top Laboratories, Scientific Food Products Co., Prize Medal Laboratories, Scientific Beauty Institute, RX Manufacturing Co., Scientific Laboratories, and Lady Fair Laboratories. The Gottsegens are officers of Gotham Sales Co., Inc.

Retail prices stamped on certain of the respondents' products and advertised in catalogues and other printed matter, the complaint alleges, are greatly in excess of their true prices and actual values. The retail prices so marked are described as being false and fictitious, and in no sense representing either the true values or true selling prices of the articles so price-marked.

### Stipulations and Orders

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

**No. 01561. The Kalo Co., Quincy, Ill.,** agreed to cease representing that its product, designated "Kalo Spray", has been officially approved by the United States Department of Agriculture or by the State College of Washington; that its use instead of lead arsenate will produce any increase in production of sound fruit or improvement in color unless such results are substantiated by competent scientific experiments conducted under all climatic conditions; that Kalo Spray combined either with fish oil or summer oil emulsion, as a substitute for lead arsenate, will obviate the necessity of washing the fruit and that the amount of the product used in any State or locality is greater than the amount actually sold in that particular State or locality.

**No. 01571. Albert L. Edelman, trading as The Marvel Wash Co.,** 623 West Vine St., Milwaukee, and **Merchants Grocery Co. of Green Bay, Inc.,** 112 Stuart St., Green Bay, Wis., stipulated that they will stop representing that their solution, called "Marvel Wash", will remove all stains and destroy all odors, and that it will disinfect certain articles or places, unless they indicate that such articles or places should be washed before application of the disinfectant.

**No. 1919. Capital Bakers, Inc.,** 58 North Thirteenth St., Harrisburg, Pa., has entered into a stipulation to discontinue advertising to the effect that its "El Aguinaldo Cuban Honey Bread" contains certain health-producing properties, when, in fact, according to the stipulation, the results obtained from its consumption are no different than those obtainable from use of any ordinary type of bread containing honey.

The honey content of this bread had been represented as producing remarkable results in all forms of stomach ailments, colds, coughs, and constipation, the product's health-giving benefits having been advertised as "boundless", according to the stipulation.

**No. 1937. American Surveys, Inc.,** 180 North Michigan Ave., Chicago, has entered into a stipulation to discontinue unfair methods of competition in the interstate sale of a set of books entitled "Library of Knowledge Encyclopedia".

Among the representations to be discontinued are that certain prospective purchasers, as a selected group of business or professional men, are being offered the books at a special price, when, in fact, the price asked is not special but is the regular price asked of any and all persons who could be induced to purchase the books.

**No. 1972. M. Epstein & Sons Co., Inc.,** 207 West Baltimore St., Baltimore, distributor of hats and caps, has entered into a stipulation to discontinue use of certain representations which imply that it manufactures the products it sells, or owns a plant or factory in which they are made, when these are not the facts.

According to the stipulation, this company caused the phrase "Manufacturers of Varsity Club Hats and Caps", to be printed in connection with its corporate name on stationery, billheads and invoices.

**No. 2608. Prohibiting certain unfair representations** in the sale of a cosmetic product, an order has been entered to cease and desist against **Hee Barth,** trading as **Hee Barth Laboratories and Dark-Eyes Laboratories,** 412 Orleans St., Chicago.

In the sale of an eyelash darkener known as "Dark Eyes", the respondent is directed to cease asserting that the use of this product

gives permanent beauty to or is a permanent darkener of the eyebrows and eyelashes; that it is safe and harmless, and is a new discovery.

**No. 2655.** An order to cease and desist from using unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act, has been entered against a group of manufacturers of and dealers in radio sets and radio parts. The order also is directed against two companies manufacturing and selling escutcheons and name plates for use in radio products.

The order prohibits the respondents from using as marks or brands on their products certain well-known and long established names of other manufacturers and dealers in the radio and like industries without consent of the lawful owners of such names.

According to findings in the case, among the names, brands and symbols adopted and used by the respondents, without authority from the owners, are Marconi, Edison, Bell, Victor, Majestic and Brunswick, and the letters R.C.A. and G. E., standing alone or with other words, or colorable imitations or simulations thereof.

Metal Etching Corporation, 1001 Essex St., Brooklyn, and its president, M. Hermann, and Crowe Nameplate and Manufacturing Co., 1749 Grace St., Chicago, and its officers, E. C. Coolidge and I. Robinson Smith, are ordered to discontinue selling or distributing escutcheons and name plates, bearing the trade-marks and names in question, to manufacturers, assemblers or dealers in radio products, except to the owners of such trade names or marks, or to the licensees of the owners.

The order further directs that the respondent manufacturers and dealers cease representing, directly or indirectly, through use of trade names or marks of which they are not the owners, and without the permission of the lawful owners, that their radio products are those manufactured, sold, endorsed or licensed by the late Thomas A. Edison, Thomas A. Edison, Inc., American Telephone & Telegraph Co., Western Electric Co., Marconi Wireless Telegraph Company of America, Radio Corporation of America, Victor Talking Machine Co., Brunswick-Balke-Collender Co., Warner Brothers Pictures, Inc., and its subsidiary, Brunswick Radio Corporation, Grigsby-Grunow Co., Majestic Radio and Television Corporation, and General Electric Co.

The respondent manufacturers and dealers who are ordered to cease and desist from unfair methods of competition, together with their officers or agents, are: King Trading Corporation, 51 Vesey St., New York, and Royal Radio Co., Inc., 168 Washington St., New York, and A. M. Frank, David Morrison and Murray Auerbach; Harvard Radio Tube Testing Stations of Pennsylvania, Inc., 208 North Broad St., Philadelphia, and Jules M. Schoenberg; Ross Distributing Co., 2020 Chancellor St., Philadelphia, and Larry B. Ross; Sun Radio & Service Supply Corporation, 938 F St., Washington, and Emanuel Rosensweig; Schiller Bros., Inc., 922 F St., Washington, and Louis S. Schiller; Peter Robbins, trading as Robbins Radio Co. and as Ambassador Radio Co., 940 F St., Washington, and F. C. Scruggs, trading as Call Radio Co., 636 H St., N. E., Washington.

The complaint in this case was dismissed as to the following respondent companies and their officers for the reason that there was no evidence to establish the allegations made against them: Etched Products Corporation, 3901 Queens Boulevard, Long Island City, N. Y., and Albert Nierenberg and Walter H. Miller; Electro Chemical & Engraving Co., 1100 Brook Ave., New York, and F. E. Switzer, N. L. Jacobus, Robert Schlesinger, Julius Erdoes and L. S. Southwick; Premier Metal Etching Co., 2103 44th Ave., Long Island City, N. Y., and Herbert Pape, Karl D. Johnson, Ernest A. Rottach, and Hugo Lehrfeld; American Emblem Co., 22 East 40th St., New York, and Paul B. Williams, Clarence S. C. Williams, James Eels, Fred B. King and Edgar Denton, Jr.

The case was closed without prejudice as to the following respondents: Metro Manufacturing Co., Inc., Metro Radio Corporation, Metro Sales Co., Inc., Pyramid Distributors, Inc., and Regina Gadol, George Levine and Max Scafford.

Findings are that all of the respondents, except those against whom the complaint was dismissed or the case closed without prejudice, have cooperated among themselves and with one another and are engaged in a scheme to deceive the public and to compete unfairly with other manufacturers and dealers in radio products.

**No. 2753.** Prohibiting unfair methods of competition in the sale of a preparation designated "Sunlife Chlorophyllian Oil," an order to cease and desist has been entered against **C. C. Miller, W. B. Mather, W. M. Louisson, H. M. Young, D. A. Lester, and L. D. Marr**, trading as **Sunlife Chlorophyllian Laboratories, Ltd.**, 2702 South Hill St., Los Angeles.

The order directs the respondents to discontinue representing in any manner that their preparation will cure, or is a competent and an effective treatment for, or will relieve, nervous tension, muscular rheumatism, lumbago, gouty conditions, coughs and colds, sprains, cuts, burns and arthritis.

The respondents also are ordered to cease representing through use of the word "Sunlife", alone or with other words in their trade name or in any manner, that their product contains any beneficial elements of the natural rays of the sun or that it will bring the beneficial effects of sunshine to users.

**No. 2812. Millinery Quality Guild, Inc.**, 711 Fifth Ave., New York, and 24 member and affiliate companies manufacturing high quality women's hats and credited with being a substantial majority of the originators of leading styles and designs used in their class of trade, are named respondents in an order to cease and desist.

These companies, through their guild, effected a cooperative plan which had a tendency unduly to hinder competition and create a monopoly in interstate commerce in violation of Section 5 of the Federal Trade Commission Act, according to findings in the case.

This plan is said to have involved a "declaration of cooperation" among and between the 24 companies and 1600 high grade retailers in several States who, according to findings, agreed to promote and observe the guild rules intended to prevent piracy of styles and designs originated by the company members and to restrict the sale of high grade millinery to models originated by such members.

**No. 2886.** Discontinuance of false advertising in the sale of baby chicks has been directed in an order entered against **Gusta Atz, Milltown, Ind.**, trading as **Atz's Hatchery, Atz's Blue Mount Hatchery and Atz's Mammoth Hatchery.**

The respondent was ordered to cease and desist from representing that baby chicks hatched from pullet eggs are hatched from hen's eggs or from old hens' eggs, or that baby chicks are from eggs of flocks 100 per cent blood-tested, when they are from flocks over which the respondent has not had continuous control and supervision since such flocks were tested.

**No. 2899.** Engaged in the interstate sale of a liquid finish for shoes and certain other articles, designated "Sav-An-Upper", **Perfect Manufacturing Co.**, 3325 Madison Road, Cincinnati, has been ordered to cease and desist from exaggerating the earnings agents may realize through selling the preparation and from misrepresenting its qualities and the results which may be obtained from its use.

Findings in the case are that the respondent company advertised that its product has unusual sales appeal and that large sums of money may easily be made by agents, one representation being to the effect that earnings up to \$5,000 a year should be reached by quite a few salesmen.

**No. 3013.** Trading as **American Remedy Co.**, 301 Green St., Philadelphia, **Jean G. Subin, Israel Subin and John N. Kinderman** have been ordered to cease and desist from false representations in connection with the sale of "American Purest Aspirin", which they distribute in interstate commerce.

The respondents are ordered to discontinue advertising that their product is registered in the United States Patent Office, that it is the purest aspirin in America and superior to other products composed of similar ingredients, and that it is a cure for colds and a competent and effective treatment or palliative for all aches and pains.

#### FTC CLOSES CASE

**No. 2649.** The Federal Trade Commission has issued an order closing its case against **M. Swift & Sons, Inc.**, of Hartford, Conn., charged with unfair competition in the sale of gold leaf of the type used for gold lettering on signs and for gilding articles like badges and lead pencils. The Commission reserved the right to resume prosecution should the facts so warrant. The complaint alleging these practices was issued December 7, 1935.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, May 10:

Monday, May 10

### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—T. E. Kirksey, Waco, Tex.—C. P., 930 kc., 250 watts, 500 watts LS, unlimited time.

WBZA—Westinghouse Electric and Manufacturing Co., Springfield, Mass.—C. P., 550 kc., 1 KW, unlimited time (requests facilities WDEV).

- WDEV—Chas. B. Adams, Admr. of Estate of Harry C. Whitehill Estate and Executor of Mary M. Whitehill Estate, Waterbury, Vt.—Renewal of license, 550 kc., 500 watts, daytime.
- NEW—Earle Yates, Las Cruces, N. Mex.—C. P., 930 kc., 500 watts, daytime.
- KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited. Present assignment: 1210 kc., 100 watts, unlimited time.

Tuesday, May 11

**HEARING BEFORE AN EXAMINER**  
(Broadcast)

- KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other states, Rev. R. Kretzschmer, Chairman, Board of Control, Concordia Seminary, Clayton, Mo.—C. P., 550 kc., 1 KW, 5 KW LS, one-half time (requests facilities of KSD). Present assignment: 550 kc., 500 watts, 1 KW LS, share-KSD.
- KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Renewal of license, 550 kc., 1 KW, 5 KW LS, share-KFUO.

Wednesday, May 12

**HEARING BEFORE AN EXAMINER**  
(Broadcast)

- NEW—Young People's Association the Propagation of the Gospel, Shark River Bay, N. J.—C. P., 640 kc., 5 KW, daytime to LS at KFI.

Thursday, May 13

**ORAL ARGUMENT BEFORE THE BROADCAST DIVISION**

**Examiner's Report No. 1-341:**

- NEW—Dallas Broadcasting Co., Dallas, Tex.—C. P., 1500 kc., 100 watts, daytime.

**Examiner's Report No. 1-358:**

- NEW—Loyal K. King, Pasadena, Calif.—C. P., 1480 kc., 250 watts, daytime.

**Examiner's Report No. 1-363:**

- NEW—State Capitol Broadcasting Assn., R. B. Anderson, President, Austin, Tex.—C. P., 1120 kc., 500 watts, 1 KW LS, specified hours (all hours not used by WTAW).

**Examiner's Report No. 1-365:**

- WLMU—Lincoln Memorial University, Middlesboro, Ky.—C. P., 1210 kc., 100 watts, unlimited time.

Friday, May 14

**HEARING BEFORE AN EXAMINER**  
(Broadcast)

- NEW—S. O. Ward and P. C. Ward, d/b as Louisville Broadcasting Co., Louisville, Ky.—C. P., 1210 kc., 250 watts, daytime.
- NEW—The Louisville Times Co., Louisville, Ky.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Harold F. Gross, Lansing, Mich.—C. P., 580 kc., 500 watts, 1 KW LS, unlimited.
- KRKD—Frank P. Doherty, Transferor, and J. J. Burke, Sr., and Loyal K. King, Transferees, Los Angeles, Calif.—Authority to transfer control of corporation; 1120 kc., 500 watts, 2½ KW LS, share-KFSG.

**APPLICATIONS GRANTED**

- KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted modification of C. P. approving transmitter site and studio site, installation of new equipment, and present antenna system of KSOO to be used for KELO.
- KGU—Marion A. Mulroney & Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted modification of C. P. extending completion date to June 4, 1937.
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted license to cover C. P. and modifications thereof; 1050 kc., 1 KW, daytime only.
- WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted license to cover C. P. and modifications thereof; 1200 kc., 100 watts night, 250 watts day, unlimited.

- KORE—Eugene Broadcast Station, Eugene, Ore.—Granted license to cover C. P., 1420 kc., 100 watts, unlimited time.

- WSBC—WSBC, Inc., Chicago, Ill.—Granted license to cover C. P., 1210 kc., 100 watts night, 250 watts day, specified hours.

- WBLK—The Exponent Company, Clarksburg, W. Va.—Granted license to cover C. P., 1370 kc., 100 watts, daytime only.

- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted license to cover C. P., 570 kc., 250 watts night, 1 KW day, unlimited time.

- WKEU—Radio Station WKEU, Griffin, Ga.—Granted authority to install automatic frequency control.

- Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to exchange programs with Station CKLW, Windsor, Ontario, and through the telegraph office of the Canadian Pacific Railway at Windsor, with the Canadian Broadcasting Corp., for the period June 1 to December 1, 1937.

- KIUP—C. Guy Shepard, Durango, Colo.—Granted voluntary assignment of license to San Juan Broadcasting Co.; 1370 kc., 100 watts, unlimited time.

- WFIL—Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—Granted authority to transfer control of corporation to Lit Brothers; 560 kc., 500 watts night, 1 KW day, unlimited time.

- WFIL—WFI Broadcasting Co., Philadelphia, Pa.—Granted authority to transfer control of corporation to Strawbridge and Clothier; 560 kc., 500 watts night, 1 KW day, unlimited time.

- WLWL—Missionary Society of St. Paul the Apostle, New York City.—Granted voluntary assignment of license to Arde Bulova; 1100 kc., 5 KW, specified hours.

- NEW—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 50 watts.

- NEW—City of New York, Dept. of Plant and Structures, Mobile (New York City).—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

- NEW—Station WIS, Inc., Mobile (Columbia, S. C.).—Granted C. P. for new relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis; 2 watts.

- NEW—Oregonian Publishing Co., Mobile (Portland, Ore.), 2 applications.—Granted C. P. for new relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis; 2 watts.

- NEW—The Champaign News Gazette, Inc., Mobile (Champaign, Ill.), 2 applications.—Granted C. P. for new relay broadcast station, frequencies 39700, 39900, 40800 and 41400 kc., on an experimental basis; 10 watts.

- W3XGM—Reading Broadcasting Co., Mobile, Reading, Pa.—Granted modification of C. P. extending commencement date to 5-1-37 and completion date to 11-1-37.

- W8XJZ—WJR, The Goodwill Station, Detroit, Mich. (Mobile).—Granted modification of C. P. extending commencement date to 5-29-37 and completion date to 8-29-37.

- W3XGN—Berks Broadcasting Co., Reading, Pa. (Mobile).—Granted modification of C. P. extending commencement date to 5-1-37 and completion date to 11-1-37.

**SET FOR HEARING**

- NEW—The Colonial Network, Inc., Providence, R. I.—Amended C. P. so as to request new station to operate on 720 kc., 1 KW, limited time, and to change name from Bay State Broadcasting Corp. to The Colonial Network, Inc. Original application already in hearing docket.

- NEW—WDSU, Inc., New Orleans, La.—Application for C. P. for new station, 1500 kc., 100 watts night, 250 watts day, unlimited time. Approval of transmitter and studio sites at 214 Royal St., New Orleans.

- WBLY—Herbert Lee Blye, Lima, Ohio.—Application for C. P. to make changes in equipment and increase day power from 100 watts to 250 watts; 1210 kc.

- KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Application for C. P. to install new equipment; change frequency from 1500 kc. to 1360 kc.; and increase power from 100 watts night, 250 watts day, unlimited time, to 1 KW, unlimited time; also extend commencement date to 30 days after grant and completion date to 90 days thereafter.

- WMIN—Edward Hoffman, St. Paul, Minn.—Application for modification of licenses, already in hearing docket, amended to request change in frequency to 1400 kc., and increase in night power to 250 watts (present assignment: 1370 kc., 100 watts night, 250 watts day, unlimited).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Application for special experimental authority to change time of operation from sharing with WGNV, WGBB and WRBR to simultaneous with WRBR and sharing with WGNV and WGBB for regular license period.

### SPECIAL AUTHORIZATIONS

WNYC—City of New York, Dept. of Plant and Structures, New York City.—Granted special temporary authority to operate from 5 to 7 a. m., EDST, Wednesday, May 12, in order to broadcast Coronation Ceremonies.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted special temporary authority to operate formerly licensed transmitter at near Des Moines, as described in license dated August 15, 1936, as an auxiliary for a period not to exceed 30 days, without an approved modulation or frequency monitor.

WMEF—National Broadcasting Co., Inc., Mobile.—Granted special temporary authority to operate relay broadcast station WMEF for period May 10 to June 10, utilizing frequencies of 4797.5, 6425, 8655, 12862.5 and 17310 kc., for relay broadcast program material originating from U. S. Navy National Geographic Society Expedition, describing solar eclipse.

WCAT—So. Dak. State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate from 9 a. m. to 1:30 p. m., CST, and from 2:30 p. m. to 12 midnight, May 5, in order to broadcast the Annual Senior Day for the various high schools.

W3XDS—RCA Mfg. Co., Inc., Camden, N. J.—Granted extension of special temporary authority to operate with power of 5 KW on 590 kc., during broadcast experimental hours from 1 to 6 a. m., EST, for period of 10 days from May 4, in order to make certain measurements of radio frequency harmonic radiation, providing no interference is caused to stations maintaining regular programs.

RCA Communications, Inc., New York City.—Granted special temporary authority to operate pt. to pt. telegraph stations KQH, KIO, KEQ, KRO, located at Kahuku, T. H. and pt. to pt. telegraph stations KQJ, KKZ, KEI, KEB located at Bolinas, Cal., for a period of 30 days beginning May 10 and ending no later than June 10, 1937, to communicate with relay broadcast station WMEF located aboard USS AVOCET, for purpose of transmitting program relating to solar Expedition.

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted special temporary authority to operate from 5 to 6 a. m., EST, May 12, in order to broadcast Coronation Ceremony with Mutual Network.

### APPLICATIONS DENIED

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Denied special temporary authority to operate Sundays, May 2, 9, 16, 23 and 30, from local sunset (7:30 p. m.) to 9 p. m., EST, in order to broadcast local church program, and from 9 to 9:30 p. m., EST, in order to broadcast Willys-Overland show of the Mutual network.

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from local sunset (May sunset 7 p. m.) to 11 p. m., EST, May 8, 1937, in order to broadcast concert of Johnson Little Symphony Orchestra from Woolsey Hall, Yale University.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Denied special temporary authority to operate with power of 5 KW nighttime in order to overcome interference caused by station XENT.

### EXAMINERS' REPORTS RELEASED SINCE APRIL 27, 1937

KLPM—Ex. Rep. 1-400—John B. Cooley, Minot, N. Dak.—Examiner John P. Bramhall recommended grant of C. P. to change frequencies from 1240 to 1360 kc., power from 250 watts night and day to 500 watts night, 1 KW day, and time from sharing to unlimited.

NEW—Ex. Rep. 1-401—Walter H. McGenty, Rice Lake, Wis.—Examiner Bramhall recommended grant of C. P. for new station to operate on 1210 kc., 250 watts, daytime.

KFXR—Ex. Rep. 1-402—Exchange Ave. Baptist Church of Okla. City, Oklahoma City, Okla.—Examiner Robert L. Irwin recommended grant of renewal of license. Station operates on 1310 kc., 100 watts, 250 watts LS, unlimited time; also

recommended grant of application asking authority to transfer control of station from the Exchange Ave. Baptist Church to Plaza Court Broadcasting Company.

NEW—Ex. Rep. 1-403: Lillian E. Kiefer, Brooklyn, N. Y.—Examiner R. L. Walker recommended denial of C. P. to construct new station to use assignment of station WMBQ involving frequencies of 1500 kc., 100 watts, specified hours.

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Examiner Walker recommended grant of application for modification of license seeking authority to use time now used by station WMBQ on 1500 kc., 100 watts night, 250 watts day.

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—Examiner Walker recommended denial of C. P. requesting facilities of WWRL.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Examiner Walker recommended denial of application for renewal of license to operate on 1500 kc., 100 watts, specified hours, and denial as in cases of default of application for C. P.

### APPLICATIONS DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

NEW—R. W. Page, Corp., Phenix City, Ala.—1240 kc., 250 watts, unlimited time.

The following application, heretofore set for hearing, was dismissed with prejudice, inasmuch as applicant's request for withdrawal was received less than 30 days prior to hearing scheduled thereon:

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—1210 kc., 100 watts, 250 watts LS, specified hours.

### MISCELLANEOUS

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted petition to intervene in proceedings relative to application of J. Laurence Martin for C. P. to authorize establishment of a new station in Amarillo, to operate on 1120 kc., 250 watts, specified hours (Docket 4532).

WWJ—Evening News Assn., Inc., Detroit, Mich.—Granted increase in night power to 5 KW for 30 days on a temporary basis, subject to revocation without notice and hearing.

Big Springs Herald Broadcasting Co., Big Spring, Tex.—Granted petition to intervene in the hearing on the application of W. E. Whitmore for a new station at Hobbs, N. Mex., to use 1500 kc., 100 watts, daytime only. Docket 4174.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted petition to intervene in the hearing on the application of G. Kenneth Miller for new broadcast station at Tulsa, Okla., to operate on 1310 kc., 250 watts, daytime only. (Docket 4446.)

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted petition to intervene in hearing on application of The Exponent Co. (Station WBLK, Clarksburg, W. Va.), for modification of C. P. to operate on 1370 kc., 100 watts, unlimited time. (Docket 4538.)

NEW—Ex. Rep. 1-245: W. P. Stuart, Prescott, Ariz.—Granted petition to rehear and review the order granting the application of the Southwest Broadcasting Co., Prescott, Ariz. (Ex. Rep. 1-245), requesting a C. P. to establish a new station in Prescott, Ariz. to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time. This application was granted by the Commission on December 1, 1936, at which time the application of W. P. Stuart to establish a station in Prescott, utilizing 1500 kc., 100 watts, unlimited time was denied.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Denied petition asking Commission to reconsider action in denying C. P. to change frequency from 1310 kc. to 920 kc., and increase power from 100 watts night, 250 watts LS to 250 watts night, 500 watts LS, and to grant the same.

KGB—Don Lee Broadcasting System, San Diego, Cal.—Granted petition to intervene in hearing on application of Warren E. Worcester, San Diego, Cal., for a C. P. to authorize establishment of new broadcast station in San Diego to use frequency of 1400 kc., 250 watts, 1 KW LS, unlimited time. (Docket 4531.)

WSAN—WSAN, Inc., Allentown, Pa.—Denied petition asking Commission to reconsider and grant applications, designated for hearing, in Dockets 4514 and 4515. These are applications of WSAN for Voluntary Assignment of station license of WSAN (Incorporated) a Delaware Corporation to WSAN



(Inc.), a Penna. Corp., recently formed and for the voluntary assignment of license of WCBA to WSAW (Inc.), the Penna. Corp.

WILM—Delaware Broadcasting Co., Inc., Wilmington, Del.—Granted petition for leave to withdraw application for C. P. to move studio and transmitter to Chester, Pa. (Docket 4183).

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted petition to reconsider Commission's action denying application of WHAT for C. P. to authorize changes in equipment and operation on frequency of 1220 kc., with 1 KW, unlimited time, and effective date of Commission's order extended to May 18, 1937.

NEW—Young People's Assn. for the Propagation of the Gospel, Shark River Bay, N. J.—Denied petition asking continuance of hearing, now scheduled for May 12, 1937, on application for C. P. to erect new broadcast station to operate on 640 kc., 5 KW, daytime.

NEW—John Stewart Bryan, Petersburg, Va.—Accepted answer as respondent in re application of Petersburg Newspaper Corp., for C. P. for new station at Petersburg, to operate on 1210 kc., 100 watts night, 250 watts-LS (specified hours on Sunday), scheduled to be heard June 1, 1937. Rule 104.6(b) waived.

NEW—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Reconsidered action of April 27, 1937, designating for hearing application for modification of C. P. to change site, install new equipment, change frequency from 1200 kc. to 1420 kc., and increase power from 100 watts to 250 watts daytime only, and granted the same.

WRC—National Broadcasting Co., Washington, D. C.—Reconsidered action of April 2, 1937, designating for hearing application to increase night power from 500 watts to 1 KW and day power from 1 KW to 5 KW and granted the same.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted amended petition asking Commission to approve transaction by which control of license was relinquished and in connection therewith suspended operation of Rule 103.18, particularly paragraph (b) thereof, relating to the transfer of control of licensed corporations.

L. L. Coryell & Son, Lincoln, Neb.—Continued hearing on application of L. L. Coryell to June 28, 1937 (Docket 4509), and continued time for taking depositions to May 15, 1937.

#### ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. 1-239: Ventura County Star, Inc., Merced Star Pub. Co., Inc., Ventura, Cal.—Denied C. P. for new station to operate on 1170 kc., 250 watts; daytime. (Site to be determined, subject to Commission's approval). Examiner P. W. Seward reversed. Order effective June 22, 1937.

NEW—Ex. Rep. 1-257: Ted R. Woodard, Kingsport, Tenn.—Denied application for C. P. for new broadcast station to operate on 1210 kc., 100 watts, daytime. Examiner R. L. Walker sustained. Order effective June 15, 1937.

NEW—Ex. Rep. 1-286: Leon S. Packard, Lewis H. Stebbins, Alden S. Packard, d/b as Valley Broadcasting Co., Pomona, Cal.—Denied application for C. P. for new broadcast station to operate on 1160 kc., 250 watts, daytime. Examiner R. H. Hyde sustained. Order effective June 29, 1937.

NEW—Ex. Rep. 1-305: The Pottsville Broadcasting Co., Pottsville, Pa.—Denied C. P. for new broadcast station to operate on 580 kc.; 250 watts, daytime. (Site to be determined, subject to Commission's approval). Examiner M. H. Dalberg reversed. Order effective June 29, 1937.

NEW—Ex. Rep. 1-330: Brownwood Broadcasting Co., Brownwood, Tex.—Denied C. P. for new broadcast station to operate on 1370 kc., 100 watts, daytime. (Site to be determined subject to Commission's approval). Examiner R. H. Hyde reversed. Order effective June 15, 1937.

NEW—Ex. Rep. 1-331: Sweetwater Broadcasting Co., Sweetwater, Tex.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, daytime. (Site to be determined, subject to Commission's approval). Examiner R. H. Hyde reversed. Order effective June 22, 1937.

WMAW—Ex. Rep. 1-339: WMAW, Incorporated, Springfield, Mass.—Denied C. P. to make changes in equipment, install directional antenna, move studio, move transmitter from Springfield, Mass. to Agawam, Mass.; change frequency from 1420 to 560 kc., increase power from 100 watts night, 250 watts day to 1 KW, unlimited time. Examiner M. H. Dalberg sustained. Order effective June 8, 1937.

KMPC—Ex. Rep. 1-356: Beverly Hills Broadcasting Corp., Beverly Hills, Cal.—Granted authority to transfer control of cor-

poration from Pacific Southwest Discount Corp., a Delaware corporation, to George A. Richards. Station operates on 710 kc., 500 watts, L-WOR. Examiner R. L. Walker sustained. Order effective June 8, 1937.

WBAX—Ex. Rep. 1-371—John H. Stenger, Jr., Wilkes-Barre, Pa.—Remanded to docket for further hearing on engineering feature, application for modification of license to change hours of operation from specified to unlimited time. 1210 kc., 100 watts.

#### RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

WTBO—Radio Station WTBO, Asso. Broadcasting Corp., Cumberland, Md.—Granted authority to operate in strict compliance with Rules 23.

WJAC—WJAC, Inc., Johnstown, Pa.—Granted authority to operate in strict compliance with Rules 23.

KFXR—Exchange Avenue Baptist Church of Oklahoma City, Okla.—Granted extension of program period 30 days from April 20, 1937.

WAAU-WIEK—Columbia Broadcasting System, Inc., New York City.—Granted authority to operate as licensed April 29 to May 4, inclusive, relaybroadcast program from University of Kentucky.

WJEP—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate as licensed April 25 to May 4, inclusive, relaybroadcast Safety Campaign in Rochester, N. Y. Also granted authority to operate as licensed May 5, relaybroadcast Boy Scout Camp meeting and arrival Rochester Ball Team.

WAAK-W4XBT-W4XBZ—Radio Station WSOC, Inc., Charlotte, N. C.—Granted authority to operate as licensed May 1 through 15th, relaybroadcast opening airport, May 20, dedication Municipal Stadium; also to operate Tuesdays for period April 27 to May 25, inclusive, relaybroadcast from industries and other points. Action taken 4-23. Also granted authority to operate as licensed May 7, relaybroadcast 50th Anniversary, Thompson Orphanage, provided no wire lines available.

W3XGO-W3XGP—Baltimore Radio Show, Inc., Baltimore, Md.—Granted authority to operate as licensed April 29 to May 15, inclusive, relaybroadcast interviews and scenes at Pimlico. Action taken 4-27.

W10XFR—National Broadcasting Co., Inc., New York City.—Granted authority to operate as licensed April 27th.

W10XY-W10XAK-W10XN—National Broadcasting Co., Inc., New York City.—Granted authority to operate as licensed period May 4 to 8, inclusive, connection with tests and relaybroadcast description of Kentucky Derby.

W10XEP—National Broadcasting Co., Inc., New York City.—Granted authority to operate as licensed period May 10 to June 10, relaybroadcast description in re solar eclipse from Canton and Enderbury Islands.

W9XPN-W9XPV—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed period 30 days beginning May 4, relaybroadcast from Douglas County Farms Schools and WPA projects, provided no wire lines available.

KABE—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority to operate May 4, relaybroadcast from University of Minnesota Pharmacy Building, description of the Pharmacy work.

W9XSB—South Bend Tribune, South Bend, Ind.—Granted authority to operate as licensed May 3, 4 and 5, relaybroadcast Indiana PGA Golf Tournament.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted extension program test period March 9 to May 30.

WSPA—Radio Station WSPA, Spartanburg, S. C.—Granted authority to operate with reduced power period not to exceed 10 days, in accordance with Rule 142, pending installation of new resistance.

WSPA—Voice of South Carolina, Spartanburg, S. C.—Granted special temporary authority to operate from local sunset (April, 7 p. m.) to 12 midnight, EST, April 27; and from local sunset (May, 7:30 p. m.) to 12 midnight, EST, May 4, 1937, in order to broadcast primary election returns, using 500 watts power.

Granted petition of Michigan Broadcasting Co. (WMBC), Detroit, to intervene in the proceedings upon the application of Voice of Detroit, Inc., to erect a new station at Detroit (Docket 3998).

Granted petition of The Good Will Station (WJR), Detroit, to intervene in the proceedings upon the application of The Voice of Detroit, Inc., for C. P. for new station (Docket 3998).

Denied motion of the Matheson Radio Co., Ltd. (WHDH), Boston, Mass., for recommitment of Examiner's Report No. 1-380, covering application of the Massachusetts Broadcasting Corp. (WCOP), Boston, for modification of license (Docket 3332).

Granted request of Northern Broadcasting Co., Inc. (WSAU), and directed that date of further hearing upon application of Northern Broadcasting Co., Inc., Wasau, Wis., Docket 4374, be advanced from 10 a. m. on July 2 to 10 a. m. on April 30.

Granted joint motion of Wave, Inc. (WAVE), Louisville, Ky.; WDAY, Inc., Fargo, N. Dak.; Congress Square Hotel Co. (WCSH), Portland, Me.; KOIN, Inc., Portland, Ore.; and Bremer Broadcasting Co. (WAAT), Jersey City, respondents, for postponement of hearing upon application of World Publishing Co., Tulsa, Okla., Docket 4185, and KGKL, Inc., San Angelo, Tex., Docket 4479, for C. P.'s, now scheduled for May 18, and further directed that these applications be heard together with the applications of El Paso Broadcasting Co., El Paso, Tex., and the Tribune Co., Tampa, Fla., Dockets Nos. 4545 and 3932, respectively, on June 16, 1937.

Granted petition of National Battery Broadcasting Co. for authority to announce Station KSTP as being located at St. Paul and Minneapolis, using the following announcement: "This is Station KSTP with studios in St. Paul and Minneapolis." The Broadcast Division also granted authority to Minnesota Broadcasting Corp. (WTCN) and Columbia Broadcasting System, Inc. (WCCO), to make similar announcements, and approved letters to the above stations notifying them of same.

NEW—F. W. Borton, Coral Gables, Fla.—Dismissed, at request of applicant, and directed that an order be entered accordingly and forwarded to all interested parties, application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited.

Granted motion of Northern Corp., respondent, for extension of time within which to file exceptions under Ex. Rept. No. 1-380, covering the application of the Massachusetts Broadcasting Corp. (WCOP), Boston, and directed that all parties interested in these proceedings be given until May 6, 1937, to file exceptions to Ex. Rept. 1-380.

## APPLICATIONS RECEIVED

### First Zone

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—License 1210 to cover construction permit (B1-P-1511) for a new transmitter and antenna, increase in power, and move of transmitter and studio.

NEW—Platt & Platt, Inc., Poughkeepsie, N. Y.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time.

WNBK—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—1500 License to cover construction permit (B1-P-1642) for changes in equipment and increase in power.

W2XE—Columbia Broadcasting System, Inc., Wayne, N. J.—License to cover construction permit (B1-PA-12) for a new transmitter and increase in power.

WJEN—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—License to cover construction permit for a new relay station.

### Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification 560 of construction permit (B2-P-1085) for changes in equipment, vertical antenna, increase in power, and move of transmitter, further requesting changes in antenna and move of transmitter from 1500 feet north of Monument and City Line Avenue, Merion Twp., Pennsylvania, to 63rd Street and Schuylkill River, Philadelphia, Pa., and extend commencement and completion dates.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification 560 of construction permit (B2-P-1085) for new equipment, increase in power, new antenna, and move of transmitter, requesting extension of commencement and completion dates.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Construction 560 permit to install a new transmitter and directional antenna for day and night use, increase power from 1 KW to 5 KW, and move transmitter from 1500 feet north of Monument and City Line Avenue, Philadelphia, Pa., to 63rd Street and Schuylkill River, Philadelphia, Pa.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—License to 1210 cover construction permit (B2-P-1368) for a new transmitter.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—1310 Modification of construction permit (B2-P-1367) for a new transmitter, requesting change in power from 100 watts night, 250 watts day, to 100 watts day and night, and make changes in antenna.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Modification of 1310 construction permit (B2-P-1708) to make changes in transmitting equipment and increase power from 100 watts to 100 watts night, 250 watts day, and extend commencement and completion dates.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—1370 License to cover construction permit (B2-P-1376) for a new transmitter.

W8XLT—Leo J. Omelian, Erie, Pa.—License to cover construction permit for a new relay broadcast station.

NEW—KQV Broadcasting Co., Pittsburgh, Pa.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—KQV Broadcasting Co., Pittsburgh, Pa.—License to cover above.

### Third Zone

NEW—Carolinas Radio, Inc., Charlotte, N. C.—Construction 880 permit for a new station to be operated on 880 kc., 500 watts night, 1 KW day, unlimited time. Amended: To change power from 500 watts night, 1 KW day to 1 KW day and night.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Construction 1260 permit to install a new transmitter and increase power from 1 KW to 1 KW night, 5 KW day.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Authority 1390 to determine operating power by direct measurement of antenna.

KGNC-KFYO—Plains Radio Broadcasting Co., Amarillo, Tex.—1410 Authority to transfer control of corporation from estate of Wilbur C. Hawk and Gene A. Howe to Globe-News Publishing Co., Inc., 498 shares common stock.

NEW—Meno Schoenbach, Woodward, Okla.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, unlimited time.

NEW—George H. Evans & Davis O. Vandivier, d/b as The 1500 Chickasha Daily Express, Chickasha, Okla.—Construction permit for a new station to be operated on 1500 kc., 250 watts, daytime. Amended: To give name of applicant as George H. Evans & Davis O. Vandivier, d/b as The Chickasha Daily Express.

NEW—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

WBPA—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—License to cover construction permit for a new relay broadcast station.

### Fourth Zone

WILL—University of Illinois, Urbana, Ill.—License to cover construction 890 permit (B4-P-1219) as modified, for directional antenna and move of transmitter.

NEW—Jules J. Rubens, Aurora, Ill.—Construction permit for a 1040 new station to be operated on 1040 kc., 250 watts, daytime.

WSBC—WSBC, Incorporated, Chicago, Ill.—License to cover construction 1210 permit (B4-P-1506) for new equipment and increase in power.

KGBX—Springfield Broadcasting Co., Inc., Springfield, Mo.—1230 Modification of license to make changes in directional antenna.

NEW—Martin R. O'Brien, Aurora, Ill.—Construction permit for a 1500 new station to be operated on 1500 kc., 250 watts, daytime.

W9XAI—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—License to cover construction permit (B4-PRE-95) for a new transmitter and increase in power.

W9XAL—The First National Television Corp., Kansas City, Mo.—Construction permit to move station from 106 West 14th Street to 911 Walnut Street, Kansas City, Mo.

WJER—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit to increase power from 7.5 watts to 30 watts.

WJER—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—License to cover above.

### Fifth Zone

KEHE—Hearst Radio, Inc., Los Angeles, Calif.—Construction 780 permit to erect an auxiliary transmitter at KEHE's present site to operate on 1 KW power for emergency purposes only.

NEW—Dickmar Broadcasting Co., San Diego, Calif.—Construction  
890 permit for a new station to be operated on 890 kc., 1 KW  
night, 5 KW day, unlimited time. Amended: To change  
name of applicant from R. M. Dickinson to Dickmar  
Broadcasting Co.

NEW—Richard Field Lewis, Oakland, Calif.—Construction permit  
1160 for a new station to be operated on 1160 kc., 1 KW, daytime.

KPFA—The Peoples Forum of the Air, Helena, Mont.—Modifica-  
1210 tion of construction permit (B5-P-1577) for a new station,  
requesting changes in authorized equipment and for ap-  
proval of transmitter and studio sites at 1800 E. 11th,  
Helena, Montana. Amended: Changes in equipment, in-  
crease power from 100 watts to 100 watts night, 250 watts  
day and approval of transmitter and studio at 11th Street  
near Intermountain College, Helena, Montana.

NEW—Sims Broadcasting Co., Bartley T. Sims, Mgr., Globe,  
1210 Ariz.—Construction permit for a new station to be operated  
on 1210 kc., 100 watts night, 250 watts day, unlimited time.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Modification of

1230 construction permit (B5-P-328) for new equipment, in-  
crease in power and move of transmitter, requesting exten-  
sion of completion date from 5-15-37 to 7-15-37.

KMED—Mrs. W. J. Virgin, Medford, Oregon.—License to cover  
1310 construction permit (B5-P-1194) for changes in equipment,  
change in hours of operation and move of transmitter.

KGAR—Tucson Motor Service Co., Tucson, Arizona.—Construc-  
1370 tion permit to change frequency from 1370 kc. to 1340 kc.,  
change power from 100 watts night, 250 watts day to 250  
watts, install a vertical antenna and move transmitter from  
Sixth Avenue & 12th Street, Tucson, Arizona to N. W.  
corner of Prince Road & N. First Avenue, Tucson, Arizona.

#### Hawaiian Zone

KGU—Marion A. Mulrone and Advertiser Publishing Co., Ltd.,  
750 Honolulu, T. H.—Modification of construction permit (B-P-  
1312) for changes in equipment, requesting extension of com-  
pletion date.



**KENNETH HOUSEMAN**

Members contemplating employing Kenneth Houseman should first communicate with Harold F. Gross, Radio Station WJIM, Lansing, Michigan. Mr. Gross will appreciate any information concerning this man's whereabouts.

**SENATOR DUFFY ON COPYRIGHTS**

Senator Duffy of Wisconsin, made a speech recently before the Section of International and Comparative Law of the American Bar Association on the convention for the protection of literary and artistic works. Anyone interested in the speech will find it reprinted in the May 6th issue of the Congressional Record.

**BROADCASTING COPYRIGHT MUSIC**

The following statement was issued recently by the Performing Right Society of Great Britain:

"The license granted by the Performing Right Society for the broadcasting of the copyright music it controls by the British Broadcasting Corporation having expired on December 31 last, both bodies agreed that the terms of payment for a further license should be settled by voluntary arbitration. The arbitrators (A. T. Miller, K. C., Chairman; Sir Harold Gibson Howitt; and Sir William Jarratt) whose hearings extended over thirteen days, have now issued their Award. This provides for payment to the Society in respect of the Home broadcasting stations of a sum calculated at the rate of 7d. per listener's license, such payment to be made monthly on the basis of the number of licenses in force at the end of the preceding month. In addition, payment is to be made in respect of the Empire service at the rate of one-tenth of the amount payable for the Home stations."

The Award is for a period of two years from January 1, 1937.

**IOWA LEGISLATURE PASSES RADIO LIBEL BILL**

The General Assembly of the State of Iowa has enacted the following law in respect of libel by broadcasting:

An Act in relation to the civil liability of owners, lessees, licensees and operators of radio broadcasting stations and the agents and employees of any such owner, lessee, licensee or operator, for radio defamation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. The owner, lessee, licensee or operator of a radio broadcasting station, and the agents or employees of any such owner, lessee, licensee or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a radio broadcast, by one other than such owner, lessee, licensee or operator, or agent or employee thereof, if such owner, lessee, licensee, operator, agent or employee, shall prove the exercise of due care to prevent the publication or utterance of such statement in such broadcast.

Section 2. This act shall not be applicable to or affect any cause of action existing at the time this act becomes effective.

**STATUS OF PENDING RADIO LITIGATION**

Following are the radio cases now pending in the United States Court of Appeals for the District of Columbia:

<b>IN THIS ISSUE</b>		<i>Page</i>
Kenneth Houseman .....		2089
Senator Duffy on Copyrights.....		2089
Broadcasting Copyright Music.....		2089
Iowa Legislature Passes Radio Libel Bill.....		2089
Status of Pending Radio Litigation.....		2089
Brown Interviewed on WGAR.....		2090
Recommends Denial of New Station.....		2091
New Puerto Rican Station Recommended.....		2091
Recommends Against Power Increase.....		2091
Recommends KGFF Application Dismissed.....		2091
Federal Trade Commission Action.....		2091
Federal Communications Commission Action.....		2093

**Make Your Plans Now to Attend the NAB Convention  
 at Hotel Sherman, Chicago, June 20-23, 1937**

No. 6762—Paul R. Heitmeyer, Cheyenne, Wyo. vs. FCC.

No. 6772—Eastland Company vs. FCC.

No. 6773—Congress Square Hotel Company, Logan, Utah vs. FCC.

No. 6852—Great Western Broadcasting Association, Inc., Logan, Utah vs. FCC.

No. 6853—Great Western Broadcasting Association, Inc., Provo, Utah vs. FCC.

No. 6854—Intermountain Broadcasting Corporation, vs. FCC.

No. 6866—Pulitzer Publishing Company vs. FCC.

No. 6869—Missouri Broadcasting Company vs. FCC.

No. 6870—A. H. Belo (licensee of WFAA) vs. FCC.

No. 6906—Red River Broadcasting Company, Inc., vs. FCC.

No. 6911—Continental Radio Company vs. FCC.

No. 6931—Tri State Broadcasting Company, Inc., (licensee of KTSM) vs. FCC.

The following case is pending in the District Court of the United States for the District of Columbia:

No. 64322—Black River Valley Broadcasts, Inc. vs. Anning S. Prall et al.

## BROWN INTERVIEWED ON WGAR

Federal Communications Commissioner, Thad H. Brown, was interviewed this week on station WGAR, Cleveland, by Ted Hanna of the Cleveland News. Included in the interview was the following:

*Mr. Hanna:* Do you think, Commissioner Brown, that there is any basis for the charge sometimes heard that there is censorship of radio broadcasting?

*Comm. Brown:* There has been a great deal of talk about governmental control of programs, about censorship and all of that, but I am not aware of any action either direct or indirect which would warrant any belief that the government intends, now or later, to censor or limit radio as an avenue of free speech. Under the Communications Act, we are prohibited from exercising any degree of censorship. Rest assured, Mr. Hanna, there is full freedom of speech on the air in America today.

*Mr. Hanna:* Of course, there are a lot of people who think radio is given over to too much frivolous entertainment and ought to be controlled more rigidly in that respect.

*Comm. Brown:* That is true enough, but can you suggest any better method without entailing program dictatorship by the Commission? Radio has a great many faults, but it cannot be accused of political partisanship or of failing to give the people what most of them like to hear. Every person, after all, is his own radio censor controlling his own dial. Then, of course, there is the Federal Trade Commission to regulate improper advertising and they are doing a very satisfactory job in out-

lawing offensive products and claims, if not actually stimulating the broadcasters to see that better advertising copy is written.

*Mr. Hanna:* Do you believe in advertising support in radio?

*Comm. Brown:* There is only one other alternative—radio set taxes such as the British and most European countries impose. But, over there the Governments manage the radio, which manifestly means that the parties in power could control it. I think our American system is superior in that it is kept free from political control just like our newspapers. There must always be freedom of speech on the radio just as there is freedom of the press.

*Mr. Hanna:* We all know, Commissioner Brown, that great strides in broadcasting have been made the past few years from the cumbersome experimental sets to the splendid reception of today. I am sure that the Commission has done many things to bring this about. What do you think the average listener may expect in radio within the next few years?

*Comm. Brown:* That is a large order indeed, Mr. Hanna. The experiences of the past teach us to be cautious in making any statements concerning the future. So fantastic have the accomplishments of the past been that the things which are to come truly stagger the imagination.

Radio continues to play an important part in many varied fields of endeavor besides that of broadcasting. Daily it expands the communication frontiers to the farthest corners of the world. These strange voices from the fringes of the earth are the foes of silence and of distance and of time. We hear it reliably said that a day will come when your radio receiver will print your newspaper in your home, bring you actual pictures of events and reproduce sound with absolute fidelity.

*Mr. Hanna:* It would seem from all this then, Commissioner Brown, that radio touches the lives of all of us and that the Communications Commission has an extremely important function to perform.

*Comm. Brown:* That is correct, Mr. Hanna. It is extremely difficult to estimate the true effect upon the American people of radio broadcasting today. Radio, like the newspaper, is preacher, teacher, father, counsellor, entertainer, informer and helper. Every morning it, figuratively speaking, starts the cycle of life, then every evening banks the fire and winds the clock. The waking hours of millions of Americans are paced to the tempo of the radio. There is no escaping its influence.

The world of radio touches the life and the thought of practically every citizen in the nation. There is not a man, woman, or child within the sound of our voices or anywhere in these United States whose welfare and future are not going to be affected by radio. That being so, it devolves upon the Communications Commission to make

these instruments of communication more effective in order that they may contribute as much as possible to the life and the culture and the development of the American people.

### RECOMMENDS DENIAL OF NEW STATION

Leonard A. Versluis applied to the Federal Communications Commission for a construction permit for the erection of a new station at Grand Rapids, Mich., to use 830 kilocycles, 500 watts and daytime operation.

Examiner Ralph L. Walker in Report No. I-406 recommended that the application be denied. He found that "operation of a station as proposed will cause objectionable interference within the normally protected service area of one existing station, namely WKAR, at East Lansing, Mich."

### NEW PUERTO RICAN STATION RECOMMENDED

Juan Piza, applied to the Federal Communications Commission for a construction permit for the erection of a new station at San Juan, Puerto Rico, to use 1500 kilocycles, 100 watts night and 250 watts until local sunset and unlimited time on the air.

Examiner P. W. Seward in Report No. I-407 recommended that the application be granted. He found that a need does exist for the additional radio service proposed in the area. The Examiner states that granting of the application would be in the public interest.

### RECOMMENDS AGAINST POWER INCREASE

Broadcasting station WHOM, Jersey City, N. J., operating on 1450 kilocycles, 250 watts unlimited time applied to the Federal Communications Commission to increase its daytime power to 1,000 watts.

Examiner R. H. Hyde in Report No. I-410 recommended that the application be denied. He found that the applicant "has not shown a public need for additional daytime facilities in the area proposed to be served such as would warrant the increase in power proposed herein with the resultant increase in interference conditions which the evidence indicates would be likely to follow."

### RECOMMENDS KGFF APPLICATION DISMISSED

Broadcasting Station KGFF, Shawnee, Okla., operating on a frequency of 1420 kilocycles, 100 watts and 250 watts LS and unlimited time applied to the Federal Communications Commission to change its frequency to 1430 kilocycles, and its power to 250 watts, all time.

When the matter came on for hearing the applicant requested permission to withdraw the application without prejudice.

Examiner P. W. Seward in Report No. I-409 recommended that the application be dismissed without prejudice.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

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

**No. 3121.** Misrepresentation of the curative value of a preparation known as "A & O", offered as an effective treatment for colds, is alleged in a complaint issued against **Joe Anderson**, trading as **The A & O Company, New Bern, N. C.**

In advertising matter and radio broadcasts, the respondent allegedly makes representations to the effect that his product relieves and cures the most stubborn colds when other treatments fail, giving relief with the first dose; that it checks fever, restores the system to normal, and protects one from influenza, pneumonia or serious lung trouble; that it is a secret combination of ingredients which doctors prescribe for colds, and is entirely different from any other known preparation.

**No. 3122.** Alleging use of unfair methods of competition in the sale of a preparation known as "Radio Active Hair Restorer," a complaint has been issued against **Mary Mauthe**, trading as **Mauthe & Son Remedy Co., 923-927 Twenty-third St., Denver, Colo.**

The respondent allegedly represents in advertising matter and in radio broadcasts that her preparation is not a dye and is harmless to the most delicate scalp and hair; that it will effectively restore the natural color of the hair and bring to gray hair a lustrous, youthful and permanent color, and that it will stop falling hair, promote growth of the hair, and do away with dandruff.

**No. 3123.** A complaint has been issued against **John Petrie**, 6023 Harper Ave., **Chicago**, trading under the names **Purity Products Co.** and **BX Laboratories.**

The complaint charges violation of Section 5 of the Federal Trade Commission Act, through unfair competition in the sale of feminine hygiene products.

These preparations, sold under the names "Minex", "Hygeen Tablets", and other names, allegedly were advertised as competent and reliable treatments or remedies, when, in fact, according to the complaint, they were not effective as treatments for the ailments or conditions designated.

**No. 3124.** Charging unfair competition in the sale of medicinal products, a complaint has been issued against **Wolf Drug Company**, 683 Broad St., **Newark, N. J.**, and certain other affiliated firms and individuals with headquarters in **Newark and New York.**

As a part of their advertising and sales promotion plans, the respondents, according to the complaint, have registered with the United States Patent Office the trade name "Health Institute, Battle Creek, Michigan", thus representing that they conduct a place of business at Battle Creek and that they are an "institute". The complaint alleges that no clinic is maintained nor are any research work, experiments or analyses performed by these respondents, and that they do not operate laboratories in Battle Creek or anywhere, but have merely a Battle Creek mailing address.

**No. 3125.** **Kelvinator Corporation**, 14250 Plymouth Road, and **Ross Roy Service, Inc.**, 403 West Baltimore Ave., both of **Detroit**, are charged, in a complaint, with unfair competition through cooperating to disparage the products of Kelvinator's competitors.

Ross Roy Service, Inc., is alleged to have published statistical data regarding mechanical refrigerators in "The Ross Roy Comparative Hand-Book", and in a series of bulletins, such publications allegedly having been issued in cooperation with Kelvinator Corporation, which gave financial assistance although, according to the complaint, no connections between Kelvinator and Ross Roy were indicated. These publications were distributed to approximately 5,000 dealers in and distributors of Kelvinator refrigerators, who are alleged to have paid Ross Roy Service, Inc., substantial amounts for them.

The respondents are charged with representing that the material in the statistical hand-book and other literature was accurate,

authoritative and unbiased, and that it was published entirely independent of all manufacturers, when, according to the complaint, these were not the facts. The purpose of such representations allegedly was to mislead the trade and buyers into believing that the representations and comparisons made were those of a disinterested organization having no connection with Kelvinator Corporation.

The concealment of this affiliation, according to the complaint, was calculated to prevent Kelvinator's competitors from fixing responsibility on it for such representations, and the methods devised and adopted by the respondents are alleged to have been calculated to deceive the trade and buyers as to the origin and weight of the attacks made upon competitive producers.

**No. 3126.** Unfair competition in the sale of the "Circe Line" of packaged drugs, chemical specialties and feminine hygiene products, is alleged in a complaint issued against **M. J. Levinson**, trading as **J. Lewis, Francine Laboratories and Superior Products Co.**, 1302 South Karlov Ave., Chicago, and 539 State St., Hammond, Ind.

Advertising for agents to sell his products, including "our superb line of French cosmetics," the respondent is alleged to have represented that agents could obtain certain articles to sell at retail prices of \$4.95 and \$19.20 by depositing, respectively, \$2.45 and \$7.50; and that profits of \$10 to \$20 a day awaited such prospective agents. However, the complaint charges that the respondent's plan was primarily not to obtain agents but to sell his products to the applicants for the so-called deposit prices.

### Stipulations and Orders

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

**No. 01562.** **Minard Co., Framingham, Mass.**, agrees to stop asserting that either Minard's Inhalant or Minard's Nose and Throat Drops, or a combination of both, is a competent remedy for treating colds or hay fever, unless this assertion is limited to temporary relief from the pains and discomforts of these ailments. Other similar representations to be discontinued are that these two preparations keep thousands of persons happy or healthy, or free from colds, or are known the world over for their effectiveness, and that Minard's Liniment is competent in treating rheumatic muscular pains.

**No. 01563.** **Hiram Colwell, Manawa, Wis.**, selling a course of instruction designated "Easy Talk Method", agrees to stop advertising, inferentially or otherwise, that this method constitutes a specific for the treatment of stammering or stuttering; that it is the one and only sure way to gain perfect control of speech, and that by use of this method, a person may improve his speech almost immediately or be enabled to speak normally in a short time.

**No. 01564.** **The Knox Co., Chamber of Commerce Building, Los Angeles**, agrees to stop advertising Kolade Powders as a competent treatment for colitis, unless this allegation is limited to palliative relief of functional irritation of the colon which is due to gastric hyperacidity. Other similar representations will be discontinued, including the assertion that Kolade Powders constitute a perfected prescription or have triple action.

**No. 01565.** **O. J. Parham, Shreveport, La.**, trading as **O. J.'s Beauty Lotion Co.**, agrees to ban the representation that the daily use of **O. J.'s Beauty Lotion** will reward one with immediate results. Parham also will stop advertising that the product will banish pimples, unless the claim is limited in reference to pimples due to external causes. Parham also will desist from the assertion that this lotion acts as a deep pore cleanser, will produce a perfect complexion, is the "all-in-one beautifier", or is the miracle of the cosmetic field.

**No. 01566.** **Eastern Oil Co., Inc., 124 Green St., Worcester, Mass.**, in selling its Eastern Benzol Blend Gasoline, agrees to stop advertising it as the perfect motor fuel, or the gas of proven performance, and to stop asserting that this gas guarantees more mileage and insures instant pick-up. The respondent also stipulates that it will ban the representation that its gas "powers" the engines of Gar Wood or Sir Malcolm Campbell, and "fires" the motors of the Graf Zeppelin, or is used, by operators of the Dornier Dox or other craft requiring high efficiency operation, and that its performance exceeds the specifications set by the United States Bureau of Standards, when, in fact, according to the stipulation, there is no evidence to substantiate these claims.

**No. 01567.** **Dr. J. M. Bette and John Alger, trading as Alger Dental Laboratories, 1562 North Wells St., Chicago**, agree to cease representing that the false teeth they make are

double tested; that the dental plates they produce are better than those made by dental practitioners; that from impressions made by purchasers, the respondents can or do make dental plates that can always be relied upon, and other similar representations. In their stipulation the respondents admit, among other things, that dental plates or false teeth made from impressions self-taken by persons with whom the dentist has had no personal contact, are not better than plates made by dentists from the impressions they take directly from the patients.

**No. 01568.** **Wyeth Chemical Co., 691 Larned St., Detroit**, agrees to stop advertising that use of Hill's Cold Tablets affords a fast or effective method of combating a cold and that "any doctor will tell you that nothing breaks up a cold like Hill's Cold Tablets", and that "your vitality returns" through use of the preparation.

**No. 01569.** **C. O. Selig, 401 N. W. Fifth Ave., Fort Lauderdale, Fla.**, stipulates that he will cease advertising Selig's Stopitch as a competent treatment for all types of athlete's foot and for tropical sores, skin eruptions and other similar afflictions, and that the preparation will stop all forms of itch.

**No. 01570.** **John T. Kennedy Sales Co., 2539 Southwest Blvd., Kansas City, Mo.**, trading as **Givens Chemical Co.**, will bar use of the assertion that its Cleartone preparation is a competent remedy in the treatment of pimples or other skin afflictions, unless the reference is limited to superficial disorders and to such relief as may result from use of an antiseptic. The respondent will stop representing that the idea that a lovely complexion is a gift of nature is a fallacy, or that by the Cleartone treatment one may have a youthful or healthy complexion.

**No. 1612.** An order to cease and desist entered June 30, 1930, against **J. A. and L. G. Stransky**, trading as **J. A. Stransky Manufacturing Co., Pukwana, S. Dak.**, has been set aside and the case has been reopened for the taking of testimony. The respondents are engaged in the interstate sale of a device designated as a "Vaporizer and Carbonizer" for use on automobiles.

The respondents had stipulated as to the facts involved in the case and agreed that the Commission might state its findings as to the facts and enter an order directing them to cease and desist from making certain false and exaggerated representations as to the increased motor power, saving of gasoline and other beneficial results accomplished by use of their product.

**No. 1940.** **Trav-Ler Radio & Television Corporation, 1028 West Van Buren St., Chicago**, stipulates that it will cease using as a trade name or brand for its radio sets the word "Majestic," alone or in connection with the words "Radio Corp.," or with other words so as to imply that its sets are made by Grigsby-Grunow Company, Chicago, originally the manufacturer of Majestic sets, or by its successor, Majestic Radio & Television Corporation, Chicago, when such is not a fact.

**No. 1942.** **Wohlfeiler & Schlain, Inc., 133 Wooster St., New York**, luggage manufacturer and dealer, agrees to ban use of the word "cowhide," alone or in conjunction with the phrase "warranted genuine," or with other words, as a stamp or label for or to describe articles not composed of leather made from the top or grain cut or layer of cowhide. The stipulation provides that if the respondent's products are composed of leather made from the inner or flesh cut, and the word "cowhide" is used to describe them, such word shall be accompanied in conspicuous type by other words specifically disclosing that the articles described are not composed of leather made from the top or grain layer of the cowhide.

**No. 1945.** **Phil Bobys Co., Inc., 725 Seventh St., N. W., Washington**, retailer of wearing apparel on a credit basis, agrees to cease describing furs in any other way than by use of the correct name of the fur as the last word of the description. The respondent also agrees that when any dye or blend is used to simulate another fur, the true name of the fur, appearing as the last word of the description, shall be immediately preceded by the word "dyed" or "blended," compounded with the name of the simulated fur, as thus: Northern Sealine—Dyed Rabbit; Beaverette—Dyed Rabbit; or French Beaver—Dyed Rabbit.

The respondent stipulates that he will discontinue use of the word "free" in describing alleged gift articles, when in fact they are not given free but as a consideration for services performed, such as the bringing in of new customers. The company also will ban use of the word "free" to describe articles represented to be given without cost with the purchase of other merchandise, when, in fact, the cost of such alleged free articles is included in the selling price of the merchandise.

**No. 1946.** **A. B. Thomas, 1226 California St., Denver, Colo.**, has entered into a stipulation to discontinue unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act, in selling a correspondence course in forestry.



Under the stipulation, Thomas agreed to cease making representations implying that students having no more than a high school education, upon completion of the course, would be eligible to take and able to pass a United States Civil Service examination for positions in the Government Forest Service, and would have the necessary education and experience to warrant the acceptance of their applications for such positions by the Civil Service Commission.

**No. 2726. Food Display Machine Corporation**, 325 West Huron St., Chicago, has been ordered to discontinue unfair methods of competition in connection with the sale of potato chip machines in interstate commerce.

According to findings in the case, the respondent company advertised that operators of its machines make "as much as \$23 a day," "up to \$117 a week," and other exaggerated amounts.

**No. 3042. Gynex Corporation**, having places of business at 211 East 19th St. and 301 Madison Ave., New York, has been ordered to cease and desist from misrepresenting the therapeutic value and effectiveness of certain feminine hygiene preparations and appliances, some of which it sells under the names "Gynettes," "Gyn-o-sol," "Gynex Tablets" and "Viornetts."

The respondent corporation is directed to discontinue advertising its products as competent and effective treatments or cures for the ills and diseases peculiar to women, and that such products may be used with safety and without deleterious effects.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, May 17:

Monday, May 17

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—General Electric Co., Belmont, Calif.—C. P., 9530, 15330 kc., 20 KW, unlimited time, in accordance with Rule 983.  
NEW—Church of Jesus Christ of Latter-Day Saints, State of Utah, County of Salt Lake, exact site to be determined.—C. P., 6080, 11830, 17780 kc., 50 KW, unlimited.

Tuesday, May 18

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—John D. Fields, Inc., Las Vegas, Nev.—C. P., 1370 kc., 100 watts, unlimited time.  
KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Modification of C. P., 570 kc., 1 KW, 5 KW LS, unlimited time (directional antenna). Present assignment: 570 kc., 250 watts, 1 KW LS, unlimited time.

Wednesday, May 19

#### HEARING BEFORE AN EXAMINER (Broadcast)

- KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—C. P., 1340 kc., 250 watts, 500 watts LS, unlimited. Present assignment: 1210 kc., 100 watts, unlimited time (requests facilities of KGDY).  
KGDY—Voice of South Dakota, Huron, S. Dak.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited. Present assignment: 1340 kc., 250 watts, daytime (requests facilities of KWTN).  
KGDY—Voice of South Dakota, Huron, S. Dak.—Renewal of license, 1340 kc., 250 watts, daytime.  
KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.—Renewal of license, 1210 kc., 100 watts, unlimited time.  
KGDY—F. Koren, Robert J. Dean and M. W. Plowman, Transferors, and Greater Kampeska Radio Corp., Transferee, Huron, S. Dak.—Authority to transfer control of corporation; 1340 kc., 250 watts, daytime.

Thursday, May 20

#### HEARING BEFORE AN EXAMINER (Broadcast)

- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—C. P., 1380 kc., 1 KW, unlimited time. Present assignment: 1380 kc., 500 watts, simultaneous day with WSMK, specified hours night.

## ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

### Examiner's Report No. 1-336:

NEW—Bay County Publishers, Inc., Panama City, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

### Examiner's Report No. 1-370:

NEW—Falls City Broadcasting Corp., Falls City, Nebr.—C. P., 1310 kc., 100 watts, unlimited time.

### Examiner's Report No. 1-373:

J. L. Statler, M.D., d/b as Baker Hospital, Muscatine, Iowa.—Authority to transmit programs to stations in Canada and Mexico.

### Examiner's Report No. 1-377:

NEW—Radio Enterprises, partnership of R. Lacy and J. R. Curtis, Lufkin, Tex.—C. P., 1310 kc., 100 watts, daytime.

NEW—Red Lands Broadcasting Assn., Ben T. Wilson, Pres., Lufkin, Tex.—C. P., 1310 kc., 100 watts, daytime.

Friday, May 21

### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, Tex.—C. P., 1500 kc., 100 watts, unlimited time.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—C. P., 1440 kc., 500 watts, 1 KW LS, unlimited. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited time.

### APPLICATIONS GRANTED

WJER—The Journal Co. (The Milwaukee Journal), Mobile.—Granted C. P. to make changes in equipment and increase power from 7.5 watts to 30 watts. Also granted license covering same.

KEHE—Hearst Radio, Inc., Los Angeles, Calif.—Granted C. P. for auxiliary transmitter with authority to operate with 1 KW for emergency purposes only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted C. P. to make changes in equipment.

WCBD—WCBD, Inc., Chicago, Ill.—Granted C. P. to move transmitter site approximately 36 miles from Temple Site, Zion, Ill., to Church Road, Addison Twp., Ill., and install new equipment and vertical radiator.

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted license to cover C. P., 1370 kc., 100 watts, unlimited time.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted license to cover C. P., 1370 kc., 100 watts night, 250 watts day, specified hours.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted license to cover C. P., 1210 kc., 100 watts night and day, specified hours.

WATL—J. W. Woodruff, tr. as Atlanta Broadcasting Co., Atlanta, Ga.—Granted license to cover C. P. and modifications; 1370 kc., 100 watts night, 250 watts day, unlimited.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted license to cover C. P., 1410 kc., 250 watts, unlimited time.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted license to cover C. P., 1210 kc., 100 watts night, 250 watts day, unlimited time.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted license to cover C. P., 1500 kc., 100 watts night, 250 watts day, unlimited time.

WILL—University of Illinois, Urbana, Ill.—Granted license to cover C. P. and modifications thereof; 580 kc., 1 KW, daytime only, using directional antenna system.

WFIL—WFIL Broadcasting Co., Philadelphia Pa.—Granted modification of C. P. approving transmitter site and vertical radiator; also extension of commencement date to 60 days after grant and completion date to 180 days thereafter.

WPHR—WLBG, Inc., Richmond, Va.—Granted modification of C. P. approving transmitter and studio sites at Richmond, Va., installation of new equipment and vertical radiator.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Granted modification of C. P. extending completion date to July 15, 1937.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted modification of C. P. for authority to make changes in equipment and antenna system, and reduce day power from 250 to 100 watts.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted modification of license to operate with 1 KW day and night, unlimited time, on a permanent basis subject to Rule 131; 1240 kc.

KRMC—Roberts-McNab Co., Jamestown, N. Dak.—Granted modification of license for authority to change frequency from 1310 kc. to 1370 kc., and increase time of operation from simultaneous day with Station KVOX and sharing with KVOX at night, to unlimited.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted modification of license to install vertical radiator, increase power from 250 watts, daytime only, to 100 watts night, 250 watts day, unlimited time.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted authority to determine operating power by direct measurement.

WHBC—Edward P. Graham, Canton, Ohio.—Granted authority to install automatic frequency control, subject to the condition it shall not be construed as a finding upon the application of Nolan S. Walker nor upon application for renewal of license of station WHBC and voluntary assignment of license and C. P. from this applicant to The Ohio Broadcasting Co., nor upon any issues involved therein, nor that the operation of the station is or will be in the public interest beyond the express terms hereof.

W9XAL—First Natl. Television, Inc., Kansas City, Mo.—Granted C. P. to move transmitter from the Power and Light Building to a new site on 34th floor, Fidelity Building, Kansas City.

WBPA—The Natl. Life & Accident Ins. Co., Inc., Mobile (Nashville, Tenn.)—Granted license to cover C. P. for new relay broadcast station; frequencies 1606, 2022, 2102 and 2758 kc.; 20 watts.

W9XAI—The Journal Co. (The Milwaukee Journal), Mobile—Granted license to cover C. P. authorizing changes in equipment and increase in power from 7.5 watts to 50 watts.

W8XJV—WJR, The Goodwill Station, Mobile—Granted modification of C. P. extending commencement date to 5-22-37 and completion date to 8-22-37.

#### SET FOR HEARING

NEW—Dr. William States Jacobs Broadcasting Co., Houston, Tex.—Application already in hearing docket, amended to request C. P. for new station to operate on 1220 kc., unlimited time, 1 KW, using directional antenna system for nighttime operation.

NEW—Great Lakes Broadcasting Corp., Cleveland, Ohio—C. P. for new station amended to request 1270 kc., 1 KW night, 5 KW day, unlimited time, using directional antenna for both day and night operation.

NEW—Galesburg Broadcasting Co., Galesburg, Ill.—C. P. for new station to operate on 1500 kc., 250 watts, daytime only; exact transmitter site to be determined with Commission's approval.

NEW—Jules J. Rubens, Aurora, Ill.—C. P. for new station, 1040 kc., 250 watts daytime only; exact transmitter and studio sites, and type of antenna to be determined with Commission's approval.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—C. P. for changes in equipment; install vertical radiator; increase power and time of operation from 500 watts night, 500 watts day, S-KVOD to 1 KW, unlimited time.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—C. P. to move transmitter and studio locally; install vertical radiator and new equipment; change frequency from 1200 to 1420 kc.; increase power and time of operation from 100 watts night, 100 watts day, S-WJBW to 100 watts night, 250 watts day, unlimited time.

NEW—Platt and Platt, Inc., Poughkeepsie, N. Y.—Application for C. P. for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time; exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—C. P. for new station to operate on 1010 kc., 250 watts, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Radio Station WFNC (Partnership of C. Frank Walker & Waldow W. Primm), Fayetteville, N. C.—C. P. for new station to operate on 1210 kc., 250 watts, daytime only.

NEW—Richard Field Lewis, Oakland, Cal.—C. P. for new station to operate on 1160 kc., 1 KW, daytime only; exact transmitter site to be determined with Commission's approval.

WSAZ—WSAZ, Inc., Huntington, W. Va.—C. P. for new equipment, vertical radiator and increase in day power from 1 KW to 5 KW.

WBNS—WBNS, Inc., Columbus, Ohio—C. P. already in hearing docket, amended to request authority to install new equipment and directional antenna system; increase night power to 1 KW, day power to 5 KW, using directional antenna system for nighttime operation.

NEW—Harry Schwartz, Tulsa, Okla.—C. P. for new station; 1310 kc., 250 watts daytime only. Transmitter site to be determined with Commission's approval; studio 4th & Cheyenne, Tulsa, Okla.

NEW—Genesee Radio Corp., Flint, Mich.—C. P. for new station to operate on 1200 kc., 100 watts night, 250 watts day. Specified hours. Exact site to be determined with Commission's approval.

NEW—Wm. E. Walker & Merrill F. Chapin, d/b as Walker & Chapin, Oshkosh, Wis.—C. P. for new station to operate on 1010 kc., 250 watts night, 250 watts day, unlimited time. Site to be determined.

NEW—John P. Harris, Hutchinson, Kans.—C. P. for new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Modification of C. P. to install new equipment, increase day power from 100 to 250 watts, and extend commencement date to 60 days after grant, and completion date to 180 days thereafter.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of C. P. to install directional antenna system for day and night-time operation when WOSU is operating; increase time of operation from specified hours to unlimited time, and extend commencement date to 30 days after grant and completion date to 6 months thereafter.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license to change time of operation from specified hours to unlimited.

WROK—Lloyd G. Thomas, Rockford, Ill.—Authority to transfer control of corporation to Rockford Consolidated Newspapers, Inc.

#### RENEWAL OF LICENSES

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

KADA, Ada, Okla.; KANS, Wichita, Kans.; KASA, Elk City, Okla.; KBTM, Jonesboro, Ark.; KCKN, Kansas City, Kans.; KDLR, Devils Lake, N. Dak.; KDON, Monterey, Calif.; KFJB, Marshalltown, Iowa; KFJI, Klamath Falls, Ore.; KFPW, Fort Smith, Ark.; KFVS, Cape Girardeau, Mo.; KFXJ, Grand Junction, Colo.; KGFJ, Los Angeles; KGFW, Kearney, Nebr.; KGH, Little Rock, Ark.; KINY, Juneau, Alaska; KIT, Yakima, Wash.; KIUL, Garden City, Kans.; KLAH, Carlsbad, N. Mex.; KMLB, Monroe, La.; KPPC, Pasadena, Calif.; KRMD, Shreveport, La.; KROC, Rochester, Minn.; KSUN, Lowell, Ariz.; KTSM, El Paso, Texas; KVG, Redding, Calif.; KVOL, Lafayette, Ind.; KWG, Stockton, Calif.; KXRO, Aberdeen, Wash.; WAIM, Anderson, S. C.; WALR, Zanesville, Ohio; WBAX, Wilkes-Barre, Pa.; WBB, Richmond, Va.; WBEO, Marquette, Mich.; WBOW, Terre Haute, Ind.; WBRB, Red Bank, N. J.; WBRE, Wilkes-Barre, Pa.; WCAT, Rapid City, S. Dak.; WCAX, Burlington, Vt.; WCLO, Janesville, Wis.; WCLS, Joliet, Ill.; WCRW, Chicago; WEBQ, Harrisburg, Ill.; WEDC, Chicago; WEMP, Milwaukee; WEST, Easton, Pa.; WEXL, Royal Oak, Mich.; WFAM, South Bend, Ind.; WFAS, White Plains, N. Y.; WFDF, Flint, Mich.; WGBB, Freeport, N. Y.; WGH, Newport News, Va.; WGN, Newburg, N. Y.; WHAT, Philadelphia; WHBF, Rock Island, Ill.; WHBU, Anderson, Ind.; WHBY, Green Bay, Wis.; WJAC, Johnstown, Pa.; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WJBY, Gadsden, Ala.; WJEJ, Hagerstown, Md.; WIL, St. Louis, Mo.; WJIM, Lansing, Mich.; WJW, Akron, Ohio; WKBO, Harrisburg, Pa.; WLBC, Muncie, Ind.; WLNH, Laconia, N. H.; WMFG, Hibbing, Minn.; WMPC, Lapeer, Mich.; WMBH, New Bedford, Mass.; WOL, Washington, D. C.; WPAX, Thomasville, Ga.; WRAW, Reading, Pa.; WRBL, Columbus, Ga.; WROL, Knoxville, Tenn.; WSIX, Nashville, Tenn.; WSOC, Charlotte, N. C.; WTAX, Springfield, Ill.; WTEL, Philadelphia; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WWAE, Hammond, Ind.

#### SPECIAL AUTHORIZATIONS

WCAL—St. Olaf College, Northfield, Minn.—Granted extension of special temporary authority to operate from 2 to 9 p. m. CST, the following Sundays: May 30, June 6, 13, 20, 1937

(provided WTCN remains silent), in order to continue NBC program schedule with commencement of daylight saving time in New York City.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Same as above except to operate from 3 to 4 p. m., CST (provided WCAL remains silent).

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate WNAC transmitter at reduced power during daylight hours for period of 2 weeks pending arrival new antenna coupling condenser.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted special temporary authority to operate a 100-watt transmitter between hours of 12 midnight and 6 a. m., EST, for period May 15 to May 24, 1937, in order to select suitable transmitter site in city of Miami Beach and near vicinity, providing operation not permitted during Commission monitoring schedule.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to broadcast regular program schedule on auxiliary transmitter located at Log Cabin Ave., Macon, Ga., with 500 watts power, for period of 2 weeks from May 10, in order to effect remodeling of transmitter building.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent for period May 1 to 31, 1937, for purpose of rebuilding transmitter to comply with Rule 132, conditionally.

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted extension of special temporary authority to operate from 12 midnight to 6 a. m., EST, May 11 through June 10, 1937, for the purpose of taking measurements to determine interference conditions. However, not permitted to operate during Commission's monitoring schedule.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 5:15 to 10 a. m., EST, Wednesday, May 12 (provided WSVS remains silent), in order to broadcast Coronation ceremonies.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted extension of special temporary authority to broadcast police calls for the period May 9 to June 7, 1937, pending building of a new police transmitter.

WESG—Cornell Univ., Elmire, N. Y.—Granted special temporary authority to operate from 4:15 a. m. to 6 a. m., EST, May 12, in order to carry full Columbia Program of Coronation from London.

KFDY—So. Dak. State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, May 21, in order to broadcast an address by Governor of S. Dak., also from 7:30 to 9 p. m., CST, June 7, in order to broadcast annual commencement program of S. Dak. State College including commencement address of President Friley of Iowa State College.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate on morning of May 12 from 4:15 to 6 a. m., EST, in order to broadcast coronation of King George.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 4 to 6 a. m., EST, May 12, 1937, in order to broadcast the Coronation ceremonies.

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted special temporary authority to operate from 4:15 to 6 a. m., EST, May 12th, in order to broadcast Coronation ceremonies.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate during test period from 3 to 6 a. m., CST, Wednesday, May 12, in order to broadcast coronation day activities through Canadian Broadcasting Corp. and Mutual network.

### ORAL ARGUMENTS

Oral arguments were granted, to be held June 3, in the following cases: Ex. Rep. 1-379, The WATR Company, Inc., Waterbury, Conn.; Ex. Rep., 1-387, W. Hanes Lancaster & J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.; Ex. Rep. 1-388, Cumberland Broadcasting Co., Portland, Maine, Twin City Broadcasting Co., Inc., Lewiston, Maine, Philip J. Wiseman, Lewiston, Maine, Cape Cod Broadcasting Co., Barnstable, Mass., Geo. M. Haskins, Hyannis, Mass., and Arthur E. Seagrave, Lewiston, Maine. On June 10, the following cases: Ex. Rep. 1-389, Knox-

ville Journal Broadcasting Co., Knoxville, Tenn., and Ex. Rep. 1-402, KFXX, Oklahoma City, Okla., The Exchange Ave. Baptist Church of Oklahoma City.

### EFFECTIVE DATES EXTENDED

Ex. Rep. 1-317: Independence Broadcasting Co., Inc., Philadelphia, Pa.—Effective date of order further extended to May 25, 1937.

WSBT—Ex. Rep. 1-315: The South Bend Tribune, South Bend, Ind.—Effective date of order extended to May 25, 1937.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Effective date of order extended to May 25, 1937.

NEW—Ex. Rep. 1-291: Niagara Falls Gazette Pub. Co., Niagara Falls, N. Y.—Effective date of order extended to May 25, 1937.

NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—Effective date of order extended to May 25, 1937.

### MISCELLANEOUS

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Granted petition to reinstate application for C. P. to increase power to 50 KW (Docket 4089), for hearing May 24, 1937.

WNRI—S. George Webb, Providence, R. I.—Granted petition to intervene in hearing on application of The Colonial Network, Inc., for C. P. for new radio station at Providence to operate on 720 kc., 1 KW, limited time. (Docket 4128.)

WKEU—Radio Station WKEU, Griffin, Ga.—Granted petition to intervene in the hearing on the application of the J. K. Patrick & Co., for new station at Athens, Ga., to use 1310 kc., 100 watts night, 250 watts LS, unlimited time. Docket 4459.

Great Lakes Broadcasting Co.—Granted petition to intervene in the hearing on application of WRBC, Inc., for new station at Cleveland, Ohio, to use 880 kc., 1 KW, unlimited time. Docket 3890.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Cal.—Granted petition to intervene in the hearing on application of Geo. N. Payne for C. P. for new station to be located at San Jose, Cal., to operate on 1440 kc., 500 watts, unlimited time. Docket 4276.

KGDM—E. F. Pepper, Stockton, Cal.—Granted petition to intervene in the hearing on the application of Royal Miller (KROY) for modification of C. P., 1340 kc., 250 watts night, 1 KW LS, unlimited time. Docket 4234.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted petition to intervene in the hearing on the application of John Stewart Bryan for new station at Petersburg, Va., to use 1210 kc., 100 watts night, 250 watts day, specified hours; and the application of Petersburg Newspaper Corp. to use 1210 kc., 100 watts night, 250 watts LS, unlimited time.

KGO—Natl. Broadcasting Co., Inc., San Francisco, Cal.—Granted petition to reinstate application for C. P. to increase power to 50 KW, Docket 4089, for hearing on May 24, 1937.

NEW—Smith, Keller & Cole, San Diego, Cal.—Granted petition to intervene in the hearing on the application of Warren B. Worcester for a new station at San Diego, to operate on frequency 1400 kc., 250 watts night, 1 KW LS, unlimited. (Docket 4631.)

WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted extension of Rule 132 to June 30, 1937.

WWJ—Evening News Assn., Detroit, Mich.—Granted consent to transfer control of Evening News Assn., licensee of station WWJ, from the trustees named to the beneficiaries under the trust.

KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—Granted extension of effective date of Rule 132 until June 1, 1937.

KMTR—KMTR Radio Corp., Los Angeles, Cal.—Granted regular renewal of license for the period ending September 1, 1937.

### APPLICATIONS DENIED

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from local sunset (May Sunset 7 p. m.) to 10:30 p. m., EST, Thursday, May 27; also to operate from local sunset (June sunset 7:30 p. m.) to 10:30 p. m., EST, Friday, June 4.

The following applications, heretofore set for hearing, were denied as in cases of default for failure of applicants to file appearances in accordance with Rule 104.6 (c):

NEW—Metropolitan Radio Service Inc., Chicago, Ill.—1570 kc., 1 KW, 1 KW-LS, unlimited.

NEW—J. Laurence Martin, Amarillo, Tex.—1120 kc., 250 watts, 250 watts LS, specified hours (7 a. m. to 8 p. m., CST).  
NEW—Western Union College, Le Mars, Iowa.—1210 kc., 100 watts, 250 watts LS, unlimited.

### APPLICATIONS DISMISSED

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

KGAR—Tucson Motor Service Co., Tucson, Ariz.—1340 kc., 250 watts, 250 watts LS, unlimited.  
WNNY—Black River Valley Broadcasts, Inc., Watertown, N. Y.—1420 kc., 100 watts, 250 watts LS, unlimited.  
NEW—Ohio Broadcasting Co., East Liverpool, Ohio.—1270 kc., 250 watts, daytime.  
NEW—Chauncey W. Hammond, Oakland, Cal.—1280 kc., 1 KW, 1 KW LS, unlimited time.  
NEW—Ohio Broadcasting Co., Salem, Ohio.—780 kc., 250 watts, daytime.  
NEW—Ohio Broadcasting Co., Marion, Ohio.—1200 kc., 100 watts, daytime.

### MINUTE ENTRY CHANGED

In the meeting of March 16, 1937, the Broadcast Division acted on an application of WMC, and the minute entry in this case should read as follows:

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Voluntary assignment of licenses of station WMC (main and auxiliary), W4XCA, W4XBS and WABG and C. P. (B3-P-1562) of station WMC (auxiliary transmitter) to Memphis Commercial Appeal Co., a newly organized corporation.

### RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

WTAR—Radio Station WTAR, Norfolk, Va.—Granted extension equipment tests main transmitter and effective date Rule 132 respect auxiliary transmitter to May 26.  
WNOX—Radio Station WNOX, New York City.—Granted extension equipment tests on new equipment and authority to operate present equipment without modulation or frequency monitor period 10 days.  
WATL—Atlanta Broadcasting Co., Atlanta, Ga.—Granted extension program test period 30 days from May 5.  
KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted extension program test period from February 22 to June 5.  
W9XPL-W9XPM—KFNF, Inc., Shenandoah, Iowa.—Granted authority to operate as licensed for period 30 days from May 5, relay broadcast from plant of The Henry Field Co.  
WBZ—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted special temporary authority to operate 1 KW crystal controlled transmitter at or near site specified in application for C. P., on frequency 1020 kc., during daytime hours, for period not to exceed 30 days.

Granted petition of S. O. Ward and P. C. Ward, d/b as Louisville Broadcasting Co., to intervene in the proceedings upon the application of Louisville Times Co. for C. P. for new station at Louisville, Ky.

Granted petition of Star-Time Publishing Co. (KXCK) to intervene in the hearing on application of Pulitzer Publishing Co. (KSD), St. Louis, Mo., for renewal of license.

Granted petition of Dodge City Broadcasting Co., Inc., KGNO, Dodge City, Kans., for waiver of Rule 104.6(b), and accepted its answer to the appearance of the applicant in the hearing on application of Greater Kapeska Radio Corp. (KWTN), for C. P.

Granted request of Mid-Atlantic Corp. and the Interstate Broadcasting Co. for extension of time from May 6 to May 10, within which to file exceptions to Ex. Rept. 1-395.

Granted motion of George H. Payne for continuance of hearing on his application for C. P. for new station at San Jose, Calif., from May 21 to June 28.

Granted motion of Voice of Detroit, Inc., for continuance of hearing upon its application for C. P. for new station at Detroit and directed that hearing now scheduled for May 24 be continued until September 9, 1937.

The Broadcast Division, upon its own motion, directed that the hearing upon the application of KCMO Broadcasting Co. for C. P. for new station at Kansas City, Mo., now scheduled for May 28 be continued until June 28, 1937.

Granted petition of A. L. Chilton for continuance of oral argument on the application of Dallas Broadcasting Co. for new station

at Dallas, Tex. (Ex. Rept. 1-341), now scheduled for May 23, until such time as oral argument on his application for new station at Dallas, Tex. (Ex. Rept. 1-390), is had.

Granted petition of E. E. Krebsbach (KGCX), Wolf Point, Mont., for waiver of Rule 104.6(b), and accepted his answer to the appearance of the applicant in the hearing upon the application of L. L. Coryell, Sr. and Jr., d/b as Coryell and Son, for C. P. for new station at Lincoln, Nebr.

### EXAMINERS' REPORTS RELEASED SINCE MAY 4, 1937

WJAR—Ex. Rep. 1-404: The Outlet Company, Providence, R. I.—Examiner R. L. Walker recommended grant of C. P. to increase power from 1 KW to 1 KW night, 5 KW day.  
KDON—Ex. Rep. 1-405: Monterey Peninsula Broadcasting Co., Del Monte, Calif.—Examiner P. W. Seward recommended grant of C. P. to change frequency from 1210 kc. to 1400 kc., power from 100 watts to 250 watts night, 1 KW LS.  
NEW—Salinas Newspapers, Inc., Salinas, Calif.—Examiner Seward recommended denial of C. P. for new station to operate on 1390 kc., 250 watts, daytime.  
NEW—Ex. Rep. 1-406: Leonard A. Versluis, Grand Rapids, Mich.—Examiner R. L. Walker recommended denial of application for C. P. for new station, 830 kc., 500 watts, daytime.  
NEW—Ex. Rep. 1-407: Juan Piza, San Juan, P. R.—Examiner P. W. Seward recommended grant of application for C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts LS, unlimited time.

### REHEARING DENIED

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Denied application for rehearing in re its application for modification of license to change operating frequency from 1240 kc. to 630 kc. (Docket 2825, Examiner's Report No. 1-249).

### APPLICATIONS RECEIVED

#### First Zone

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. 1060 —Voluntary assignment of license and special experimental authorization from The Travelers Broadcasting Service Corp. to The Travelers Broadcasting Co.  
WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Construction permit to install a new transmitter, install new directional antenna for day and night use, increase power from 1 KW to 5 KW, and move transmitter from 138 Pine Street, Cliffside Park, N. J., to near Secaucus, N. J. Amended to change name from Standard Cahill Company, Inc., to WBNX Broadcasting Company, Inc., and make changes in directional antenna.  
WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and 1370 Bostwick, St. Albans, Vt.—Modification of license to change hours of operation from specified hours to daytime to local sunset at Cleveland, Ohio.  
NEW—The Yankee Network, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on 41200 kc., 50 KW, unlimited time.  
NEW—The Yankee Network, Inc., Boston, Mass.—Construction permit for a new relay broadcast station to be operated on 130000, 135000, 140000, 145000 kc., 250 watts, unlimited time.  
W1XLU—The Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license from The Travelers Broadcasting Service Corp. to The Travelers Broadcasting Co.  
W1XO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license from The Travelers Broadcasting Service Corp. to The Travelers Broadcasting Co.  
W1XT—The Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license from The Travelers Broadcasting Service Corp. to The Travelers Broadcasting Co.  
W1XEH—The Travelers Broadcasting Service Corp., Avon, Conn.—Voluntary assignment of license from The Travelers Broadcasting Service Corp. to The Travelers Broadcasting Co.

#### Second Zone

WKAR—Michigan State College, E. Lansing, Michigan.—Construction permit to install a new transmitter, make changes in antenna system, increase power from 1 KW to 5 KW, and move transmitter from College Campus, E. Lansing, Mich., to College Farms, E. Lansing, Mich.

NEW—The Ohio Broadcasting Co., Steubenville, Ohio.—Construction permit for a new station to be operated on 1420 ke., 100 watts, daytime. Amended to change requested frequency from 1420 ke. to 1310 ke.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—License to 1370 cover construction permit (B2-P-1342) for changes in equipment.

W3XAU—WCAU Broadcasting Co., Newtown Square, Pa.—Modification of license to include the frequency 15150 ke.

W3XAU—WCAU Broadcasting Co., Newtown Square, Pa.—Modification of license to include the frequency 21520 ke.

W3XAU—WCAU Broadcasting Co., Newtown Square, Pa.—Modification of license to include the frequency 25750 ke.

### Third Zone

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Modification of construction permit (B3-P-539) as modified for a new station, requesting increase in power from 250 watts night, 500 watts day, to 500 watts night and day.

NEW—The Enterprise Co., Beaumont, Tex.—Construction permit 1350 for a new station to be operated on 1400 ke., 500 watts, unlimited time. Amended to change frequency from 1400 ke. to 1350 ke., and power from 500 watts to 250 watts, 500 watts day.

NEW—Broadcasters, Inc., Gastonia, N. C.—Construction permit 1420 for a new station to be operated on 1420 ke., 100 watts night, 250 watts day, unlimited time.

### Fourth Zone

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Modification of 900 license to change hours of operation from daytime to unlimited time, using 1 KW power.

NEW—Thomas F. Airth, Wythe Walker and Rex Schepp, d/b as 1020 Evanston Broadcasting Co., Evanston, Ill.—Construction permit for a new station to be operated on 1500 ke., 100 watts night, 250 watts day, unlimited time. Amended to change requested frequency from 1500 ke. to 1020 ke., power from 100 watts night, 250 watts day, to 250 watts, hours of operation from unlimited time to daytime, and give transmitter and studio sites as site to be determined, Evanston, Ill.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Construction 1310 permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day, and change hours of operation from daytime to unlimited time.

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—1370 License to cover construction permit (B4-P-1534) for a new antenna and move of transmitter and studio.

NEW—W. H. Hartman Co., Publisher of Waterloo Daily Courier, 1400 Waterloo, Iowa.—Construction permit for a new station to be operated on 1420 ke., 100 watts, unlimited time. Amended to change transmitting equipment, change requested frequency from 1420 ke. to 1400 ke., power from 100 watts to 500 watts, and hours of operation from unlimited time to daytime.

NEW—Sam Klaver and Nathan Belzer, d/b as The Great Western 1420 Broadcasting Co., Omaha, Nebr.—Construction permit for a new station to be operated on 1420 ke., 100 watts, unlimited time. Amended to change name of applicant from Sam Klaver and Nathan Belzer to Sam Klaver and Nathan Belzer, d/b as The Great Western Broadcasting Co.

NEW—C. Bruce McConnell, Indianapolis, Ind.—Construction permit 1500 for a new station to be operated on 1500 ke., 100 watts night, 250 watts day, specified hours. Requests hours now used by Station WKBV.

NEW—N. B. Egeland, Roland, Iowa.—Construction permit for a 1500 new station to be operated on 1500 ke., 100 watts night, 250 watts day, specified hours.

### Fifth Zone

NEW—Pacific Radio Corp., Grants Pass, Ore.—Construction permit 630 for a new station to be operated on 630 ke., 500 watts, unlimited time.

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—790 Construction permit to install new equipment, increase power from 7½ KW to 50 KW, and move transmitter from 5555 E. 14th St., Oakland, Calif., to near Belmont, Calif. Amended to install directional antenna for night use.

NEW—C. P. Sudweeks, Spokane, Wash.—Construction permit for 950 a new station to be operated on 950 ke., 500 watts night, 1 KW day, unlimited time. Amended to give exact transmitter site as Pleasant Prairie, Wash., and install directional antenna for day and night use.

NEW—Airfan Radio Corp., Ltd., San Diego, Calif.—Construction 1420 permit for a new station to be operated on 1420 ke., 100 watts. unlimited time.

### Alaskan Zone

KGBU—The Alaska Radio & Service Co., Inc., Ketchikan, Alaska. 900 —Modification of construction permit (B-P-537) for new equipment and increase in power, requesting changes in authorized transmitting equipment, change power from 1 KW, 5 KW day, to 1 KW, for approval of vertical antenna and move of transmitter from 107 Front Street, Ketchikan, Alaska, to Block 27, Sections 5, 6 and 7, corner East and Stedman Streets, Ketchikan, Alaska.



**NAB REPORTS** \* \* \* \* \*

Vol. 5 - - No. 21  
 MAY 20, 1937

Copyright, 1937. The National Association of Broadcasters

**NOTICE OF AMENDMENT**

To All Members:

In pursuance of the provisions contained in By-Law 17 of the Constitution and By-Laws of the National Association of Broadcasters, Inc., notice is hereby given that a certain amendment 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, June 20-23, 1937.

The Board of Directors, by a majority vote, propose 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 in lieu the following:

"Effective September 1, 1937, 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."

**COMMISSION GRANTS NEW STATION**

The Federal Communications Commission this week granted a construction permit for a new broadcasting station at Greenville, Texas, to the Hunt Broadcasting Company to operate on 1200 kilocycles, 100 watts daytime. The order is effective July 13.

**RADIO OPERATORS MINIMUM AGE BILL**

U. S. Senator Sheppard of Texas has introduced a bill (S. 2407) to make 21 years the minimum age for radio operators. It has been referred to the Senate Committee on Interstate Commerce. The bill is as follows:

That section 303 (e) of the Communications Act of 1934 (U. S. C., 1934 edition, title 47, sec. 303), is amended by inserting the words "who are twenty-one

years of age or over" after the words "United States", and adding the words ": *Provided*, That the Commission may waive the age-limit provisions of this paragraph insofar as the issuance of licenses to amateur operators is concerned;" after the words "finds qualified", so that the amended paragraph will read:

"(e) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States who are twenty-one years of age or over as the Commission finds qualified: *Provided*, That the Commission may waive the age-limit provisions of this paragraph insofar as the issuance of licenses to amateur operators is concerned".

**DEVELOPMENTS ON COPYRIGHT LEGISLATION**

Developments on state copyright legislation, since the last report in the April 1st issue of NAB Reports, include: Nebraska's legislature passed an anti-monopoly music copyright bill which was approved by the Governor on May 17th. In Wisconsin the Senate on May 12th passed a joint resolution which memorializes Congress to

**IN THIS ISSUE**

	<i>Page</i>
Notice of Amendment.....	2099
Commission Grants New Station.....	2099
Radio Operators Minimum Age Bill.....	2099
Developments on Copyright Legislation.....	2099
Recommends Denial of Transfer.....	2105
Increased Time Recommended for WSAU.....	2105
Examiner Recommends New Station.....	2105
Changes Recommended for WAPO.....	2106
Denial of WSOC Changes Recommended.....	2106
New Station Recommended.....	2106
California Station Recommended.....	2106
Suggests New Station Grant.....	2106
Increased Operating Time Recommended.....	2106
New Station Grant Recommended.....	2106
New Carolina Station Recommended.....	2107
Securities Act Registrations.....	2107
Federal Trade Commission Action.....	2107
Federal Communications Commission Action.....	2108

**Make Your Plans Now to Attend the NAB Convention  
 at Hotel Sherman, Chicago, June 20-23, 1937**

enact legislation prohibiting racketeering on copyrighted music. A copyright bill similar to the Montana and Washington state laws was introduced in Tennessee and was passed by both the House and Senate. Copyright legislation has also been introduced in the Florida legislature. The legislatures of Iowa, Ohio and Minnesota adjourned without acting on pending copyright bills.

In Washington, D. C., the Senate Patents Committee has decided to schedule hearings within the next 30 days on the copyright bills introduced by Senators Duffy, Sheppard and Guffey. The House Patents Committee which also has three copyright bills pending has not reached any decision with respect to setting dates for hearings.

The text of the Nebraska law as approved by the Governor is as follows:

## NEBRASKA

(Bill No. 478.)

(Regular Session.)

AN ACT relating to monopolies; declaring to be an unlawful monopoly and its purposes to be in restraint of trade, any combination of persons, firms or corporations which fixes and determines the amount of money to be paid to it or to its members for the privilege of rendering privately or publicly for profit within this state copyrighted vocal or instrumental musical compositions, when such combination is composed of a substantial number of all musical composition copyright owners or their heirs, successors or assigns; to require each composer and each author of vocal or instrumental copyrighted musical compositions to act independently of each other and of any combination as herein declared unlawful in determining license fees and other rights within this state; to require the author, composer, printer and publisher to specify upon the musical composition the selling price thereof for all uses that may be made thereof including public performance for profit within this state; to declare that any purchaser thereof, who pays such price therefor, shall have the right to render such music privately or publicly for profit within this state; to declare all existing agreements requiring license fees or other exactions for the privilege of rendering copyrighted musical compositions publicly for profit within this state with any combination of persons, firms or corporations herein declared unlawful to be void and nonenforceable; to permit the present owners, possessors and users of such copyrighted music to render the same privately or publicly for profit within this state without interference by such unlawful combination; to provide for the appointment of a receiver and injunctive relief and the dissolution of such combination as here declared unlawful; to determine in such action the legal owner

of such copyrighted musical compositions; to adjust and fix in such action the license fee to be paid, if any, and the terms for the use of such musical compositions in this state; to provide for the protection of theatres, moving picture houses, hotels, places for education and public performance or amusement, radio broadcasting, radio receiving and radio re-broadcasting stations affiliated with other persons, firms or corporations outside the State of Nebraska against the collection of license fees or other exactions by such out-of-the-state affiliates for or on account of any combination declared unlawful under Section 1 hereof; to provide that the responsibility and all liability for any infringement of copyrighted musical compositions conveyed by radio broadcast, air, wire, electrical transcription, or sound production apparatus, or by personal performance coming from outside this state, and used herein, to rest entirely with the out-of-the-state person, firm or corporation originally emanating or sending the same into this state for use herein; to provide penalties for the violation hereof; to empower the County Attorneys and the Attorney General, upon complaint of any party aggrieved by any violation hereof, to proceed to enforce the penalties hereof against such combination and any of its representatives, members or agents, and against the property of such unlawful combination within this state; to define the method of service of process upon such combination as herein declared illegal; to empower any party aggrieved by any violation hereof to proceed in his own right hereunder; to define the legal procedure required to carry out the provisions hereof; to provide for the recovery of costs, expenses and attorney's fees; to provide for the filing of each said composition in the office of the Secretary of State before selling or disposing of the same, together with the amount of filing fee therefor; to provide that the terms of this Act shall be cumulative; to provide that any part of this Act declared illegal shall not affect the validity of the remaining parts hereof; and to declare an emergency.

Be it enacted by the People of the State of Nebraska:

Section 1. It shall be unlawful for authors, composers, proprietors, publishers, owners, or their heirs, successors or assigns, of copyrighted vocal or instrumental musical compositions to form any society, association, club, firm, partnership, corporation, or other group or entity, called herein a combination, either within this state or outside thereof, when the members, stockholders, or interested parties therein constitute a substantial number of the persons, firms or corporations within the United States who own or control copyrighted vocal or instrumental musical compositions, and when at least one of the objects of any such combination is the determination and the fixation of license fees or other exactions re-



quired by such combination for itself or its members, stockholders or other interested parties for any use or rendition of copyrighted vocal or instrumental musical compositions for private or public performance for profit within this state for the purpose of preventing free competition among or with different and competing copyright owners or among or with persons, firms, corporations or associations in this state using or rendering such copyrighted matter by public performance for profit; or for the purpose of dividing among them the proceeds of the earnings of such copyright owners; or for the purpose of fixing the exactions and fees for the rendition or use of copyrighted matter which any copyright owner must charge; and the collection or attempted collection within this state of such license fee or other exaction so fixed and determined, by any member, agent or representative of any such combination herein declared unlawful, from any person, firm, corporation or association within this state, including theatres, radio receiving, radio broadcasting and radio re-broadcasting stations, moving picture houses, athletic associations, hotels, cafes, restaurants, clubs, dance halls, recreation rooms, amusement parks, pavilions, churches, colleges, schools, universities, or the officers, directors, proprietors, managers, owners or representatives thereof, who render or cause to be rendered, or permit to be rendered, such copyrighted vocal or instrumental musical compositions privately or publicly for profit within this state through personal performance, or through radio, or any instrumentality or sound producing apparatus, shall be and the same is hereby declared unlawful and illegal; and such license fees or other exactions shall not be collected in any court within the boundaries of this state; and each collection or attempted collection of such license fee or other exaction by such combination or its agents, representatives, members, stockholders or interested parties shall be a separate offense hereunder; and any such combination of authors, composers, publishers, or their heirs, successors or assigns, as herein defined, is hereby declared to be an unlawful monopoly in this state; and such fixing of prices for use or rendition of copyrighted musical compositions within this state by such unlawful combination and the collecting or attempting to collect such license fees or other exactions by it or for its stockholders, members or other interested parties within this state is hereby declared illegal and in restraint of trade, and such collection or attempted collection thereof is declared to be an illegal intrastate transaction within this state and shall be subject to the terms and penalties of this Act. In any action, civil or criminal, instituted under the provisions of this Act, it shall be prima facie evidence against any party to such action of the existence of such unlawful combination for the purposes in this Act enumerated, if a substantial number of all authors, composers, pro-

prietors, publishers, owners or their heirs, successors or assigns of copyrighted vocal or instrumental musical compositions in the United States, are shown to be members of any society, association, club, firm, partnership, corporation, group or entity.

Section 2. (A). All authors and composers, and their heirs and assigns, shall have within this state all the benefits conferred by the Copyright Laws of the United States, being the Act of March 4, 1909, c. 320 Section 1 (e), 35 Stat. 1073, Title 17, U. S. C. A. Each author, composer and publisher shall act independently of any and all substantial number or numbers of other authors, composers and publishers, and also independently of any such combination as in Section 1 hereof declared unlawful, in determining and fixing the price to be charged for the use or rendition of his copyrighted musical compositions within this state, and the author, composer or publisher, or his, her, or its heirs, successors or assigns, shall specify or cause to be specified legibly upon the musical composition, in whatever form the same may be published, printed, manufactured or otherwise prepared for use or rendition within this state, the selling price thereof for private rendition or public rendition for profit if made available for such public rendition so arrived at and determined for all uses and purposes; and when any purchaser or user acquires the same within this state and pays the selling price so specified thereon to the seller or publisher of said copyrighted musical composition, then said purchaser or user may use or render, or cause or permit to be used or rendered within this state, the said copyrighted musical composition by persons individually or with other performers, actors and singers, or by an individual instrument player, or by orchestras and bands, or over or through or by means of radios, loud speakers, radio receiving, radio broadcasting and radio re-broadcasting stations, electrical transcriptions, musical records, sound apparatus or otherwise within this state, and the same may be so rendered either privately or publicly for profit when so purchased and paid for without further license fees or other exactions; and such copyright owner or proprietor, in the event of such payment, shall be deemed to have received full compensation for the rendition and all uses of such musical compositions for private purposes or for public performance for profit by such purchaser within this state.

(B). In the event any author, composer or publisher, or any of his heirs, successors or assigns, fails or refuses to affix on the musical composition the selling price, and collect the same, for private and public performances for profit, at the time and in the manner specified in this Act, then any person, firm or corporation in this state who may have purchased and paid for such copyrighted musical composition may use the same for private or public performance for profit within this state without further license fee or other exaction; and such person, firm or

corporation so using or rendering the same shall be free from any and all liability in any infringement or injunction suit, or in any action to collect damages, instituted by such copyright proprietor or owner in any court within the boundaries of this state.

(C). Nothing in this section, or this Act, shall be construed to give to any purchaser of copyrighted music compositions, as herein provided, the right to resell, copy, print, publish, or vend the same.

(D). Any composer, author or publisher of vocal or instrumental copyrighted musical compositions, or any person, firm or corporation controlling the sale or distribution of said compositions, whether or not within the purview of the combination described in Section 1 of this Act, shall, before selling or disposing of any such composition in this state, file in the office of the Secretary of State a copy of each said composition upon which shall be written, printed or typed over his or its signature a statement to the effect that he or it controls the sale or disposition of such composition; and provided further, said person, firm or corporation who shall make such filing shall accompany the same with a fee of Twenty-five Cents (25¢) with each copy of said composition so filed to reimburse the Secretary of State for keeping in current and convenient form, easily accessible to the public, the titles of said compositions and the names of the persons, firms or corporations who shall file said copies from time to time; and provided further, said Secretary of State shall deposit all the fees received hereunder weekly with the state Treasurer who shall credit said fees to the general fund of the state.

Section 3. All existing contracts, agreements, licenses or arrangements now existing within this state made by any person, firm or corporation with any combination, declared unlawful under Section 1 hereof, are hereby declared void and non-enforceable in any court within the boundaries of this state, and are hereby declared to have been entered into as intrastate transactions with such unlawful combination and in restraint of trade; and further, all such contracts, agreements, licenses, arrangements and the attempted enforcement thereof within this state, may be enjoined by any person, firm or corporation sought to be bound thereby; and any member, representative or agent of such unlawful combination enforcing or attempting to enforce the terms of such existing contract, license or arrangement within this state shall be guilty of a violation of the terms of this Act, and for each such collection or attempted collection shall be subject to the penalties hereinafter provided.

Section 4. (A). Any person, firm or corporation who owns, leases, operates or manages a radio broadcasting, radio receiving or radio re-broadcasting station within this state, shall be and is hereby authorized to receive, broadcast and re-broadcast copyrighted vocal or instrumental

musical compositions within this state, the copyrights of which are owned or controlled by any such combination declared unlawful by Section 1 hereof, without the payment, to such combination or to its agents, representatives or assigns, of any license fee or other exaction declared illegal and non-collectible by the terms hereof.

(B). When such radio receiving, radio broadcasting or radio re-broadcasting station is affiliated with any other person, firm or corporation owning, leasing or operating a radio broadcasting station outside this state from whence copyrighted vocal or instrumental musical compositions originate or emanate, and which are received, used, broadcast or re-broadcast within this state, in accordance with the terms of any affiliation agreement or other contract, then such person, firm or corporation owning, leasing, operating or managing a radio broadcasting station outside this state, shall be and is hereby prohibited from in any manner charging or attempting to charge, or collecting or attempting to collect, from any person, firm or corporation who owns, leases, operates or manages a radio broadcasting, radio receiving or radio re-broadcasting station within this state, any herein declared non-collectible license fee or other exaction, for the purpose of paying or repaying the same outside this state to any combination, or its members, stockholders or other interested parties, declared unlawful by Section 1 hereof; and any such person, firm or corporation, collecting or attempting to collect, such license fee or other exaction against such persons, firms or corporations within this state for the purpose of paying or reimbursing itself for having paid any such license fee or other exaction herein declared unlawful and non-collectible within this state, shall be deemed guilty of a violation of the provisions of this Act; and such person, firm or corporation from without this state is hereby declared to be an agent and representative of such combination as declared illegal and unlawful by Section 1 hereof, and shall be subject to all the penalties hereof.

Section 5. (A). Any person, firm or corporation who owns, leases, operates or manages any theatre or theatres, moving picture house or houses, or a similar place or places for amusement and public performance within this state, shall be and is hereby authorized to receive, use and render, or cause to be received, used and rendered within this state, by the personal performance of artists, singers, musicians, orchestras, bands, or actors, or by loud speakers, radio, sound production or re-production apparatus or instrumentalities, or electrical transcriptions, or by any other means of rendition whatsoever within this state, by the personal performance of artists, singers, musicians, copyrights of which are owned or controlled by any such combination declared unlawful by Section 1 hereof, without the payment, to such combination, or to its agents, representatives or assigns, of any license fee or other exac-

tion declared illegal and non-collectible by the terms of this Act.

(B). When such theatre or theatres, moving picture house or houses, or other places for amusement or performance within this state is or are affiliated or under contract in any manner whatsoever with any other person, firm or corporation furnishing in any form or manner copyrighted musical compositions from outside this state, or supplying such persons, firms, or corporations in this state with radio broadcasts or electrical transcriptions, sound production instrumentalities or apparatus, or artists, performers, musicians, singers, players, orchestras, bands or other artists or talent, wherein or whereby copyrighted vocal or instrumental musical compositions are privately or publicly rendered for profit, then such person, firm or corporation outside this state shall be and is hereby prohibited from in any manner charging or attempting to charge, or collecting or attempting to collect within this state, from any such person, firm or corporation who owns, leases, operates or manages such theatre or theatres, moving picture house or houses, or other places for amusement or public performance within this state, any license fee or other exaction for the purpose of paying or repaying the same to any such combination declared unlawful by Section 1 hereof for the use, rendition or performance of such copyrighted musical compositions within this state; and any such person, firm or corporation, collecting or attempting to collect, such license fee or other exaction from outside this state against such persons, firms or corporations within this state for the purpose of paying or reimbursing itself for having paid any such license fee or other exaction herein declared unlawful and non-collectible, shall be deemed guilty of a violation of the provisions of this Act; and such person, firm or corporation from without this state is hereby declared to be an agent and representative of such combination as declared illegal and unlawful by Section 1 hereof, and shall be subject to all the penalties hereof.

Section 6. Whenever any person, firm or corporation who owns, leases, operates or manages a radio receiving, radio broadcasting or radio re-broadcasting station, or theatre or moving picture house or similar place for amusement and public performance or for the rendition in any manner of copyrighted vocal or instrumental musical compositions within this state, and which radio stations and theatres, and other persons, firms or corporations, aforementioned, are affiliated with persons, firms or corporations outside this state from whence said copyrighted vocal or instrumental musical compositions originally emanate either by radio, sound production instrumentalities or apparatus, or by furnishing a person or persons to play or sing such music within this state, then any responsibility and liability for the use of all copyrighted vocal or instrumental musical compositions thus emanating from outside this state and

thus rendered in this state shall rest with and be upon such affiliated person, firm or corporation from outside this state who originates the broadcasting or the performance or the sound production instrumentality or apparatus, or sends the personal singers or performers into this state; and, if the owner of any copyrighted musical composition commences any action within this state on account of any use or rendition thereof in this state through such affiliate or affiliates, then any defendant in such action may interplead such affiliate or affiliates in such action; and any judgment which may be rendered in favor of the copyright owner shall be paid and satisfied by the defendant user in this state, such defendant shall be subrogated in said action or otherwise to all rights of the plaintiff in said judgment as against said affiliate or affiliates, whether the latter is or are a party or parties in said action or not; and in any event such affiliate or affiliates shall be liable to such user to the full extent of his liability to such copyright owner, in the absence of any agreement to the contrary; and any combination declared unlawful by Section 1 of this Act which is the owner or proprietor of or controls the copyrighted vocal or instrumental musical compositions, its agents or representatives shall be and are hereby prohibited from suing for infringement, loss or damage within the boundaries of this state, for the use or rendition of such copyrighted vocal or instrumental musical compositions so originating or emanating because such persons, firms, or corporations used, rendered or performed the same within this state; the use or renditions by radio broadcast, radio re-broadcast or sound producing instrumentalities or apparatus, or electrical transcription, or by the personal performance of singers, players and musicians sent into this state, or otherwise, of such copyrighted musical compositions within this state in the manner set forth in this section, shall be considered, for the purpose of this Act, as intra-state business of this state and subject to the control, regulation and prohibitions set forth in this Act notwithstanding that such copyrighted musical compositions originated or emanated from without this state.

Section 7. (A). Any person, firm or corporation within this state who shall act as the representative of any combination herein declared unlawful as defined in Section 1 hereof, shall, for the purpose of this Act, be deemed an official representative and agent of such unlawful combination and shall be construed to be doing business within this state, and service of any process against such combination may be had upon such representative or the agent of any such representative as herein defined within this state; and when so served, such process shall have the same legal effect as if served upon a duly elected officer or managing agent or other official representative upon whom service might otherwise be made upon such combination within this state.

(B). Furthermore, any person or persons who negotiates for, or collects within this state, or attempts to collect license fees or other exactions, or who acts as the representative or agent for any combination declared unlawful in Section 1 hereof, shall, for the purpose of this Act, be considered as a part of said unlawful combination; and such person, firm or corporation shall be subject to all the penalties in this Act provided for violations thereof.

Section 8. Any combination as in Section 1 hereof declared unlawful and any other person, firm or corporation, acting or attempting to act, within this state in violation of the terms of this Act, or any representative or agent of any person, firm or corporation who aids or attempts to aid any such unlawful combination, as defined in Section 1 hereof, in the violation of any of the terms of this Act in any manner whatsoever within this state shall be deemed guilty of a misdemeanor and shall be fined in any sum not more than \$5,000.00 or imprisoned for not more than one (1) year, or both, such fine and imprisonment for each and every violation of the terms hereof.

Section 9. (A). The County Attorney in each county in this state wherein a violation of any of the terms of this Act takes place, in whole or in part, is hereby authorized upon the complaint of any party aggrieved to institute a civil or criminal action, or both, under the terms hereof against any combination declared unlawful as defined in Section 1 hereof, and against any of its members, stockholders or other interested parties, and its agents or representatives as herein defined, and to enforce any of the rights herein conferred, and to impose any of the penalties herein provided.

(B). The Attorney General of the State of Nebraska is hereby empowered to proceed upon the request of any County Attorney to aid and assist, or to take charge of, any prosecution or suit for any violations of any of the terms hereof.

(C). Or, the Attorney General, on the complaint of any party aggrieved, because of the violation of any of the terms of this Act anywhere within this state, shall proceed in the District Court in any county in which all or any part of the offense or violation was committed, to institute action against any combination defined as unlawful by Section 1 hereof, and against the representatives or agents of any such combination, either in a criminal action to enforce the penalties hereof, or in a civil action to enforce all rights hereunder, or to dissolve any such combination as declared unlawful by Section 1 hereof, or he may proceed by both civil and criminal actions; in such action or actions, the plaintiff shall be the State of Nebraska; and any interested party may, upon application, be granted leave to intervene in such a civil action,

(D). The District Court shall, in such dissolution or other civil suit, upon the application and intervention in said action of any member, stockholder or other interested party of said unlawful combination, adjudicate the ownership of any copyrighted vocal or instrumental musical composition theretofore owned or controlled by said unlawful combination; and furthermore, such District Court shall have and is hereby granted the power and authority to appoint a receiver and to issue injunctive and mandatory temporary and permanent orders in reference to any of the issues involved in such action; and any person, firm or corporation within this state who is a user in any manner of any copyrighted vocal or instrumental musical compositions theretofore owned or controlled by such unlawful combination may, upon application, intervene in such action and therein have adjusted, determined and adjudicated all rights for or against the person, firm or corporation whom the Court shall finally determine to be the owner or proprietor of such copyrighted vocal or instrumental musical compositions; and said parties shall be permitted no other remedy in any other court within the boundaries of this State, whether the same be for damages, infringement or otherwise, until final decree has been had in said action determining the ownership and terms for use of such copyrighted musical compositions.

Section 10. (A). Any person, firm or corporation within this state aggrieved by any violation of the terms hereof by any unlawful combination, as defined in Section 1 hereof, or any of its representatives or agents, may proceed in his or its own name and right in the District Court in the county in which the violation, or a part thereof, took place, to recover any right, loss or damage that may have resulted from any violation of the terms hereof; the plaintiff in such action shall be entitled to recover his or its costs and expenses and a reasonable attorney's fee to be fixed by the court in such action.

(B). In the event of the failure or refusal of a County Attorney, or the Attorney General, to promptly act, as herein provided, when requested so to do by any aggrieved party, then such party may institute in his own behalf, or upon behalf of the plaintiff and all others similarly situated, the same civil action as such County Attorney or Attorney General might have instituted under the terms of this Act, and with like procedure, powers, authority, rights, privileges, effect and final decree as the said County Attorney or Attorney General might have done under the terms of this Act.

Section 11. (A). In any action, either civil or criminal, that may be had or instituted under the provisions hereof for any violation of the terms hereof, the plaintiff in any form of action brought hereunder, and in which action any combination declared unlawful, as defined in Section 1 hereof, or the members, stockholders, or other interested parties, or their agents or representatives of such unlawful combination, are defendants, any attorney of

record for the plaintiff may file a request in writing with the Clerk of the District Court in which said action is pending, demanding that the defendant or defendants furnish plaintiff, or file with the Clerk of the Court, in which the action is pending, exact copies of all documentary evidence, facts and figures, records or data in the possession or under the control of the defendant or defendants pertaining to the issues as alleged by the plaintiff to establish or refute any issues in the case; and the District Court, upon the presentation to it of such written demand by the plaintiff, shall thereupon determine that part or all of such evidence which shall be produced, and shall enter an order fixing a time for the defendant or defendants to furnish and file such information as ordered. A copy of said order shall be mailed to each defendant at his or its last known address, which shall be deemed sufficient notice and service upon said defendant or defendants; or the same may be served by mail in the same manner upon each attorney of record for the defendant or defendants, and when so served, the same shall be deemed notice and service upon the defendant or defendants for whom said attorneys appear of record.

(B). If said defendant or defendants shall fail to furnish plaintiff or his or its attorney, or file with the Clerk of the Court in which the action is pending, said copy or copies of said documentary evidence, facts, figures, records, books and data as set forth in said order within the time specified in said order, the Court shall adjudge said defendant or defendants guilty of contempt of court, and the Court shall assess a fine of \$100.00 against such of the defendants for each and every day that such defendant or defendants fails to comply with said order; and judgment shall from time to time be rendered therefor, and the plaintiff may collect the same against the defendant or defendants with 6% interest thereon and the costs, including expenses and attorney's fees to be fixed by the Court, in the same manner as other judgments are collected in this state. The Court shall find and determine when the judgment is rendered what disposition shall be made of the proceeds collected after the payment of costs, expenses and any attorney's fees that may be allowed.

Section 12. If any section, sub-division, sentence or clause in this Act shall, for any reason, be held void or non-enforceable, such decision shall in no way affect the validity or enforceability of any other part or parts of this Act.

Section 13. Nothing in this Act shall be construed as repealing any other law or parts of laws in reference to any of the matters contained in this Act; and the rights and remedies and provisions herein provided shall be and are hereby declared to be cumulative to all other rights, remedies and provisions now provided under the laws of the State of Nebraska.

Section 14, Whereas an emergency exists, this Act shall

be in full force and take effect, from and after its passage and approval.

Approved, May 17, 1937.

### RECOMMENDS DENIAL OF TRANSFER

The WREN Broadcasting Company of Lawrence, Kans., applied to the Federal Communications Commission for authority to transfer control to the Kansas City Star Company, Kansas City, Mo. The station (WREN) operates on 1220 kilocycles, 1,000 watts and 5,000 watts LS and shares time with KFKU.

Examiner George H. Hill in Report No. I-421 recommended that the application be denied. Inasmuch as the Kansas City Star owns and operates WDAF the Examiner states that "the result of granting the requested authority would be a step in the direction of monopoly, would place in the hands of the largest newspaper in Kansas City two of the largest stations now serving this area, and would remove from the Kansas City area a formidable competitor." It is further stated in the report that "the Examiner is of the opinion, after consideration of the entire record, that no satisfactory showing has been made that the transfer of all of the stock of the WREN Broadcasting Company, Inc., to the Kansas City Star Company would serve public interest, convenience and necessity."

### INCREASED TIME RECOMMENDED FOR WSAU

Broadcasting station WSAU, Wausau, Wis., operating on 1370 kilocycles, 100 watts power daytime, applied to the Federal Communications Commission to grant it unlimited time on the air.

Examiner P. W. Seward in Report No. I-420 recommended that the application be granted. He states that the evidence taken in the case indicates a need for additional nighttime radio service in the area proposed to be served and that no objectionable interference would be caused by granting the application.

### EXAMINER RECOMMENDS NEW STATION

The Northwestern Publishing Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Danville, Ill., to use 1500 kilocycles, 250 watts and daytime operation.

Examiner Robert L. Irwin in Report No. I-418 recommended that the application be granted subject to the approval of the transmitter site by the Commission. He found that there is a need for the daytime service proposed to be rendered by the applicant in the area, and the Examiner states that the granting of the application would not cause any objectionable interference.

## CHANGES RECOMMENDED FOR WAPO

Broadcasting station WAPO, Chattanooga, Tenn., operating on 1420 kilocycles daytime with 100 watts LS applied to the Federal Communications Commission to grant it unlimited time, and 250 watts daytime and 100 watts night.

Examiner John P. Bramhall in Report No. I-419 recommended that the application be granted. The Examiner states that a need for additional service in the area proposed to be served has been established and that the granting of the application would not adversely affect any other station. He found that the increase would be in the public interest.

## DENIAL OF WSOC CHANGES RECOMMENDED

Broadcasting station WSOC, Charlotte, N. C., operating on 1210 kilocycles, 100 watts and 250 watts LS, unlimited time, applied to the Federal Communications Commission to change its frequency to 600 watts and to change its power to 250 watts and 1,000 watts LS.

Examiner Melvin H. Dalberg in Report No. I-417 recommended that the application be denied. He states that "in view of the service now available in the area involved, there does not appear to be sufficient reason for the granting of this application upon the ground of need for additional service."

## NEW STATION RECOMMENDED

The Sharon Herald Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Sharon, Pa., to use 780 kilocycles, 250 watts and daytime operation. Also Allen T. Simmons applied to the Commission for a construction permit for a station at Mansfield, Ohio, to use 780 kilocycles, 1000 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-411 recommended that the Simmons application be granted and that the Herald Company be denied. He states that "it is obvious that there is a greater need for broadcast facilities at Mansfield, Ohio, than at Sharon, Pa." The Examiner states also that program material is more available to Simmons and "the persons now in his employ are more experienced in the operation of a broadcast station than is the applicant Sharon Herald Broadcasting Company."

## CALIFORNIA STATION RECOMMENDED

The Pacific Acceptance Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at San Diego, Cal., to use 1200 kilocycles, 100 watts and

daytime operation. This application was granted at one time by the Commission but later the decision was reversed and set for a further hearing before an Examiner.

Examiner P. W. Seward in Report No. I-412 as the result of the further hearing recommended that the previous grant allowed by the Broadcast Division of the Commission be affirmed, and the application granted. The Examiner found that "the evidence indicates there is a need for additional daytime radio service in the area proposed to be served". Smith, Keller & Cole intervened at the hearing but the Examiner states that "there seems to have been no material change between the dates of the former hearing, the two occasions when the application was granted by the Commission, and the instant hearing." He found that granting of the application to the Acceptance Corporation would be in the public interest.

## SUGGESTS NEW STATION GRANT

The General Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Centralia, Wash., to use 144Q kilocycles, 500 watts and unlimited time on the air.

Examiner John P. Bramhall in Report No. I-414 recommended that the application be granted. He states that a definite need for a local radio station in the area proposed to be served has been established. The Examiner also found that granting the proposed application would not cause any interference and its grant would be in the public interest.

## INCREASED OPERATING TIME RECOMMENDED

Broadcasting station KADA, Ada, Okla., operating on 1200 kilocycles, with 100 watts power, applied to the Federal Communications Commission to increase its operating time from daytime only to unlimited time.

Examiner P. W. Seward in Report No. I-416 recommended that the application be granted. He stated that the evidence in the case brought out the fact that there is a need in the area proposed to be served for additional nighttime service, and the interests of no other station would be adversely affected by such a grant. Also, the Examiner found that no applications for radio facilities now pending at the Commission would involve a question of interference if the application is granted.

## NEW STATION GRANT RECOMMENDED

The Okmulgee Broadcasting Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new station at Okmulgee, Okla., to use 1210 kilocycles, 100 watts and daytime operation.

Examiner P. W. Seward in Report No. I-415 recommended that the application be granted. He states that the evidence shows there is need for additional daytime service in the area proposed to be served by the station. Pending applications for authority to construct a station at the same place have been dismissed by the Commission and the Examiner found that granting the application would be in the public interest.

### NEW CAROLINA STATION RECOMMENDED

The Asheville Daily News applied to the Federal Communications Commission for a construction permit for the erection of a new station at Asheville, N. C., to use 1370 kilocycles, 100 watts and unlimited time.

Examiner George H. Hill in Report No. I-413 recommended that the application be granted. He states that from a consideration of the testimony taken at a further hearing in this case, he is of the opinion that nothing new has been developed that would justify a change in the recommendation made after the first hearing in the matter which suggested that the application be granted.

### SECURITIES ACT REGISTRATIONS

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

Third Investment Counsel Corp., Boston, Mass. (2-3100, Form A-2)  
Metropolitan New York Corp., New York City. (2-3101, Form A-1)  
Houston Oil Field Material Company, Inc., Houston, Tex. (2-3102, Form A-2)  
Tropic-Aire, Inc., Minneapolis, Minn. (2-3103, Form A-2)  
Shareholders Corporation, Seattle, Wash. (2-3104, Form A-1)  
Albert Pick Co., Inc., Chicago, Ill. (2-3105, Form A-2)  
Roytheon Manufacturing Co., Newton, Mass. (2-3106, Form A-1)  
Allied Mills, Inc., Chicago, Ill. (2-3107, Form A-2)  
Brink's, Inc., Chicago, Ill. (2-3108, Form A-2)  
Schmidt Brewing Co., Inc., Olympia, Wash. (2-3109, Form A-1)  
Royal China, Inc., Sebring, Ohio. (2-3111, Form A-1)  
Gregory-Bates Mining Co., Blackhawk, Colo. (2-3112, Form A-1)  
Heofield, Inc., Detroit, Mich. (2-3113, Form A-1)  
H. L. Green Company, Inc., New York City. (2-3114, Form A-1)  
Aurora Apartment Hotel, Inc., San Antonio, Tex. (2-3115, Form E-1)  
Henry S. Caulfield et al., St. Louis, Mo. (2-3116, Form F-1)  
Worthington Pump & Machinery Corp., Harrison, N. J. (2-3117, Form A-2)  
Hayes Body Corp., Grand Rapids, Mich. (2-3118, Form A-2)  
Sands-O-Penn, Inc., Grand Valley, Pa. (2-3119, Form A-1)  
Incomes Estates of America, Inc., Philadelphia, Pa. (2-3120, Form C-1)  
American Investment Co. of Illinois, Springfield, Ill. (2-3123, Form A-2)  
Messenger Corporation, Auburn, Ind. (2-3124, Form A-2)  
Amtex Petroleum Corp., Fort Worth, Tex. (2-3125, Form A-1)  
Emerson Electric Manufacturing Co., St. Louis, Mo. (2-3126, Form A-2)  
Cobb, Sanderholm & Baird, Ltd., Omaha, Nebr. (2-3127, Form A-1)  
Black Lady Mining Company, Inc., Spokane, Wash. (2-3128, Form A-1)  
B. C. Alaska Mines American, Inc., Vancouver, B. C. (2-3130, Form A-1)

Barkley-Grow Aircraft Corp., Detroit, Mich. (2-3132, Form A-1)  
Birdsboro Steel Foundry & Machine Co., Birdsboro, Pa. (2-3133, Form A-2)  
Lumbermen's Finance Corp., Winona, Minn. (2-3134, Form A-2)  
El Paso Natural Gas Co., El Paso, Tex. (2-3136, Form A-1)  
United Investors Realty Corp., New York City. (2-3137, Form A-1)  
Industries Capital Corp., of New York, New York City. (2-3138, Form A-1)  
Magnetic Control Corporation, Manassas, Va. (2-3139, Form A-1)  
Diamond Portland Cement Company, Middle Branch, Ohio. (2-3141, Form A-1)  
Doctors' Hospital, Inc., Washington, D. C. (2-3142, Form A-1)

### FEDERAL TRADE COMMISSION ACTION

#### Complaints

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

**No. 3127.** Five companies manufacturing concrete pipe and other concrete products in the Eastern Seaboard area, including Virginia, Maryland and the District of Columbia, in a complaint are charged with practices tending to create monopoly and restrain trade.

These companies, said to be sufficiently powerful to influence and control trade in their type of products in their territory, and certain individuals also named respondents in the case, are: **Lock Joint Pipe Co.**, 150 Rutledge Ave., East Orange, N. J.; **F. B.** and **J. H. Gray**, trading as **Gray Concrete Pipe Co.**, Thomasville, N. C.; **Baltimore and Hagerstown, Md.**; **Concrete Pipe & Products Co.**, Richmond, Va.; **MidAtlantic Concrete Pipe & Products Co.**, Norfolk, Va., and **Dover, Del.**; **Arlington Concrete Pipe Corporation**, South Washington, Va.; and **Jack M. Parrish, Harry W. Easterly** and **J. Scott Parrish, Richmond, Va.**, owners of the capital stock of **Concrete Pipe & Products Co.** and of 67 shares of **Arlington Concrete Pipe Corporation** stock originally owned by **Concrete Pipe and Products Co.**

**No. 3128.** **Merrill Candy Company**, 1215-17 East Main St., **Merrill, Wis.**, is charged in a complaint with unfair competition in the sale to dealers of candies so packed and assembled as to involve use of a lottery scheme when such products are resold to ultimate consumers.

The lottery element is alleged to be supplied by pushcards disclosing numbers to be drawn by purchasers.

The practices charged are alleged to be in violation of Section 5 of the Federal Trade Commission Act. Twenty days from service of the complaint are allowed the respondent company to file answer to the charges.

**No. 3129.** A complaint has been issued alleging violation of the brokerage section of the Robinson-Patman Anti-Price Discrimination Act by **Reeves, Parvin & Co.**, wholesale grocers, **Tri-State Brokerage Co.**, and their president, **Francis B. Reeves, Jr.**, all of 400 Chestnut St., **Philadelphia**, and a group of corporations engaged in the interstate sale of foodstuffs.

Reeves is said to be a director and president of both **Reeves, Parvin & Co.** and of **Tri-State Brokerage Co.**, owning 55 per cent of the capital stock of the former company, all of the capital stock of the latter, and controlling the activities of each.

According to the complaint, **Tri-State Brokerage Co.** is the purchasing agent and corporate affiliate of **Reeves, Parvin & Co.**, the two companies having the same officers and employees, and between June 19, 1936, and January 1, 1937, 96 per cent of the business of the brokerage firm consisted of orders for the purchase of merchandise placed with it by **Reeves, Parvin & Co.**

In making purchases for **Reeves, Parvin & Co.**, the complaint alleges, **Tri-State** company collected brokerage fees of from 1 to 5 per cent from certain selling concerns, which fees, minus expense of operation, it transmitted to **Reeves, Parvin & Co.** by means of dividend payments to the respondent **Reeves**. These dividend payments allegedly were paid over by **Reeves, Parvin & Co.**

**No. 3133.** A complaint has been issued charging **Elizabeth Arden, Inc.**, **New York** cosmetics manufacturer, with violation

of the Robinson-Patman Anti-Price Discrimination Act. **Elizabeth Arden Sales Corp.**, a subsidiary company, is also named a respondent in the case.

Principal charges are: (1) Price discrimination among dealers purchasing Elizabeth Arden products of like grade and quality by giving certain such customers prices different from those allowed others competitively engaged in the resale of such preparations; (2) discrimination by paying certain customers for advertising services furnished by them in connection with their sale of Elizabeth Arden products, without making such advertising allowances available to all other competing customers on proportionately equal terms, and (3) discrimination by furnishing certain purchasers with services or facilities in connection with their sale of Arden preparations and on terms not accorded proportionately to all such customers.

Price discrimination is alleged to have been practiced by the respondents through selling their products to customers at prices rated according to the total annual purchases of Arden products, as follows: A discount of 40 per cent off the list price for customers buying \$7,500 worth and upwards each year; 33 $\frac{1}{3}$  per cent plus five per cent off list price for customers purchasing between \$3,000 and \$7,500 worth each year; 33 $\frac{1}{3}$  per cent off list price for customers whose annual purchases total between \$200 and \$3,000, and 25 per cent off list price for those who buy less than \$200 worth a year.

### Stipulations and Orders

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

**No. 1978. Vapoo Products Co., Inc.**, 1775 Broadway, New York, agrees to stop labeling its "Vapoo" rug and carpet cleaning preparation with the expressions "highest award 1934" or "Gold Seal Award Chicago 1934," in connection with the phrase "Century of Progress International Exposition," so as to imply that the product received an award at that exposition, when such is not a fact.

**No. 1979. United Asbestos Pad Corporation**, 159 North State St., Chicago, selling table pads, iron stands, stove and hot dish pads, stipulates that it will quit using in advertising matter or otherwise the words "Special Sale," or "Half Price Sale" either independently or in connection with the phrase "For three days only," or with other words so as to imply that the price at which the articles are offered is other than the regular price at which they are sold without limitation of time in the usual course of business. The respondent corporation will stop using the word "Asbestos" as part of its corporate or trade name or in any way to describe those of its products not composed of or made with asbestos. The stipulation provides that if any of its products are made in substantial part with asbestos, and that word is used to describe such part, it shall be accompanied by other words in conspicuous type to clearly show that the articles described are composed of materials other than asbestos.

**No. 1980. Metropolitan Radio Co., Inc.**, 940 F St., N. W., Washington, agreed to cease representing in advertising or in any other manner that its radio sets have a designated "regular price" or "former price," when, in fact, such designated price is fictitious and much in excess of the price at which the sets are regularly sold in the usual course of trade. The company also will stop using the words "half-price sale" to imply that the radio sets to which the words refer are offered for sale at a price but one-half that at which the sets are usually sold, when such is not a fact.

**No. 1981. Karl W. Lambooy, Kalamazoo, Mich.**, trading as **Robert Frank Needlework Supply Co.**, in the sale of quilting pieces or patches and designs for making bed quilts, will cease using in advertising matter statements in the form of testimonials or endorsements purportedly referring to his products, when in fact, according to the stipulation, they are not prepared by users of the products sold by Lambooy and do not refer to Lambooy's products. The respondent also agrees to discontinue employing the phrase "old, established firm" or other words of similar import to describe the business he conducts, when in fact, according to the stipulation, such business is not an old established one.

**No. 1982. Tailored Woman, Inc.**, 729 Fifth Ave., New York, agreed to discontinue advertising as "silk jersey" certain dresses not composed of silk, and to cease using the word "silk," either alone or with other words, so as to imply that the products to which the words refer are composed of silk, when such is not a fact.

**No. 1983. Bradley Boston, Inc.**, Newton, Mass., jewelry dealer, has entered into a stipulation to discontinue certain unfair

representations in the interstate sale of its products in violation of Section 5 of the Federal Trade Commission Act.

In its stipulation, this company agrees to quit using in its advertising matter the words "Facsimile Diamond" to describe products made of glass, and to stop employing the word "Diamond," alone or in connection with "Facsimile" or "Blue-White" so as to imply that the products to which such words refer are other than imitations of diamonds.

**No. 1984. Boyd W. Doyle**, trading as **Doyle Packing Co.**, Momence, Ill., also operating packing plants at Los Angeles and at Newark, N. J., has entered into a stipulation to cease using unfair representations in the sale of his products in violation of Section 5 of the Federal Trade Commission Act.

Doyle, a manufacturer of canned foods for dogs and cats, agrees to cease use in his advertising matter or on labels affixed to his products of representations to the effect that the dog food he sells constitutes a balanced diet or is all of one quality of the highest grade possible or that the respondent's product could not be improved even if double the price were charged. He agrees also to cease making assertions to the effect that the product is a result of five years' experience and hundreds of feeding tests or has been recommended or endorsed by leading veterinarians all over the country.

**No. 2881.** Under an order to cease and desist, the **Hogan Advertising Company**, trading as **The Sendol Company**, 129 Coates Building, Kansas City, Mo., is prohibited from making certain misrepresentations in the sale of medicines, in violation of Section 5 of the Federal Trade Commission Act.

Held to constitute unfair methods of competition, the practices prohibited are as follows: Representation that "Sendol" is a safe medicine in all cases, including children's ailments; that it is effective and reliable for treating muscular, rheumatic or neuralgic aches and pains, and that it affords quick relief for headaches, colds, aches or pains and is an effective remedy for nervous exhaustion.

**No. 2952. Maurice Willens**, trading as **Mushroom Growers of America**, 431 North Clark St., Chicago, has been ordered to cease and desist from certain unfair methods of competition, violative of Section 5 of the Federal Trade Commission Act, in the sale of mushroom spawn in interstate commerce.

Representations to be discontinued by Willens are that mushrooms may be easily grown in any idle space in or about the home and that their cultivation is a simple and highly remunerative industry; that any person can successfully grow mushrooms for profit without previous experience or technical skill, and that there is a shortage of mushrooms on the market.

**No. 3065.** A cease and desist order has been issued against **Standard Distributors, Inc.**, and its president, **Louis H. Gellar**, both of 114 East Thirty-second St., New York, prohibiting certain unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

In the sale of radios, food beaters, food mixers, or other articles, the respondents are directed to stop furnishing or selling any device or paraphernalia which is to be used, or which may be used, in the distribution of such articles by means of a lottery scheme, lottery sales plan, game of chance, or gift enterprise.

In connection with the sale of such merchandise, the respondents are also ordered to cease supplying or selling to retail merchants paraphernalia and devices, a part of which are a large number of keys and a padlock, for use in the following manner: One key to be distributed by merchants to each of their customers with the purchase of a given amount of merchandise, and, when a fixed number of such keys has been distributed, to be collected by the merchant. The holders of the small number of keys which will fit the padlock are entitled to receive, without additional charge, a radio, food mixer, food beater or other article.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, May 24.

Monday, May 24

### FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Carolina Advertising Corp., Columbia, S. C.—C. P., 1370  
Kc., 100 watts, 250 watts-LS, unlimited time.



## HEARING BEFORE AN EXAMINER

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—C. P., 790 kc., 50 KW, unlimited time. Present assignment: 790 kc., 7½ KW, unlimited time.

Tuesday, May 25

## FURTHER HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Nathan N. Bauer, Miami, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

## HEARING BEFORE AN EXAMINER

(Broadcast)

KOOS—Pacific Radio Corp., Marshfield, Ore.—Voluntary assignment of license to KOOS, Inc., 1200 kc., 500 watts, daytime.

Wednesday, May 26

## HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—C. P., 1310 kc., 100 watts, 250 watts-LS, unlimited.

NEW—John W. Haigis, Greenfield, Mass.—C. P., 1210 kc., 250 watts, daytime.

WSMB—WSMB, Inc., New Orleans, La.—C. P., 1320 kc., 1 KW, 5 KW-LS, unlimited time. Present assignment: 1320 kc., 1 KW, unlimited time.

Thursday, May 27

## ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

### Examiner's Report No. 1-378:

WJBR—J. B. Roberts, Gastonia, N. C.—Modification of C. P., 1420 kc., 100 watts, unlimited time.

NEW—Virgil V. Egans, Gastonia, N. C.—C. P., 1420 kc., 100 watts, unlimited time.

### Examiner's Report No. 1-372:

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license, 930 kc., 250 watts, 500 watts-LS, unlimited time. Present assignment: 900 kc., 500 watts, daytime.

NEW—Lawrence K. Miller, Pittsfield, Mass.—C. P., 930 kc., 250 watts, daytime.

## FURTHER HEARING BEFORE AN EXAMINER

General Electric Co., Belmont, Calif.—C. P., 9530, 15330 kc., 20 KW, unlimited time in accordance with Rule 983.

Friday, May 28

## HEARING BEFORE AN EXAMINER

(Broadcast)

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., 1290 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Glenn E. Webster, Decatur, Ill.—C. P., 1290 kc., 250 watts, daytime.

## APPLICATIONS GRANTED

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted license to cover C. P.; 630 kc., 500 watts night, 1 KW day, unlimited time.

WQAN—The Scranton Times, Scranton, Pa.—Granted modification of license to use transmitter of station WGBI as their main transmitter and increase power from 250 watts to 500 watts. Also granted license to use present main transmitter as an auxiliary transmitter for emergency purposes only.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted license to use present transmitter of station WQAN as WGBI's auxiliary transmitter.

NEW—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Granted C. P. for new high frequency broadcast station; frequencies 31600, 35600, 38600 and 41000 kcs., 100 watts.

W2XE—Columbia Broadcasting System, Inc., New York City.—Granted license to cover C. P. as modified covering authority to make changes in transmitting equipment and increase power from 5 to 10 KW night and day.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Granted C. P. and license to add aural transmitter to television station; 150 watts power on same frequencies with A3 emission.

## SET FOR HEARING

NEW—George H. Evans & Davis O. Vandivier, d/b as The Chickasha Daily Express, Chickasha, Okla.—C. P. for new station; 1500 kc., 250 watts, daytime only. Exact transmitter site to be determined.

NEW—Broadcasters, Inc., Gastonia, N. C.—C. P. for new station; 1420 kc., 100 watts night, 250 watts day. Unlimited time. Exact site to be determined, also type of antenna.

NEW—Curtis Radiocasting Corp., Richmond, Ind.—C. P. for new station; 1420 kc., 100 watts night, 250 watts day, unlimited time. Site to be determined.

NEW—United Broadcasting Co., Tulsa, Okla.—C. P. for new special broadcast station; 1550 kc., 1 KW night and day, unlimited time. Exact transmitter site to be determined.

NEW—Decatur Newspapers, Inc., Decatur, Ill.—C. P. for new special broadcast station; 1550 kc., 1 KW night and day, unlimited time. Exact site to be determined.

WQXR—Interstate Broadcasting Co., Inc., New York City.—C. P. to make changes in equipment (install new transmitter), increase power from 1 KW to 5 KW, and move transmitter to a new site to be determined subject to Commission approval. To be heard before the Broadcast Division.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean, Executive Pres.), Rapid City, S. Dak.—Voluntary assignment of license to the Black Hills Broadcast Company of Rapid City.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Modification of license to increase power and time of operation from 1 KW daytime only to 1 KW, unlimited time. Present assignment, 900 kc., 1 KW, daytime only.

NEW—A. L. Beard, Jasper, Ala.—C. P. for new station; 1500 kc., 100 watts, unlimited time. Site to be approved.

NEW—Airfan Radio Corp., Ltd., San Diego, Calif.—C. P. for new station; 1420 kc., 100 watts, unlimited time. Site to be determined.

NEW—Ellwood Warwick Lippincott, Inc., Bend, Oregon.—C. P. for new station (amended 12-7-36); 1310 kc., 100 watts, unlimited time; exact transmitter and studio sites to be determined with Commission's approval.

NEW—Carolinas Radio, Inc., Charlotte, N. C.—C. P. for new station (amended 4-22-37); 880 kc., 1 KW, unlimited time; exact transmitter and studio sites to be determined with Commission's approval.

WSMK—WSMK, Incorporated, Dayton, Ohio.—C. P. (amended 4-2-37). Move transmitter site locally to Town 2, Range 7, Mrs. of Madriver Twp., Montgomery County, Ohio; install new equipment and directional antenna system for nighttime use; increase power from 200 watts night and day, simultaneous day and specified hours night, to 250 watts night, 500 watts day, unlimited time. Present assignment: 1380 kc., 200 watts night and day, simultaneous day and specified hours night.

## SPECIAL AUTHORIZATIONS

WFIL—WFIL Broadcasting Co., Philadelphia, Penna.—Granted extension special temporary authority to operate on 560 kc., with power of 1 KW at night, for the period beginning June 1, 1937 and ending in no event later than June 30, 1937, inclusive, pending filing of construction permit for this authority.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted extension special temporary authority to operate from 5:30 p. m. to 7 p. m., EST, on Sundays, from June 1, 1937 to June 30, 1937, inclusive (provided WBBL remains silent), in order to broadcast special programs.

KIT—Carl E. Haymond, Yakima, Wash.—Granted special temporary authority to operate a 75 watt portable transmitter on 1250 kc., between the hours of 1 a. m. and 6 a. m., PST, for a period not to exceed thirty days, in order to select a suitable transmitter site. However, such operation not permitted during those hours prescribed for Commission monitoring schedule.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted extension special temporary authority to operate from 5 a. m. to 6 a. m., EST, for the period beginning May 16, 1937, and ending in no event later than June 14, 1937, in order to reach the farmers in the territory surrounding station WDZ who are in their fields during the summer months by 5 a. m.

WOEH—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast station WOEH for the period beginning May 29, 1937, and ending in no event later than June 7, 1937, utilizing the frequencies 4797.5, 6425, 8655 and 12862.5 kc., in addition to the licensed frequencies of WOEH for relay broadcast from aboard IMPERIAL Airways Ltd., seaplane CAVALIER program material during initial flight inaugurating the Bermuda-New York air passenger service. Program to be rebroadcast by National Broadcast Company over a national network of affiliated broadcast stations.

WCAD—St. Lawrence University, Canton, New York—Granted special temporary authority to operate from 9 a. m. to 11:30 a. m., EST, Saturday, May 22, 1937, in order to broadcast the exercises of Moving-Up Day, a college holiday.

KWSC—State College of Washington, Pullman, Wash.—Granted special temporary authority to waive the requirements of Rule 151 and reduce hours of operation to the following specified hours: daily, except Sundays and holidays, from 6 p. m. to 10 p. m., Thursday, from 6 p. m. to 7:30 p. m., PST, instead of the hours now assigned for the period beginning June 1, 1937 and ending in no event later than 12 midnight, September 30, 1937.

KWSC—State College of Washington, Pullman, Wash.—Granted special temporary authority to operate from 9 a. m. to 2 p. m., PST, Monday, June 14, 1937, in order to broadcast a special program.

WPHR—WLBG, Incorporated, Petersburg, Va.—Granted special temporary authority to operate a 50 watt transmitter on 880 kc., between hours of 1 a. m. and 6 a. m., EST, for a period not to exceed thirty days, for the purpose of making a site survey in the vicinity of Richmond, Va. However, such operation not permitted during those hours prescribed for Commission monitoring schedule.

KDB—Santa Barbara Broadcasters, Inc., Santa Barbara, Calif.—Granted special temporary authority to operate a 100-watt portable test transmitter between the hours of 12 midnight and 6 a. m. PST., for a period not to exceed thirty days, in order to make field intensity survey tests in the City of Santa Barbara and the immediately surrounding territory to locate a suitable new transmitter site for KDB. However, such tests not permitted during those hours prescribed for Commission monitoring schedule.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (June sunset, 7:30 p. m.) to 9 p. m., CST, using power of 100 watts, on Sundays, June 6, 13, 20 and 27, 1937, in order to broadcast church services of the Kelly Memorial Methodist Church, Longview, Tex.

WFLA—Clearwater Chamber of Commerce, Clearwater, Fla.—Granted special temporary authority to close Clearwater studios from June 1 to July 15, 1937, inclusive, and use Tampa studios as main studios, on account of summer vacations for employees and in order to continue WFLA during summer period with a reduction in experienced personnel.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted special temporary authority to operate a 50-watt transmitter and a 40-foot antenna on 1450 kc. between the hours of 1 a. m. and 6 a. m., CST, for the period beginning May 18, 1937, and ending in no event later than May 24, 1937, in order to make measurements for the selection of a transmitter site. However, such operation not permitted during those hours prescribed for Commission monitoring schedule.

#### APPLICATION DENIED

WOW—Woodmen of the World Life Insurance Association, Omaha, Nebr.—Denied extension special temporary authority to operate with power of 5 KW at night for the period beginning May 27, 1937, and ending in no event later than June 25, 1937. (Commissioner Sykes dissented.)

#### EXAMINER REPORTS RELEASED SINCE MAY 11, 1937

KGFF—Ex. Rep. 1-409: KGFF Broadcasting Co., Inc., Shawnee, Okla.—Examiner P. W. Seward recommended that the peti-

tion to withdraw application of KGFF for modification of license to change frequency from 1420 kc. to 1430 kc., power from 100 watts, 250 watts LS, to 250 watts, be granted, and that application be dismissed without prejudice.

WHOM—Ex. Rep. 1-410: New Jersey Broadcasting Corp., Jersey City, N. J.—Examiner R. H. Hyde recommended that application for C. P. to increase power from 250 watts to 250 watts night, 1 KW daytime, be denied.

NEW—Ex. Rep. 1-411: Sharon Herald Broadcasting Co., Sharon, Pa.—Examiner M. H. Dalberg recommended that application for C. P. for new station to operate on 780 kc., 250 watts, daytime, be denied; and

NEW—Allen T. Simmons, Mansfield, Ohio.—That application for C. P. of Allen T. Simmons to operate new station on 780 kc., 1 KW, daytime, be granted.

NEW—Ex. Rep. 1-412: Pacific Acceptance Corp., San Diego, Calif.—Examiner P. W. Seward recommended that application for C. P. to establish a new station in San Diego to operate on 1200 kc., 100 watts, daytime, as heretofore granted by the Commission, Broadcast Division, be affirmed and granted.

NEW—Ex. Rep. 1-413: Asheville Daily News (Harold H. Thoms, Owner), Asheville, N. C.—Examiner G. H. Hill recommended that application for C. P. for new station to operate on 1370 kc., 100 watts, unlimited time, be granted.

NEW—Ex. Rep. 1-414: Central Broadcasting Corp., Centralia, Wash.—Examiner John P. Bramhall recommended that application for C. P. for new station to operate on 1440 kc., 500 watts, unlimited time, be granted.

NEW—Ex. Rep. 1-415: Okmulgee Broadcasting Corp., Okmulgee, Okla.—Examiner P. W. Seward recommended that application for C. P. for new station to operate on 1210 kc., 100 watts, daytime, be granted.

KADA—Ex. Rep. 1-416: C. C. Morris, Ada, Okla.—Examiner Seward recommended that application for modification of license to change hours of operation from daytime to unlimited be granted.

WSOC—Ex. Rep. 1-417: WSOC, Inc., Charlotte, N. C.—Examiner M. H. Dalberg recommended that application for C. P. to change frequency from 1210 kc. to 600 kc. and power from 100 watts, 250 watts LS, to 250 watts, 1 KW LS, be denied.

NEW—Ex. Rep. 1-418: Northwestern Publishing Co., Danville, Ill.—Examiner Robert L. Irwin recommended that application for C. P. for new station to operate on 1500 kc., 250 watts, daytime, be granted, subject to Commission's approval of transmitter site.

WAPO—Ex. Rep. 1-419: W. A. Patterson, Chattanooga, Tenn.—Examiner John P. Bramhall recommended that application for C. P. to change power from 100 watts LS to 250 watts daytime, 100 watts night, and hours of operation from daytime to unlimited, be granted.

#### APPLICATIONS RETIRED TO FILES

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Application for construction permit (B4-P-1631) to install new equipment and increase day power from 100 watts to 250 watts. Present assignment: 1370 kc., 100 watts, unlimited time. Retired to files pending action on assignment of license.

WBLK—The Exponent Company, Clarksburg, W. Va.—Informal application for special temporary authority to operate from 5 a. m. to 6 a. m., EST, Wednesday, May 12, 1937, in order to broadcast the Coronation Ceremonies from London, England.

#### APPLICATION DISMISSED

The following application was dismissed at the request of the applicant:

WSJS—Winston-Salem Journal Co., Winston-Salem, N. C.—Application for construction permit (B3-P-1397) for 1250 kc., 1 KW night, 1 KW LS, unlimited time.

#### MISCELLANEOUS

WDNC—Durham Radio Corp., Durham, N. C.—Granted petition for continuance of hearing on its application for C. P. specifying 600 kc., 1 KW, unlimited time.

NEW—Bay County Publishers, Inc., Panama City, Fla.—Cancelled oral argument on application of Bay County Publishers, Inc., for new station at Panama City, Fla., 1420 kc., 100 watts, unlimited time, Docket No. 3931, and dismissed same with prejudice.

J. K. Patrick & Co., Athens, Ga.—Granted petition to intervene in the proceedings on the application of Athens Times, Inc., for new station at Athens, Ga., to use **1210 kc.**, 100 watts night, 250 watts day, unlimited time (Docket No. 4534).

Martin R. O'Brien, Kankakee, Ill.—Granted petition to intervene in the matter of the application of Key City Broadcasting Co. for a new station at Kankakee, Ill., to use **1500 kc.**, 100 watts, unlimited time (Docket No. 4522).

NEW—Ben B. Shields, Provo, Utah.—Granted petition to accept applicant's answer in the matter of the application for a new station at Provo, Utah, to use **1210 kc.**, 100 watts, unlimited time (Docket No. 4454).

NEW—Thomas J. Watson, Endicott, N. Y.—Granted motion for continuance of the hearing date upon his application for a new station at Endicott, N. Y., to use **1240 kc.**, 1 KW, unlimited time (Docket No. 4550).

Hearst Radio, Inc., New York, N. Y.—Granted motion for continuance of the hearing upon the application for new station at Albany, N. Y., to use **1240 kc.**, 1 KW, unlimited time (Docket 2900).

Citizens Broadcasting Corp., Schenectady, N. Y.—Granted motion for continuance of hearing date on application for new station at Schenectady, N. Y., to use **1240 kc.**, 1 KW night, 5 KW LS, unlimited time (Docket No. 4508).

The Commission decided a hearing date subsequent to September 6, 1937, be fixed for the three above applicants.

KGA—Louis Wasmer, Spokane, Wash.—Granted petition for a continuance of the hearing on his application for modification of license to use **950 kc.**, 1 KW night, 5 KW LS, unlimited time. A new hearing date subsequent to September 6, 1937, will be fixed. Present assignment: 5 KW, **1470 kc.**, unlimited time.

KGU—Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted petition to intervene at hearing of application of Honolulu Broadcasting Co., Ltd. (KGMB), for transfer of control of corporation (Docket No. 3873). Denied motion of the Honolulu Broadcasting Co., Ltd., to strike petition of Advertiser Publishing Co., Ltd.

WCAO—Monumental Radio Co., Baltimore, Md.—Granted motion for acceptance of answer filed three days late as respondent in the application of Durham Radio Corp. (WDNC), Durham, N. C., for a C. P. specifying **600 kc.**, 1 KW, unlimited time (Docket No. 4525).

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted application for modification of license to increase night power from 500 watts to 1 KW. Reconsidered action of March 9, 1937, in designating said application for hearing.

NEW—C. P. Sudweeks, Spokane, Wash.—Hearing date on application for a new station at Spokane, Wash., to use **550 kc.**, 500 watts night, 1 KW day, unlimited time, continued from June 11, 1937, until a date after August 1, 1937, to be fixed by the Docket Section.

NEW—Vancouver Radio Corp., Vancouver, Wash.—Granted petition for indefinite continuance of hearing on application for new station at Vancouver, Wash., to use **880 kc.**, 250 watts, daytime only (Docket No. 4388).

Port Arthur College, Port Arthur, Tex.—Granted petition to intervene in the proceeding upon the application of the Enterprise Company for a new station at Beaumont, Tex., to use **1400 kc.**, 500 watts, unlimited time (Docket 4513).

Sabine Broadcasting Co., Beaumont, Tex.—Granted petition to intervene in the proceeding upon the application of the Enterprise Company for a new station at Beaumont, Tex., to use **1400 kc.**, 500 watts, unlimited time (Docket 4513).

Magnolia Petroleum Company, Dallas, Tex.—Granted petition to intervene in the proceeding upon the application of the Enterprise Company for a new station at Beaumont, Tex., to use **1400 kc.**, 500 watts, unlimited time (Docket 4513).

WMEX—Northern Corporation, Boston, Mass.—Dismissed opposition to a continuance of the hearing of the application of WLAC, Nashville, Tenn., for increase in power from 5 KW to 50 KW (Docket 4137).

WLAC—WLAC, Inc., Nashville, Tenn.—Granted petition for postponement of hearing on application for C. P. to increase power from 5 KW to 50 KW (Docket 4137). Case to be continued for period of 6 months from June 16, 1937, the new hearing date to be fixed at the convenience of the Docket Section.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition to withdraw without prejudice application for consent to transfer control of station WOAI to Columbia Broad-

casting System, Inc. (Docket 4238). Permitted application to be withdrawn "with prejudice."

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted petition to accept answer to the appearance of the applicant in the matter of Westinghouse Radio Stations, Inc. (WGL), Fort Wayne, Ind., to increase daytime power from 100 watts to 250 watts, **1370 kc.**, unlimited time (Docket 4519).

Leon M. Eisfeld, Burlington, Iowa.—Granted petition for continuance of hearing date on application for new station at Burlington, Iowa, to use **1310 kc.**, 100 watts, unlimited time (Docket 4502). Hearing continued to a date subsequent to June 13, 1937.

WJDX—LaMar Life Insurance Co., Jackson, Miss.—Granted petition to intervene in the matter of the application of Standard Life Insurance Co. of the South for a new station at Jackson, Miss., to use **1420 kc.**, 100 watts night, 250 watts day, unlimited time (Docket 4510).

Wichita Broadcasting Co., Wichita Falls, Tex.—Denied motion for a continuance of the hearing upon the application of Tri-State Broadcasting System, Inc. (KTBS), Shreveport, La., for modification of license to use **620 kc.**, 500 watts night, 1 KW day, unlimited time. Hearing scheduled for June 21, 1937.

Radio Enterprises, Inc., Lufkin, Tex.—Denied petition in opposition to continuance of hearing in the matter of the application of Hot Springs Chamber of Commerce (KTHS), Hot Springs, Ark., for voluntary assignment of license (Docket 4100).

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Granted petition for indefinite postponement of hearing on application for voluntary assignment of license.

#### ORAL ARGUMENTS GRANTED

NEW—Ex. Rep. 1-382: Peninsula Newspapers, Inc., Palo Alto, Calif.—Granted oral argument to be held June 24, 1937.

WMEX—Ex. Rep. 1-392: The Northern Corp., Boston, Mass.—Granted oral argument to be held June 24, 1937.

KARK—Ex. Rep. 1-393: Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted oral argument to be held June 24, 1937.

NEW—Ex. Rep. 1-394: Arthur H. Croghan, Minneapolis, Minn.—Granted oral argument to be held June 24, 1937.

NEW—Ex. Rep. 1-396: F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Granted oral argument to be held July 1, 1937.

NEW—Ex. Rep. 1-398: Stanley Reid and Charles Whitnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Iowa.—Granted oral argument to be held July 1, 1937.

KSFO—Ex. Rep. 1-399: The Associated Broadcasters, Inc., and Western Broadcast Co., San Francisco, Calif.—Granted oral argument to be held July 1, 1937.

#### ACTION ON EXAMINERS' REPORTS

WMBD—Ex. Rep. I-383: Peoria Broadcasting Co., Peoria, Ill.—Granted C. P. to install new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; **1440 kc.**, unlimited time. Examiner George H. Hill sustained. Order effective July 6, 1937.

NEW—Ex. Rep. I-385: W. H. Marolf, Escanaba, Mich.—Denied as in default C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, unlimited time (site to be determined, subject to Commission's approval). Examiner R. H. Hyde sustained.

NEW—Ex. Rep. I-385: The Escanaba Daily Press Co., Escanaba, Mich.—Dismissed with prejudice C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, daytime (Examiner R. H. Hyde sustained).

KGCC—Ex. Rep. I-104: The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted modification of license to change hours of operation from specified hours to unlimited time; **1420 kc.**, 100 watts (Examiner George H. Hill sustained). Order effective July 6, 1937.

WNRI—Ex. Rep. I-303: S. George Webb, Newport, R. I.—Denied modification of C. P. (1-PB-2815) for a new station for extension of completion date; **1200 kc.**, 100 watts, 250 watts day, unlimited time (Examiner R. H. Hyde sustained). Order effective July 6, 1937.

WTHT—Ex. Rep. I-303: The Hartford Times, Inc., Hartford, Conn.—Granted modification of C. P. (B1-P-360) for change in hours of operation from daytime to unlimited.

Requests facilities of WNRI, 1200 kc., 100 watts (Examiner R. H. Hyde sustained). Order effective July 6, 1937.

NEW—I-303: E. Anthony & Sons, Inc., Pawtucket, R. I.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time (facilities WNRI) (Examiner R. H. Hyde sustained).

KFFM—Ex. Rep. I-323: Voice of Greenville, Greenville, Tex.—Denied C. P. to make changes in equipment; change frequency from 1310 kc. to 1420 kc.; increase power from 50 watts to 100 watts; change hours of operation from specified to daytime; move transmitter from 2109 Park St. (rear), Greenville, Tex., to site to be determined, subject to Commission's approval (Examiner P. W. Seward sustained). Order effective July 13, 1937.

NEW—Ex. Rep. I-344: Hunt Broadcasting Association (Fred Horton, Pres.), Greenville, Tex.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, daytime (Examiner George H. Hill sustained). Order effective July 13, 1937.

WAAB—Ex. Rep. I-355: The Yankee Network, Inc., Boston, Mass.—Granted modification of license to increase day power from 500 watts to 1 KW; 1410 kc., 500 watts night, 1 KW day, unlimited time (Examiner Robert L. Irwin, sustained). Order effective July 13, 1937.

KWBG—Ex. Rep. I-357: The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Denied C. P. to make changes in equipment and antenna (using directional antenna night); move transmitter from 101 E. Avenue A, Hutchinson, Kans., to approximately 3 miles southeast of present transmitter location; change frequency from 1420 kc. to 550 kc.; and increase power from 100 watts to 250 watts, unlimited time (Examiner Melvin H. Dalberg sustained). Order effective July 13, 1937.

NEW—Ex. Rep. I-381: Cadillac Broadcasting Co. (Mich.), Detroit, Mich.—Dismissed without prejudice C. P. for new broadcast station to operate on 1140 kc., 500 watts, daytime (Examiner Melvin H. Dalberg sustained).

## RATIFICATIONS

The Division ratified the following acts authorized on the dates shown:

KTMS—The News Press Publishing Co., Santa Barbara, Calif.—Granted special temporary authority to operate a 50 watt portable crystal controlled transmitter between the hours of 12 midnight and 6 a. m. PST, for the period beginning May 12, and ending in no event later than May 18, 1937, in order to make field intensity survey tests in the metropolitan area of Santa Barbara. However, such tests not permitted during hours prescribed for Commission monitoring schedule.

W9XES—Midland Broadcasting Co., Kansas City, Mo.—Granted authority to operate as licensed period 30 days beginning May 15 and ending in no event later than June 13, relay-broadcast on Saturday mornings series of education question and answer broadcasts.

W8XIR-WAAQ—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension 30 day period stations W8XIR, WAAQ to operate as licensed beginning May 17 to June 16 inclusive for relaybroadcast interviews with school children.

W4XBT-WAAK-W4XBZ—Radio Station WSOC, Inc., Charlotte, N. C.—Granted authority to operate as licensed period May 15 through June 1, inclusive, relaybroadcast program opening Charlotte Municipal Airport.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted modification of construction permit (B2-P-338) to install new equipment and to make changes in antenna. Provided towers marked in accordance Rule 131d.

Granted petition of Northside Broadcasting Corp. (WGRC), New Albany, Ind., to intervene in proceedings upon the applications of The Louisville Times Co., Docket No. 4222 and S. O. and P. C. Ward, d/b as Louisville Broadcasting Co., Docket No. 4466, for construction permits for new stations at Louisville, Ky.

Granted petition of Central California Broadcasters, Inc. (KRE), Berkeley, Calif., for continuance of the hearing upon its application for construction permit, Docket No. 4411, from May 21 to June 28, 1937.

Granted motion on behalf of L. L. Coryell, Sr., & L. L. Coryell, Jr., d/b as L. L. Coryell & Son, requesting that the date for taking depositions on behalf of their application for C. P. for new station, Lincoln, Nebr., Docket No. 4509, be postponed from May

15 until 10 a. m. on June 1, 1937 at the Cornhusker Hotel, Lincoln, Nebr.

Broadcast Division open own motion, ordered that the record in the following cases be held open and cases heard further on June 21, 1937—University of Minn., Minneapolis, Minn., WLB, for construction permit, Docket No. 4147, Minn. Broadcasting Corp., Minneapolis, Minn. (WTCN), for modification of license, Docket No. 4148 and St. Olaf College, Northfield, Minn. (WCAL) for construction permit, Docket No. 4149.

## APPLICATIONS RECEIVED

### First Zone

NEW—Hearst Radio, Inc., Washington, D. C.—Construction permit for a booster station on 1310 kc., 250 watts to operate synchronously with main transmitter of proposed broadcast station daytime only, in or near Washington, D. C. Requests facilities of WOL, contingent on the granting of WOL's application for change in frequency. (Request of attorney.)

NEW—Hearst Radio, Inc., Washington, D. C.—Construction permit for a booster station on 1310 kc., 250 watts to operate synchronously with main transmitter of proposed broadcast station daytime only, in or near Washington, D. C. Requests facilities of WOL, contingent on the granting of WOL's application for change in frequency. (Request of attorney.)

WMBO—WMBO Incorporated, Auburn, New York.—License to 1310 cover construction permit (B1-P-1467) as modified, for a new transmitter and antenna, increase in power and move of transmitter.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Authority to transfer control of corporation from Anthony D'Angelo, as trustee for Salvatore D'Angelo (his brother) and including also any right, title or interest he may be deemed to have heretofore otherwise acquired in any stock of the Paramount Broadcasting Corp., to Eva L. D'Angelo, wife of Salvatore D'Angelo, in trust for said Salvatore D'Angelo, including all right, title or interest that may be deemed to have heretofore been acquired by said Anthony D'Angelo.

W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PE-103) to extend commencement date from 12-27-36 to 5-1-37 and completion date from 6-27-37 to 11-1-37.

### Second Zone

WLAD—American Broadcasting Corp. of Kentucky, Lexington, Ky. 610 Construction permit to change frequency from 1420 kc. to 610 kc., install a new transmitter, make changes in antenna and increase power from 100 watts night, 250 watts day to 500 watts night, 1 KW day.

WSAJ—Grove City College, Grove City, Pa.—License to cover 1310 construction permit (B2-P-1372) for changes in equipment.

NEW—S. I. Slover Corp., Norfolk, Va.—Construction permit for 1370 a new station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time.

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Modification of construction permit (B2-P-1398) for a new station, requesting changes in authorized equipment, for approval of vertical antenna and transmitter site at 3 miles south of Uniontown, Pa.

### Third Zone

WNOX—Continental Radio Co., Knoxville, Tenn.—License to 1010 cover construction permit (B3-P-1295) as modified, for a new transmitter and antenna, increase in power and move of transmitter.

NEW—Times Printing Co., Chattanooga, Tenn.—Construction 1120 permit for a new station to be operated on 1120 kc., 500 watts night, 1 KW day, unlimited time. To use directional antenna day and night.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Voluntary 1140 assignment of license from WAPI Broadcasting Corp. to Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI).

WAPI—Alabama Polytechnic Institute, University of Alabama and 1140 Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Voluntary assignment of license from Alabama Polytechnic Institute University of

Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI) to Voice of Alabama, Inc.

**NEW**—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Construction permit for a new station to be operated on **1210 kc.**, 250 watts, daytime. Amended: To change power from 250 watts to 100 watts night, 250 watts day and change hours of operation from daytime to unlimited time.

**NEW**—Y. W. Scarborough & J. W. Orvin, Charleston, S. C.—**1210** Construction permit for a new station to be operated on **1210 kc.**, 100 watts night, 250 watts day, unlimited time. Amended: To omit the name of Frederick Jordan from partnership.

**NEW**—Seaboard Broadcasting Corp., Savannah, Ga.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts night, 250 watts daytime, unlimited time.

**NEW**—Southern Broadcasting Corp., Bogalusa, La.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

**KPLT**—North Texas Broadcasting Co., Paris, Texas.—License to **1500** cover construction permit (B3-P-1645) for changes in equipment and increase in power.

**WAEB**—Southeastern Broadcasting Co., Inc., Near Macon, Ga.—License to cover construction permit for a new relay broadcast station.

#### Fourth Zone

**KFYR**—Meyer Broadcasting Co., Bismarck, N. Dak.—Authority **550** to install new automatic frequency control equipment.

**KSOO**—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. **1110** Dak.—Construction permit to erect a new vertical antenna at N. E.  $\frac{1}{4}$  of N. W.  $\frac{1}{4}$  Section 24, Township 101, Range 50 West, 3 miles west of Sioux Falls, South Dakota.

**KFJB**—Marshall Electric Co., Inc., Marshalltown, Iowa—Modification of construction permit (B4-P-1054) as modified, for changes in equipment, new antenna and move of transmitter, requesting extension of completion date from 5-18-37 to 6-18-37.

**WJBC**—Arthur Malcolm McGregor & Dorothy Charlotte McGregor, Bloomington, Ill.—Modification of license to change hours of operation from share WJBL to unlimited time. (Contingent upon the granting of WJBL's application for **1370 kc.**, unlimited time.)

**NEW**—Gerald A. Travis, La Porte, Ind.—Construction permit for **1420** a new station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time. Amended: To change requested frequency from **1500 kc.** to **1420 kc.**, hours of operation from unlimited time to daytime using 250 watts, make changes in antenna and give transmitter site as site to be determined, La Porte, Indiana.

**WHIP**—Hammond-Calumet Broadcasting Corp., Hammond, Ind., **1480** —Modification of construction permit (B4-P-415) for a new station, requesting changes in authorized equipment, changes in directional antenna for day use and change transmitter site from Wicker Park at Southeastern Avenue overpass, near conjunction U. S. Routes, Highland, Indiana, to 137th and Pochman Avenue, Hammond, Indiana.

#### Fifth Zone

**NEW**—Radiotel Corporation, San Diego, Calif.—Construction **920** permit for a new station to be operated on **920 kc.**, 500 watts, unlimited time. Amended: To change power from 500 watts to 1 KW and make changes in requested equipment.

**KEX**—Oregonian Publishing Co., Portland, Oregon.—Construction **1160** permit to change frequency from **1180 kc.** to **1160 kc.**, make changes in equipment, install directional antenna for day and night use and change hours of operation from simultaneously day, KOB, share KOB night to unlimited, simultaneously with WOWO.

**NEW**—Evening News Press, Inc., Port Angeles, Wash.—Construction **1250** permit for a new station to be operated on **1250 kc.**, 250 watts, unlimited time.

**KOL**—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of construction permit (B5-P-1352) for changes in equipment, requesting extension of completion date from 5-29-37 to 6-30-37.

**KSRO**—The Press Democrat Publishing Co., Santa Rosa, Calif.—**1310** Modification of construction permit (B5-P-759) to change transmitter site from Stony Point Road, Santa Rosa, California to Fresno Avenue and Vallejo Street, Santa Rosa, California, extend commencement and completion dates from 6-9-37 and 12-9-37 respectively to 60 days after grant and 180 days thereafter.

**KSLM**—Oregon Radio, Inc., Salem, Oregon.—Construction **1360** permit to change frequency from **1370 kc.** to **1360 kc.**, install a new transmitter, make changes in antenna and increase power from 100 watts to 500 watts. Amended: To change transmitter site from Portland Road,  $\frac{1}{2}$  mile north of city limits of Salem, Oregon, to site to be determined, Salem, Oregon.

**NEW**—Floyd A. Parton, San Jose, Calif.—Construction permit **1330** for a new station to be operated on **1150 kc.**, 250 watts, daytime. Amended: To change frequency from **1150 kc.** to **1330 kc.**, and make changes in antenna.

**W6XAO**—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit to add aural transmitter to television equipment.

**W6XAO**—Don Lee Broadcasting System, Los Angeles, Calif.—License to cover above.



**STEWART TO LEAVE FCC**

Dr. Irvin Stewart, a member of the Federal Communications Commission, whose term expires on June 30, has notified the President that he will not be a candidate for reappointment to the Commission.

He will retire from the Commission to become director of a new Committee on Scientific Aids to Learning of the National Research Council. In connection with this step the Chairman of the National Research Council and Dr. Stewart on Wednesday, issued the following statement.

A Committee on Scientific Aids to Learning has been appointed by National Research Council. The members are:

James B. Conant, President, Harvard University, Chairman.

Vannevar Bush, Vice President and Dean of the School of Engineering, Massachusetts Institute of Technology.

L. D. Coffman, President, University of Minnesota.

Frank B. Jewett, Vice President, American Telephone and Telegraph Company; President, Bell Telephone Laboratories, Incorporated, 195 Broadway, New York, N. Y.

Ben D. Wood, Associate Professor of Collegiate Educational Research, Columbia University.

Bethuel M. Webster, Attorney and Counselor at Law, Webster & Garside, 15 Broad Street, New York, N. Y., Secretary.

Ludvig Hektoen, Chairman, National Research Council, *ex officio*.

The director in immediate charge of the activities of the Committee will be Irvin Stewart, at present vice chairman of the Federal Communications Commission and Chairman of the Telegraph Division of the Commission. Dr. Stewart has informed President Roosevelt that he will not be a candidate for reappointment to the Communications Commission when his term expires on June 30; that he will give all of his time to his new duties after that date.

The purpose of the Committee is to canvass, and to report to National Research Council, the extent to which and means by which certain methods, data, materials and products of science are and may be applied to learning.

Experts will be retained from time to time to make special studies under the direction of the Committee in the fields of radio, sound recording and reproduction, motion pictures, photography, etc. They will be known as Reporters.

The Committee will invite a number of distinguished persons to serve as Consultants. The Consultants will be so selected from time to time as to insure the effective cooperation of Government, the schools, scientific societies, research establishments, the professions, industry and the press.

The Committee will maintain its office in New York City.

It is understood that the Committee will undertake at once to survey the work and experience of National Advisory Council on Radio in Education.

**FCC MOVES TO DISBAR ATTORNEYS**

The Federal Communications Commission has issued the following press release (21416):

“May 20, 1937.

“On March 10, 1937, the Federal Communications Commission appointed a special committee, consisting of Commissioner George Henry Payne, Chairman, Commissioner Thad H. Brown, and Commissioner Paul A.

**IN THIS ISSUE**

	<i>Page</i>
Stewart to Leave FCC.....	2115
FCC Moves to Disbar Attorneys.....	2115
New Troy Station Recommended.....	2117
Recommends New Maryland Station.....	2117
Voluntary Assignment of License Recommended.....	2117
Recommends Disposing of Three Cases.....	2118
Federal Trade Commission Action.....	2118
FTC Closes Cases.....	2121
Federal Communications Commission Action.....	2121

**Make Your Plans Now to Attend the NAB Convention  
 at Hotel Sherman, Chicago, June 20-23, 1937**

Walker, to reopen and further investigate the case of George S. Smith, and any other incidents of similar character. This Committee has met and held hearings frequently and has yesterday submitted a report to the Commission. Based upon this report the Commission has issued the following order which has been served today, calling upon George S. Smith and Paul M. Segal to show cause why they should not be suspended, disbarred, their right to practice before the Commission revoked, or their further appearance as before this Commission prohibited:

*Order*

"In a regular meeting of the Federal Communications Commission, May 19, 1937:

WHEREAS, The Commission having conducted an investigation into the facts and circumstances concerning the alleged unauthorized and unlawful interpolation of documents into the records of the Commission in the case of Richard M. Casto, Docket 4212, and having inquired into the demeanor, good faith and conduct of Paul M. Segal and George S. Smith, attorneys for the said Richard M. Casto, in the making and prosecution of the application in the said case: and

WHEREAS, The Commission having further inquired into the demeanor, good faith and conduct of said Paul M. Segal and George S. Smith in connection with the organization of and filing of applications with the Commission by or for the Palmer Broadcasting Syndicate, Inc., and

IT APPEARING That the demeanor, good faith, and conduct of the said Paul M. Segal and George S. Smith may constitute unbecoming, unethical and unprofessional conduct and demeanor as practitioners before this Commission; may constitute concealment in obtaining admission to practice before the Commission of material facts with reference to their legal qualifications, professional standing, character or integrity; or may constitute a violation of their oaths taken upon admission to practice before the Federal Communications Commission, that they would demean themselves as practitioners before the Commission uprightly and according to law, and that they would support the Constitution of the United States and would conform to the Rules and Regulations of the Commission, and

IT APPEARING That charges should be preferred against the said Paul M. Segal and George S. Smith, affording them an opportunity to be heard as to why they and each of them should not be suspended, disbarred, or their right to practice before the Commission revoked, or their further appearance as attorneys before this Commission should not be prohibited;

IT IS ORDERED, That charges be and they hereby are preferred by the Commission against the said Paul M. Segal and George S. Smith for alleged unbecoming, unethical and unprofessional conduct and demeanor; for

the alleged concealment in obtaining admission to practice before this Commission of material facts with reference to their legal qualifications, professional standing, character or integrity; or for the alleged violation of their oaths taken upon admission to practice before the Federal Communications Commission, that they would demean themselves as practitioners before the Commission uprightly and according to law, that they would support the Constitution of the United States and would conform to the Rules and Regulations of the Commission, in the following particulars, to wit:

1. That the said Paul M. Segal and George S. Smith did, on or about the 9th day of December 1936, knowingly and with intention to deceive, interpolate, or aid and abet in the interpolation of, certain signed and notarized depositions into the files of the Commission in the case of Richard M. Casto, Docket 4212, contrary to the Rules and Regulations of the Commission.

2. That the said Paul M. Segal and George S. Smith did represent said Richard M. Casto in the preparation and filing of his application for a radio station construction permit and in hearings before this Commission on such application, all of which was done with the knowledge that the said Richard M. Casto was not the true applicant, that he did not own the funds as represented, and that he was a subterfuge or dummy applicant for another person, or persons, all of which was done to deceive and mislead the Commission in its consideration of the said application and other applications; and to hinder and delay other applicants from obtaining or operating under authorizations of this Commission.

3. That the said Paul M. Segal and George S. Smith did conceive, organize and cause to be chartered the Palmer Broadcasting Syndicate, Inc., for the purpose of using said Palmer Broadcasting Syndicate, Inc., as a dummy applicant for authorizations from the Commission, and for the purpose of deceiving and misleading this Commission in its consideration of applications to be filed by the Palmer Broadcasting Syndicate and applications of other applicants, and to hinder and delay other applicants in obtaining or operating under authorizations of this Commission.

4. That the said Paul M. Segal and George S. Smith did knowingly and with the intention to deceive have the said Palmer Broadcasting Syndicate, Inc., file applications before the Commission for stations or construction permits at Portland, Maine, Lewiston, Maine, and Cheyenne, Wyoming, for the purpose of deceiving and misleading the Commission in its consideration of said applications and applications of other applicants, and to hinder and delay



other applicants in obtaining or operating under authorizations of this Commission.

IT IS FURTHER ORDERED, That the said Paul M. Segal and George S. Smith shall file with the Commission within thirty-one days from the date hereof their several answers under oath to the foregoing charges, which shall include a statement as to whether they wish to appear and be heard thereon.

IT IS FURTHER ORDERED, That the Commission enter upon a hearing, at a time and place hereafter to be fixed, to determine the truth or falsity of the said charges, and to determine whether the said Paul M. Segal and George S. Smith and each of them should be suspended, disbarred, their right to practice before the Commission revoked, or their further appearance as attorneys before this Commission prohibited.

A copy of this order shall be forthwith served upon the said respondents, Paul M. Segal and George S. Smith.

By the Commission,

T. J. SLOWIE,  
*Secretary.*

#### Segal Issues Statement

In connection with the Commission's statement Mr. Segal has made the following statement:

"May 20, 1937.

"Telegraph Commissioner George H. Payne after a preliminary investigation of which he had charge has requested that the Federal Communications commission hear evidence on charges of improprieties on the part of my associate George S. Smith and myself.

"Of course, the commission in the face of such charges owes it to itself to hear the testimony and find out the facts. The proceeding by way of citation for disbarment is the only formal proceeding available for this purpose under the commission's regulations.

"Both Mr. Smith and I are confident that our conduct as practitioners and lawyers will bear any scrutiny by the commission or by any of the courts before which we have practiced for many years. We also feel certain that Commissioner Payne's colleagues on the Federal Communications commission will give us a prompt and fair hearing and the vindication to which we are entitled. We intend to give every cooperation.

"In the instance of Mr. Smith, matters of which he is accused have been thoroughly investigated in a previous informal proceeding by the full commission, after which a letter was written him which, although it reprimanded him, said in part:

" ' . . . we do not find that you should be cited to show cause why you should not be disbarred or suspended from practice before this Commission.' "

"As for the accusation against me, my conduct in connection with the matter has been entirely proper and con-

sistent with a sound administration of law. The most simple explanation on my part will show this. I can only express regret—and I feel that Commissioner Payne's colleagues have not been told—that I have had no opportunity to relate the facts to the investigating committee headed by Commissioner Payne prior to the recent and present publicity. Had I been extended an opportunity to clear up the facts for the committee I am sure the disbarment proceedings would not have been brought.

"On May 3, 1937, a commission attorney told me over the telephone that I would be given an opportunity to appear before Commissioner Payne's committee; he agreed to telephone back to make definite arrangements for my appearance; I have not heard from him."

#### NEW TROY STATION RECOMMENDED

The Troy Broadcasting Company, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Troy, N. Y., to use 950 kilocycles, 1,000 watts and daytime operation.

Examiner George H. Hill in Report No. I-422 recommended that the application be granted. He states that the evidence indicates that there is need for the service proposed to be rendered by the applicant and that the granting of the application would not cause any objectionable interference.

#### RECOMMENDS NEW MARYLAND STATION

Frank M. Stearns of Washington, D. C., filed an application with the Federal Communications Commission for a construction permit for the erection of a new station at Salisbury, Md., to use 1200 kilocycles, 250 watts and daytime operation.

Chief Examiner Davis G. Arnold in Report No. I-423 recommended that the application be granted "subject to the condition that the transmitter site be approved by the Commission before construction is undertaken." He found that there is need for daytime service in the area proposed to be served and the Examiner found that "the interests of Station WCAU will not be affected by reason of interference." The Examiner states that the granting of the application would be in the public interest.

#### VOLUNTARY ASSIGNMENT OF LICENSE RECOMMENDED

The Selma Broadcasting Company, licensee of broadcasting station WHBB, Selma, Ala., applied to the Federal Communications Commission to voluntarily assign the license to the Selma Broadcasting Company, Inc., the station operates on 1500 kilocycles, 100 watts daytime.

Examiner P. W. Seward in Report No. I-425 recommends that the assignment be granted. He states that

the assignee is in all ways qualified and able to operate the station and the granting of the application would be in the public interest.

In another case involving the same station the same Examiner in Report No. I-424 recommended that the application of the station to use unlimited time instead of daytime be granted. In this case the Examiner found that the evidence showed the need for additional nighttime service for the area proposed to be served, and that the nighttime service of the station would not be expected to result in interference to any present operating stations.

## RECOMMENDS DISPOSING OF THREE CASES

The Delaware Broadcasting Company, Station WILM, Wilmington, Del., applied to the Federal Communications Commission to move to Chester, Pa. It operates on 1420 kilocycles, 100 watts and shares time with WAZL.

Examiner R. H. Hyde in Report No. I-426 states that following a hearing the applicant asked to withdraw the application. He recommends that all material be deposited in the closed files of the Commission.

J. Leslie Doss applied to the Commission for a construction permit for the erection of a new station at Sarasota, Florida, to use 1390 kilocycles, 250 watts and daytime operation.

Examiner Tyler Berry made Report No. I-427. At a hearing the applicant did not appear but asked that the decision be based on a letter filed. It was not admissible as evidence and the Examiner recommended that the application be denied.

The Northern Broadcasting Company applied to the Commission for a construction permit for the erection of a new station at Traverse City, Mich., to use 830 kilocycles, 500 watts, daytime operation.

Examiner Tyler Berry made Report No. I-428. No appearance was made for the applicant when the hearing came on and recommendation was made that the case be denied because of default which the Examiner recommends be done.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

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

Nos. 3130-3132. Complaints have been issued against two companies charged with unfair methods of competition in selling to dealers assortments of candy so packed that use of a lottery scheme is involved when the candy is resold to ultimate consumers.

The respondent companies are **Idaho Candy Co.**, 412 South Eighth Street, **Boise, Idaho**, and **Miss Morris Candies, Inc.**, 517-19 Third St., North, **Minneapolis**.

According to the complaints, the assortments include punchboards or pushcards by means of which lottery schemes may be conducted in the sale of candy. **Idaho Candy Co.**, the complaint charges, sells articles of novelty merchandise as well as candy by use of the punchboard or pushcard methods.

**No. 3131.** Charging unfair competition in the sale of fountain pens through the marking thereon of excessive retail prices, a complaint has been issued against **Robert Morris**, trading as **D. P. Pen Co.**, **Bordentown, N. J.**

**Morris'** price marking practices are alleged to have had the effect of misleading buyers into believing that the pens he sold were superior products, manufactured for sale at retail prices closely approximating the prices stamped thereon, when in fact, according to the complaint, the merchandise sold by the respondent was not of a superior grade normally sold at the prices marked thereon or for any figure even closely approaching such price.

**No. 3134.** **Hershey Chocolate Corporation, Hershey, Pa., Peter Cailler Kohler Swiss Chocolates Co., Inc., Fulton, N. Y.**, and five other companies, are named respondents in a complaint, charging combination and conspiracy to control trade in a special chocolate bar manufactured by the Hershey and Kohler companies, for sale in vending machines in theaters and other public places.

Other respondents are: **Chocolate Sales Corporation, Hershey, Pa.**, distributor of Hershey products; **Lamont, Corliss & Co.**, 60 Hudson St., **New York**, distributor of **Kohler products**; **Sanitary Automatic Candy Corporation**, 235 West Twenty-third St., **New York**; **Berlo Vending Co.**, 1518 North Broad St., **Philadelphia**, and **Confection Cabinet Co.**, 315 Clinton Ave., **Newark, N. J.** The last three named companies are distributors of confectionery through vending machines.

The complaint charges that about October, 1935, the respondents conspired and united in a concerted undertaking among themselves to close the source of supply of a special chocolate bar manufactured by Hershey and Kohler for the vending machine trade to all members of the trade other than the respondents, Sanitary, Berlo and Cabinet companies.

This program is alleged to have been made effective by the respondents establishing the Sanitary company as purchasing agent or representative for the three respondent vending machine organizations, and causing contracts or agreements to be entered into, providing that no sales of the special chocolate bar manufactured by Hershey and Kohler for the vending machine trade would be made to any member of such trade other than the Sanitary, Berlo and Cabinet companies.

**No. 3136.** Unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act are alleged in a complaint issued against **Bernard Goldberg**, trading as **Bernie's Quality Clothes**, 713 Seventh St., **N. W., Washington, D. C.**

Engaged in the retail sale of men's and women's wearing apparel, the respondent is said to have advertised in newspapers and handbills that "Bernie offers a wide choice of Xmas gifts free" with merchandise purchases of certain amounts, and that to purchasers of a dress he would give another dress free.

### Stipulations and Orders

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

The following firms have signed stipulations with the Commission:

**No. 01572.** **Harry Lloyd**, trading as **Shaw Products**, 4064 Bronx Boulevard, **New York**; "Shaw's Tablets" for indigestion, nervousness and stomach distress.

**No. 01573.** **Mrs. Mercy A. Summers** and **Mrs. Alice Ayling**, trading as **Summers Medical Co.**, 127 East Washington St., **South Bend, Ind.**; "Mrs. Summers' Home Treatment" and "Mrs. Summers' W. O. K. Tablets", for ailments peculiar to women.

**No. 01574.** **R. E. Overell**, trading as **Copinol Co.**, 700 South Main St., **Los Angeles**; "Copinol" for catarrh, sinus trouble, colds and enlarged tonsils.

**No. 01575.** **Arrow Press, Inc., Product Exchange Building, Minneapolis**, will stop representing that it furnishes Hammermill Bond paper in orders for printed stationery at the same price as it supplies its cheaper grade known as Arrow Bond paper, and will cease making unmodified claims of earnings for prospective salespersons in excess of the average earnings achieved by its salespersons who follow the respondent company's sales plan under normal business conditions.

No. 01576. **George W. and Sherman H. Thompson**, trading as **The Redwood Perfume & Chemical Co., Eureka, Calif.**; treatment for bronchial diseases, tuberculosis, cancer, ulcers, skin diseases, and other ailments.

No. 01577. **Dr. J. Hod Williams**, 1003 Krause Building, **Tampa, Fla.**, has entered into a stipulation to discontinue false and misleading advertising in connection with his mail order business in the sale of artificial teeth.

Dr. Williams agreed to cease representing that artificial teeth purchased from him by mail order are better or are the only means to obtain "your real individuality" or to procure teeth "exactly the way you want them;" that his plates are constructed in a better manner, and that youthful expression can be restored by the use of artificial teeth purchased through the mails.

No. 01578. **S. Almklov**, trading as **Almklov's Pharmacy, Cooperstown, N. Dak.**; "X. E. M. Salve", and "Itch Specific" for skin irritations.

No. 01580. **James C. and Samuel R. Marasco**, 4 West Wylie Ave., **Washington, Pa.**, trading as the **Fertile Co.**, in the sale of **Fertile Scalp Tonic**, agree to stop representing that this product will give permanent relief for dryness and brittleness of the hair or will preserve permanent waves.

No. 01582. **Aschenbach & Miller, Inc.**, Third and Callowhill Sts., **Philadelphia**; "Mason's Cream of Olives Ointment" for colds in the head, chest and throat, and skin diseases.

No. 01583. **J. F. Hightower**, trading as **The Shumake Co., Fort Worth, Tex.**; "Liquid Shumake" for backache, dizziness and kidney ailments.

No. 01584. **D. W. Chapman**, 205 West Wacker Drive, **Chicago**, trading as **The Eptol Co.**, stipulates that he will cease advertising his **Eptol Beauty Cream** as being capable of removing or preventing wrinkles, lines or crowsfeet; **Eptol Cleansing Cream** as enabling **Eptol Beauty Cream** to go deep into the tissues and make the skin beautiful, and other similar representations. The words "tonic" and "tone" will be dropped from the respondent's trade names, **Maxwell Hair Tonic** and **Maxwell Skin Tone Lotion**, respectively, according to his stipulation.

No. 01586. **David R. Siegel**, trading as **Bedevere Products Co., Box 23, Madison Square Station, New York**, in selling a so-called crucifix ring, agreed to discontinue advertising that such ring is responsible for the good luck, happiness or health of the purchaser, that it was created by a Spanish goldsmith, and is guaranteed 14-K gold shell, when such is not a fact.

No. 01587. **Earl Hall**, trading as **United Watch Co., St. Anthony Falls Station, Minneapolis**, stipulated that he will cease using the words "railroad," "jeweled" and "gold-plated" as descriptive of his watches, which, respectively, are not of the type possessing the accuracy and durability generally required of watches used by railroad workers; do not contain jewels or the number of jewels indicated, and have a plating of gold of a thickness less than 3/1000 of an inch on the outside and 1/1000 of an inch on the inside. Hall also will discontinue selling used watches as new without definitely informing customers that such watches are second-hand, rebuilt or reconditioned.

No. 01588. **F & F Laboratories**, 3501 West 48th St., **Chicago**; "F & F Cough Lozenges," for coughs, colds and sore throats.

No. 01589. **F. A. Stuart Co., Marshall, Mich.**; "Calcium Wafers," or "Stuart's Laxative Compound" for constipation, and as an aid in producing fine-textured skin. This respondent also stipulated that it would cease using the names "Calcium Wafers" or "Calcium Wafer Compound" to designate its product, until such time as there may be sufficient calcium content, according to medical standards, to justify the designation.

No. 01591. **I. Ralph Weinstock**, trading as **The Thyrole Chemical Co., 1425 West York St., Philadelphia**; "O. B. C. Capsules," "Amps for Cramps" and "Thyrole Douche Powder" for obesity, muscular and neuralgic pains, insect bites, cuts, and dandruff. This respondent also agreed to stop representing that he operates a chemical company or is a "manufacturer of proprietaries and fine pharmaceuticals," until such are the facts.

No. 01595. **Loye Distributing Co., 504 Hawley Building, Wheeling, W. Va.**; "Blue Bonnet Texas Crystals" for rheumatism, lumbago, chronic gall bladder disturbances, high or low blood pressure, nervous indigestion, and dyspepsia.

No. 01596. **John B. Armstrong, M. D.**, trading as **Pink Ointment Co., Topeka, Kans.**; "Pink Ointment" for athlete's foot and skin diseases.

No. 01597. **Jacob C. Gernand and Stephen J. Barzso**, trading as **Myona Salve Co., 279 Grace Ave., Elmhurst, Ill.**; "Myona Salve" for skin diseases, carbuncles and ivy poisoning.

No. 01598. **Oakland Chemical Co., 59 Fourth Ave., New York**, in advertising **Dioxogen Cream**, will quit representing that it will quickly refine the open pores of the skin, prevent sallow or

muddy complexion, or give natural color to sallow or muddy complexions, and other similar assertions.

No. 01599. **Camphorole, Inc.**, 3201 Atlantic Ave., **Atlantic City**; "Camphorole" for foot troubles, croup, asthma, tonsillitis, sinus trouble, bronchitis, and colds of the head or chest.

No. 01600. **Aurine Co., Inc.**, Hawthorne Station, **Chicago**; "Ourine" for ear ailments and catarrh.

No. 01601. **Kremola Co.**, 2975 Michigan Ave., **Chicago**; "Freckle Ointment" for freckles and skin blemishes.

No. 01604. **J. M. Naylor**, trading as **Slendabalm Laboratories and S. B. L. Laboratories, Salina, Kans.**; "Slendabalm" for obesity.

No. 01605. **Hinze Ambrosia, Inc.**, 114 Fifth Ave., **New York**; "Hinze Ambrosia Cleaner," "Hinze Ambrosia Cream" and "Hinze Ambrosia Tightener," for skin ailments.

No. 01607. **G. W. Jones**, trading as **The G. W. Jones Rattler Liniment Co., Sumner, Wash.**; "Jones' Rattler Liniment", for simple headache, insect bites, poison ivy and muscular pains.

No. 01608. **Mrs. E. M. Dyck**, trading as **Amoid Laboratories**, 140 North Jackson St., **Glendale, Calif.**; "Amoid Tablets," for sinusitis.

No. 01610. **R. J. Kleeves, D. M. Fletcher and P. S. Heeres**, trading as **Herington Co., Arlington, Calif.**; "Herington Tablets," for aiding digestion and for kidney disorders, rheumatism and neuritis.

No. 01613. **C. W. Allen**, trading as **J. P. Allen Medicine Co.**, 204 West Kellogg Boulevard, **St. Paul, Minn.**; "Ulcerine (Ullerrine) Salve," for sores.

No. 01614. **James E. Johnson**, trading as **Johnson Bros. Medicine & Chemical Co.**, 3732 South State St., **Chicago**; "Johnson's Herb Medicines," for rheumatism, coughs, colds, dyspepsia and other ailments.

No. 01615. **Eva and F. F. Hopkins**, trading as **The House of Hopkins, Shenandoah, Iowa**, will cease advertising that **Eva Hopkins Marvel Creme Powder** will protect the skin against sun, wind and dust, or give absolute protection to the skin, and that it renders greater protection than any other similar product.

No. 01616. **General Drug Co.**, 170 Varick St., **New York**; "Midol," for illnesses peculiar to women.

No. 01617. **Melodine Products Corporation**, 666 North Robertson St., **Los Angeles**; "Sino-Dine", a sinus treatment.

No. 01618. **C. B. Jordan**, trading as **The Jordan Co.**, and **The Q. T. Products Co.**, 1113 South Western Ave., **Los Angeles**; "Q. T. Antiseptic Powder," and other feminine hygiene preparations.

No. 01619. **R. C. McBride**, trading as **The K-O-Kol Co., Glendale, Calif.**, and **F. T. Stevenson**, trading as the **East K-O-Kol Co., West Chester, Pa.**; "Kolokay Powder", for colitis, colds, nausea, arthritis and other ailments.

Nos. 1957-1985-1988-1990-1991-1992. Six **New York** companies dealing in dresses and other wearing apparel for women have entered into stipulations to discontinue unfair representations in the sale of their products, such representations involving use of the word "silk" to describe articles not made of that material.

Four of the respondent companies are department stores, as follows: **Stern Bros.**, 41 West Forty-second St., **Arnold, Constable & Co., Inc.**, Fifth Avenue and Fortieth St., **Bonwit Teller, Inc.**, Fifth Avenue and Fifty-sixth St., **New York**, and **Franklin Shops, Inc.**, **Hempstead, Long Island, N. Y.** The other two respondents are **A. De Pinna Co., Inc.**, wearing apparel distributor, Fifth Avenue and Fifty-second St., and **Aywon Dress Co., Inc.**, garment manufacturer, 1400 Broadway, **New York**.

The representations to be discontinued by these companies in their advertising were deemed to constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Generally, the stipulations require discontinuance in advertisements of use of one or more of the words "silk," "satin," "taffeta" or "crepe," alone or with other words, to imply that the products to which such words referred were composed of silk, when in fact they were made of materials other than silk.

No. 1986. Under a stipulation **John David Brock**, 1009 McGee St., **Kansas City, Mo.**, agrees to stop misrepresenting the gold content of certain spectacle frames he sells in interstate commerce. Brock trades as **Specialty Optical Co.**, **Superior Optical Co.**, and **Kansas City Wholesale Optical Co.**

Brock stipulates that he will discontinue using in advertising or as a stamp on his spectacle frames the term "1/10-12K," alone or in connection with the initials "G. F." (meaning gold-filled), or in any manner, when, in fact, the gold content is other than that represented by such stamp and it assays other than 45/1000 fine gold or better.

**No. 1987.** **Joseph Dixon Crucible Co.**, 167 Wayne St., Jersey City, N. J., has entered into a stipulation to cease certain unfair representations, in its interstate sale of wax crayons, in violation of Section 5 of the Federal Trade Commission Act.

Manufacturing pencils, pressed crayons, penholders and pencil leads the respondent company, according to the stipulation, sold waxed crayons manufactured by another corporation. Under the stipulation, use by the respondent company of the phrase "Made in U. S. A. by Joseph Dixon Crucible Co. of Jersey City, New Jersey," as a mark or brand for its wax crayons, when in fact it does not make such products, will be discontinued.

**No. 2466.** **Hirsch Distilling Co.**, 414 Delaware St., Kansas City, Mo., has been ordered to cease and desist from representing that it is a distiller of alcoholic beverages, when such is not a fact. Findings are that the company is engaged in the liquor business solely as a wholesaler and rectifier.

The respondent company is ordered to discontinue representing, through use of the word "Distilling" in its corporate name, in advertising, on labels, or otherwise, that it is a distiller of whiskies, gins or other spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless and until it does own or operate such a place.

**No. 2580.** Prohibiting false and misleading representations in advertising concerning the therapeutic value of a proprietary preparation generally designated as "Germex", an order has been entered to cease and desist against **Tyrrell H. Duncombe**, trading as **Duncombe Research Laboratory**, 14049 Woodward Ave., Highland Park, Mich.

Findings in the case are that the respondent advertised his preparation as a safe, non-poisonous antiseptic and as a cure or remedy for numerous dangerous and malignant diseases, including some regarded as incurable.

**No. 2636.** Prohibiting unfair competition in the sale of leather goods, an order has been issued to cease and desist against **Joseph H. Seld**, of Gloversville, N. Y., trading as **Seld Leather Co.**

Seld is directed to stop using the word "chamois," alone or with other words, to describe leather products not made from the skin of the Alpine antelope or chamois, or from the fleshers or under-split of sheepskin, oil-dressed and suede-finished. Provision is made that leather products made from fleshers or under-split of sheepskin, tanned by a formaldehyde and alum process, may be designed "white chamois."

**No. 2654.** An order has been issued requiring **LaSalle Extension University**, Chicago, to cease and desist from certain unfair representations in violation of Section 5 of the Federal Trade Commission Act.

The respondent, engaged in the correspondence school business, is directed to stop representing, directly or indirectly, through use of the term "extension university" or the word "university" in its corporate name, or in any other manner, that it is or conducts a university or extension university.

**No. 2656.** A group of manufacturers of an dealers in radio sets and radio parts, located principally in **Washington, Philadelphia** and in **New York** and vicinity, has been ordered to cease and desist from unfair methods of competition in the interstate sale of their products. The order also is directed against two companies manufacturing and selling escutcheons and name plates for use on radio products.

The order prohibits the respondents from using as marks or brands on their products certain well-known and long established names of other manufacturers and dealers in the radio and like industries without consent of the lawful owners of such names.

According to findings in the case, among the names, brands and symbols adopted and used by the respondents, without authority from the owners, are **Marconi**, **Edison**, **Bell**, **Victor**, **Majestic** and **Brunswick**, and the letters **R. C. A.** and **G. E.**, standing alone or with other words, or colorable imitations or simulations thereof.

**Metal Etching Corporation**, 1001 Essex St., Brooklyn, and **M. Hermann**, an officer of the company, and **Crowe Name Plate and Manufacturing Co.**, 1749 Grace St., Chicago, and its officers, **E. C. Coolidge** and **I. Robinson Smith**, are ordered to discontinue selling or distributing escutcheons and name plates bearing the trademarks and names in question to manufacturers, assemblers or dealers in radio products, except to the owners of such trade names or marks, or to the licensees of the owners.

The order further directs that the respondent manufacturers of and dealers in radio products cease representing, directly or indirectly, through use of trade names or marks of which they are not the owners, and without the permission of the lawful owners, that such products are those manufactured, sold, endorsed or licensed by the late **Thomas A. Edison**, **Thomas A. Edison, Inc.**, **American Telephone & Telegraph Co.**, **Western Electric Co.**, **Marconi Wire-**

**less Telegraph Company of America**, **Radio Corporation of America**, **Victor Talking Machine Co.**, **Brunswick-Balke-Collender Co.**, **Warner Brothers Pictures, Inc.**, and its subsidiary, **Brunswick Radio Corporation**, **Grigsby-Grunow Co.**, or **Majestic Radio and Television Corporation**, and **General Electric Co.**

The respondent manufacturers of radio products and dealers who are ordered to cease and desist from unfair methods of competition, together with their officers or agents, are: **Knight Electric Co., Inc.**, **Temple Electric Corporation**, **Acme Radio Corporation**, **Pirate Radio Corporation**, and **Gillet Radio Corporation**, all of 16 Hudson St., New York, and their officers, **Eric Houser**, **David I. Morrison**, **A. M. Frank**, **Arthur** and **Charles Dreher**, and **Ruth Wasserman**; **Harvard Radio Tube Testing Stations of Pennsylvania, Inc.**, 208 North Broad St., Philadelphia, and **Julius M. Schoenberg**; **Ross Distributing Co.**, 2020 Chancellor St., Philadelphia, and **Larry B. Ross**; **Sun Radio and Service & Supply Corporation**, 938 F St., Washington and **Emanuel Rosensweig**; **Schiller Bros., Inc.**, 922 F St., Washington, and **Louis S. Schiller**; **Peter Robbins**, trading as **Robbins Radio Co.** and as **Ambassador Radio Co.**, 940 F St., Washington, and **F. C. Scruggs**, trading as **Call Radio Co.**, 636 H St., N. E., Washington.

The complaint was dismissed as to the following respondent companies and their officers for the reason that there was no evidence to establish the allegations made against them: **Etched Products Corporation**, 3901 Queens Boulevard, Long Island City, New York, and **Albert Nierenberg** and **Walter H. Miller**; **Electro Chemical Engraving Co.**, 1100 Brook Ave., New York, and **F. E. Switzer**, **N. L. Jacobus**, **Robert Schlesinger**, **Julius Erdoes** and **L. S. Southwick**; **Premier Metal Etching Co.**, 2103 44th Ave., Long Island City, New York, and **Herbert Pape**, **Karl D. Johnson**, **Ernest A. Rottach** and **Hugo Lehrfeld**; and **Leon C. Sacks**, **Charles Johannes**, **Morris A. Weiner** and **J. R. Rosenberg**.

The case was closed without prejudice as to **Radio Products Corporation**, **Franklin Sales and Distributing Co., Inc.**, and **S. Buchman**.

According to findings in the case, all the respondents except those concerning whom the complaint was dismissed or the case closed without prejudice, cooperated among themselves and with one another to deceive the public and to compete unfairly with other manufacturers and dealers in radio products.

**No. 2830.** **Udga, Incorporated**, St. Paul, Minn., has been ordered to cease and desist from certain unfair representations in the sale of "Udga Treatment" stomach tablets.

Practices prohibited under the order are the representations, direct or indirect, through advertisements, circulars or testimonials or in any other manner, that the respondent's product will cure stomach ulcers, gastritis, indigestion, dyspepsia and various other stomach ailments and diseases, including those caused or reputed to be caused by hyperacidity.

**No. 2958.** An order has been entered directing 33 companies and their officers to cease and desist from combining and conspiring to fix and maintain uniform delivered prices, in the interstate sale of water gate valves, hydrants, fittings and similar products used for water supply systems.

The order also is directed against the **The Water Works Valve and Hydrant Group of the Valve and Fittings Institute**, **New York City**, its governing committee, and two officers of the institute, **George V. Denny**, president, and **Sam G. Moyers**, assistant secretary. All but one of the respondent companies are members of the **Water Works Valve and Hydrant Group**.

Selling their products principally to municipalities and to divisions and institutions of the Federal and State governments, the respondents are said to dominate their industry in the United States.

According to findings in the case, the respondents filed answers in which they consented that all the material facts alleged in the Commission's complaint against them "might be deemed to be admitted, but not within the intent and meaning of any law of the United States other than the Federal Trade Commission Act, such answers not constituting an admission of any conclusions of law and not constituting an admission of fact for any other purpose, nor to be used against them in any other proceeding, suit or action."

**No. 3076.** An order has been entered against **Procon Grocery Service Co., Inc.**, 205 East 42nd St., New York City, and 11 chains of retail stores for which the Procon company allegedly acted as purchasing agent.

**No. 3085.** **British American Toffee Co.**, 102 Hill St., New Haven Conn., confectionery manufacturer has been ordered to discontinue certain representations in the sale of its products, including toffee, in violation of Section 5 of the Federal Trade Commission Act.

The order prohibits representation, through use of phrases such as "England's Most Popular Sweet," or of other words of similar import or through any other means, that the respondent company's toffee products are made in England or in any other foreign country or are imported into the United States.

### FTC CLOSES CASES

**No. 1810.** The Federal Trade Commission has vacated its order to cease and desist entered April 3, 1934, which directed **D. Goldenberg, Inc.**, 1 and Ontario Sts., **Philadelphia**, to discontinue selling assortments of candy so packed and assembled that sales to ultimate consumers involved the use of lottery schemes.

At the same time the Commission issued an amended and supplemental complaint against **D. Goldenberg, Inc.**, which now trades also as **P. C. Sales Co.**, alleging that it has reason to believe that the respondent company has been and is using unfair methods of competition, also involving lottery schemes in the sale of candy, in addition to and other than those unfair methods charged in the original complaint.

**No. 2626.** The Commission has closed its case against **E. S. Bergholt, of Cincinnati**, trading as **Marilyn Louise Cosmetics**, charged with false and misleading advertisements in the sale of cosmetics.

According to information received by the Commission, the respondent is no longer marketing his products under the name **Marilyn Louise Cosmetics** and has entirely ceased his business activities under such trade name.

**No. 2633.** An order has been entered by the Commission closing without prejudice its case against **Roy Stringer Co., Ltd.**, which was charged in a complaint issued November 18, 1935, with the use of false and misleading advertising and of a fraudulent sales plan in the sale of coin vending machines. The company formerly had its place of business in Indianapolis.

The case was closed because the respondent company has not engaged in business nor maintained any office or business address since the death of its president in October, 1935, and it appears there is no likelihood of the resumption of business on the part of the respondent company. The business had been conducted under the sole management of its president.

**No. 3118.** The Commission has also closed without prejudice its case against **Continental Briar Pipe Co., Inc.**, 80 York St., **Brooklyn**, the respondent having entered into a stipulation with the Commission to discontinue unfair representations in labeling and advertising certain tobacco pipes and the absorbent cartridges for use therein.

The respondent company agreed to cease using in advertising or as a brand for its products the word "Doctor," either alone or in connection with the phrase "By Test—The Best" or with any other words or pictorial representation, so as to imply that such products are manufactured by or under the supervision of a physician or that they are the result of tests or experimentation conducted by a member of the medical profession, when such are not the facts.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, May 31:

Thursday, June 3

### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Clarence A. Berger and Saul S. Freeman, Coeur d'Alene, Idaho.—C. P., 1200 kc., 100 watts, daytime.

### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-379:

WATR—The WATR Company, Inc., Waterbury, Conn.—C. P., 1290 kc., 250 watts, unlimited time.

Examiner's Report No. 1-388:

NEW—Cumberland Broadcasting Co., Inc., Portland, Me.—C. P., 1210 kc., 100 watts, unlimited time.

NEW—Twin City Broadcasting Co., Inc., Lewiston, Me.—C. P., 1210 kc., 100 watts, unlimited time.

NEW—Philip J. Wiseman, Lewiston, Me.—C. P., 1210 kc., 100 watts, unlimited time.

NEW—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Barnstable, Mass.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited.

NEW—George M. Haskins, Hyannis, Mass.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited.

NEW—Arthur E. Seagrave, Lewiston, Me.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.

Friday, June 4

### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Warren B. Worcester, San Diego, Calif.—C. P., 1400 kc., 250 watts, 1 KW LS, unlimited time.

NEW—Press-Union Publishing Co., Atlantic City, N. J.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Geo. W. Taylor Co., Inc., Williamson, W. Va.—C. P., 1270 kc., 100 watts, daytime.

### APPLICATIONS GRANTED

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted modification of C. P. to increase night power from 250 to 500 watts; 1330 kc., 500 watts day, unlimited.

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator. The license is granted conditionally and shall not be construed as a finding by the Commission with respect to any applications affecting station, particularly the renewal application, or any of the issues raised thereby, nor that the operation of station is or will be in the public interest beyond the express terms hereof.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted license to cover C. P., 1410 kc., 1 KW night, 2½ KW day, unlimited. Same conditions as above.

KPLT—North Texas Broadcasting Co., Paris, Tex.—Granted license to cover C. P., 1500 kc., 250 watts, daytime only.

WWJ—The Evening News Assn., Inc., Michigan, City of Detroit.—Granted renewal of license for the period ending September 1, 1937.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted extension of present license for a period of 2 months.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted extension of existing license for period of 2 months.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted renewal of license for the period June 1 to December 1, 1937. Also same for auxiliary transmitter.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted renewal of license for the period ending October 1, 1937.

KCRJ—Charles C. Robinson, Jerome, Ariz.—Granted C. P. to move transmitter locally to Lower Hogback, install vertical radiator, make changes in equipment, increase day power to 250 watts and time of operation to unlimited.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted license to cover C. P., 1370 kc., 100 watts night, 250 watts day, unlimited time.

WSAJ—Grove City College, Grove City, Pa.—Granted license to cover C. P., 1310 kc., 100 watts, specified hours.

WAEB—Southeastern Broadcasting Co., Inc., Mobile (Macon, Ga.).—Granted license to cover C. P. for a relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 20 watts.

KPFA—The Peoples Forum of the Air, Helena, Mont.—Granted modification of C. P. approving transmitter site and studio site locally, install new equipment and vertical radiator, and increase power from 100 to 250 watts; 1210 kc., unlimited time.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted renewal of license for the period ending November 1, 1937.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted renewal of license for the period ending November 1, 1937.

KONO—Mission Broadcasting Co., San Antonio, Tex.—Granted voluntary assignment of license to Eugene J. Roth, trading as Mission Broadcasting Co.; 1370 kc., 100 watts, shares equally with KMAC.

NEW—Minnesota Broadcasting Corp., Rose Township, Minn.—Granted C. P. for new high frequency broadcast station, frequency 26050 kc., on an experimental basis, 150 watts,

NEW—Iowa Broadcasting Co., Des Moines, Iowa.—Granted C. P. for new high frequency broadcast station to licensee of KSO; frequency 26550 kc., 100 watts, experimentally.

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Granted C. P. to make changes in equipment and decrease power to 50 watts.

W2XJI—Bamberger Broadcasting Service, Inc., New York City.—Granted modification of C. P. extending commencement date to 5-1-37 and completion date to 11-1-37.

W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted renewal of licensee for high frequency broadcast station for the period June 1, 1937, to April 1, 1938.

### SET FOR HEARING

NEW—Meno Schoenbach, Woodward, Okla.—C. P. for new station to operate on 1500 kc., 100 watts, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—C. P. to change transmitter site locally, install new equipment and directional antenna system for night-time operation, change frequency from 1210 kc. to 1450 kc., and increase power from 100 watts night, 250 watts day, to 1 KW night, 5 KW day.

WDSU—WDSU, Inc., New Orleans, La.—C. P. to install new equipment and vertical radiator and increase power from 1 to 5 KW. To be heard before the Broadcast Division.

NEW—Thomas F. Airth, Wythe Walker and Rex Schepp, d/b as Evanston Broadcasting Co., Evanston, Ill.—C. P. for new station to operate on 1020 kc., 250 watts, daytime only, transmitter and studio sites to be determined with Commission's approval.

NEW—Ohio Broadcasting Co., Steubenville, Ohio.—C. P., already in hearing docket, amended to request 1310 kc., 100 watts, daytime only, exact transmitter and studio site to be determined with Commission's approval.

NEW—United Theatres, Inc., San Juan, P. R.—C. P. for new station, 570 kc., 1 KW, unlimited time, using directional antenna for both day and night-time operation.

NEW—Pacific Radio Corp., Grants Pass, Ore.—C. P. for new station to operate on 630 kc., 500 watts, unlimited time, transmitter and studio sites to be approved.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—C. P. to move transmitter locally, install new equipment and directional antenna system for day and night-time operation, and increase power to 5 KW, unlimited time. To be heard before the Broadcast Division.

### RENEWAL OF LICENSES

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

KCRJ, Jerome, Ariz.; KFOR, Lincoln, Nebr.; KFPL, Dublin, Tex.; KFXD, Nampa, Idaho; KFXM, San Bernardino, Calif.; KGEK, Sterling, Colo.; KGEZ, Kalispell, Mont.; KGLO, Mason City, Iowa; KGY, Olympia, Wash.; KOCA, Kilgore, Tex.; KRQA, Santa Fe, N. Mex.; KRRV, Sherman, Tex.; KXBY, Kansas City, Mo.; WABI, Bangor, Me.; WAML, Laurel, Miss.; WAYX, Waycross, Ga.; WBLY, Lima, Ohio; WBRY, Waterbury, Conn.; WCMI, Ashland, Ky.; WCOL, Columbus, Ohio; WEBR and auxiliary, Buffalo, N. Y.; WFBG, Altoona, Pa.; WGCM, Mississippi City; WIBX, Utica, N. Y.; WIBU, Poynette, Wis.; WJNO, West Palm Beach, Fla.; WJRC, Tuscaloosa, Ala.; WKOK, Sunbury, Pa.; WLAK, Lakeland, Fla.; WLVA, Lynchburg, Va.; WMBO, Auburn, N. Y.; WMFF, Plattsburg, N. Y.; WMFR, High Point, N. C.; WOMT, Manitowoc, Wis.; WQXR, New York City; WSAY, Rochester, N. Y.; WSBC, Chicago; WSGN, Birmingham, Ala.; WSJS, Winston-Salem, N. C.; WTHT, Hartford, Conn.; WFOY, St. Augustine, Fla.; KOOS, Marshfield, Ore.; KWOS, Jefferson City, Mo.

The following stations were granted renewal of licenses on a temporary basis only, subject to whatever action may be taken by the Commission on the pending applications for renewal:

KFXR, Oklahoma City; KGDE, Fergus Falls, Minn.; KVOS, Bellingham, Wash.; KWTN, Watertown, S. Dak.; WJBW, New Orleans.

KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon the application of this station for renewal and for transfer of control.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon renewal application of this station, and upon applications of Southern Broadcasting Corp. and Charles C. Carlson.

WHBC—Edward P. Graham, Canton, Ohio.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon renewal application of this station and upon application of Nolan S. Walker.

WQDM—Regan & Bostwick, Albans, Vt.—Granted renewal of license for the period ending November 1, 1937.

WSMB—WSMB, Inc., New Orleans, La.—Granted renewal of license for the period ending November 1, 1937.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only for the period ending July 1, 1937, pending receipt and action on renewal application.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Present license further extended upon a temporary basis only for the period ending July 1, 1937, pending receipt and action on renewal application.

The following stations were granted extensions of present licenses on a temporary basis only for period ending July 1, 1937, pending receipt and action on renewal applications:

KPDN, Pampa, Tex.; KPMC, Bakersfield, Calif.; KVSO, Ardmore, Okla.; WBBZ, Ponca City, Okla.; WCPO, Cincinnati; WJTN, Jamestown, N. Y.; WSAJ, Grove City, Pa.; WTAL, Tallahassee, Fla.

### SPECIAL AUTHORIZATIONS

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted special temporary authority to operate a 100-watt portable transmitter on 1510 kc., on an experimental basis, between 8 a. m. and 6 p. m., EST, May 24 to June 2, 1937, within area contiguous to metropolitan Washington, for purpose of testing sites for location of new transmitter.

WEST—Asso. Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with station WKBO from 10 to 11 a. m. and from 5 to 6 p. m., EST, for period May 25 to June 22, 1937, due to adoption of daylight saving time in Easton.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted special temporary authority to operate from local sunset (May sunset, 7:15 p. m.) to 10 p. m., EST, Friday, May 28, in order to broadcast a program consisting of features originating in an auxiliary studio to be opened at Thomasville, about 6 miles from High Point.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate from 7:30 to 10:30 p. m., CST, May 29, 31, June 1, 2, 3, 19, 21, 24, 25, 26, 1937, in order to broadcast night baseball games played by home team out of town.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to operate a minimum of 6 hours daily, instead of unlimited time, for period June 1 to June 30, 1937, inclusive, in order to observe summer vacation period at State University.

WMBQ—Joseph Husid, Receiver for Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Granted extension of special temporary authority for Joseph Husid, Receiver for Metropolitan Broadcasting Corp., to operate station for period June 1 to July 1, 1937, pending action on applications affecting station WMBQ.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m. and 4 p. m. to local sunset (June sunset, 7:45 p. m.), EST, June 12, in order to broadcast baseball game; from 2:30 to 4:30 p. m., EST, June 13, in order to broadcast Baccalaureate Service; from 10 a. m. to 12 noon and 1:30 to 3 p. m., EST, June 14, in order to broadcast Commencement services and luncheon.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with WSMK from 10 p. m. to 12 midnight, Wednesday, June 16, for purpose of broadcasting the Brooklyn at Cincinnati night game.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 p. m. to 1 p. m., CST, June 2, 9, 16, 23 and 30, 1937, in order to continue weekly broadcasts of Calvary Northland Missions Stations under direction of Rev. John Vanderschie,

WNYC—City of New York, Department of Plant and Structures, New York City.—Granted extension of special temporary authority to use auxiliary transmitter located at 29 Ft. Greene Place, Brooklyn, as main transmitter, while moving, in accordance with modification of C. P., for period May 28 to August 1, 1937.

WFAA—A. H. Belo Corp., Dallas, Tex.—Granted special temporary authority to use joint call letters WFAA-WBAP and waive requirements of Rule 156, for period beginning June 12 and ending in no event later than 3 a. m., EST, August 1, 1937, in order to broadcast program of the Central Exposition of the Texas Centennial Celebration in Dallas.

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted special temporary authority to use joint call letters WFAA-WBAP and waive requirements of Rule 156, for period beginning June 12 and ending in no event later than 3 a. m., EST, August 1, 1937, in order to broadcast program of the Central Exposition of the Texas Centennial Celebration in Dallas.

KYDL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate a 100-watt portable transmitter, 1290 kc., for period May 23 to June 10, 1937, between hours of 12 midnight and 6 a. m., MST, for purpose of selecting new transmitter site in vicinity of Salt Lake City; however, operation not permitted during hours of monitoring schedule.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 7 to 9 a. m., CST, the following Sundays, June 6, 13, 20 and 27, in order to broadcast programs now heard Sunday p. m. due to belief that audience is larger during mornings than during afternoons.

WCBD—WCBD, Inc., Chicago, Ill.—Granted extension of special temporary authority to use transmitter of WMBI for period June 2 to July 1, pending repair to WCBD's transmitter, which was destroyed by fire.

W9XPW—WDZ Broadcasting Co., Star Store Building, Tuscola, Ill.—Granted special temporary authority to operate relay broadcast transmitter on frequencies 31100, 34600, 37600 and 40600 kc., using 30 watts power, for period of 30 days from May 23 to June 21, 1937, for relay broadcast on Sundays various programs of music, news, church services, talks and contests to be rebroadcast over WDZ.

United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard plane owned by United Air Lines Transport Corp. bearing call letters KHAZT, as a relay broadcast station, May 28, 1937, to relay broadcast program opening of Golden Gate Bridge, San Francisco, on frequency 2758 kc., for rebroadcast over NBC network; also relay broadcast program describing arrival of U. S. Fleet at San Francisco on frequency 2790 kc., for rebroadcast over NBC network.

WQP-WCG-WKP—RCA Communications, Inc., Rocky Point, N. Y.—Granted special temporary authority for point-to-point telegraph stations in addition to the authorization contained in present licenses covering operation of these stations, to communicate with relay broadcast stations WOEH located on Imperial Airways seaplane Cavalier and WIEO on Pan American seaplane USA-Bermuda Clipper, to provide contact control communication service to facilitate reception of program material through the Riverhead, N. Y., receiving station for delivery to the NBC network, for period June 1 to 10, 1937, conditionally.

#### APPLICATIONS DISMISSED

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

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—640 kc., 1 KW, 5 KW LS, limited time (local sunset at Los Angeles).

WMAL—National Broadcasting Co., Inc., Washington, D. C.—630 kc., 500 watts, 500 watts LS, unlimited.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—620 kc., 500 watts, 1 KW LS, unlimited.

#### EXAMINERS' REPORTS RELEASED SINCE MAY 18, 1937

WSAU—Ex. Rep. 1-420: Northern Broadcasting Co., Wausau, Wis.—Examiner P. W. Seward recommended grant of modification of license to change hours of operation from daytime to unlimited.

WREN—Ex. Rep. 1-421: R. R. Jackman et al., Lawrence, Kans., and The Kansas City Star Co., Kansas City, Mo.—Examiner George H. Hill recommended denial of authority to transfer control of stock of the WREN Broadcasting Co., Inc., to the Kansas City Star Company.

NEW—Ex. Rep. 1-422: Troy Broadcasting Co., Inc., Troy, N. Y.—Examiner Hill recommended grant of C. P. for new station to operate on 950 kc., 1 KW, daytime.

NEW—Ex. Rep. 1-423: Frank M. Stearns, Washington, D. C.—Examiner Davis G. Arnold recommended grant of C. P. to erect a new station at Salisbury, Md., to operate on 1200 kc., 250 watts, daytime.

WHBB—Ex. Rep. 1-424: W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Examiner Seward recommended grant of modification of license to authorize station to operate unlimited time instead of daytime; 1500 kc., 100 watts.

WHBB—Ex. Rep. 1-425: W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Examiner Seward recommended grant of application for voluntary assignment of license from the present holders to the Selma Broadcasting Co., Inc.

WILM—Ex. Rep. 1-426: Delaware Broadcasting Co., Wilmington, Del.—Examiner R. H. Hyde recommended that application for C. P. to remove station to Chester, Pa., which was ordered by the Commission on May 4, 1937, to be dismissed with prejudice, be deposited to the closed files.

NEW—Ex. Rep. 1-427: J. Leslie Doss, Sarasota, Fla.—Examiner Tyler Berry recommended application for C. P. for new station to operate on 1390 kc., 250 watts, daytime, be denied.

NEW—Ex. Rep. 1-428: David J. Mercier and George F. Warren, d/b as Northern Broadcasting Co., Traverse City, Mich.—Examiner Tyler Berry recommended denial of application for C. P. to erect new station to operate on 830 kc., 500 watts, daytime.

#### APPLICATIONS DENIED

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Denied special temporary authority to operate 12 midnight to 2 a. m., CST, period not exceeding 30 days, broadcast commercial programs consisting high class dance music.

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

NEW—G. Kenneth Miller, Tulsa, Okla.—1310 kc., 250 watt<sup>s</sup>, daytime.

NEW—W. W. Hunt, J. B. DeMotte and F. H. Miller, d/b as The Ocala Broadcasting Co., Ocala, Fla.—1500 kc., 100 watts, 250 watts LS, unlimited.

NEW—B. J. Hecker, Salem, Ore.—1330 kc., 500 watts, 500 watts LS, unlimited.

#### MISCELLANEOUS

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Redesignated for hearing before an Examiner application for C. P. for authority to operate with 5 KW on 970 kc., limited time, and until sunset at Chicago.

WSBT—South Bend Tribune, South Bend, Ind.—Extended until June 29, 1937, effective date of Commissions order of February 23, 1937, denying application for C. P. to change from 1360 kc., 500 watts, sharing time, to 1010 kc., 1 KW, unlimited time (Docket 3763).

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Extended until June 29, 1937, effective date of Commissions order of February 23, 1937 denying application for C. P. to change from 1310 kc., 100 watts, daytime, to 1010 kc., 250 watts night, 500 watts LS (Docket 3892).

NEW—Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Denied petition to set aside order of February 9, 1937, denying application for C. P. for new radio broadcasting station to operate on 630 kc., 250 watts, daytime only; also denied petition to accept an amendment to the application so as to permit the construction of a directional antenna, and further denied petition to remand application, with the proposed amendment, to an Examiner for the purpose of taking further testimony.

Columbia Broadcasting System, Inc., New York City.—Granted with prejudice "request to withdraw application for consent to transfer of control of Southland Industries, Inc., licensee

of station WOAI, to Columbia Broadcasting System, Inc. (Docket 4286).

Sweetwater Broadcasting Co., Sweetwater, Tex.—Denied petition to reconsider and grant application for new station to use 1310 kc., 100 watts, daytime only, and for an extension of effective date of denial from June 22, 1937, to August 22, 1937.

WSAY—Brown Radio Service & Laboratory, Gordon P. Brown, Owner, Rochester, N. Y.—Granted motion for continuance of the hearing date upon application for modification of license to use 1210 kc., 100 watts, unlimited time, instead of daytime only.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—Denied, Judge Sykes dissenting, request for extension of temporary authority to operate with 5 KW power at night.

W8XAN—Sparks-Withington Co., Jackson, Mich.—Granted C. P. and license authorizing removal of station from Plant No. 1 to Plant No. 2 at Jackson, Mich.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Denied petition for continuance of the hearing date upon the application of Warren B. Worcester, for action designating the applications of Radiotel Corp., Dickmar Broadcasting Co., and Airfan Radio Corp., Ltd., for hearing, and for the fixing of a consolidated hearing on those four applications.

NEW—El Paso Broadcasting Co., El Paso, Tex.—Granted petition to accept applicant's appearance in the matter of application of the company for a new station at El Paso to use 940 kc., 1 KW, unlimited time (Docket No. 4545).

WGAN—Portland Broadcasting System, Portland, Me.—Granted extension of commencement date from November 22, 1936, to May 22, 1937, and completion date from May 22 to November 22, 1937. The authority is granted upon a temporary basis only pending decision by the U. S. Court of Appeals of the D. C. in the following cases: Eastland Co. v. F. C. C., No. 6772, and Congress Square Hotel v. F. C. C., No. 6773, and shall not be construed as a finding by the Commission upon the application from WGAN now before the Commission nor that the operation of this station is or will be in the public interest beyond the express terms hereof.

NEW—Johnson City Broadcasting Co., Johnson City, Tenn.—Granted petition to participate in oral argument upon the exceptions filed in the matter of the application of Richard M. Casto for a new station at Johnson City, Tenn., to use 1200 kc., 100 watts night, 250 watts LS, unlimited time (Docket 4212).

### ORAL ARGUMENTS

WCOP—Ex. Rep. 1-380: Massachusetts Broadcasting Corp., Boston, Mass.—Granted oral argument to be held September 9, 1937.

NEW—Ex. Rep. 1-391: Frontier Broadcasting Co., Cheyenne, Wyo.—Granted oral argument to be held September 9, 1937.

NEW—Ex. Rep. 1-395: The Journal Co., Milwaukee Wis.—Granted oral argument to be held September 9, 1937.

NEW—Mid-Atlantic Corp., Washington, D. C.—Granted oral argument to be held September 9, 1937.

NEW—Trenton Times, Trenton, N. J.—Granted oral argument to be held September 9, 1937.

NEW—Ex. Rep. 1-397: The Metropolis Co., Jacksonville, Fla.—Granted oral argument to be held September 9, 1937.

KLPM—Ex. Rep. 1-400: John B. Cooley, Minot, N. Dak.—Granted oral argument to be held September 16, 1937.

NEW—Ex. Rep. 1-401: Walter H. McGenty, Rice Lake, Wis.—Granted oral argument to be held September 16, 1937.

NEW—Ex. Rep. 1-403: Lillian E. Kiefer, Brooklyn, N. Y.—Granted oral argument to be held September 16, 1937.

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted oral argument to be held September 16, 1937.

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—Granted oral argument to be held September 16, 1937.

WMBQ—Met. Broadcasting Corp., Brooklyn, N. Y.—Granted oral argument to be held September 16, 1937.

### RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

W10XFR-W10XEQ—National Broadcasting Co., Inc., New York City.—Granted authority to operate as licensed May 28 relaybroadcast ceremonies Golden Gate Bridge; also Farm and Home Hour program.

W1EO-WOEH—National Broadcasting Co., Inc., New York City.—

Granted authority to operate as licensed period 10 days from May 29 aboard seaplane Bermuda, and WOEH aboard Cavalier, relaybroadcast conversational exchange between the seaplanes.

KABE-KIGA—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority operate as licensed June 10, relaybroadcast program originating from Roquefort Cheese curing case, University of Minnesota Farm School in St. Paul.

WAAU—Columbia Broadcasting System, Inc., New York City.—Granted authority operate as licensed period 30 days beginning May 14, relaybroadcast from SS. Potomac program dance music.

WNEI—Indianapolis Power and Light Co., Indianapolis, Ind.—Granted authority to operate as licensed 5-16, 5-30, inclusive, relaybroadcast from Indianapolis Speedway elimination trials.

W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority operate as licensed period 30 days beginning May 23, relaybroadcast on Sundays church services, news, talks, etc.

WJEP—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate as licensed period May 17 to June 16, inclusive, relaybroadcast safety campaign in Rochester.

WBAM-W2XMI-W2XMK—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted authority operate as licensed on June 22, to relaybroadcast the Poughkeepsie Rowing Regatta.

KABG—Ben S. McGlashan, Los Angeles.—Granted authority operate as licensed 5-29 and 5-31, relaybroadcast program National Military Home Federal Reservation.

WAEB—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted authority operate on program tests May 19, 26, June 2, 9 and 16, relaybroadcast program from automobile driven about city of Macon.

W9XPS—Peoria Broadcasting Co., Peoria, Ill.—Granted authority operate as licensed 5-24, 5-31, 6-7 and 6-14, relaybroadcast WMBD good neighbor program.

WNEI—Ind. Power & Light Co., Indianapolis, Ind.—Granted authority operate as licensed 5-31, relaybroadcast Annual Indianapolis Auto Race.

KABE-KIGA—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority operate as licensed on Thursdays period 30 days beginning 5-27, relaybroadcast educational series from University of Minnesota.

KHSL—Radio Station KHSL, Chico, Calif.—Granted extension completion date installation new antenna July 23, 1937.

WBBZ—Radio Station WBBZ, Ponca City, Okla.—Granted authority operate 10 days temporary antenna pending construction new antenna; also granted authority remain silent 5-27 while constructing.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate Saturdays 2 to 3 p. m., EST, May 29, June 5, 12, 1937, in order to broadcast programs of Buffalo Fire Department Safety Talks; operate Sundays 8:30 to 10 a. m., EST, and from 2 to 3 p. m., EST, May 30, June 6, 13, in order to broadcast various religious programs; also operate Monday 8:30 a. m. to 10 a. m. and 2 to 3 p. m., EST, May 31, in order to broadcast Memorial Day Service for Rev. Duffy, Bishop of Buffalo (provided WSVS remains silent).

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to conduct equipment tests with directional antenna from 12 midnight to local sunset beginning May 18 to May 26; also granted permission to broadcast regular stations' programs during above time, using main transmitter (1.6 miles east of Norfolk on Glen Rock, Elizabeth Park Road) in new location and when main transmitter not being used to operate auxiliary in old location (Va. Beach Blvd.), effective as of May 18.

W8XHU—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate regularly licensed relay broadcast (exp. station) licensed to Pittsburgh Radio Supply House, for the period May 26 to June 5, 1937.

W3XPF—Farnsworth Television, Inc., of Pa., Philadelphia, Pa.—Granted special temporary authority to conduct equipment tests of a 100-watt exciter unit for a period of 30 days.

KPRC—Houston Printing Corp., Houston, Tex.—Granted extension of special temporary authority to operate with power of 5 KW night for the period May 24 to June 22, 1937.

Granted petition of Cleveland Radio Broadcasting Corp. to intervene in the proceedings upon the application of WRBC, Inc., for new station at Cleveland, Ohio. Docket No. 3890.



Granted petition of Commodore Broadcasting, Inc., to intervene in the proceedings upon the application of Glenn E. Webster for new station at Decatur, Ill. Docket 4503.

Granted petition of WDW Broadcasting Co. to intervene in the proceedings upon the application of Glenn E. Webster for a new station at Decatur, Ill.

Granted petition of Decatur Newspapers, Inc., to intervene in the proceedings upon the application of Glenn E. Webster for a new station at Decatur, Ill.

Granted petition of KLO, Interstate Broadcasting Corp., Ogden, Utah, in so far as it relates to the acceptance of the amendment to its application for C. P., and denied that part of the petition requesting that the application as amended be heard on June 4, 1937, as at present scheduled.

Granted petition of KCMO Broadcasting Co., Kansas City, Mo., for a supplemental order to take depositions of additional witnesses on behalf of its application. Docket No. 4485.

### EFFECTIVE DATE EXTENDED

NEW—Ex. Rep. 1-291: Niagara Falls Gazette Pub. Co., Niagara Falls, N. Y.—Effective date of order extended to June 8, 1937.

NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—Effective date of order extended to June 8, 1937.

### APPLICATIONS RECEIVED

#### First Zone

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—  
640 Modification of construction permit (1-P-B-3180) for a new station, requesting extension of commencement and completion dates from 11-22-36 and 5-22-37 respectively to 5-22-37 and 11-22-37.

NEW—Tri-City Broadcasting Co., Inc., Schenectady, New York.—  
950 Construction permit for a new station to be operated on 950 kc., 1 KW, unlimited time. To use directional antenna day and night.

WMEF—National Broadcasting Co., Inc., Mobile.—Construction permit to install a new transmitter and decrease power from 150 watts to 100 watts.

WMEF—National Broadcasting Co., Inc., Mobile.—License to cover above.

NEW—Paul F. Godley, Montclair, N. J.—Construction permit for a new high frequency broadcast station to be operated on 41800 kc., up to 5 KW power.

NEW—General Electric Co., Schenectady, N. Y.—Construction permit for a new international broadcast station to be operated on 9530, 15330 kc., 100 KW,

#### Second Zone

W9XSE—WAVE, Incorporated, Louisville, Ky.—License to cover construction permit for a new relay broadcast station.

WATC—WAVE, Incorporated, Louisville, Ky.—License to cover construction permit for a new relay broadcast station.

W3XEX—WTAR Radio Corporation, Norfolk, Va.—Construction permit to make changes in equipment and move transmitter from Virginia Beach Blvd. 1.7 miles from Norfolk, Virginia, to 13th floor National Bank of Commerce Building, Norfolk, Virginia.

NEW—Havens & Martin, Inc., Richmond, Va.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 500 watts.

#### Third Zone

WJAX—City of Jacksonville, Jacksonville, Fla.—Special experimental authorization to operate with 5 KW power day and night for period to 9-1-37.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit to install a new transmitter and increase power from 1 KW to 1 KW night, 5 KW day.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—License to 1200 cover construction permit (B3-P-840) as modified, for a new station.

NEW—Ward Optical Co., Dr. T. B. Ward, Owner, Fayetteville, 1310 Ark.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended: To change transmitter site from Wolf Bldg. on West Mt. St. to N. Leverett Road, Fayetteville, Arkansas.

KFXR—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma City, Okla.—Authority to install automatic frequency control equipment.

KAND—Navarro Broadcasting Assn., J. C. West, President, 1310 Corsicana, Texas.—License to cover construction permit (B3-P-703) as modified, for a new station.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—License to 1390 cover construction permit (B3-P-1531) for changes in equipment and increase in power.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—License 1500 to cover construction permit (B3-P-1609) for a new antenna and move of station.

NEW—C. G. Hill, George D. Walker, Susan H. Walker, Mobile (Winston-Salem, N. C.)—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—WKY Radiophone Co., Mobile (Oklahoma City, Okla.)—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 200 watts.

NEW—The Birmingham News Co., Birmingham, Ala.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 20 watts.

W5XAB—Fort Worth Broadcasters, Inc., Fort Worth, Texas.—Modification of construction permit to reduce power from 5 watts to 2 watts. Amended: To make changes in equipment.

W5XAB—Fort Worth Broadcasters, Inc., Fort Worth, Texas.—License to cover construction permit (B3-PRE-13) as modified.

#### Fourth Zone

WBAA—Purdue University, W. Lafayette, Ind.—Construction 890 permit to install new transmitter; make antenna changes; change power from 500 watts night, 1 KW day, to 5 KW daytime; change hours of operation from specified hours to daytime only; and move transmitter ½ mile on Northwestern Avenue, West Lafayette, Ind. (same address). Amended to change transmitter site on Northwestern Avenue, W. Lafayette, Ind. (different geographical site).

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Authority to 900 install new automatic frequency control equipment.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—License 1200 to cover construction permit (B4-P-1054) as modified for changes in equipment, new antenna, and move of transmitter.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Modification of license to change hours of operation from share 1200 WJBC to unlimited time, and frequency from 1200 kc. to 1370 kc. Amended to change requested frequency from 1370 kc. to 1310 kc., contingent upon the granting of WBOW's application for change in frequency to 1290 kc.

KWNO—Winona Radio Service (a partnership), Harry Dahl, Otto M. Schlabach, Maxwell H. White and Hermann R. Wiecking, Winona, Minn.—Modification of construction permit (B4-P-983) for a new station, requesting changes in equipment, installation of vertical antenna, and approval of transmitter and studio sites at 110 Main Street, Winona, Minn.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Construction 1210 permit to make changes in equipment; increase power from 100 watts to 100 watts night, 250 watts day; and change hours of operation from daytime to unlimited time. Amended to change frequency from 1310 kc. to 1210 kc.

WIBU—Wm. C. Forrest, Poynette, Wis.—Authority to install new 1210 automatic frequency control equipment.

NEW—Martin R. O'Brien, Aurora, Ill.—Construction permit for 1240 a new station to be operated on 1500 kc., 250 watts, daytime. Amended to change frequency from 1500 kc. to 1240 kc.; change transmitter site from corner Main Street and Island Avenue, Aurora, Ill., to site to be determined, Aurora, Ill.

KGCU—Mandan Radio Assn., Inc., Mandan, N. Dak.—Modification of license to change hours of operation from specified 1240 hours to unlimited time. Contingent upon the granting of KLPM's application for a new frequency.

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—1340 Construction permit to install a new transmitter, erect a vertical antenna, and increase power from 250 watts to 1 KW.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Construction permit to change frequency from 1370 kc. to 880 kc.; change hours of operation from daytime to unlimited time, using 250 watts power and install directional antenna for night use.

- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—  
1370 Construction permit to make changes in equipment and  
increase power from 100 watts to 100 watts night, 250 watts  
day.
- W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—License  
to cover construction permit (B4-PHP-35) for a new  
transmitter and reduction in power.
- W10XDD—Evansville on the Air, Inc., Mobile.—License to cover  
construction permit (B4-PE-205) for changes in equipment  
and increase in power.
- NEW—National Battery Broadcasting Co., St. Paul, Minn.—Con-  
struction permit for a new high frequency broadcast station  
to be operated on 25950 kc., 1 KW.

#### Fifth Zone

- KSEI—Radio Service Corp., Pocatello, Idaho.—Modification of  
900 license to change power from 250 watts night, 500 watts  
day, to 250 watts night, 1 KW day.
- NEW—Earl A. Nielsen, Phoenix, Ariz.—Construction permit for a  
1210 new station to be operated on 1210 kc., 100 watts, unlimited  
time.
- KYA—Hearst Radio, Inc., San Francisco, Calif.—License to cover  
1230 construction permit (B5-P-328) as modified for new equip-  
ment, increase in power, and move of transmitter.
- KYA—Hearst Radio, Inc., San Francisco, Calif.—Authority to  
1230 determine operating power by direct measurement of an-  
tenna.

- NEW—Tom Olsen, Port Angeles, Wash.—Construction permit for  
1420 a new station to be operated on 1420 kc., 100 watts, un-  
limited time.
- NEW—The Hebrew Evangelization Society, Inc., Los Angeles,  
1570 Calif.—Construction permit for a new special broadcast  
station to be operated on 1570 kc., 1 KW, unlimited time.
- W6XCI—Earle C. Anthony, Inc., Los Angeles, Calif.—License to  
cover construction permit (B5-PRE-16) as modified for a  
new relay broadcast station.
- NEW—Church of Jesus Christ of Latter Day Saints, Salt Lake  
County, Utah.—Construction permit for a new international  
broadcast station to be operated on 6080, 11830, 17780 kc.,  
50 KW. Amended to make changes in equipment and change  
frequencies from 6080, 11830, 17780 kc. to 15250 and  
21460 kc.
- NEW—Harrisburg Broadcasting Co., Harrisburg, Ill.—Construc-  
tion permit for a new relay broadcast station to be operated  
on 31100, 34600, 37600, 40600 kc., 10 watts.
- NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction  
permit for a new relay broadcast station to be operated on  
1606, 2022, 2102, 2758 kc., 100 watts.
- W6XCI—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification  
of construction permit for a new relay broadcast station,  
requesting changes in equipment and to reduce power from  
25 watts to 2 watts, and extend completion date.
- KALO—Intermountain Broadcasting Corp., Mobile.—Modification  
of construction permit for a new relay broadcast station,  
requesting extension of completion date from 5-29-37 to  
6-29-37.

# The National Association of Broadcasters

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

## NAB REPORTS

Copyright, 1937. The National Association of Broadcasters

Vol. 5 - - No. 23  
 JUNE 3, 1937

### NOTICE OF AMENDMENTS

In pursuance of the provisions contained in Article IX 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, June 20-23, 1937.

These amendments are as follows:

#### Article III

April 27, 1937.

"Mr. James W. Baldwin, Managing Director,  
 National Association of Broadcasters,  
 National Press Building,  
 Washington, D. C.

DEAR MR. BALDWIN:

"It has come to my attention that certain owners of more than one broadcasting station have attempted to ride along in the NAB carrying a membership in only one station. This I feel might become a constantly increasing evil practice, which I am sure neither such owners as referred to would, upon careful thought, wish to continue nor members owning only one station would tolerate. I, therefore, wish to offer a resolution to be presented and acted upon in conformity with the NAB Constitution and By-Laws. The resolution is as follows:

"RESOLVED, that the Constitution and By-Laws of the National Association of Broadcasters shall be amended as follows:

"Under Article Three, Section (b), add the following:

"Provided, however, that no person, firm or corporation having ownership or control of more than one broadcasting station, otherwise qualified for membership, shall

be eligible for membership unless memberships shall be held for each and every station of said member.'

Sincerely yours

(Signed) ARTHUR B. CHURCH" (KMBC).

#### Article V

April 24, 1937.

"Mr. James W. Baldwin, Managing Director,  
 National Association of Broadcasters,  
 National Press Building,  
 Washington, D. C.

DEAR MR. BALDWIN:

"For sometime I have felt that the NAB Constitution should be amended to provide that the Association shall benefit by the experience of its out-going President, by providing that he shall automatically become a director for a term of three years. In discussing this with quite a number of NAB members all have concurred with me. To date no one has done anything about it. I therefore propose the following resolution which I ask to be distributed among members of the Board of Directors and/or members of the Association, as provided in the By-Laws—this resolution to be acted upon at the 1937 Annual Convention:

### IN THIS ISSUE

	<i>Page</i>
Notice of Amendments.....	2127
Avery Calls Sales Managers Meeting.....	2128
FCC Opposes Five Year Licenses.....	2128
Baldwin To Attend Texas Meeting.....	2128
FCC Appoints Special Attorney in Disbarment Proceedings.....	2128
Federal Communications Bar Association Tightens Ethics To Outlaw Claims of Political Influence.....	2129
Arnold Resigns from FCC.....	2129
Games of Chance.....	2129
Edgar Dudley.....	2129
Canada To Build New Stations.....	2129
Commission Grants New Station.....	2130
Missouri Station Recommended.....	2130
Federal Trade Commission Action.....	2130
FTC Closes Case.....	2132
Federal Communications Commission Action.....	2132

**Make Your Plans Now to Attend the NAB Convention  
 at Hotel Sherman, Chicago, June 20-23, 1937**

"RESOLVED, That Article Five shall be changed as follows:

"Add to Section 'C' the following:

"'Except that the out-going President shall automatically become a Director for a term of three years.'

"This amendment shall become effective with the retirement of the out-going President at the 1937 Annual Convention.

Sincerely yours,

(Signed) ARTHUR B. CHURCH" (KMBC),

Attention also is called to the proposed amendment to By-Law No. 1 notice of which appears in NAB Reports dated May 20, 1937.

### AVERY CALLS SALES MANAGERS TO MEET AT NAB CONVENTION

Lewis W. Avery (WGR, Buffalo), Acting Chairman of the Sales Managers Division, requests Sales Managers of stations to attend meetings of the Sales Managers Division at 3:00 P. M. Monday, June 21, and Tuesday, June 22, Hotel Sherman.

### FCC OPPOSES FIVE-YEAR LICENSES

The Federal Communications Commission having been asked for its opinion on H. R. 5038, introduced by Representative Anderson, which provides for a five-year licensing period for broadcasting stations, has sent an answer to Representative Lea, Chairman of the House Committee on Interstate Commerce, in which it states definitely that it opposes such legislation. The letter, which was signed by Commissioner Prall, as chairman, is as follows:

"In further reply to your letter of February 24, 1937, asking us for comments on H. R. 5038, a bill to prescribe five-year minimum terms for broadcasting stations, I beg leave to state that:

"No legislation similar to that proposed in H. R. 5038 has received the approval of a House or Senate Committee and the Commission heretofore has made no recommendation on the question. Section 9 of the Radio Act of 1927 provided that 'No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years. . . .' This three-year limitation on broadcasting licenses was continued in the Communications Act of 1934 (Sec. 307/d/). The Senate, however, in acting upon its draft of the Communications Act (S. 3285) reduced the maximum terms of broadcasting licenses from three years to one year and for other licenses from five years to three years. The Senate Report on S. 3285 stated, 'Reduction of the maximum term of licenses will assist the Government in retaining control over these valuable privileges.

This was passed by the Senate and House in H. R. 7716." The conferees appointed to consider S. 3285 agreed to leave the maximum term of licenses in status quo. The Conference Report submitted by Mr. Rayburn on June 8, 1934, was adopted and accordingly the provisions of the Radio Act relating to maximum terms of licenses were continued in the Communications Act. This is the latest expression of Congress upon the subject.

"At the present time the Commission has no authority to suspend licenses or impose penalties for violations of its rules. The only punitive action available is revocation, deletion through denial of a renewal of license or recourse to criminal proceeding. These measures have been found to be too severe in most instances of delinquency. The Commission, however, has been able to exercise a degree of control through consideration of application for renewal of license every six months. There is thus constantly present a means of checking the technical operation and program service of stations.

"The art of radio broadcasting is rapidly changing. At a later date conditions in the industry may become more stable. It is conceivable that the adoption of the bill would tend to 'freeze' existing conditions. Adoption of a five-year minimum license period would recognize in principle that the allocation of frequencies has achieved a proper equilibrium. It has been the experience of the Commission that changes in the allocation of frequencies may be expeditiously accomplished under the short term licenses.

"It will be observed that the existing law authorizes the Commission to extend the term of broadcast licenses up to three years. If there exist sound reasons for extension of the term, it would seem preferable that the Commission try a longer term of licenses before the statute is changed to make such action mandatory.

"The power to suspend a license for short periods of time or to assess a penalty for violation of rules is definitely associated with the problem presented by the proposed legislation. The Commission may desire to suggest the inclusion of such authority in the proposed amendment."

### BALDWIN TO ATTEND TEXAS MEETING

James W. Baldwin, NAB Managing Director, will attend the meeting of the Texas Broadcasters Association, at Houston, Texas, on June 5.

### FCC APPOINTS SPECIAL ATTORNEY IN DISBARMENT PROCEEDINGS

The Federal Communications Commission sitting en banc on Wednesday, June 2, appointed Samuel F. Kaufman of New York City to represent the Commission as special counsel in the matter of disbarment proceedings

brought against Paul M. Segal and George S. Smith. Mr. Kaufman, it is understood, is a noted trial lawyer, having formerly been Special Assistant to Attorney General Homer S. Cummings in the prosecution of immigration fraud cases in New York.

### FEDERAL COMMUNICATIONS BAR ASSOCIATION TIGHTENS ETHICS TO OUTLAW CLAIMS OF POLITICAL INFLUENCE

Louis G. Caldwell, President of the Federal Communications Bar Association, last week advised Chairman Prall of the Federal Communications Commission that the Executive Committee had unanimously adopted an amendment to the Association's Canons of Ethics which was designed to outlaw claims of political influence by its members.

The text of Mr. Caldwell's letter and the amendment is as follows:

"Enclosed is an amendment to the Canons of Ethics of the Federal Communications Bar Association, consisting of a fourth paragraph to be added to Canon No. 2.

"This amendment was unanimously adopted by the Executive Committee on the recommendation of the Association's Committee on Professional Ethics and Grievances, at a meeting held last night, May 24th. I may add that it was the sense of those present that the subject matter of the amendment was already covered by certain of the general provisions in the Canons as previously adopted and that it certainly was the intent that it should be so covered. In order to eliminate any doubt, however, it has been deemed advisable to cover the matter specifically."

#### AMENDMENT TO CANONS OF ETHICS OF FEDERAL COMMUNICATIONS BAR ASSOCIATION

(Adopted by the Executive Committee May 24, 1937)

Amend Canon No. 2 by adding the following as a fourth paragraph:

"It is improper for a lawyer to represent, or cause to be represented, or knowingly to permit any other person to make such representation in his behalf, that he is able, or, if employed, intends, to secure favorable action from the Commission or any division, member or employe thereof, on a basis other than on the merits of the case to be presented and in accordance with the rules, regulations and practices governing presentation to or action on such cases, whether because of such attorney's prior employment by or other connection with the Commission or because, for any other reason whatsoever, he is in a position to exert, or to cause to be exerted, influence calculated or intended to bring about such action."

### ARNOLD RESIGNS FROM FCC

Carl F. Arnold, assistant general counsel of the Federal Communications Commission in charge of telegraph, has tendered his resignation to become effective July 1. Mr. Arnold, who has been on leave of absence from the University of Wyoming, will return to his former post as dean of the law school.

### GAMES OF CHANCE

Broadcasters should review carefully the several "games" which currently are being circulated among stations and which are comparable to the game of "Bingo." It is practically impossible to obtain any advance ruling from the Federal Communications Commission on such matters. In the absence of such ruling it is our belief that the games such as "Jubilo" and "Credit" recently sent to us by member stations should not be used.

### EDGAR DUDLEY

NAB headquarters has the following statement from Don Hastings, manager of Station KDB:

"If any radio station manager is approached by one Edgar Dudley or his manager, William Jobelman, please get in touch immediately with Don Hastings, manager of KDB, in Santa Barbara, Cal. Dudley is purported to be an ex-G man and has a book entitled 'Racket-Ridden America' that is sold after his talks with various organizations. He will no doubt try to tie in these talks with the radio station."

### CANADA TO BUILD NEW BROADCASTING STATIONS

Plans for the immediate construction of two 50,000 watt transmitters near Montreal and Toronto have been announced by the Canadian Broadcasting Corporation. It is expected that the two stations will commence operating about October 1, according to Assistant American Trade Commissioner Avery F. Peterson, Ottawa, in a report to the Department of Commerce.

The sites for the location of the stations have been selected because of their proximity to the Dominion's two principal cities and centers of broadcasting activities, the report states.

The construction plans include the proposed erection within two or three years of other high-powered outlets in the maritime provinces and in Western Canada. It is also expected that a high-powered shortwave station will soon be in operation in the Dominion to permit overseas broadcasts, it was stated. New exchange programs with Great Britain, the United States and France will be sought according to the report.

## COMMISSION GRANTS NEW STATION

The Federal Communications Commission this week granted a construction permit for the erection of a new broadcasting station to the Lincoln Memorial University, at Middlesboro, Ky., to use 1210 kilocycles, 100 watts and unlimited time on the air.

## MISSOURI STATION RECOMMENDED

Charles Porter and Edward T. Eversole applied to the Federal Communications Commission for a construction permit for the erection of a new station at Festus, Mo., to use 1420 kilocycles, 100 watts and daytime operation.

Examiner P. W. Seward in Report No. I-408 recommended that the application be granted "conditioned upon compliance with the rules and regulations relating to marking and lighting the antenna towers." The Examiner found that there is a need for daytime service in the area proposed to be served, and he states that granting of the application would be in the public interest.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

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

**No. 3135.** Charging unfair competition in the sale of engraved stationery products through false disparagement of competitors' products and other practices a complaint has been issued against a **Birmingham, Ala.**, engraver, **Ralph Dewberry**, trading as **Dewberry Engraving Co.** and **The National Engraving Co.** The respondent is alleged to have violated Section 5 of the Federal Trade Commission Act.

In his sale of engraved stationery, business and social cards and allied products, the respondent is charged with making representation to the effect that prices charged by competitors for engraving work were high because they had out-of-date equipment and were forced to charge such prices whereas the respondent had the most modern plant in the country and could charge lower prices.

**No. 3137.** Alleging unfair representations in the sale of a medicinal product, in violation of Section 5 of the Federal Trade Commission Act a complaint has been issued against **J. A. Boos**, **Mt. Vernon, N. Y.**, trading as **Winchester & Co.**

Engaged in the sale of "The Specific Pill," the respondent Boos is alleged to have advertised that the preparation will cure or relieve or be beneficial in the treatment of various ailments including nervous debility, neuritis, insomnia, and bladder and urethra irritation. His use of the designation, "The Specific Pill," is alleged to have served as a representation that his article is a specific cure for or has direct curative properties with respect to one or more of the diseases named.

**No. 3139.** Charging unfair competition in the interstate sale of a reference book entitled *The Volume Library* a complaint has been issued against **Educators Association, Inc.**, 307 Fifth Ave., **New York**, certain of its officers, and 13 individual respondent representatives of the corporation, trading under the name **Educators Association**.

Alleging the use of false and misleading representations, the complaint charges the respondents with inserting in newspaper "Help Wanted" columns such advertisements as the following: "College student or teacher, travel for summer for healthful work, \$270 for ninety days", "Lady with ability and refinement, ex-teacher preferred, permanent advancement, four months' trial \$300, Box—", and "Vacation position for college student or teacher, splendid experience, pleasant work."

This type of advertisement is alleged to lead applicants into the belief that the work offered consists of good salaried positions connected with teaching work, when in fact, according to the complaint, the work is actually the sale of *The Volume Library* from house to house and cannot be entered upon without the applicants first making a required deposit. The complaint alleges that the terms of the contract required are so difficult that persons selling the book find it a physical impossibility to comply, and that, because of such inability to comply, salespersons find that they have forfeited their deposit, and payment of the difference between the commissions earned and the minimum amount contracted for is refused by the respondents.

## Stipulations and Orders

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

**No. 01579.** **Jay Clifford and Leonard Praeger, trading as North American Mate Co., 120 Greenwich St., New York**, stipulated that they will cease representing that their *Angela Mate* is a health tea having food value, and that it is an effective remedy for anemia, malnutrition, rheumatism, stomach and nervous disorders, or eye trouble. The respondents admit that *Angela Mate* is a beverage partaking of the elements of Japanese tea and coffee, and that it is a diuretic, and a stimulant to the brain and muscles.

**No. 01581.** **Suntex Chemical Co., American and York Sts., Philadelphia**, agreed to cease advertising that *Suntex sterilizes*; that it disinfects, unless such representation is limited to indicate that the product is a disinfecting agent when used as directed, and to stop representing that its use for laundering purposes obviates the necessity for rubbing the clothes laundered.

**No. 01585.** **Borg-Warner Corporation, Chicago**, selling the *Norge Rollator Refrigerator*, agreed to cease representing that tests of such refrigerators, conducted by *Norge* dealers, were all under the supervision of public officials; that the benefits and savings of a *Norge* refrigerator are as great during cold winter months as in summer, and that the mechanism of the *Norge* improves with use, unless such representation is limited to the three moving parts of the *Rollator* alone and does not refer to all the mechanism of the refrigerator.

**No. 01590.** **Luigi Rosati, trading as Wonder Chemical Co., 1450 High St., Bethlehem, Pa.**, stipulated that in the sale of *Bleach-Ox* he will discontinue representing that the product is a sterilizer, a germicide and harmless, and that it is a disinfectant, unless, in the latter instance, specific instructions are given to indicate that the places or objects to be disinfected are to be cleansed before application of the solution.

**No. 01592.** **Home Diathermy Co., Inc., 1776 Broadway, New York**, in connection with the sale of its *Home Diathermy Instrument*, agrees to stop asserting that use of the device will eliminate pain, give lasting relief, free one of the ravages of neuritis, sciatica, arthritis, lumbago or rheumatism, and will increase oxidation, nutrition and elimination of waste and toxic poisons.

**No. 01593.** **Uncle Sam Breakfast Food Co., Omaha, Nebr.**, agreed to stop representing generally that *Uncle Sam Laxative Breakfast Food* relieves a constipated condition without weakening the digestive organs or causing dangerous after effects, that it is good for a poor complexion caused by a sluggish system, and that use of the product would be of any material benefit when one feels run down or pepleps.

**No. 01594.** **The American Athletic Appliance Co., Inc., 4324 Paul St., Philadelphia**, stipulates that it will discontinue advertising its *German Iron Shoe Muscle Builder* as the greatest exerciser made; that it is the choice of champions and the emblem of power; that it quickly stimulates natural muscular growth, and that by its use one can "pack a 16-inch arm in his sleeve" and duplicate the chain-breaking or iron-bending feats of *Breitbart*, *Marx*, *Sandow*, *Moerki*, *Travis* or *Nordquist*, and other similar representations.

**No. 01602.** **Charles W. Furst and Fred G. Thomas, trading as Furst & Thomas, Freeport, Ill.**, will cease representing that in the sale of certain household products exceptional salesmen have made \$75 and more a week, or that energetic salesmen will earn any amount in excess of that actually earned by one of the respondents' agents.

**No. 01603.** **E. H. Brown and Harry Schneiderman, trading as American Book Mart, 140 South Dearborn St., Chicago**, sell two publications called "*Illustrated Price Catalog of Old Books Wanted*" and "*American Book Mart's Latest Price List of Old Books Wanted*." They stipulated that they will cease advertising

that their catalog is huge, has other than a limp binding or is profusely illustrated, until it is printed in a manner to justify such description; that their price list selling for 10 cents is a "big" list; that a fortune or any considerable sum will be paid for books published as late as 1927; that the number of books regarded as having more than a nominal value is unlimited, and that their company is the largest of its kind in the United States.

**No. 01606. The Hilex Co., 319 East Kellogg Boulevard, St. Paul, Minn.,** selling Hi-Lex, will discontinue assertions that the product disinfects, unless directions are given to first cleanse the surface to be disinfected; that it removes stains, unless this claim is limited to most stains or certain indicated stains, and that it destroys odors, unless such representation is qualified to mean the destruction of odors by application of the product at the source of the odor or upon the object from which the odor emanates.

**No. 01609. William R. and Mary L. Dewhurst, trading as The Double DD Products Co., 2205 Union Ave., Wesleyville, Pa.,** agreed to stop advertising that when their product Snowwhite is used "stains are no longer stains," unless such representation is limited to removable stains and refers only to cotton and linen fabrics; that the product contains no harmful ingredients, and that it is effective when used for hygienic purposes on nursery utensils, general household ware, tile, enamel, linoleum and woodwork, unless directions are given for first cleansing the surface of the article before Snowwhite is applied.

**No. 01611. Atlantic Macaroni Co., Inc., Vernon Building, Long Island City, N. Y.,** will discontinue representations that Caruso Spaghetti or Caruso Noodles contain certain vitamins in sufficient quantities to be of substantial benefit, and that Pastina Caruso is of benefit to persons who have weak stomachs or indigestion.

**No. 01612. Wong Sun and Louie Sun, trading as Wong Sun Chinese Herb Co., Billings, Mont.,** stipulated that in the sale of their Chinese Herb Tea they will no longer represent that Chinese herbs have been used for centuries in curing ailments and promoting health and that the respondents' Chinese herb medicines are a competent remedy in the treatment of skin, liver, kidney, stomach, heart and nervous disorders.

**No. 01620. Welch Grape Juice Co., Westfield, N. Y.,** agreed to discontinue advertising inferentially or otherwise that Welch's Grape Juice is a cure for excess weight and that the product alone or in connection with any system of exercise and diet will enable one to control one's weight; that it protects one against anemia, will correct acidosis, and is the only grape juice that is certified as pure and pasteurized.

**No. 01621. Anna L. Austin, Sixth St. and Broadway, Los Angeles,** trading as Prof. John H. Austin, stipulates that in the sale of a hair application called Co-Lo, she will cease advertising it as a scientific preparation discovered by Prof. Austin and capable of restoring gray hair to lustrous shades of blonde, brown or black, or to its natural color.

**No. 01622. J. C. Kenyon, Owego, N. Y.,** trading as J. C. Kenyon, Druggist, agrees to stop representing Kenyon's Tablets as a remedy for rheumatism, arthritis or neuritis, or as capable of relieving lameness or severe pain, when, in fact, the respondent admits that such tablets are not such a remedy nor will they relieve lameness or do any more than relieve pain of moderate intensity.

**No. 01623. J. T.'s Flat Wheat Co., 64 Jones St., Newark, N. J.,** trading as Dr. Tuliglowicz & Sons, Flat Wheat Co., and Joseph Tuliglowicz & Sons, stipulates that it will stop asserting that J. T.'s Flat Wheat is unequalled for building energy and health, and, inferentially or otherwise, that it contains all the minerals or vitamins for building sound teeth and bones or for normal growth. In its stipulation, the respondent admitted it had published advertisements in which it represented or implied that certain vitamins are more necessary to the human diet than others, when, according to scientific authority, other vitamins are equally as essential to the diet as those mentioned.

**No. 01624. Under a stipulation the Fireside Industries, Inc., Adrian, Mich.,** has agreed to cease using false and misleading advertising in connection with the sale of novelties and of a home study course of instruction in decorating novelties and other articles.

Admitting that it merely acts as an advisor on sales problems, the respondent corporation stipulated that it will discontinue advertising, inferentially or otherwise, that it purchases from customers using its course the articles they decorate, or that it acts as their sales agent.

**No. 01625. B. M. Keene and B. M. Keene, Jr., Board of Trade Bldg., Indianapolis,** trading as The Keene Drug Co., The Keene Pharmacal Co., and B. M. Keene Co., agree to cease using the word wintergreen to designate tablets in which wintergreen is not the dominant ingredient; to stop representing that the

wintergreen in Keene's Wintergreen Tablets will afford relief from pain and discomfort due to rheumatism, muscular lumbago and kindred ailments; and to discontinue employing the word Bilezyme, or any other word containing the word bile as a component part thereof, to designate a tablet the ingredients of which will not serve as a component treatment for liver and bile disorders.

**No. 01626. Myl Laboratories, Inc., 1034 Lowell St., New York,** according to its stipulation, will stop advertising that use of Myl Complexion Treatment will leave the face soft, smooth or fine; that the product is a perfect facial or that it cleans the pores, and that the user is able in nine months or any other like period to get rid of coarse pores, blackheads, spots, wrinkles or sallow skin.

**No. 01627. Dr. W. D. Stokes, Baton Rouge, La.,** dealer in Lon-Gre-Mo, a proprietary remedy, agrees to cease representing this product as a competent treatment for bronchial congestion or stubborn colds or as absolutely safe and harmless, the respondent admitting, according to its stipulation, that although scientific opinion shows Lon-Gre-Mo to have certain virtues in treating colds and coughs due to colds, it cannot be recommended as a competent treatment for bronchial congestion and stubborn colds. The respondent also admits that although the preparation may be used by laymen occasionally, it is not considered as a safe and harmless preparation for indiscriminate use.

**No. 01628. The Mercirex Co., Milford, Del.,** selling Mercirex Cream and Mercirex Soap, will stop asserting that its products are competent for treating psoriasis, eczema, acne, external rashes and other skin disorders and that it will help restore the skin to a normal, healthy condition. In its stipulation, the respondent admitted that its treatment is a palliative to relieve irritations associated with psoriasis and certain other skin diseases, but cannot be relied upon as a competent treatment for such conditions proper or for their cause.

**No. 01629. Frank A. Todd and Roger D. Brown, 1168 Murrayhill Ave., Pittsburgh,** trading as Pillsbury Chemical Co., and engaged in the sale of Pillsbury's Original Washing Fluid, XLNT Washing Fluid, and Brown's Best Washing Fluid, stipulate that they will cease advertising that their products are beneficial to the hands or that either preparation removes stains, unless, in the latter instance, the assertion is specifically limited to "most" stains or to certain indicated stains, or words of similar limiting import are employed. Other representations to be discontinued are that either fluid can be depended upon as a disinfectant for personal uses, or to heal chapped hands or destroy odors, unless, in the latter instance, the representation is limited to destruction of odors by application at the source of the odor or upon the object from which it emanates.

**No. 01630. Impoil Co., Inc., Denville, N. J.,** selling Impoil, a graphite lubricant, stipulates that it will cease asserting that the graphite particles in Impoil are ultra-microscopic in size and will pass through the smallest cracks and crevices without difficulty; that Impoil insures elimination of carbon from motor parts and will cause such parts to be self-lubricated, and that it will cause automobiles to start instantly at sub-zero temperatures. In its stipulation, the respondent company admits that although the graphite particles in Impoil are very small, they cannot be represented as ultra-microscopic and capable of passing smoothly through the smallest crevices, and that although scientific opinion furnished the Commission shows that Impoil may adhere to the surface of various motors and somewhat retard carbon formation, it cannot be represented as insuring carbon elimination or causing surfaces of various motor parts to be self-lubricated. According to the stipulation, the respondent company admits that although Impoil may aid in reducing friction, it will not effectively enable cars to start instantly in sub-zero weather.

**No. 01631. Schoonmaker Laboratories, Inc., Caldwell, N. J.;** "V-E-M" and "Zyl", for colds, catarrh, sinus trouble and hay fever.

**No. 01632. R. O. Murphy, trading as The Stillwater Co., Stillwater, Minn.;** "Hay Fever Treatment", for hay fever, asthma, bronchitis, colds and catarrh.

**No. 01633. Van Patten Pharmaceutical Co., trading as Drugless Products, 54 West Illinois St., Chicago;** "Allimin Essence of Garlic-Parsley Tablets," for arteriosclerosis or the other conditions which may cause high blood pressure.

**No. 01634. H. Voightlander, trading as Educational Products Co., Chicago;** "Educators No. 777," for ailments peculiar to women, and "Educators No. 225," for building vigor.

**No. 01635. Mrs. T. D. Robinson, Elgin, Tex.,** selling a certain device for locating metals and minerals, agrees to stop representing that use of these instruments will enable one to locate gold, silver, lead and certain other minerals or underground wealth, and that the instruments are sufficiently sensitive to register metal or mineral attractions irrespective of the depth at which they may be located in the earth.

No. 01636. Lacene Laboratories, Inc., Baker Building, Omaha, Nebr., "Lacene," for sinus trouble, hay fever, colds, sore throat, and chronic nasal catarrh.

No. 01637. Fairbanks Tailoring Co., Oakley and Wabansia Sts., Chicago, selling men's clothing, stipulates that it will discontinue designating its garments or the cloth from which they are made by use of the word "wool" or any other term indicating or implying a wool content, when, according to the stipulation, with the exception of linings or trimmings, these products are not made wholly of wool. The stipulation provides that garments or cloth composed chiefly of wool and partly of silk, linen, cotton, or other material may be designated as "wool and silk," "wool and linen," or whatever such article may be. The stipulation also provides that where threads other than wool are added to the fabric for decorative purposes and are not essential in the woven fabric, the product may be designated as wool with silk, rayon, linen or cotton thread decorations, as the case may be. The respondent company also agrees to cease representing that salesmen handling its products may make up to \$10 a day without canvassing and that suits or topcoats are given salesmen or agents free, when in fact such purported gifts are bought and paid for through the services performed by the agents in selling the respondent company's merchandise.

No. 01638. G. S. McDonald, trading as O-Poi-Zo Laboratories, Paragould, Ark.; "O-Poi-Zo," for boils, carbuncles, erysipelas, athlete's foot, or any skin disease. The respondent will cease using the word "Laboratory" as part of his trade name until he maintains an establishment where scientific experiments are conducted.

No. 01639. Western Refining Co., Inc., trading as Le Du Sales Co., 205 Middlesex St., Lowell, Mass.; "Cote French Tonic Tablets," for use as a tonic or nerve stimulant. The respondent company also agrees to discontinue representations that it is a manufacturing pharmacist or chemist or manufactures "Cote French Tonic Tablets" or operates a laboratory, until such are the facts. Use of the word "French" so as to imply that the tablets or the ingredients thereof are imported from France, or that the product is compounded in accordance with a French formula, will be stopped.

No. 01640. Adolph F. Lonk, Palatine, Ill., trading as Lonk Institute of Hypnotism, stipulates that he will stop advertising that the science of hypnotism can be taught successfully by correspondence and that by a study of Lonk's course of instruction a person may become able to hypnotize others instantly. Other representations to be discontinued are that the science of hypnotism leads to success, health, fortune or happiness; that a hypnotist can help others to get rid of their "blues" and bad habits; that the science is easily mastered and that everyone can be hypnotized, even against their wills. In his stipulation, the respondent admitted that, according to scientific opinions given by eminent and qualified psychologists, the power of hypnotism is not possessed by all people; that generally no one can be hypnotized against his will; that the science is not easily mastered, and a hypnotist cannot cure organic ills, but, on the contrary, that relief is limited to functional ailments, and these cases are relatively rare.

No. 01641. Allen & Co., Inc., 518 Western Ave., Lynn, Mass.; "Mulsicof," for bronchial and other coughs, colds and asthma.

No. 01642. The Tartaroff Co., 1640 Fulton St., Chicago, agrees to stop asserting in advertising that Tartaroff is a new, amazing, liquid discovery that whitens teeth instantly or is a new, secret formula that makes teeth pearly white and sparkling instantly, and other similar representations. In its stipulation, the respondent admits that, according to reliable medical authority, some deposits of tartar are so located in relation to the teeth and gums that they cannot readily be attacked by acids and these acids cannot be held in contact with the tartar for a sufficient time to remove it. According to the respondent company's admission, the only adequate method for removing some tartar deposits is by instrumentation (scraping).

No. 01643. Bob Cohen, Cleveland Heights, Ohio, trading as M. Arcy Coin & Stamp Co., and as American Coin Co., in the sale of the Bob Cohen Coin Book, agrees to stop asserting that he will purchase and pay for specified coins which are in fact non-existent or non-available; that by use of the respondent's coin book a person may keep posted on rare coins and their values, unless this statement is distinctly qualified to include only the rare coins listed therein, and that Cohen will pay any stated or approximate amount for a coin or coins, unless it is also explained that only coins of a certain date and in specified condition will be purchased at the prices noted.

No. 01651. Dermalab, Inc., Winnetka, Ill.; "Nac", for acnes, pimples, and other skin ailments.

No. 01652. The Vitacine Co., Inc., Book Building, Detroit; "Vitacine", for psoriasis.

No. 01653. Kalis Products, Inc., St. Joseph, Mo.; "Kalis Capsules", for colds and influenza.

No. 1923. Paul Thomas Schweyer, 524 South Spring St., Los Angeles, trading as Naturol Laboratories, has entered into a stipulation to discontinue certain false and misleading representations in connection with the sale of Naturol, a hair preparation.

Schweyer stipulates that he will stop using representations on labels or in advertisements implying that use of this preparation will restore to its original or natural color hair which has become gray, faded or streaked, or that the product is not a dye or will not have harmful effects. According to the stipulation, the product is a dye, and its use may result in harm to the user.

No. 2787. Bernard Licht, trading as Licht's Fur Factory, 102 West Twenty-Ninth St., New York, has been ordered to cease and desist from making certain false and misleading representations, by means of radio broadcasts or otherwise, in connection with the interstate sale of furs and fur garments.

The order directs Licht to discontinue advertising that he is in position to offer for sale "thousands" or any other number of furs and fur garments substantially in excess of his actual stock; that a saving of 50 per cent or any other saving can be effected by purchasing his products; that all the fur products sold by him are made from new skins not previously used or worn, and that he owns the building in which his business is operated.

## FTC CLOSES CASE

No. 2735. The Federal Trade Commission has closed without prejudice its case against International Silver Co., with headquarters in Meriden, Conn., the company having entered into a stipulation to discontinue certain unfair methods of competition which were alleged in the Commission's complaint against it.

Engaged in the manufacture and sale of silver-plated ware in interstate commerce, the company agreed to cease representing, or aiding or assisting its retail dealers in representing, that any price at which its product is offered for sale or sold is a special or reduced price, or lower than the price ordinarily and usually received, when such is not a fact.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, June 7:

Monday, June 7

### HEARING BEFORE AN EXAMINER

(Broadcast)

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Modification of C. P., 1050 kc., 1 KW, limited, sunset at Abilene, Kans. Present Assignment: 1050 kc., 1 KW, daytime.

NEW—WRBC, Inc., Cleveland, Ohio.—C. P., 880 kc., 1 KW, unlimited time.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—C. P., 890 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 890 kc., 500 watts, 1 KW LS, unlimited time.

KFNF—KFNF, Inc., Shenandoah, Iowa.—C. P., 890 kc., 1 KW, 5 KW LS, share-KUSD (KFNF  $\frac{7}{8}$ , KUSD  $\frac{1}{8}$  time. Present assignment: 890 kc., 500 watts, 1 KW LS, share-WILL and KUSD  $\frac{1}{2}$  time.

WBLK—The Exponent Co., Clarksburg, W. Va.—Modification of C. P., 1370 kc., 100 watts, unlimited time.

Tuesday, June 8

### HEARING BEFORE AN EXAMINER

(Broadcast)

WTBO—Roger W. Clipp and Frank V. Becker, Transferors, and Delaware Channel Corp., Transferee, Cumberland, Md.—Transfer of control of corporation; 800 kc., 250 watts, daytime.

NEW—Phillip Jackson, Brunswick, Ga.—C. P., 1420 kc., 100 watts, daytime.



Wednesday, June 9

HEARING BEFORE AN EXAMINER

(Broadcast)

- WCLS—WCLS, Inc., Joliet, Ill.—Modification of license, 1310 kc., 100 watts, unlimited time.  
WWL—Loyola University, New Orleans, La.—C. P., 850 kc., 50 KW, specified hours.

Thursday, June 10

HEARING BEFORE AN EXAMINER

(Broadcast)

- WCMI—Ashland Broadcasting Co., Inc., Ashland, Ky.—C. P., 1120 kc., 250 watts, 1 KW LS, unlimited. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited.  
WRVA—Larus & Bros. Co., Inc., Richmond, Va.—C. P., 1110 kc., 50 KW (DA), unlimited time. Present assignment: 1110 kc., 5 KW, unlimited time.  
KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., 1210 kc., 100 watts, 250 watts, unlimited time. Present assignment: 210 kc., 100 watts, unlimited time.

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-387:

- NEW—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited.

Examiner's Report No. 1-389:

- NEW—Knoxville Journal Broadcasting Co., Knoxville, Tenn.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited.  
NEW—Richard M. Casto, Johnson City, Tenn.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited.

Examiner's Report No. 1-402:

- KFXR—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma City, Okla.—Renewal of license, 1310 kc., 100 watts, 250 watts LS, unlimited.  
KFXR—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma City, Okla.—Voluntary assignment of license, 1310 kc., 100 watts, 250 watts LS, unlimited.

Friday, June 11

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Don M. Lindenton and A. L. McCarthy, d/b as Fields McCarthy Co., Poplar Bluff, Mo.—C. P., 1310 kc., 100 watts, daytime.  
WKBH—Jos. C. Callaway, Transferor, and Harry Dahl, Transferee, La Crosse, Wis.—Authority to transfer control of corporation; 1380 kc., 1 KW, unlimited.  
WKBH—WKBH, Inc., La Crosse, Wis.—Renewal of license, 1380 kc., 1 KW, unlimited time.  
NEW—Harold F. Gross, Lansing, Mich.—C. P., 580 kc., 500 watts, 1 KW LS, unlimited.

APPLICATIONS GRANTED

- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted C. P. for changes in composite equipment and increase in day power from 100 watts to 250 watts; 1370 kc., unlimited.  
KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted C. P. for local move of transmitter, changes in equipment, and installation of vertical radiator.  
KGBX—Springfield Broadcasting Co., Inc., Springfield, Mo.—Granted modification of license for changes in directional antenna system for night-time use.  
WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted authority to install new automatic frequency control equipment.  
WIBU—Wm. C. Forrest, Poyette, Wis.—Granted authority to install new automatic frequency control equipment.  
KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted authority to install new automatic frequency control equipment.

WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted modification of C. P. to extend completion date from May 22 to June 22, covering local move of station, installation of new equipment, increase in power to 5 KW, change in hours of operation to daytime only.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Granted modification of C. P. covering authority to change transmitter site, install vertical radiator and new equipment, and decrease day power from 5 KW to 1 KW.

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Granted modification of C. P. for approval of transmitter site and antenna system and authority to change type of equipment.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Granted modification of C. P. extending completion date to 6-30-37.

KSEI—Radio Service Corp., Pocatello, Idaho.—Granted modification of license to increase day power from 500 watts to 1 KW; 900 kc., 250 watts night, unlimited.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Granted license to cover C. P. and modifications thereof; 1230 kc., 1 KW night, 5 KW day, unlimited. Also granted authority to determine operating power by direct measurement of antenna input.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Granted license to cover C. P. as modified; 1200 kc., 100 watts night, 250 watts day, unlimited.

KOYN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted license to cover C. P.; 1500 kc., 100 watts, daytime only.

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—Granted license to cover C. P. as modified; 1310 kc., 100 watts, daytime only.

NEW—WKY Radiophone Co., Mobile.—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 200 watts.

NEW—Havens & Martin, Inc., Portable (Va.).—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 500 watts.

NEW—The Birmingham News Co., Mobile (Birmingham, Ala.).—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 20 watts.

NEW—Earle C. Anthony, Inc., Mobile.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 100 watts.

NEW—Harrisburg Broadcasting Co., Portable (Southern Illinois).—Granted C. P. for new relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

WMEF—National Broadcasting Co., Inc., Mobile.—Granted C. P. for changes in equipment and decrease in power from 150 to 100 watts. Also granted license to cover same.

W5XAB—Fort Worth Broadcasters, Inc., Portable-Mobile.—Granted modification of C. P. authorizing changes in equipment and decrease in power from 5 watts to 2 watts—relay broadcast station. Also granted license to cover C. P., frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis, 2 watts.

W10XDD—Evansville on the Air, Inc., Evansville, Ind. (Mobile).—Granted license to cover C. P. for relay broadcast station, frequencies 31100, 34600, 37600, 40600 kc., on experimental basis, 35 watts.

WATC—WAVE, Inc., Mobile.—Granted license to cover C. P. for new relay broadcast station (low frequency); frequencies of 1622, 2058, 2150 and 2790 kc., 50 watts.

SET FOR HEARING

NEW—C. Bruce McConnell, Indianapolis, Ind.—C. P. for new station; 1500 kc., 100 watts night, 250 watts day, operation: Daily except Sunday 10 a. m. to 12 noon; 6 p. m. to 10 p. m. Desires hours now used by WKBV. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Floyd A. Parton, San Jose, Cal.—C. P., already in hearing docket, amended to request frequency of 1330 kc., 250 watts, daytime only; exact transmitter site to be determined with Commission's approval.

NEW—The Enterprise Co., Beaumont, Tex.—C. P., already in hearing docket, amended to request 1350 kc., 250 watts night, 500 watts day, unlimited time; exact transmitter and studio sites to be determined with Commission's approval.

NEW—W. H. Hartman Co., Publishers of Waterloo Daily Courier, Waterloo, Iowa.—C. P., already in hearing docket, amended to request 1400 kc., 500 watts, daytime only; exact trans-

mitter site and type of antenna to be determined with Commission's approval.

- NEW—Church of Jesus Christ of Latter Day Saints, Salt Lake City, Utah.—C. P., already in hearing docket, for new international station on experimental basis in Saltair, Utah, amended to request 15250 kc. and 21460 kc.; 50 KW, A3 emission, unlimited time; exact transmitter site to be determined subject to Commission's approval.
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P. (amended), requesting move of transmitter site locally to Loop Road; install new equipment and directional antenna system for nighttime use; change frequency to 620 kc., increase power to 500 watts, unlimited time.
- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—C. P. to move transmitter to site to be determined, Santa Clara County, Calif.; install new equipment and vertical radiator; increase day power from 1 KW to 5 KW.
- WEED—William Avera Wynne, Rocky Mount, N. C.—C. P. for changes in composite equipment; installation directional antenna system for nighttime use; change frequency to 1240 kc.; increase power and time of operation from 100 watts night, 250 watts day, unlimited day and sharing with WCHV at night, to 500 watts, unlimited time.
- KSLM—Oregon Radio, Inc., Salem, Ore.—C. P. (amended) to request move of transmitter site locally to site to be determined; install new equipment and vertical radiator, change frequency from 1370 kc. to 1360 kc., and increase power from 100 to 500 watts.
- WCNW—Arthur Fasje, Brooklyn, N. Y.—Modification of license to use all hours now used by applicant and hours used by WMBQ; 1500 kc., 100 watts night, 250 watts day; specified hours.
- WQDM—E. J. Regan & F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license to change time of operation from specified hours to daytime until sunset at Cleveland, Ohio.

### SPECIAL AUTHORIZATIONS

- KGFF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, Tuesdays and Thursdays and on Wednesdays from 8:15 to 9:15 p. m., CST, during the period from June 1 to June 30, inclusive (provided WNAD remains silent) in order that KGGF may broadcast during time WNAD is silent for summer vacation of Okla. Univ.
- WNAD—Univ. of Oklahoma, Norman, Okla.—To remain silent on above dates in order to observe summer vacation.
- KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Granted special temporary authority to operate from 4:30 to 7:30 p. m., MST, June 2 and 3, 1937, in order to serve community with broadcast of Pioneer Day activities.
- KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time for the period June 2, 3, and 4, 1937, in order to broadcast the "Top o' Texas Fiesta", which is sponsored annually by the Pampa Jr. Chamber of Commerce.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 9:30 p. m., CST, June 2, 1937, and from 7:30 to 9:30 p. m., CST, June 6, in order to broadcast special program commemorating 50th Anniversary of the Hancock Congregational Church direct from church at Hancock, Mich.
- WWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate for the period beginning June 3 and ending in no event later than July 2, 1937, with an increase in night power to 5 KW, to overcome interference.
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce hours of operation to one hour per week for the period June 5 to September 11, 1937, during summer vacation at Luther College.
- KUSD—Univ. of So. Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent from June 7 to 3 a. m., EST, September 1, 1937, during summer vacation.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 9 to 11 a. m. and 2 to 6 p. m., MST, June 17 and 18, in order to broadcast the public hearing of the rate hearing of the Ariz. Edison Co. Inc.
- WCCO—Columbia Broadcasting System, Minneapolis, Minn.—Granted special temporary authority to rebroadcast over station WCCO a demonstration of the two-way police com-

munication system of the Minneapolis Police Department, Station KGPB, June 22.

- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted special temporary authority to operate simultaneously with station WAPI using power of 1 KW from 9 p. m., CST, June 22, to the conclusion of the Braddock-Louis fight.
- WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—To operate same as above except simultaneously with station KVOO.
- WHAZ—Rensselaer Polytechnic Inst., Troy, N. Y.—Granted special temporary authority to remain silent August 2, 9, 16, 23, 30 and September 6, 1937, due to summer vacation of Rensselaer Polytechnic Institute.
- WBAA—Purdue Univ., W. Lafayette, Ind.—Granted special temporary authority to operate a 25 watt portable test transmitter during daylight hours for a period not to exceed 30 days, in order to select a new transmitter site for station WBAA.
- WFBR—The Balto. Radio Show, Inc., Baltimore, Md.—Granted special temporary authority to rebroadcast over station WFBR a program of about 5 minutes on June 5, 1937, originating aboard a Maryland National Guard plane, in connection with the 15th Anniversary of station WFBR.
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (June sunset 7:45 p. m.) to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, beginning June 1, 1937, and ending no later than June 29, pending compliance with Rule 131 on modification of license application requesting this authority.
- KGDY—Voice of So. Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent for period June 1 to June 30, inclusive, for purpose of rebuilding transmitter to comply with Rule 131, provided that the authority herein granted, to remain silent shall not be construed as a finding by the Commission with respect to any application of KGDY, which are now pending before the Commission, particularly the renewal of license application for this station, or upon any of the issues raised thereby, etc.
- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted extension of special temporary authority to operate Daylight Saving Time instead of EST, as licensed, during period that DST is recognized as official time in Burlington, Vt., but for the period beginning 3 a. m., EST, June 1 and ending in no event later than September 26, 1937. Also granted authority to operate daily except Sunday, 2 to 4:30 p. m., EST, and daily except Friday, Saturday and Sunday, 7 to 9 p. m., EST, for period June 15 to June 30, in order to broadcast sponsored northern league baseball games.
- WOEH—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station for period June 8 to June 17, utilizing the frequencies 4797.5, 6425, 8655 and 12862.5 kc., in addition to the licensed frequencies for relay broadcast from aboard Imperial Airways, Ltd., seaplane CAVALIER program material during initial flight inaugurating the Bermuda-New York air passenger service, to be rebroadcast over NBC national network of affiliated broadcast stations.
- KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Granted special temporary authority to remain silent for period of 30 days from 7 p. m., May 27, preparatory to removal to Brownsville as authorized in modification of C. P., granted March 9, 1937.
- WCAT—So. Dak. School of Mines, Rapid City, S. Dak.—Granted special temporary authority to remain silent from June 4 to September 13, inclusive, in order to observe summer vacation.
- W3XBS—RCA Mfg. Co., Inc., Camden, N. J.—Granted special temporary authority to operate with power of 5 KW on 590 kc., during broadcast experimental hours from 1 to 6 a. m., EST, for period June 1 to 10, in order to make certain measurements of radio frequency harmonic radiation, provided schedule is arranged so as to cause no interference to stations maintaining regular programs.
- United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard the plane owned by United Air Lines Transport Corp., bearing call letters KHAZT as a relay broadcast station on frequency 2790 kc., on June 5, in cooperation with station KMTR in connection with KMTR Prudence Penny program.

## ORAL ARGUMENTS

- KINY—Ex. Rep. 1-386: Edwin A. Kraft, Juneau, Alaska.—Granted oral argument to be held September 16, 1937.
- NEW—Ex. Rep. 1-406: Leonard A. Versluis, Grand Rapids, Mich.—Granted oral argument to be held September 16, 1937.

## ACTION ON EXAMINERS' REPORTS

- NEW—Ex. Rep. 1-365: Lincoln Memorial University, Middlesboro, Ky.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time.
- WLMU—Lincoln Memorial Univ., Middlesboro, Ky.—Granted modification of C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day; 1210 kc., unlimited time. Examiner P. W. Seward sustained. Order effective July 20, 1937.
- Ex. Rep. 1-373: J. L. Statler, M.D., d/b as Baker Hospital, Muscatine, Ia.—Denied authority to transmit programs to stations located in Canada and Mexico. Examiner R. L. Walker sustained. Order effective August 3, 1937.
- NEW—Ex. Rep. 1-427: J. Leslie Doss, Sarasota, Fla.—Denied as in cases of default, application for C. P. for new station to operate on 1390 kc., 250 watts, daytime. Examiner Tyler Berry sustained.
- NEW—Ex. Rep. 1-428: David J. Mercier & Geo. F. Warren, d/b as Northern Broadcasting Co., Traverse City, Mich.—Denied as in cases of default, application for C. P. for new station to operate on 830 kc., 500 watts, daytime. Examiner Tyler Berry sustained.

## EXAMINER REPORT RELEASED SINCE MAY 25, 1937

- NEW—Ex. Rep. 1-408—Charles Porter & Edward T. Eversole, Festus, Mo.—Examiner P. W. Seward recommended grant conditionally, of C. P. for new station to operate on 1420 kc., 100 watts, daytime.

## MISCELLANEOUS

- Lamar Life Ins. Co., Jackson, Miss.—Granted petition to postpone hearing date on application of Standard Life Ins. Co., of the South for new station at Jackson, Miss., to use 1420 kc., 100 watts night, 250 watts day, unlimited time, from July 7, to a date to be fixed by the Docket Section sometime later in July.
- KRKO—Lee E. Hudgett, Everett, Wash.—Granted petition to continue hearing on application for C. P. to use 1420 kc., 100 watts night, 250 watts LS, unlimited time, from June 28 to a new date after September 1, 1937, exact time to be fixed at convenience of Docket Section.
- NEW—Brenau College, Gainesville, Ga.—Denied petition requesting that action on application of WAPO, Chattanooga, Tenn. to use 1420 kc., 100 watts night, 250 watts day, unlimited time (Ex. Rep. 1-419), be deferred until decision on pending application of Brenau College to use frequency 1420 kc., 100 watts n. 250 watts LS, unlimited.
- WTAQ—WHBY, Inc., Green Bay, Wis.—Granted indefinite continuance of hearing on application now scheduled for June 18, for C. P. to use 1330 kc., 1 KW night, 5 KW day, unlimited time. (Docket 4226.)
- WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted continuance of hearing on application for C. P. to use 580 kc., 1 KW, unlimited time (Docket 4420), to a date subsequent to September 6, 1937.
- Kenneth Baker, Hartwell Gaus, V. A. Bernier, d/b as Key City Broadcasting Co., Kankakee, Ill.—Denied petition for continuance of hearing on application for new station to use 1500 kc., 100 watts, unlimited time, now scheduled for June 15, 1937.
- KGA—Louis Wasmer, Spokane, Wash.—Denied continuance of deposition session relative to application of C. P. Sudweeks for C. P. for new station at Spokane, Wash., to use frequency of 950 kc., 500 watts n. 1 KW LS, unlimited time. (Docket 4461.)
- WCMI—Ashland Broadcasting Co., Ashland, Ky.—Denied petition for continuance of hearing on application for C. P. for 1120 kc., 250 watts, 1 KW LS, unlimited time, now scheduled for June 10. Also denied petition for continuance of Deposition Session in the same case.

- KOLO—Mason City Globe Gazette Co., Mason City, Ia.—Granted petition to reconsider action of January 12, 1937, designating for hearing the application of Mason City Globe Gazette Co. for change in equipment and authority to increase daytime power from 100 to 250 watts, and granted same without hearing.
- NEW—Robert Raymond McCulla, Oak Park, Ill.—Denied motion to continue hearing, now scheduled for June 15, 1937, on application for C. P. to erect a new station to operate on frequency of 1500 kc., 100 watts daytime only.
- NEW—El Paso Broadcasting Co., El Paso, Tex.—Denied motion to reconsider supplemental request to take depositions in connection with its application for C. P. to erect a new station at El Paso, to operate on 940 kc., 1 KW, unlimited time.
- NEW—Robert E. Clements, Huntington Park, Calif.—Denied request for postponement of hearing on application for new station to operate on frequency of 1160 kc., 250 watts, daytime (Docket 4505), now scheduled for June 15.
- NEW—Burlington Broadcasting Co., Burlington, Ia.—Granted petition to intervene in the hearing on the application of Leon M. Wisfeld for a new station at Burlington, Ia., to use 1310 kc., 100 watts, unlimited time, Docket 4502, now scheduled for June 9.
- NEW—Harold F. Gross, Lansing, Mich.—Granted request for continuance of hearing now scheduled for June 11, to a new date in September to be fixed at the convenience of the Docket Section, on application to use 580 kc., 500 watts night, 1 KW day, unlimited time, Docket 4604.
- WBNO—Coliseum Place Baptist Church, New Orleans, La.—The Commission, on its own motion, continued the hearing date on the application of WBNO for C. P. to use 1420 kc., 100 watts night, 250 watts LS, unlimited time, Docket 4560, to be heard on the same date as the application of Standard Life Ins. Co. of the South, which involves the use of the same frequency.
- NEW—Continental Radio Co., Denver, Colo.—Denied petition for an indefinite continuance of the hearing date on application of Colo. Radio Corp. (KVOD), Docket No. 4527, now scheduled for June 23. The application of KVOD is for C. P. to use 630 kc., 1 KW, unlimited time.
- Tri-State Broadcasting Co.—Granted petition to intervene in the proceedings upon the application of the El Paso Broadcasting Co. (Docket 4545).
- WSAN—WSAN, Inc., Allentown, Pa.; and WCBA—B. Bryan Musselman, Allentown, Pa.—Granted applicants' joint motion to continue hearing now scheduled for June 14, to a date subsequent to September 15, 1937, on application of WSAN for voluntary assignment of license (Docket 4514), and application of voluntary assignment of license of WCBA. (Docket 4515.)
- NEW—Monocacy Broadcasting Co., Rockville, Md.—Granted motion to continue hearing, now scheduled for July 2, for at least 60 days, new date to be fixed by Docket, on application for C. P. to use 1140 kc., 250 watts, daytime only. Docket 3191.
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Denied motion for continuance of hearing date upon application of Tri-State Broadcasting System, Inc. (KTBS), Shreveport, La. for modification of license to use 620 kc., 500 watts night, 1 KW day, unlimited time (Docket 4523), now scheduled for June 21, and for consolidation with application of KMLB requesting use of same frequency.
- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Denied petition for reconsideration of action of the Broadcast Division denying its application for C. P. to authorize changes in equipment of station WHAT whereby operation will be permitted on frequency of 1220 kc., with 1 KW, unlimited time (Docket 3798), and grant said application in part, to authorize the aforementioned equipment changes and operation of the station during daytime hours.

## RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

- KFXR—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma.—Granted extension of program test period 30 days from May 26, 1937.
- WAAK-W4XBT-W4XBZ—Radio Station WSOC, Inc., Charlotte, N. C.—Granted authority to operate as licensed period 30 days from 6-1 to 6-29, inclusive, relaybroadcast from various

points of interest in city. Also authorized operate same stations 6-1 to 6-10, inclusive relaybroadcast commencement exercises and centennial celebration from Davidson College, provided no wire lines available.

W9XLC—Racine Broadcasting Corp., Racine, Wis.—Granted authority to operate as licensed 6-14, relaybroadcast Flag Day Parade and Celebration.

W9XPN-W9XPV—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed period 30 days from May 26, relaybroadcast from train running between Villa Grove and Tuscola.

KFDY—South Dakota College, Brookings S. Dak.—Denied special temporary authority to operate from 8 to 9:30 p. m., CST, May 24 and 31, in order to broadcast special concert by State College Military Band, and from 3 to 4:30 p. m., CST, June 7, in order to broadcast program commemorating the 25th anniversary of agricultural extension work in South Dakota.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted special temporary authority to remain silent from 12:30 p. m., May 31, to 3 p. m., EST, July 1, in order to observe regular school vacation.

Granted motion filed on behalf of Independence Broadcasting Co. (WHAT), Philadelphia, for extension of effective date of Commission action in denying its application for C. P. and directed that effective date of decision in this case be extended from May 25 to June 1, 1937.

Granted petition of Frank P. Doherty, transferor, and J. F. Burke, Sr., and Royal K. King, transferees, for an order to take depositions in support of their application for authority to transfer control of Radio Broadcasters, Inc., licensee of Station KRKD, Los Angeles (Docket 4546).

Denied motion of Earle Yates to suppress the order to take depositions, issued May 20, 1937, in the matter of the application of El Paso Broadcasting Co. Docket 4545.

Denied supplemental request of El Paso Broadcasting Co., El Paso, Tex., asking that the order issued by the Commission May 19, authorizing the taking of depositions of certain witnesses in support of the El Paso Broadcasting Company's application for a new station at El Paso, Docket 4545, be amended to include four additional witnesses.

Granted motion of John W. Haigis requesting that hearing on his application for C. P. for new station at Greenfield, Mass., be continued, and directed that said hearing be held on June 25, 1937, instead of May 26, 1937.

Denied petition of John Stewart Bryan requesting that date for the taking of depositions in support of his application for a C. P. for a new station at Petersburg, Va., Docket 4506, be continued from May 25 to June 17.

Granted petition of WGAR Broadcasting Co., Cleveland, Ohio, to intervene in the proceedings on the application of WRBC, Inc., for C. P. for a new station at Cleveland, Ohio. Docket 3890.

Granted petition of Havens & Martin, Inc., to intervene in the proceedings upon the application of Larus and Bros. Co., Inc. (WRVA), Richmond, Va., for a C. P. Docket 4556.

Granted petition of Jos. C. Callaway and Harry Dahl for an order to take depositions in the matter of the application of Jos. C. Callaway, transferor, and Harry Dahl, transferee, for authority to transfer control of WKBH, Inc., and directed that an attorney from the Law Department of the Commission be present and participate in the taking of the depositions at La Crosse, Wis.

Granted petition of Radiotel Corp., San Diego, Calif., to intervene in the proceedings upon the application of Warren B. Worcester for C. P. for a new station at San Diego, Calif. Docket No. 4531.

Granted petition of Northside Broadcasting Corp., WGRC, New Albany, Ind., to intervene in the proceedings on the application of WRBC, Inc., for a C. P. for a new station at Cleveland, Ohio. Docket 3890.

## APPLICATIONS RECEIVED

### First Zone

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—License to 550 cover construction permit (B1-P-1189) as modified for new equipment, increase in power, and move of transmitter.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Authority to 550 determine operating power by direct measurement of antenna.

NEW—The Hampden-Hampshire Corp., Holyoke, Mass.—Con- 1240 struction permit for a new station to be operated on 1240 kc., 1 KW, unlimited time, to use directional antenna day and night. Amended to change power from 1 KW to 500 watts night, 1 KW day.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—License to 1480 cover construction permit (B1-P-1637) for changes in antenna and move of transmitter.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Authority to 1480 determine operating power by direct measurement of antenna.

### Second Zone

WCPO—Continental Radio Co., Cincinnati, Ohio.—Modification 1120 of license to change name from Continental Radio Co. to Scripps-Howard Radio, Inc.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Con- 1240 struction permit to install a new transmitter and increase power from 1 KW to 5 KW.

NEW—Keystone Broadcasting Co., New Castle, Pa.—Construc- 1250 tion permit for a new station to be operated on 1250 kc., 250 watts, daytime.

NEW—West Virginia Broadcasting Corp., Wheeling, W. Va.—Con- 1310 struction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.— 1310 License to cover construction permit (B2-P-1367) for new transmitter and vertical antenna.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Construction 1390 permit to install directional antenna for night use. Amended to make changes in directional antenna.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, 1420 Ky.—Construction permit to change frequency from 1420 kc. to 610 kc.; install a new transmitter; make changes in antenna; and increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day. Amended to change transmitter site from Walton Bldg., Main and Esplanade Sts., Lexington, Ky., to intersection Russell Cave Pike and Ironworks Pike, near Lexington, Ky.

NEW—West Virginia Broadcasting Corp., Charleston, W. Va.— 1500 Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

NEW—WTAR Radio Corp., Norfolk, Va.—Construction permit 1500 for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 1 watt.

W3XEW—WTAR Radio Corp., Mobile.—License to cover con- struction permit (B2-PRE-36) for a new relay broadcast station.

NEW—WJW, Inc., Akron, Ohio.—Construction permit for a new 1500 relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 20 watts.

NEW—WJW, Inc., Akron, Ohio.—License to cover above.

NEW—WIW, Inc., Akron, Ohio.—Construction permit for a new 1500 relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 1 watt.

NEW—WJW, Inc., Akron, Ohio.—License to cover above.

NEW—WTAR Radio Corp., Norfolk, Va.—Construction permit 1500 for a new relay broadcast station to be operated on 31100, 34600, 37600, 40000 kc., 1 watt.

WAAH—West Virginia Broadcasting Corp., Wheeling, W. Va.— 1500 Reinstatement of construction permit which expires 5-29-37 for a new relay station on 1646, 2090, 2190, 2830 kc., 50 watts, requesting changes in equipment and increase in power from 50 watts to 100 watts.

WAAJ—The Fort Industry Co., Toledo, Ohio.—Reinstatement of 1500 construction permit which expires 5-29-37 for a new relay station on 1646, 2090, 2190, 2830 kc., 50 watts, requesting changes in equipment and increase in power from 50 watts to 100 watts.

### Third Zone

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.— 880 Modification of construction permit (B3-P-1434) for changes in equipment, requesting authority to install vertical antenna and move transmitter from U. S. Highway No. 45, 2½ miles southeast city limits, Meridian, Miss., to U. S. Highway 45 North, 1.3 miles north of city limits, Meridian, Miss. Amended to change power from 500 watts night, 1 KW day, to 1 KW day and night.

NEW—M. M. Valentine, Laredo Tex.—Construction permit for a 1310 new station to be operated on 1310 kc., 100 watts night, 250 watts daytime, hours of operation not given. Amended to give hours of operation as unlimited time.

NEW—J. T. Griffin, Oklahoma City, Okla.—Construction permit 1310 for a new station to be operated on 1310 kc., 100 watts night, 250 watts daytime, unlimited time. Requests facilities of KFXR.

WSJS—Winston-Salem Journal Co., Winston-Salem, N. C.—Vol-  
**1310** untary assignment of license from Winston-Salem Journal  
 Co. to Piedmont Publishing Co.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification  
**1330** of construction permit (B3-P-1396) for new transmitter and  
 antenna; increase power; move of station locally, further  
 requesting changes in equipment; change frequency from  
**1200 ke.**, to **1330 ke.** and power from 100 watts, 250 watts  
 day, to 250 watts, 500 watts day. Amended to change  
 requested power from 250 watts, 500 watts day, to 1 KW.

KTEM—Bell Broadcasting Co., Temple, Tex.—License to cover  
**1370** construction permit (B3-P-1621) for changes in equipment,  
 hours of operation, and power.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Voluntary  
**1380** assignment of license from Pape Broadcasting Corporation,  
 Inc., to W. O. Pape, d/b as Pape Broadcasting Co.

KCMC—KCMC, Inc., Texarkana, Tex.—License to cover con-  
**1420** struction permit (B3-P-1700) for changes in equipment and  
 increase in power.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Modification of  
**1450** construction permit (B3-P-745) as modified, to increase  
 power from 500 watts to 500 watts night, 1 KW day, and  
 give studio site as 56 Marietta Street, N. W., Atlanta, Ga.

NEW—State Broadcasting Corp., New Orleans, La.—Construction  
**1500** permit for a new station to be operated on **1370 ke.**, 100  
 watts, unlimited time. Amended to change requested fre-  
 quency from **1370 ke.** to **1500 ke.**

NEW—O. C. Burke, Dickinson, Tex.—Construction permit for a  
**1500** new station to be operated on **1500 ke.**, 100 watts, un-  
 limited time.

NEW—WSOC, Inc., Charlotte, N. C.—Construction permit for a  
 new relay broadcast station to be operated on **31100, 34600,**  
**37600, 40600 ke.**, 0.2 watts.

NEW—WSOC, Inc., Charlotte, N. C.—License to cover above.

WNOX—Continental Radio Co., Knoxville, Tenn.—Modification  
**1010** of license to change name from Continental Radio Co. to  
 Scripps-Howard Radio, Inc.

#### Fourth Zone

WLBL—State of Wisconsin, Department of Agriculture and Mar-  
**900** kets, Stevens Point, Wis.—Modification of construction per-  
 mit (B4-P-1220) to extend completion date from 5-22-37 to  
 6-22-37.

KDLR—KDLR, Inc., Devils Lake, N. Dak.—Construction permit  
**1210** to move transmitter from 1025 Third Street, Devils Lake,  
 N. Dak., to edge of city limits, end of 4th Street, Devils  
 Lake, N. Dak. (.2 of mile from present site), and install  
 new vertical antenna.

NEW—Burlington Broadcasting Co., Burlington, Iowa.—Construc-  
**1300** tion permit for a new station to be operated on **1310 ke.**,  
 100 watts, unlimited time.

KOBH—Black Hills Broadcast Co. (Robert Lee Dean), Rapid  
**1370** City, S. Dak.—Construction permit to increase power from  
 100 watts to 100 watts night, 250 watts day, and install a  
 new transmitter. Amended to change name from Black  
 Hills Broadcasting Co. of Rapid City to Black Hills Broad-  
 cast Co. (Robert Lee Dean, Pres.).

NEW—N. B. Egeland, Roland, Iowa.—Construction permit for a  
**1500** new station to be operated on **1500 ke.**, 100 watts night,  
 250 watts day, specified hours. Amended to give transmitter  
 site as 1 mile from business district of Roland, Story County,  
 Iowa.

#### Fifth Zone

NEW—Continental Radio Co. Denver, Colo.—Construction permit  
**630** for a new station to be operated on **630 ke.**, 500 watts night,  
 1 KW day, unlimited time. Amended to change requested  
 power from 500 watts night, 1 KW day, to 1 KW night, 5  
 KW day; make changes in requested equipment; install  
 directional antenna for day and night use and for approval  
 of transmitter site at 5 miles north-northeast of Denver,  
 Colo.

KPOF—Pillar of Fire, near Denver, Colo.—Modification of license  
**880** to increase power from 500 watts to 1 KW.

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co.,  
**1200** San Luis Obispo, Calif.—License to cover construction per-  
 mit (B5-P-718) for a new station.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Construc-  
**1240** tion permit to make changes in transmitting equipment;  
 install a new vertical antenna; increase power from 1 KW  
 to 1 KW night, 5 KW day; and move transmitter from 143  
 Second St., West, Twin Falls, Idaho, to on Highway 30, 4  
 miles west of Twin Falls, Idaho.

KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—  
**1270** License to cover construction permit (B5-P-1537) for new  
 transmitter.

NEW—Evening News Press, Inc., Port Angeles, Wash.—Construc-  
**1400** tion permit for a new station to be operated on **1250 ke.**,  
 250 watts, unlimited time. Amended to change requested  
 frequency from **1250 ke.** to **1400 ke.**

KRLC—H. E. Studebaker, Lewiston, Idaho.—License to cover  
**1420** construction permit (B5-P-733) as modified for new equip-  
 ment, increase in power, change in frequency, and move of  
 transmitter.

NEW—David G. Adams (Adams Recording Studio), San Diego,  
 Calif.—Authority to make electrical transcriptions and  
 manufacture records for stations XEBG and XEMO at Tia  
 Juana, Mexico.



# The National Association of Broadcasters

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

## NAB REPORTS

SPECIAL

Vol. 5 -- No. 24  
JUNE 3, 1937

Copyright, 1937. The National Association of Broadcasters

## REVIEW OF COMMERCIAL COMMITTEE RESOLUTIONS

To refresh the memories of the older members and to inform the newer members, there are reproduced herein those Resolutions touching upon commercial practices which were adopted at the last three annual membership meetings.

### Resolution No. 5 (1934)

RESOLVED, That the National Association of Broadcasters hereby pledges its full cooperation to the Federal Trade Commission in its efforts to safeguard the people of the United States against all forms of fraudulent, untruthful or willfully misleading advertising, and urges upon every broadcaster the necessity for maintaining a standard of advertising truthfulness which will justify and strengthen the faith of the public in the dependability of radio advertising.

### Resolution No. 7 (1934)

RESOLVED, That the National Association of Broadcasters hereby recommends that the Cost Accounting Committee appointed for the past year by President McCosker be continued with the same personnel until the completion of the standard accounting system which it now has in hand, and that this system be completed, if possible, not later than November 1, 1934.

That on the completion of this standard accounting system, the Managing Director is hereby directed to have copies thereof prepared and sent to all member stations, if possible not later than December 1, 1934.

That all member stations are advised to make the necessary adjustments in their accounting methods, so far as such adjustments may be found practicable, to bring their methods into conformity with the proposed standard systems.

### Resolution No. 9 (1934)

RESOLVED, That the National Association of Broadcasters hereby directs the chairman of its Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are buyers of radio advertising, and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers, with a view to setting up a bureau for the broadcasting industry, such committee to report with recommendations to the Board of Directors for action as quickly as possible.

### Resolution No. 10 (1934)

WHEREAS, there is a need in the broadcasting industry for further standardization of units of sale and rate card practices, be it, therefore,

RESOLVED, That the National Association of Broadcasters hereby authorizes the Commercial Committee to publish as the recommendations of said committee, the following:

1. That units of sale be standardized as follows: One hour, one-half hour, quarter hour, five minutes, one minute transcriptions, one hundred words, half minute transcriptions, fifty words or less.

2. That all quantity discounts be given within a period of one year, with discounts retroactive to the first broadcast within that year, discounts to apply within the same time classifications.

3. That operating companies or holding companies operating more than one subsidiary be permitted to buy under a group plan allowing discounts for each of the separate companies under a

blanket order to apply even if more than one agency is involved in placing time.

4. That all stations put on their rate cards, in addition to the regular standard units of time, under a separate heading called—"special service features," such features as time signals, weather reports, sports events, participation programs and any other service features, with an adequate description of what the individual station allows.

5. That no station quote quantity discounts on consecutive times other than 13, 26, 52, 100, 150 and 300.

### Resolution No. 12 (1934)

RESOLVED, That the National Association of Broadcasters establish and maintain an agency recognition bureau at the Washington office of the Association; and that such machinery as may be necessary be set up by the Managing Director with such funds as may be deemed necessary and approved by the Board of Directors as a part of the regular annual budget; that, in general, agency recognition be extended to only those agencies which can satisfy the bureau as to credit responsibility, character or operation and radio service facilities; that said bureau be given full power to study applications of agencies for such recognition and to determine whether or not such recognition should be extended, subject to approval of the Board of Directors; and that the bureau furnish a list of those agencies which are extended recognition together with all supplements thereof, with the strong recommendation of the Association that its members pay agency commission only to those advertising agencies extended recognition by the said bureau,

### Resolution No. 14 (A) (1934)

RESOLVED, That the National Association of Broadcasters hereby reaffirms the resolution adopted at its 1933 convention referring to the elimination of announcements for electrical transcriptions produced especially for broadcasters, and directs the convention resolutions committee to draft an appropriate resolution for this purpose to be transmitted to the Federal Communications Commission.

### Resolution No. 14 (B) (1934)

RESOLVED, That the National Association of Broadcasters hereby reaffirms the following resolution adopted at its 1933 annual meeting:

"WHEREAS, The use of the electrical transcription method of broadcasting programs is generally accepted by both stations and by listeners and has become an important economic factor in the operation of broadcasting stations; and

"WHEREAS, There is definite evidence of serious loss in income to stations because of existing requirements that electrical transcription programs must be announced; and

"WHEREAS, There has been sufficient progress in the manufacture of electrical transcription programs that the reproduction of the majority of such programs are now generally considered as excellent; and

"WHEREAS, The broadcasting industry would be greatly benefited by the removal of existing restrictions, therefore, be it

"RESOLVED, That the National Association of Broadcasters hereby respectfully urges the Federal Radio Commission to alter the existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced."

RESOLVED, FURTHER: That the National Association of Broadcasters hereby directs its officers to bring this resolution, without delay, to the attention of the Broadcasting Division of the Federal Communications Commission, and to take whatever steps

may be necessary and practicable to secure prompt revision of the regulations in accordance with this resolution.

#### Resolution No. 15 (1934)

WHEREAS, The National Association of Broadcasters recognizes that merchandising of radio programs and assistance in merchandising of the products of advertisers stimulate the use of broadcasting as an advertising medium and enhance the value of the medium, be it, therefore,

RESOLVED, That the National Association of Broadcasters hereby urges the fullest possible cooperation in merchandising that is consistent with good business practices; but since the merchandising requirements of advertisers are wholly lacking in uniformity the Association recommends, in fairness to all advertisers, that the cooperation of the stations be limited to such activities as do not entail direct expense, and that where any direct expense is involved such costs be borne by the advertiser.

#### Resolution No. 13 (1935)

RESOLVED, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services.

#### Resolution No. 14 (1935)

WHEREAS, the 1934 convention of the National Association of Broadcasters directed the chairman of the Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are buyers of radio advertising and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers with a view of setting up a bureau for the broadcasting industry, and

WHEREAS, such committee was appointed, studied the problem and conducted discussions with the aforementioned organizations, the results of which discussions have been reported by the chairman of the Commercial Section to the Board of Directors and the convention.

THEREFORE BE IT RESOLVED, That the National Association of Broadcasters reaffirms its willingness to cooperate with the advertisers and agencies in the creation of a cooperative bureau, and that the President of the Association be directed to appoint a committee of not less than five members, to be approved by the Board of Directors and to be responsible to it, the said committee to conduct such activities as may be necessary to the establishment of such a bureau and to represent the National Association of Broadcasters in any discussions or negotiations with advertisers and/or agencies.

#### Resolution No. 16 (1935)

RESOLVED, That the National Association of Broadcasters hereby adopts the revised code of ethics as presented in the report of the chairman of the Commercial Committee.

### REVISED NAB CODE OF ETHICS

The following is the revised Code of Ethics adopted by the Thirteenth Annual Convention of the NAB. The code incorporates the principal trade practice provisions of the radio broadcasting code which were found to be of benefit to the industry. Other than this it remains substantially the same as the code adopted in 1929.

#### CODE OF ETHICS

1. Recognizing that the radio audience includes persons of all ages and all types of political, social and religious belief, each member station will endeavor to prevent the broadcasting of any matter which would commonly be regarded as offensive.

2. When the facilities of a member station are used by others than the owner, the member shall ascertain the financial responsibility and character of such client, that no dishonest, fraudulent or dangerous person, firm or corporation may gain access to the radio audience.

3. Matter which is barred from the mails as fraudulent, deceptive or obscene shall not be broadcast by a member station.

4. Each member station shall refuse any advertising matter regarding products or services injurious to health.

5. Each member station shall maintain a public record of its current rates charged to advertisers for the use of broadcasting time together with all discounts, rebates, refunds and agency commissions which shall be allowed to the users of such time or to their recognized agents.

6. Each member station shall refuse to accept any business on a cost per inquiry, contingent, or percentage basis, or to accord free time for commercial use.

7. No member station shall permit the broadcasting of advertising statements or claims which he knows or believes to be false, deceptive or grossly exaggerated.

8. No member station shall defame or disparage a competitor, directly or indirectly, by words or acts which untruthfully call in question such competitor's business integrity, ability to perform contracts, credit standing or quality of service.

9. No member station shall claim for its service a character, scope or quality which cannot be substantiated, nor shall it claim as regular characteristics of its service features which it knows to be purely temporary or accidental.

10. Where charges of violation of any article of the code of ethics of the National Association of Broadcasters are filed in writing with the Managing Director, the Board of Directors shall investigate such charges, give opportunity for hearing and afterwards notify the station of its findings.

#### Resolution No. 9 (1936)

RESOLVED, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services.

#### Resolution No. 14 (1936)

RESOLVED, That the Committee on Radio Research for the year 1936-1937 consist of seven members appointed by the president, so as to represent the following groups, in addition to the Managing Director: (1) each major network contributing to the project; (2) local stations; (3) regional stations; and (4) clear channel or high powered stations.

BE IT FURTHER RESOLVED, That the committee be empowered to select five of its membership to represent the broadcasting industry on the Joint Committee on Radio Research.

RESOLVED, That this convention approve the activities of the NAB Radio Research Committee during the past year, and that it commend the excellent progress made by the Joint Committee on Radio Research sponsored by the National Association of Broadcasters, Association of National Advertisers, and American Association of Advertising Agencies.

RESOLVED, That the Board of Directors of the National Association of Broadcasters be empowered to devote for exploratory purposes upon recommendation of the NAB Radio Research Committee the sum of \$10,000.00, and that additional funds be devoted to the project if necessary, and if, in the opinion of the Board, this can be done without impairing the financial position of the Association.

#### Resolution No. 19 (1936)

WHEREAS, it is the sense of this convention that the interests of those attending are becoming more and more varied and

WHEREAS, there has been an ever increasing tendency toward the formation of smaller groups within the Association, and

WHEREAS, experience has proven this to be a healthy development, tending to interest a greater number of individuals in the work of the Association, and

WHEREAS, the sales promotion problems of the industry and individual stations both are becoming increasingly important

NOW THEREFORE BE IT RESOLVED, That

1. This Association favors the formation of a Sales Managers Section of the NAB, to be affiliated with the Commercial Committee.

2. This Association recommends to the Board of Directors their approval of this project, and recommends that the Board authorize the Managing Director to pay such incidental expenses as are necessary for postage, printing and similar items out of funds of the Association.



# The National Association of Broadcasters

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

## NAB REPORTS

Copyright, 1937. The National Association of Broadcasters

Vol. 5 - - No. 25  
 JUNE 10, 1937

### CONVENTION PLANS COMPLETED

The Program of the Fifteenth Annual Convention of the National Association of Broadcasters follows:

Monday, June 21, 1937

9:30 A. M.

Call to Order

Address of Welcome:

HON. EDWARD J. KELLY, Mayor, City of Chicago

Address of the President:

MR. C. W. MYERS, KOIN, KOIN, Incorporated,  
 Portland, Oregon

Address of the Chairman, Broadcast Division of the Federal Communications Commission:

JUDGE EUGENE OCTAVE SYKES, Washington, D. C.

The Duty and Responsibility of The Broadcaster.

Address of the Treasurer:

MR. HAROLD HOUGH, WBAP, Carter Publications,  
 Inc., Fort Worth, Texas

Report of the Managing Director:

MR. JAMES W. BALDWIN, National Association of Broadcasters, Washington, D. C.

Report of the Nominating Committee

Appointment of Committees

Announcements

Adjournment

Monday, June 21, 1937

No Afternoon Sessions Scheduled

Committee Meetings (at call of chairman)

Commercial Committee, Parlor M

Resolutions Committee, Room 118

Engineering Committee, Parlor L

Tuesday, June 22, 1937

9:30 A. M.

Call to Order

Election of Officers

Report of the Resolutions Committee

Report of the Elections Committee

### PLEASE REGISTER EARLY

Delegates to the Fifteenth Annual Convention of the NAB will aid materially in following the schedule for opening the Convention if they will register and secure their credentials Sunday, June 20. The Registration desk will be open beginning at 10 a. m. Sunday.

Tuesday, June 22, 1937

2:00 P. M.

Call to Order

Report of the Engineering Committee:

MR. J. H. DEWITT, WSM, National Life and Accident Insurance Company, Nashville, Tennessee

Wednesday, June 23, 1937

9:30 A. M.

Call to Order

Introductory Remarks and Explanation of the Commercial Section Organization:

MR. H. K. CARPENTER, WHK, Radio Air Service Corporation, Cleveland, Ohio

Report of the Sales Managers' Division:

MR. LEWIS H. AVERY, WGR, Buffalo Broadcasting Corporation, Buffalo, New York

Report of the Committee on National Sales Methods and Costs:

MR. CARL EVERSON, WHKC, Associated Radiocasting Corporation, Columbus, Ohio

### IN THIS ISSUE

	Page
Convention Plans Completed . . . . .	2141
Sykes Will Address NAB Convention . . . . .	2142
President Appoints Local Convention Committee . . . . .	2142
Decision in Phonograph Record Case . . . . .	2142
Increased Power Recommended for KIEM . . . . .	2143
Recommends Against Control Change . . . . .	2143
New Oregon Station Recommended . . . . .	2143
Recommends Against Time Changes for WKEV . . . . .	2144
Texas Application Recommendations . . . . .	2144
Recommends No Changes for WMBH . . . . .	2144
Idaho Station Recommended . . . . .	2144
Recommends New Texas Station . . . . .	2144
Broadcast Advertising in April . . . . .	2145
Federal Trade Commission Action . . . . .	2148
Federal Communications Commission Action . . . . .	2151

An Agency Man Looks at Broadcasting:

MR. ARTHUR PRYOR, JR., Batton, Barton, Durstine & Osborn, Inc., New York, N. Y.

Report of the Committee on Radio Research:

MR. ARTHUR B. CHURCH, KMBC, Midland Broadcasting Company, Kansas City, Missouri

Report of the Committee on Radio Promotion:

MR. JOHN J. GILLIN, JR., WOW, Woodmen of the World Life Insurance Association, Omaha, Nebraska

A Retailer Makes An Appraisal of Radio:

MR. MARVIN ORECK, Oreck's, Inc., Duluth, Minnesota

Report of the Committee on Standardization of Sales Forms:

MR. MARTIN CAMPBELL, WFAA, A. H. Belo Corporation, Dallas, Texas

Presentation, discussion and vote on Resolutions pertaining to the Commercial Section.

---

Wednesday, June 23, 1937

2:00 P. M.

Call to Order

A Panel Discussion—MR. H. K. CARPENTER, WHK,  
*Chairman*

How Should a Station Service Its Local Accounts?

MR. MARVIN ORECK—MR. LEWIS H. AVERY

How Can We Simplify Our Rate Cards?

MR. JOHN J. GILLIN, JR.—MR. MARTIN CAMPBELL

How Can Our Present Methods of Securing National Spot Business Be Improved?

MR. JOHN J. GILLIN, JR.—MR. ARTHUR B. CHURCH

How Can Creative Selling Be Encouraged?

MR. ARTHUR PRYOR, JR.—MR. ARTHUR B. CHURCH

What Information Should Stations Release with Respect to their "Circulation"?

MR. H. K. CARPENTER—MR. MARTIN CAMPBELL

What Is Your Definition of the Term "Merchandising"?

Installation of Officers

---

7:00 P. M.

Annual NAB Banquet

Entertainment

Presentation of BROADCASTING Trophy to winner of Golf Tournament

---

### SYKES WILL ADDRESS NAB CONVENTION

Judge Eugene O. Sykes, Chairman, Broadcast Division of the Federal Communications Commission, will address

the Fifteenth Annual Convention of the National Association of Broadcasters. The subject of Judge Sykes' address will be: "The Duty and Responsibility of The Broadcaster."

### PRESIDENT APPOINTS LOCAL CONVENTION COMMITTEE

C. W. Myers, NAB President, has appointed the following Local Convention Committee:

GLENN SNYDER, Chicago, Illinois, Chairman

H. LESLIE ATCLASS, Chicago, Illinois

RALPH L. ATCLASS, Chicago, Illinois

H. C. CROWELL, Chicago, Illinois

GENE T. DYER, Chicago, Illinois

W. E. HUTCHINSON, Chicago, Illinois

QUIN A. RYAN, Chicago, Illinois

F. A. STANFORD, Chicago, Illinois

NILES TRAMMEL, Chicago, Illinois

CLINTON R. WHITE, Chicago, Illinois

### DECISION IN PHONOGRAPH RECORD CASE

DISTRICT COURT OF THE UNITED STATES  
DISTRICT OF MASSACHUSETTS

Equity No. 4418

RAY NOBLE

v.

ONE SIXTY COMMONWEALTH AVENUE, INC.

*Memorandum*

(June 4, 1937)

SWEENEY, J. This suit in equity is before me on the defendant's motion to dismiss. Among the grounds assigned by the defendant for its motion is the allegation that the plaintiff has no cause of action against this respondent.

Statements of fact herein are intended as findings of fact, and statements of legal conclusions, as rulings of law, under the Equity Rules.

The plaintiff is an orchestra leader of substantial reputation, and under a contract with RCA Manufacturing Company, Inc., dated January 14, 1935, made twenty-four phonograph recordings which consisted of the plaintiff's interpretations of musical compositions written by others. Under his agreement the plaintiff surrendered to the RCA Manufacturing Company

"the right to sell, lease or otherwise dispose of, or to refrain, therefrom, throughout the world, records embodying the performances to be recorded hereunder upon such terms as the Company may approve", and \* \* \* "all rights in and to the matrices and records upon which are reproduced the performances to be made hereunder."

Compensation was provided for the plaintiff and his orchestra for the making of the records, and a royalty of five per cent of the sale price of all records was reserved to the plaintiff.

The defendant is a corporation engaged in running the Hotel Vendome in this city, and in connection therewith is the owner and operator of the Nippon Room which is described in the plaintiff's bill as a restaurant and beverage room. At each table in the Nippon Room, the defendant provides a telephone by which patrons may make known their desire to have certain phonograph records played. In its Wine and Music List the defendant lists records containing the plaintiff's renditions or recordings. In practice when a patron of the Nippon Room desires to have one of the plaintiff's pieces played on a phonograph, he indicates his selection through the telephone on his table, and in due course of time the piece requested is played. The phonograph is not located in the Nippon Room, and the sounds are transmitted through loud-speakers.

The plaintiff seeks to enjoin further use by the defendant of his records under the theory that he has a property right in the rendition and interpretation of the compositions that he recorded, and that the defendant violates this right. In paragraph 15 of his bill, he says:

"That all of the rights and property in and to said performances, recordings and interpretations, including the common law right of property therein are the property of, and belong to, the plaintiff herein, with the exception of the right to sell and the right to perform said records on home phonographs for private purposes only."

Looking to the contract between the plaintiff and the RCA Manufacturing Company, it is clear that there is no reservation contained in that contract of any rights by the plaintiff. He gave to the RCA Manufacturing Company "the right to sell, lease or otherwise dispose of" his recordings.

This case on the pleadings differs greatly from *Waring v. WDAS Broadcasting Station, Inc.* (No. 9053, Court of Common Pleas No. 1, County of Philadelphia). RCA-Victor Company had stipulated with Waring that the records which he made would not be sold for broadcasting purposes. The records as made by the RCA-Victor Company contained a stamped restriction against such use on each record. When Waring sought to enjoin the broadcasting company from the use of his records, the court held that he was entitled to injunctive relief on the theory that Waring had not parted with his right to the control of the records for radio broadcasting, and that the defendant broadcasting company violated the express restriction stamped upon the record and reserved by Waring.

Considering the contract between Noble and RCA Manufacturing Company, it is apparent that Noble for a consideration granted to the company the absolute right to "sell, lease or otherwise dispose of" his records through-

out the world. This is a broad and all-inclusive grant. Had the recording company seen fit to limit the use of its records to home use it might have acquired rights which it could protest as against this defendant. No such limitations having been made by RCA, to whom Noble had granted all rights, this plaintiff has no standing to question the use by this defendant of the records in the manner indicated in the bill.

The defendant's motion to dismiss is therefore allowed.

## INCREASED POWER RECOMMENDED FOR KIEM

Broadcasting Station KIEM, Eureka, Calif., applied to the Federal Communications Commission to increase its power from 500 to 1,000 watts. The station operates unlimited time on 1450 kilocycles.

Examiner P. W. Seward, in Report No. I-429, recommended that the application be granted "if the applicant will select a proper transmitter and antenna site, subject to the approval of the Engineering Department of the Commission." The Examiner found that a need exists for additional radio service in the area proposed to be served. The hearings indicated, the Examiner states, that the present and proposed site for the transmitter and antenna "seems to be too near the city of Eureka, and, operating as proposed, would include a greater percentage of the population within the blanketing area than is permitted by the rules."

## RECOMMENDS AGAINST CONTROL CHANGE

Roy L. Albertson applied to the Federal Communications Commission to transfer station WMBO, Auburn, N. Y., to the Auburn Publishing Company. The station operates on 1310 kilocycles, 100 watts, unlimited time.

Examiner P. W. Seward, in Report No. I-430, recommended against the application to transfer. He states in his report that the granting of the application would be in conflict with the provisions of Section 310 of the Communications Act of 1934. He found that the proposed sale price "is far in excess of the valuation of the properties proposed to be transferred as a going concern. \* \* \* The spread between the value of the properties and the sale price appears to be consideration for the transfer of the frequency involved."

## NEW OREGON STATION RECOMMENDED

The Bend Bulletin applied to the Federal Communications Commission for a construction permit for a new station at Bend, Ore., to use 1310 kilocycles, 100 watts night and 250 watts LS, and unlimited time on the air.

Examiner George H. Hill, in Report No. I-432, recommended that the application be granted "subject to the

selection of an approved transmitter site." The Examiner states that there is a definite need for the services proposed to be rendered by the applicant and no interference would be caused by granting the application.

### RECOMMENDS AGAINST TIME CHANGES FOR WKBV

The Curtis Radiocasting Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new station at Indianapolis, Ind., to use 1500 kilocycles, 100 watts night and 250 watts LS, and specified time. Also Station WKBV, Richmond, Ind., operating on 1500 kilocycles, 100 watts, and specified hours, asked that it be granted unlimited time on the air.

Examiner Robert L. Irwin, in Report No. I-431, recommended that both of the applications be denied. He found that there is no need for additional radio service at Indianapolis and the operation of the proposed new station would cause interference with WCKY during daytime operation. He found also that granting WKBV unlimited time on the air would cause objectionable interference to several stations.

### TEXAS APPLICATION RECOMMENDATIONS

Applications were made to the Federal Communications Commission by the West Texas Broadcasting Company for a construction permit for a new station at Wichita Falls, Texas, to use 1380 kilocycles, 1,000 watts and unlimited time on the air. Also by the Wichita Broadcasting Company for a construction permit for a new station at Wichita Falls, Texas, to use 620 kilocycles, 250 watts and 1,000 watts LS and unlimited time; and the Faith Broadcasting Company to erect a new station also at Wichita Falls, Texas, to use 1380 kilocycles, 1,000 watts and 5,000 watts LS and unlimited time. Also C. C. Baxter of KFPL, Dublin, Texas, asked to voluntarily assign the station to WFTX, Inc. Also WFTX, Inc. (KFPL), asked to change the frequency from 1310 kilocycles to 1500 kilocycles, and its power to 100 watts and 250 watts LS.

Examiner John P. Bramhall in Report No. I-435 made the following recommendations:

1. That the application of the West Texas Broadcasting Company be granted upon condition that a site be specified which meets the requirements of the Commission and the Aeronautical Division of the Department of Commerce.

2. That the application of the Wichita Broadcasting Company is denied.

3. That the application of the Faith Broadcasting Company, Inc., be denied.

4. That the application of C. C. Baxter (KFPL) be dismissed, as provided in Rule 103.8.

5. That the application of WFTX, Incorporated, (KFPL) be dismissed, as provided in Rule 103.8.

### RECOMMENDS NO CHANGES FOR WMBH

Broadcasting station WMBH, Joplin, Mo., operating on 1420 kilocycles, 100 watts night and 250 watts LS, unlimited time, applied to the Federal Communications Commission to change its frequency to 1380 kilocycles and to increase its power to 500 watts all time.

Examiner P. W. Seward in Report No. I-434 recommended that the application be denied. He found that with the changes suggested the station would reach fewer listeners than it does now. The Examiner stated that "the only benefit that might accrue would be to the applicant corporation by granting it the use of a regional frequency upon which it expects to predicate increased advertising rates, when in fact the service area will not be increased."

### IDAHO STATION RECOMMENDED

Clarence A. Berger and Saul S. Freeman applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at Couer d'Alene, Idaho, to use 1200 kilocycles, 100 watts and daytime operation.

Examiner P. W. Seward in Report No. I-436 recommended that the application be granted "subject to the approval of the Engineering Department of the antenna and transmitter site." He found that there is a need for additional daytime service in the area proposed to be served and "that the operation of the proposed station would not be expected to interfere with the efficient operation of an existing radio broadcast station."

### RECOMMENDS NEW TEXAS STATION

The Beaumont Broadcasting Association applied to the Federal Communications Commission for a construction permit for the erection of a new station at Beaumont, Texas, to use 1420 kilocycles, 100 watts unlimited time.

Examiner Melvin H. Dalberg in Report No. I-433 recommended that the application be granted. The Examiner found that the proposed new facilities are needed, and that the proposed station would cause no objectionable interference with any existing station. It would be in the public interest he states.

# BROADCAST ADVERTISING IN APRIL

## HIGHLIGHTS OF THE MONTH

Total broadcast advertising during the month of April amounted to \$11,309,319. Gross time sales for the month were 2.7% below the level recorded for last month, the usual seasonal decline. While national network and national non-network business showed declines in volume, regional network and local advertising experienced gains. Total sales were 28.1% ahead of the level as registered during April of 1936. The principal gain over last year occurred in the national non-network field, the volume of sales in this portion of the medium rising 53.8%.

As compared to last month, other major media followed the usual seasonal tendencies in experiencing slight increases in advertising volume. As against last April, national magazine volume increased 17.6%, national farm paper volume 11.8%, and newspaper lineage 3.4%. These increases compare to the 28.1% gain experienced by broadcast advertising.

Non-network broadcast advertising remained at approximately the same level as was recorded for March. Local station volume showed the only increase, rising 5.5%. All sizes of stations showed marked increases as compared to last April, the principal increase being a 47.2% gain recorded by regional stations. Of the geographical districts, the South Atlantic-South Central Area showed the only increase of any importance as compared to last month. All sections of the country recorded gains in business as against last April.

Electrical transcriptions continued to show the principal gains of any type of rendition as compared to the preceding month. Transcriptions rose 8.0% in the national non-network field and 9.3% in the local field. Compared to last April, live talent business rose 45.1%, announcements 25.3%, transcriptions 24.1%, and records 12.5%.

The following sponsor groups showed the principal gains as compared to last month: national network soap and kitchen supplies and tobacco advertising, regional network toilet goods and financial advertising, national non-network tobacco advertising, and local household equipment advertising. As against last April, principal increases occurred in the following groups: national network household equipment, financial, soap and kitchen supplies; regional network drug and clothing; national non-network foodstuffs, beverage, and confections; and local foodstuffs, department store and tobacco advertising. Retail broadcast advertising amounted to \$1,252,430, an increase of 6.4% in volume over last month and a gain of 14.5% as compared to April of 1936.

## TOTAL BROADCAST ADVERTISING

Total broadcast advertising for the month of April is found in Table I.

TABLE I

## TOTAL BROADCAST ADVERTISING

Class of Business	1937 Gross Time Sales		
	March	April	Cumulative Jan.-Apr.
National networks..	\$6,344,510	\$6,013,181	\$24,133,521
Regional networks..	101,944	112,938	403,433
National non-network	3,037,000	2,982,200	10,849,900
Local.....	2,144,700	2,201,000	8,102,500
Total.....	\$11,628,154	\$11,309,319	\$43,489,354

Total broadcast advertising experienced the usual seasonal decline, dropping 2.7% from the level of the preceding month. National network volume declined 5.2%, while national non-network advertising decreased 1.8%. Regional network volume increased 10.7% over the level of March. Local business followed the usual seasonal upswing in rising 2.6% in volume.

Compared with the corresponding month of last year, gross time sales of the medium increased 28.1% in volume. While regional network volume remained at approximately the same level, national network volume rose 24.4%, national non-network business 53.8%, and local advertising 12.9%.

## COMPARISON WITH OTHER MEDIA

National magazine volume gained 9.6% as compared to the level of March. Newspaper lineage increased 3.9% and national farm paper volume rose nearly 1.0%. These increases are normal seasonal tendencies.

Radio broadcasting continued to show the greatest gain in advertising volume of any major medium as compared to the corresponding month of last year. Compared to the 28.1% gain in broadcast advertising, national magazines rose 17.6%, national farm papers 11.8%, and newspapers 3.4%.

Advertising volume by major media is shown in Table II.

TABLE II

## ADVERTISING BY MAJOR MEDIA

Advertising Medium	1937 Gross Time and Space Sales		
	March	April	Cumulative Jan.-Apr.
Radio broadcasting.	\$11,628,154	\$11,309,319	\$43,489,354
National magazines <sup>1</sup>	15,586,852	17,086,299	54,418,295
National farm papers <sup>1</sup>	799,755	807,117	2,956,114
Newspapers <sup>2</sup> .....	50,264,000	52,224,000	183,056,000
Total.....	\$78,278,761	\$81,426,735	\$283,919,763

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

<sup>2</sup>Estimated.

## NON-NETWORK ADVERTISING

Total non-network broadcast advertising remained at approximately the same level as was recorded for last month. Local station volume registered the only in-

crease, rising 5.5%. Advertising over clear channel and high-powered regional stations declined 1.7%, while regional station volume remained the same.

With total non-network advertising volume increasing 33.4% over last April, all sizes of stations registered important gains. Advertising over clear channel and high-powered regional stations rose 23.6%, over regional stations 47.2%, and over local stations 24.9%.

Broadcast advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1937 Gross Time Sales		
	March	April	Cumulative Jan.-Apr.
Over 1,000 watts.....	\$2,195,500	\$2,157,800	\$8,118,100
250-1,000 watts.....	2,316,800	2,318,800	8,351,800
100 watts.....	669,400	706,600	2,482,500
Total.....	\$5,181,700	\$5,183,200	\$18,952,400

Compared to March, non-network advertising in the South Atlantic-South Central Area rose 7.8% and in the North Central Area slightly less than 1.0%. Non-network advertising in the New England-Middle Atlantic and in the Pacific and Mountain Areas declined 4.8% and 2.7%, respectively.

All sections of the country enjoyed marked increases in non-network advertising volume as compared to last April. The greatest increase occurred in the New England-Middle Atlantic Area, non-network advertising in this region increasing 51.7%. Non-network advertising in the South Atlantic-South Central Area rose 30.3%, in the North Central Area 25.6%, and in the Pacific and Mountain Area 31.4%.

Non-network advertising by geographical districts is shown in Table IV.

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1937 Gross Time Sales		
	March	April	Cumulative Jan.-Apr.
New England-Middle Atlantic Area.....	\$1,373,800	\$1,307,600	\$4,839,900
South Atlantic-South Central Area.....	966,100	1,042,000	3,649,300
North Central Area...	1,924,800	1,941,400	7,089,700
Pacific and Mountain Area.....	917,000	892,200	3,373,500
Total.....	\$5,181,700	\$5,183,200	\$18,952,400

NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Electrical transcriptions registered the principal increase during the month, total volume rising 8.2% above March. Record business, although much smaller in volume, recorded the greatest gain in rising 13.1%. Total live talent volume dropped 2.6% and announcements declined 3.8%. Compared to last April, live talent business rose 45.1%, announcements 25.3%, transcriptions 24.1%, and records 12.5%.

In the national non-network field, transcriptions rose 8.0% in volume over last month and records gained 16.1%. Live talent business declined 6.3% and announcements 10.1%. As against April 1936, records more than doubled, transcriptions rose 34.6%, live talent 65.5%, and announcements 76.0%.

All types of rendition in the local field increased in volume over last month. Transcriptions rose 9.3%, live talent 1.6%, records 12.1%, and announcements 1.4%. When compared to last April, transcriptions declined 10.4% and records 6.1%, while live talent business and announcements increased 28.2% and 3.3%, respectively.

Non-network advertising by type of rendition is found in Table V.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1937 Gross Time Sales						Cumulative Jan.-Apr.
	National Non-network		Local		Total		
	March	April	March	April	March	April	
Electrical transcriptions.....	\$1,077,800	\$1,164,800	\$214,100	\$234,100	\$1,291,900	\$1,398,900	\$4,575,980
Live talent programs.....	1,356,900	1,271,300	1,171,600	1,190,600	2,528,500	2,461,900	9,447,690
Records.....	17,300	20,100	59,900	67,200	77,200	87,300	343,410
Announcements.....	585,000	526,000	699,100	709,100	1,284,100	1,235,100	4,585,320
Total.....	\$3,037,000	\$2,982,200	\$2,144,700	\$2,201,000	\$5,181,700	\$5,183,200	\$18,952,400

SPONSOR TRENDS IN APRIL

Compared to March, declines were fairly general in the national network field, clothing and radio set advertising declining to the greatest extent. Soap and kitchen supplies and tobacco advertising registered the principal gains. In the regional network field, toilet goods and financial advertising showed the greatest increases. Most

important changes in the national non-network field were a 26.8% drop in the automotive group and a gain of 20.1% in tobacco advertising. Gains were fairly general in the local field, with household equipment advertising recording the greatest gain.

In the national network field, principal increases occurred in the household equipment, soap and kitchen supplies, and financial advertising as compared to last

April. Drug and clothing volume led the other sponsor groups in the regional network field. Gains were general in the local and national non-network fields, with local foodstuffs, department store and tobacco advertising and

national non-network foodstuffs, beverage and confectionery advertising recording substantial gains.

Broadcast advertising during April by major product and sponsor groups is shown in Table VI.

**TABLE VI**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
**(APRIL, 1937)**

<i>Type of Sponsoring Business</i>	<i>National Networks</i>	<i>Regional Networks</i>	<i>Gross Time Sales</i>		<i>Total</i>
			<i>National Non-network</i>	<i>Local</i>	
1a. Amusements.....	—	\$328	\$2,860	\$40,240	\$43,428
1-2. Automobiles and accessories:					
(1) Automobiles.....	\$517,540	—	172,240	118,170	807,950
(2) Accessories, gas and oils.....	498,919	10,220	172,280	60,680	742,099
3. Clothing and apparel.....	9,873	794	61,740	290,790	363,197
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	498,504	12,910	380,130	54,700	946,244
(5) Toilet goods.....	1,018,811	2,008	115,150	18,360	1,154,329
6-8. Food products:					
(6) Foodstuffs.....	1,287,406	39,283	774,580	323,100	2,424,369
(7) Beverages.....	315,536	6,495	178,480	104,060	604,571
(8) Confections.....	116,720	1,112	41,120	10,940	169,892
9-10. Household goods:					
(9) Household equipment and furnishings.....	164,686	3,463	133,130	254,790	556,069
(10) Soap and kitchen supplies.....	603,754	1,276	227,910	7,930	840,870
11. Insurance and financial.....	72,684	6,051	13,000	82,340	174,075
12. Radios.....	117,515	—	6,050	18,120	141,685
13. Retail establishments.....	—	—	7,420	203,960	211,380
14. Tobacco products.....	593,638	13,248	183,450	11,290	801,626
15. Miscellaneous.....	197,595	15,750	512,660	601,530	1,327,535
Total.....	\$6,013,181	\$112,938	\$2,982,200	\$2,201,000	\$11,309,319

Details as to trends in the various fields of sponsorship are as follows:

1a. **Amusements.** Regional network advertising amounted to \$328. National non-network business increased 18.1% and local advertising 21.9% as compared to March. As against last April, national non-network business increased 47.4% and local business 1.7%.

1. **Automotive.** National network volume 14.8% below March. National non-network business declined 26.8% and local advertising rose 1.9%. Compared to last April, national network volume increased 46.3%, while national non-network and local advertising dropped 33.3% and 21.3%, respectively.

2. **Gasoline and accessories.** Gains over March as follows: national networks 3.0%, regional networks 3.1%, national non-network 4.3%, and local 12.8%. Compared to last April, national network volume increased 28.5%. Regional network volume declined 34.4%, national non-network business 1.5%, and local advertising 27.9%.

3. **Clothing.** National non-network up 18.1% compared to March. Declines in other fields as follows: national network 61.2%, regional networks 3.1%, and local 4.1%. As against last April, national network volume decreased 65.8% while regional network volume increased 69.6%, national non-network 66.6%, and local 5.5%.

4. **Drugs and pharmaceuticals.** Local advertising 10.7% above March, while national network volume de-

clined 14.9%, regional network volume 14.1%, and national non-network business 13.2%. Gains as compared to corresponding month of previous year as follows: national networks 36.0%, regional networks 99.2%, national non-network 7.5%, and local 6.6%.

5. **Toilet goods.** Regional network volume 79.2% above March. National network volume down 13.1%, national non-network 25.4%, and local 15.6%. As against last April, national non-network rose 60.1%, while national network declined 5.3%, regional network 62.8%, and local advertising 16.1%.

6. **Foodstuffs.** National network volume 3.4% below March and local down 1.6%. Regional network and national non-network business up 16.7% and 5.1%, respectively. Increases over April 1936 as follows: national networks 45.8%, regional networks 21.7%, national non-network 97.6%, and local 36.2%.

7. **Beverages.** National network volume 10.6% above March and national non-network up 11.6%. Regional network volume remained the same, while local advertising declined 9.7%. As against last April, national network volume declined 22.1% and regional network volume 31.5%. National non-network increased more than four times, while local advertising rose 19.6%.

8. **Confectionery.** Declines from the preceding month as follows: national networks 2.1%, regional networks 42.3%, national non-network 24.3%, and local 12.3%. National network volume 17.8% below last April and regional network volume down 48.8%. National non-

network business rose 66.7% and local advertising remained the same.

9. *Household equipment.* Gains over March as follows: national networks 1.4%, regional networks 39.1%, national non-network 16.3%, and local 24.4%. National network volume more than four times greater than during last April. National non-network and local advertising increased 12.9% and 13.7%, respectively. Regional network volume declined 24.6%.

10. *Soap and kitchen supplies.* Compared to March, national network up 16.7%, regional network 45.8%, and national non-network 2.0%. Local advertising declined 16.3%. National network up 89.7% over last April and national non-network more than tripled. Regional network volume declined materially and local advertising 30.3%.

11. *Insurance and financial.* Compared to last month, regional network volume more than doubled, while national network volume declined 4.0%, national non-network 32.9%, and local advertising 6.8%. As against last April, national network more than doubled, local advertising increased 15.4%, and regional network volume increased materially. National non-network volume declined 50.0%.

12. *Radios.* National non-network up 14.3% over March, while national network volume declined 52.9% and local advertising 3.3%. National network volume rose 7.3% and local advertising 8.6% when compared to April of last year. National non-network declined 51.0%.

13. *Department and general stores.* National non-network business down 59.7% as compared to March. Local advertising rose 8.7%. National non-network 28.1% below last April. Local business rose 35.2% over April of last year.

14. *Tobacco products.* National network and national non-network business increased 16.4% and 20.1%, respectively, as compared to March. Regional network volume remained the same, while local business dropped 4.5%. Gains over last April as follows: national networks 49.2%, regional networks 21.6%, and national non-network and local more than doubled.

15. *Miscellaneous.* National network volume 8.5% below last month, while regional networks rose 10.9%, national non-network 1.6%, and local advertising 1.8%. Compared to last April, national network volume declined 32.3%, while regional network volume rose 17.3%, national non-network business 87.6%, and local advertising 17.6%.

## RETAIL BROADCAST ADVERTISING

Total retail broadcast advertising over individual stations was 6.4% greater in volume than during March and 14.5% higher than during April of last year. Advertising placed by beverage retailers, household equipment deal-

ers and hardware stores showed the principal gains as compared to last month. Volume placed by beauty parlors and confectionery stores declined. Restaurants, beverages, confections, hardware stores, and department stores showed the principal gains as against April of last year.

Broadcast advertising by retail establishments will be found in Table VII.

TABLE VII  
RETAIL BROADCAST ADVERTISING OVER  
INDIVIDUAL STATIONS

Type of Sponsoring Business	1937 Gross Time Sales	
	March	April
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$105,910	\$126,320
Gasoline stations, garages, etc.....	34,720	39,740
Clothing and apparel shops.....	332,130	316,530
Drugs and toilet goods:		
Drug stores.....	20,470	21,510
Beauty parlors.....	6,980	5,470
Food products:		
Grocery stores, meat markets, etc..	47,180	42,080
Restaurants and eating places.....	35,500	33,370
Beverage retailers.....	4,900	8,350
Confectionery stores.....	9,180	7,110
Household goods:		
Household equipment dealers.....	65,920	94,750
Furniture stores.....	112,090	124,360
Hardware stores.....	29,590	43,640
Radio retailers.....	14,860	16,750
Department and general stores.....	204,280	211,380
Tobacco shops.....		
Miscellaneous.....	152,500	161,070
Total.....	\$1,176,210	\$1,252,430

## FEDERAL TRADE COMMISSION ACTION

### Complaints

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

**Nos. 3138 and 3140.** Alleging unfair competition in the sale of candy complaints have been issued against **Ira W. and Clayton A. Minter**, trading as **Minter Brothers** and as **Douglass Candy Co.**, 3917 Lancaster Ave., **Philadelphia**, and against **Peck-O-Fun Co.**, 1428 West Thirty-seventh St., **Chicago**.

The complaint against the Minter firm charges the respondents with selling to wholesalers and retailers certain assortments of candy so packed and assembled as to involve, or which are designed to or may involve, the use of a lottery scheme when such products are distributed by retail dealers.

**No. 3141.** Charging use of unfair methods of competition in selling dresses which allegedly were falsely advertised as being composed of silk a complaint has been issued against **Lord & Taylor**, 5th Ave., and 38th St., **New York**; **Biberman Bros., Inc.**, 15th and Mt. Vernon Sts., **Philadelphia**, and **Galey & Lord, Inc.**, 57 Worth St., **New York**.

The complaint alleges that Lord & Taylor, a department store, purchased the dresses in question from the manufacturer thereof, Biberman Bros., Inc., which bought the fabrics from which such dresses were made from Galey & Lord, Inc.

In order to facilitate sales, the complaint alleges, Lord & Taylor, with the cooperation of the other two respondent companies, advertised the dresses, in newspapers and by other means, as being composed of "Soft, silky Seal crepe woven from Enka yarns," and as being "made from Seal crepe."



**No. 3142.** Four New York companies selling cosmetics, perfumes and drug notions to the retail and peddler trade, and certain of their officers, are charged with unfair competition in violation of Section 5 of the Federal Trade Commission Act, in a complaint issued by that Commission.

The corporate respondents are: **Rex Merchandise Corporation of America**, and **Crown Laboratories, Inc.**, both of 48 East Twenty-first St.; **Sheray, Incorporated**, and **Wilshire Sales Corporation**, both of 33 Union Square, New York.

The respondents are alleged to have entered into a combination and effected an agreement to sell tooth paste, shaving cream and other toiletries and notions marked and branded with fictitious prices and to have advertised them in a false and misleading manner.

Various items of merchandise described in their price lists and other printed matter are alleged to have been represented as of superior value because of the excessive fictitious prices marked thereon, when in fact, such articles were of values lower and had actual selling prices lower than the prices marked thereon would indicate to buyers, according to the complaint.

**No. 3143.** Violation of Section 5 of the Federal Trade Commission Act through use of certain unfair methods of competition is alleged in a complaint issued against six individuals trading as **National Optical Stores Company** and **Dr. Ritholz Optical Company**, 1148-1160 West Chicago Ave., Chicago.

The individual respondents, engaged in the interstate sale of spectacles and optical supplies, are Benjamin D., Morris I., Samuel J., Sylvia, Fannie and Sophie Ritholz. They have branch offices in Berwyn and Peoria, Ill.; Cleveland, Canton, Akron, Dayton, Youngstown, Columbus and Springfield, Ohio; Indianapolis, Gary, South Bend, Hammond and Evansville, Ind.; Nashville, Memphis, Knoxville and Chattanooga, Tenn., and Atlanta, Ga.

The respondents are said to have represented and implied in advertising matter that, in offering certain spectacles for sale at stated prices, they were making a special offer for a limited time, and that the stated prices advertised were much less than the regular retail prices and retail values of the spectacles, and much less than the prices at which products of the same kind and quality could be purchased elsewhere.

According to the complaint, the respondents did not make a special offer for a limited time, the prices advertised were the regular prices at which the spectacles customarily were sold and were not less than the retail values of such products.

**Nos. 3144 and 3145.** Complaints have been issued against a Chicago candy company and a Detroit chewing gum manufacturer, alleging the use of lottery methods in the sale of their products. The respondents are **Frank, George A.**, and **E. T. Urban**, trading as **Close & Co.**, 2021 Fulton St., Chicago, and **Wolverine Gum, Inc.**, 5625 Lauderdale Ave., Detroit.

The Chicago candy company is charged with selling assortments of uniformly sized candies, together with other articles of merchandise to be given as prizes to purchasers drawing certain pieces of candy having centers colored differently from those of most of the pieces, and to purchasers obtaining the last piece in an assortment.

The Detroit company is alleged to sell assortments consisting of several sticks of chewing gum and other articles of merchandise, so that customers drawing chewing gum with wrappers different from the majority of wrappers receive a prize.

**No. 3146.** Charging unfair competition in the sale of "Cosray Vitamin D Soap", a complaint has been issued against **Los Angeles Soap Co.**, trading as **Cosray Products Co.**, 617 East First St., Los Angeles.

Advertising in newspapers, over the radio and in pamphlets, the respondent company is alleged to have represented that the Vitamin D in its soap is a wonderful discovery of science to increase natural beauty, and that science has proven that this vitamin content will enable users of this soap to smooth out premature wrinkles, reduce large pores, eliminate blackheads and pimples, correct subnormal skin conditions and restore youthful color and elasticity.

### Stipulations and Orders

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

**No. 01644.** **Von Schrader Manufacturing Co.**, 16th St. and Junction Ave., Racine, Wis., selling the Von Schrader Portable Carpet Washer, stipulated that it will cease advertising that the machine restores colors or shades to and removes microbes or germs from carpets or rugs.

**No. 01645.** **Henry and Sigmund Sacks**, trading as **Metal Cast Products Co.**, 1696 Boston Road, New York, agreed to discontinue advertising that they are the "only dealers" in casting forms or molds for manufacturers; that they sell the molds on a half-cost basis, or for any amount less than the regular price, unless such is a fact; that they furnish to purchasers of their molds all the necessary equipment for the manufacture of toys, novelties and other articles, and that they remunerate customers for any financial loss incurred.

**No. 01647.** **William Jonason**, trading as **Bill's Music Shop**, Clay Center, Nebr., agreed to cease representing that the study of any of the correspondence courses he sells will enable one to play any musical instrument within any definite period of time, or that any article is offered free to the purchaser of a course, when the cost of the article is included in the purchase price of the course.

**No. 01650.** **The Sparks-Withington Co.**, Jackson, Mich., engaged in the sale of Sparton radios, will discontinue representations that Sparton radio tone control makes reception possible under any condition, and that by use of the Sparton, programs are received clearly and distinctly from all American stations or from various foreign countries or from outpost stations in remote parts of the world.

**No. 01654.** **Wilhelmina Wittigschlager**, trading as **Indian Root & Herb Co.**, 150 N. E. Third St., Miami, Fla., will discontinue using the word "Indian" as part of her trade name or in the trade name of any of the various medicinal preparations she sells. She also will cease certain false representations as to the therapeutic value of preparations recommended as treatments for the nose and throat, rheumatism, skin ailments, high blood pressure, nervousness, and liver and stomach disorders.

**No. 01655.** **French Lick Springs Hotel Co.**, **French Lick, Ind.**, agreed to cease advertising that Pluto Water is the "only" laxative and will correct constipation, unless the latter representation is limited to indicate acute constipation; that it is of itself a competent treatment for gall bladder and liver troubles, and that it provides a sure way of cleansing the system of health-destroying poisons, unless such claim is limited to the intestinal tract.

**No. 01656.** **Willard Mathias Moore**, trading as **Moore-made**, 77 Turrill Ave., Lapeer, Mich., selling plans for an amusement park device, methods of engaging in mail order business, and other money-making schemes, stipulates that he will cease advertising that his plan for making money enabled him to accumulate \$40,000, and that such plan will make easy money for anyone. Moore agrees to stop asserting that "Celebrated Magic Cologne" is in universal demand; that several hundred dollars' worth of "Magic Grease Eradicator" can be sold in a single township in a week's time; that "The Roadman's and Streetman's Guide" contains real plans for making big money, and that the book "Famous Secret Formulas", will enable one to clear \$20 a day, and contains formulas for various accomplishments such as making inkless pens, an everlasting black ink, and a preparation that will cure the tobacco habit.

**No. 01657.** **The Institute on Mentalphysics**, Second St. at Hobart Blvd., Los Angeles, in the sale of correspondence courses, books and other literature on "Mentalphysics", agrees to cease the representation that the institute's founder was taught by masters of the Far East in Tibet, and is today an authoritative interpreter of the ancient wisdom. The respondent also will cease representing that it offers a secret method of the actual technique of rejuvenation; that old age is only a chemical change which the respondent is able to instruct its students to overcome; that "Mentalphysics" enables one to cure appendicitis, sinus trouble and certain other ailments, and to attain a perfect supply of the right kind of food.

**No. 01658.** **Jim Bourland**, trading as **Star Products Co.**, 1901 Runnels St., Houston, Tex., will cease making assertions in advertising that his Blue Star Ointment is a positive relief for itchy skin, will penetrate the pores or will kill common itch, tetter, rash, eczema, foot itch or ringworm.

**No. 01659.** **Red Sea Balsam Co., Inc.**, 450 Broadway, Taunton, Mass., stipulated that it will cease advertising Red Sea Balsam as competent in the treatment of bruises, sprains, burns and sunburn, or that it is an effective remedy for colds, unless limited to the conditions associated with colds.

**No. 01660.** **Crown Products Corporation**, 1237 Minnesota St., San Francisco, agreed to discontinue advertising that Sani-Clor kills germs, is a sterilizer, or destroys odors, unless the latter representation is limited to the destruction of odors by application at the source of the odor or upon the object from which it emanates. The corporation also will cease representing that Sani-

Clor is a disinfectant, unless directions are given for first cleansing the surface to be disinfected, and then thoroughly wetting such surface with a proper solution of the product.

**No. 01661. G. H. Glitzke, trading as Ulgo Co., 125 Wirthman Building, Kansas City, Mo.,** will stop advertising that Ulgo is a competent remedy in the treatment of leg or arm sores, or that it does other than control, but not cure, some cases of leg sores when caused by trichophyton tinea germs.

**No. 01662. Dr. A. L. Barth, trading as Central Laboratory and as Central Laboratory Service, Pana, Ill.,** is engaged in the sale of a health service which includes his analysis of a body excretion as a means of diagnosing certain diseases. He agreed to cease representing that the findings of his analysis are an index to the state of one's health or indicate whether all the vital organs are performing their work properly or require attention, and that by the use of his health services the causes of dropsy, tonsillitis, tumors, goiter, indigestion and other ailments may be determined and the conditions relieved.

**No. 01663. James Austin Co., Greenfield Ave. and Kaercher St., Pittsburgh,** will stop representations that Austin's A-1 Solution will disinfect cuts, wounds, and insect bites; that when used for laundering clothes the use of bluing will not be necessary, and that the product will serve as a disinfectant for household purposes, unless such claim is qualified by the direction that the articles to be disinfected must be thoroughly washed or cleansed before application of the solution.

**No. 01664. Farmaide Products Co., 2637 Randolph St., Lincoln, Nebr.,** will stop asserting that its Ex-Tone Poultry Worm Tablets or Ex-Tone Poultry Worm Powder will, alone or in combination with each other, constitute a competent treatment or an effective remedy for worm infestation of chickens or turkeys, or that either of them will save a flock from worms. The respondent company also will desist from advertising that Chloraide is suitable for all sanitation purposes in the home and on the farm, is non-poisonous, destroys bacteria, and will insure freedom from disease germs.

**No. 01665. Thomas J. McBride, trading as The Entromul Co., 2147 West Washington Boulevard, Los Angeles,** will discontinue advertising that Entromul is effective or competent in the treatment of inflamed stomach, nervousness and distress caused by acid secretions. Use of testimonials stating that the preparation will effect the cure of any disease or malady of the human body will be stopped.

**No. 01666. Pacific Coast Borax Co., 510 West 6th St., Los Angeles,** selling 20-Mule Team Borax, stipulated that it will desist from representing that the product will destroy all odors, banish insect pests and cure athlete's foot.

**No. 01667. Frances Kable, Inc., 400 North Michigan Ave., Chicago,** will discontinue representations that the respondent's product, Hollywood Contour Neck Band, is Hollywood's most guarded secret, and is used and endorsed by famous stage and screen stars, unless such celebrities actually use and endorse it; that the product rebuilds relaxed neck and contour muscles, builds up a receding chin or creates and protects the perfect contour. The respondent corporation also agreed to cease using the word "Hollywood" in designating its product.

**No. 01668. Scientific Medicinal Products, Inc., Russ Building, San Francisco,** agreed to cease advertising that its product, Slendrets, will enable one to get rid of fat and that its results are guaranteed. The company also will stop representing, inferentially or otherwise, that the product has been used in the reducing clinic of any hospital, unless such is a fact.

**No. 01669. Elizabeth May and George W. Haylings, trading as National Folio Service, Los Angeles,** agree to quit representing that their Treatise No. 5 on business methods is a remarkable plan telling a person how to earn a remarkable wage every week, and that in order to succeed with the business described in this treatise, it is not necessary to canvass and one need work only a few hours each day.

**No. 01670. Towertown Studios, Inc., 520 North Michigan Ave., Chicago,** agrees to stop advertising that in the sale of its correspondence course in art and commercial drawing, special cash offers are made or prizes are given for promptness, and that as a result of studying the course a person can begin selling his drawings as soon as he is able to produce them. The respondent also agrees to discontinue representing that the price of the course is fluctuating and subject to increase, or that such price is special, and that a reduction in tuition may be obtained by promptness in enrollment, unless such price increase actually takes place. The respondent admitted in its stipulation that expediting enrollment would not afford a student a special reduction in tuition.

**No. 01671. Paul Gardinier, Newark, Mo.,** engaged in selling Vitality Tonic, Antiseptic Douche Powder, and roots and herbs,

agreed to cease certain false representations concerning the therapeutic value of such products. Gardinier also will stop misrepresenting the results to be obtained from the use of other products he sells, including gazing crystals, booklets and novelties. The respondent does business under five trade names, each containing the words "Smythe Company."

**No. 01674. W. M. Robbins, trading as Ray-Zem Laboratories, St. Paul, Minn.,** stipulated that in advertising Ray-Zem, a poultry remedy, he will discontinue assertions that the product is non-poisonous, harmless, and indispensable in making a success of poultry raising.

**No. 01675. Hollywood Hygienic Products, Inc., Hollywood, Calif.,** will discontinue the following representations concerning certain products it sells: That use of Hollywood Dainties gives assurance of quality not found in other preparations for marriage hygiene, and that its germicidal qualities become active at once; that Glandex is a tonic and a competent remedy for nervousness and sleeplessness; that Ur-Gard is a Medical Corps prophylactic having properties fully effective for the prevention or treatment of social diseases generally, and that Retardex is a gland tonic, is harmless, and has been used with success where other remedies have failed.

**No. 01677. H. D. Sandstone, trading as Rol-A-Ray Sales Co., Portland, Ore.,** stipulated that he will cease advertising that Rol-A-Ray, an electrical appliance, has performed miracles in relieving persons who had lost all hope of enjoying normal health; that it gives a miracle electrical massage, and is a competent treatment for anemia, arthritis, paralysis, pneumonia, influenza, ulcers and other ailments.

**No. 1989. Illinois Nut Products Co.,** candy manufacturer, 613 West Lake St., Chicago, has entered into a stipulation to discontinue using any method or plan of sale or of promoting the sale of its candy products, which method or plan involves the use of any gift enterprise, lottery or scheme of chance whereby an article is given as a prize or premium in consideration of the purchase of any other article.

According to the stipulation, the company employed a certain punchboard method in promoting the sale of its products, and all of the prizes awarded were received by the purchasing public wholly by lot or chance.

**No. 2355.** An order to cease and desist has been issued against **H. N. Heusner & Son, Hanover, Pa.,** cigar manufacturer, requiring it to cease certain misrepresentations in the sale of its products.

The order directs that the respondent company stop representing, through use of the words "Havana" or "Habana," alone or with other words, or through use of other representations of similar effect, that cigars not made entirely from tobacco grown in Cuba, are Havana cigars. The use of such representations was held to be in violation of Section 5 of the Federal Trade Commission Act.

**No. 2634. Kienzler Distilling Corporation,** 3032 West Twenty-fourth St., New York, has been ordered to cease and desist from representing that it is a distiller of alcoholic beverages, when such is not a fact. Findings are that the company is engaged in the liquor business solely as a wholesaler and rectifier.

The respondent company is ordered to discontinue representing, through use of the word "Distilling" in its corporate name, in advertising, on labels, or otherwise, that it is a distiller of whiskies, gins or other spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless and until it does own or operate such a place.

**No. 3074. Kolynos Co., New Haven, Conn.,** has been ordered to cease and desist from making certain false and misleading representations in connection with the interstate sale of Kolynos tooth paste.

Among representations prohibited in advertising are that Kolynos tooth paste conquers bacterial mouth allegedly caused by germs which attack tooth and gum; cleans and polishes teeth down to the naked white enamel and erases and removes tartar; gives teeth a double cleansing not to be obtained with ordinary or other dentifrices, and restores all teeth to sparkling or natural whiteness.

**Nos. 3095 and 3098.** Respondents in two cases have been ordered to cease and desist from using lottery methods to promote interstate sale of blankets, bedspreads or other merchandise.

In one case the respondents are **William F. Allen, Charles H. Wolf, Edward M. Mullen and Charles H. Clark,** individually and trading as **Miller, Bain, Beyer & Co.,** 1001 Filbert St., Philadelphia; in the other the respondent is **George J. Nothnagel,** trading as **The Stanley Store,** 734 Haddon Ave., Collingswood, N. J.

Findings are that these respondents sold their merchandise, along with their sales plan, to clubs, fraternal organizations, hospitals and charitable institutions, while Miller, Bain, Beyer & Co. sold to wholesalers and retailers as well.

The respondents' method of selling their merchandise is described in the findings as a club plan, the clubs organized having a fixed number of members 60 or 100, each of whom pays weekly dues, generally 25 cents, for a given number of weeks.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, June 14:

Monday, June 14

#### FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

- WBZA—Westinghouse Electric and Manufacturing Co., Springfield, Mass.—C. P., 550 kc., 1 KW, unlimited time (requests facilities WDEV). Present assignment: 990 kc., 1 KW, synchronized with WBZ.
- WDEV—Chas. B. Adams, Administrator of Harry C. Whitehill Estate and Executor of Mary M. Whitehill Estate, Waterbury, Vt.—Renewal of license, 550 kc., 500 watts, daytime.

Tuesday, June 15

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Robert E. Clements, Huntington Park, Calif.—C. P., 1160 kc., 250 watts, daytime.
- NEW—Kenneth Baker, Hartwell Gaus, V. A. Bernier, d/b as Key City Broadcasting Co., Kankakee, Ill.—C. P., 1500 kc., 100 watts, unlimited time.
- NEW—Robert Raymond McCulla, Oak Park, Ill.—C. P., 1500 kc., 100 watts, daytime.
- NEW—Northwest Research Foundation, Inc., Seattle, Wash.—C. P., 1530 kc., 1 KW, unlimited time.
- NEW—Earle Yates, Las Cruces, N. Mex.—C. P., 930 kc., 500 watts, daytime.

Wednesday, June 16

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—A. Annas, K. C. Elliott, C. L. Green, C. D. Newton, d/b as Hickory Broadcasting Co., Hickory, N. C.—C. P., 1370 kc., 100 watts, daytime.
- NEW—World Publishing Co., Tulsa, Okla.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time.
- KGKL—KGKL, Inc., San Angelo, Tex.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited.
- NEW—The Tribune Co., Tampa, Fla.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time.

Friday, June 18

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Clark Standiford, L. S. Coburn, and A. C. Sidner.—C. P., 1370 kc., 100 watts, unlimited time.
- WKEU—Radio Station WKEU, Griffin, Ga.—C. P., 1310 kc., 100 watts, unlimited time.
- NEW—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland, and A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

#### APPLICATIONS GRANTED

- WTFI—Liberty Broadcasting Co., Atlanta, Ga.—Granted modification of C. P. to move studio site locally and increase day power from 500 watts to 1 KW.

KSRO—The Press Democrat Publishing Co., Santa Rosa, Calif.—Granted modification of C. P. approving transmitter site at Fresno Ave. and Vallejo St.; extension of commencement date to 60 days after grant and completion date to 180 days thereafter.

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted license to cover C. P., 1370 kc., 250 watts, daytime only.

KCMC—KCMC, Inc., Texarkana, Tex.—Granted license to cover C. P., 1420 kc., 100 watts night, 250 watts day, unlimited time.

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San Luis Obispo, Calif.—Granted license to cover C. P. for new station, 1200 kc., 250 watts, daytime only.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted license to cover C. P. as modified, 1310 kc., 100 watts night and day, sharing with WJAC.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Granted license to cover C. P. as modified, 1390 kc., 250 watts, unlimited time.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted license to cover C. P., 1480 kc., 5 KW, unlimited time. Also granted authority to determine operating power by direct measurement of antenna.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted license to cover C. P. as modified, 550 kc., 1 KW night, 5 KW day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna.

KGNC & KFYO—Estate of Wilbur C. Hawk and Gene A. Howe, Lubbock, Tex.—Granted authority to transfer control of Plains Radio Broadcasting Company, Inc. (KGNC), to Globe News Publishing Co., Inc.; station operates on 1410 kc., 1 KW night, 2½ KW LS, at Amarillo, Tex., and station KFYO, Plains Radio Broadcasting Co., Inc., Lubbock, Tex.; 1310 kc., 100 watts, 250 watts LS, unlimited.

WSIX—Jack M. Draughon and Louis R. Draughon, d/b as 638 Tire & Vulcanizing Co., Nashville, Tenn.—Granted voluntary assignment of license to WSIX, Inc. (1210 kc., 100 watts, unlimited).

NEW—WTAR Radio Corp., Mobile around Norfolk, Va. (2 applications).—Granted C. P. for new high frequency relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 1 watt.

W3XEW—WTAR Radio Corp., Mobile around Norfolk, Va. (2 applications).—Granted license to cover C. P., frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.

NEW—WSOC, Inc., Mobile.—Granted C. P. for new high frequency relay broadcast station; frequencies 31100, 34600, 38600 and 40600 kc., 0.2 watts. Also granted license covering same.

NEW—WJW, Inc., Mobile.—Granted C. P. and license for new high frequency relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 20 watts.

NEW—C. G. Hill, Geo. D. Walker, Susan H. Walker, Mobile (Winston-Salem, N. C.)—Granted C. P. for new high frequency relay broadcasting station, frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.

WAAJ—The Fort Industry Co., Mobile.—Granted reinstatement of original C. P. which expired May 29, 1937, and modifications thereof for changes in equipment and increase in power from 50 to 100 watts.

NEW—WJW, Inc., Mobile (vicinity of Akron, Ohio).—Granted C. P. for new high frequency relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 1 watt. Also granted license covering same.

W6XCI—Earle C. Anthony, Inc., Mobile.—Granted modification of C. P. to make changes in equipment and decrease power from 250 watts to 2 watts, and extend completion date to 60 days after grant.

W6XCI—Earle C. Anthony, Inc., Mobile.—Granted license to cover C. P. as modified for new relay station on experimental basis, frequencies in group D of Rule 1003.

#### SET FOR HEARING

NEW—Southern Broadcasting Corp., Bogulusa, La.—C. P. for new station, 1500 kc., 100 watts night, 250 watts day, unlimited time. Exact site to be determined with Commission's approval.

NEW—Seaboard Broadcasting Corp., Savannah, Ga.—C. P. for new station, 1310 kc., 100 watts night, 250 watts day, unlimited time. Transmitter location to be determined with Commission's approval.

- NEW—Martin R. O'Brien, Aurora, Ill.—C. P. for new station, 1240 kc., 250 watts, daytime only. Exact site and type of antenna to be determined with Commission's approval.
- NEW—Tom Olsen, Port Angeles, Wash.—C. P. for new station, 1420 kc., 100 watts, unlimited time. Transmitter site to be determined.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—C. P. to make changes in composite equipment and increase day power from 1 to 5 KW.
- NEW—State Broadcasting Corp., New Orleans, La.—C. P. for new station, already in hearing docket, amended so as to request 1500 kc., 100 watts, unlimited time.
- NEW—Radiotel Corp., San Diego, Calif.—C. P. for new station, already in hearing docket, amended so as to request 920 kc., 1 KW, unlimited time.
- WNBZ—Earl J. Smith and William Mace, d/b as Smith and Mace, Saranac Lake, N. Y.—Application for voluntary assignment of license to the Upstate Broadcasting Corporation.
- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—C. P. to install directional antenna system for night-time use.
- WHK—Radio Air Service Corp., Cleveland, Ohio.—C. P. to install directional antenna system for night-time use.

### SPECIAL AUTHORIZATIONS

- WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 9:45 a. m. to 1 p. m., EST, June 9, 1937, in order to broadcast the Grove City College commencement program. Also granted authority to suspend operation of station during the college vacation from June 10 to September 22, 1937.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, June 12, in order to broadcast National Convention Activities of the Phi Tau Omega Sorority.
- WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 10:30 a. m. to 12 noon, EST, June 13, in order to broadcast Commencement Exercises of Theological School.
- WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, for the period beginning June 15 and ending no later than July 14, 1937, in order to reach the farmers in the territory surrounding station WDZ who are in their fields during the summer months by 5 a. m.
- WCAL—St. Olaf College, Northfield, Minn.—Granted extension of special temporary authority to operate from 2 to 3 p. m., CST, the following Sundays: June 27, July 4, 11, 18, 25, 1937 (provided WTCN remains silent), in order to continue schedule NBC programs with the commencement of daylight saving time in New York City.
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Same as above except to operate from 3 p. m. to 4 p. m., CST (provided WCAL remains silent).
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted special temporary authority to operate a 100-watt mobile transmitter between the hours of 2 and 6 a. m., EST, for a period not to exceed 30 days, in order to make tests to determine a new transmitter site in the territory surrounding Greensboro, N. C. However, such operation not permitted during those hours prescribed for Commission monitoring schedule.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, for period not to exceed 30 days, in order to broadcast local evening Municipal League baseball games only.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 9 to 11 a. m. and from 2 to 6 p. m., MST, June 16, in order to broadcast the public hearing of the rate hearing of the Arizona Edison Co., Inc.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (July sunset 7:30 p. m.) to 9 p. m., CST, using power of 100 watts, on Sundays, July 4, 11, 18 and 25, 1937, in order to broadcast church services of the Kelly Memorial Methodist Church.
- KOAC—Oregon State Agricultural School, Corvallis, Ore.—Granted special temporary authority to operate from 8 a. m. to 2:30 p. m. and from 6:30 to 8 p. m., PST, during months of

July and August (instead of unlimited time, as licensed) in order to observe summer vacation.

- WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted special temporary authority to transmit programs originating aboard the yacht *Iorano* for a period not to exceed 30 days.
- W10XGY—Donald Roebing, on board yacht *Iorano*.—Granted special temporary authority to operate general experimental station aboard the yacht *Iorano* as a relay broadcast station to transmit programs, under the sponsorship of the Smithsonian Institution, over broadcast station WFLA-WSUN, for a period not to exceed 30 days.

### APPLICATIONS DISMISSED

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

- NEW—WDRG, Inc., New Haven, Conn.—C. P., 1330 kc., 250 watts, 250 watts LS. To synchronize with WDRG.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—560 kc., 5 KW, 5 KW LS, unlimited time.

### ORAL ARGUMENTS SCHEDULED

Oral arguments were granted, to be held September 23, 1937, in the following cases: Ex. Rep. 1-405 (KDON), Monterey Peninsula Broadcasting Co., Del Monte, Calif., and Salinas Newspapers, Inc., Salinas, Calif. Ex. Rep. 1-410 (WHOM), New Jersey Broadcasting Corp., Jersey City, N. J. Ex. Rep. 1-411, Sharon Herald Broadcasting Co., Sharon, Ohio, and Allen T. Simmons, Mansfield, Ohio. Ex. Rep. 1-416 (KADA), C. C. Morris, Ada, Okla.; and on September 30, 1937, Ex. Rep. 1-417 (WSOC), WSOC, Inc., Charlotte, N. C.

### EXAMINERS' REPORTS RELEASED SINCE JUNE 1

- KIEM—Ex. Rep. 1-429: Redwood Broadcasting Co., Inc., Eureka, Calif.—Examiner P. W. Seward recommended grant of application to increase daytime power to 1 KW and to continue operation with 500 watts at night on 1450 kc.
- WMBO—Ex. Rep. 1-430: Roy L. Albertson, Auburn, N. Y.—Examiner Seward recommended denial of application to transfer control of corporation to the Auburn Publishing Co.; 1310 kc., 100 watts, unlimited time.
- NEW—Ex. Rep. 1-431: Curtis Radiocasting Corp., Indianapolis, Ind.—Examiner R. L. Irwin recommended denial of application for C. P. to erect new station to operate on 1500 kc., 100 watts night, 250 watts LS, specified hours.
- WKBV—Knox Radio Corp., Richmond, Ind.—Examiner Irwin recommended denial of application for modification of license to change hours from specified to unlimited time of operation.
- NEW—Ex. Rep. 1-432: The Bend Tribune, Bend, Ore.—Examiner George H. Hill recommended grant of application for C. P. to erect a new station to operate on 1310 kc., 100 watts night, 250 watts LS, unlimited time.
- NEW—Ex. Rep. 1-433: Beaumont Broadcasting Assn., Beaumont, Tex.—Examiner M. H. Dalberg recommended grant of application for C. P. for a new station to operate on 1420 kc., 100 watts, unlimited time.
- WMBH—Ex. Rep. 1-434: Joplin Broadcasting Co., Joplin, Mo.—Examiner P. W. Seward recommended denial of application for C. P. to change frequency from 1420 kc. to 1380 kc., power from 100 watts night, 250 watts LS, to 500 watts.
- NEW—Ex. Rep. 1-435: West Texas Broadcasting Co., Wichita Falls, Tex.—Examiner John P. Bramhall recommended grant of application for C. P. to erect a new station to operate on 1380 kc., 1 KW, unlimited time.
- NEW—Wichita Broadcasting Co., Wichita Falls, Tex.—Examiner Bramhall recommended denial of application for C. P. for new station to operate on 620 kc., 250 watts, 1 KW LS, unlimited.
- NEW—Faith Broadcasting Co., Inc., Wichita Falls, Tex.—Examiner Bramhall recommended denial of application for C. P. for new station to operate on 1380 kc., 1 KW, 5 KW LS, unlimited.
- KFPL—C. C. Baxter, Dublin, Tex.—Examiner Bramhall recommended dismissal of application for voluntary assignment of license to WFTX, Inc.
- KFPL—WFTX, Inc., Wichita Falls, Tex.—Examiner Bramhall recommended dismissal of application for C. P. to change frequency from 1310 kc. to 1500 kc.

## MISCELLANEOUS

- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from local sunset (June, 7:45 p. m.) to 10 p. m., EST, June 8, in order to broadcast election returns in Frederick City Municipal election.
- WRR—City of Dallas, Tex.—Granted petition to intervene in the hearing on the application of Centennial Broadcasting Corp. for a new station at Dallas, Tex. (Docket 4551.)
- WDAE—Tampa Times Company, Tampa, Fla.—Granted authority to intervene in the hearing on the application of The Tribune Company for C. P. to erect a new station at Tampa, Fla., to operate on **940 kc.**, 1 KW n, 5 KW LS, unlimited time.
- KXA—American Radio Telephone Company, Seattle, Wash.—Granted request to continue hearing on application for C. P. to make changes in equipment, install vertical antenna, increase power from 250 watts night, 500 watts local sunset to 1 KW limited hours, from June 29, 1937, to the second week in September, 1937, new date to be fixed by the Docket Section.
- NEW—Richland Broadcasting Co., Mansfield, Ohio.—Denied petition requesting Commission to withhold decision on the application of Allen T. Simmons for C. P. to erect a new broadcast station at Mansfield, Ohio, to operate on **780 kc.**, 1 KW, daytime only, until such time as a hearing is held on petitioner's application.
- KCRC—Enid Radiophone Company, Enid, Okla.—Granted request to withdraw application for C. P. to use **1360 kc.**, 500 watts, unlimited time, calendared for hearing on June 22, without prejudice.
- NEW—Seaboard Broadcasting Corp., Savannah, Ga.—Denied petition requesting hearing on application of Arthur Lucas for a new station at Savannah, Ga., to use **1310 kc.**, 100 watts, unlimited time, Docket 4563, be continued until such time as the Commission shall schedule for hearing the application of Seaboard Broadcasting Corp., and that both hearings be consolidated and heard on the same date.
- W2XNT—National Television Corp., New York City.—Denied petition for an amendment and modification of special temporary experimental authorization for the operation of a television broadcast station upon the frequencies **2000-2100 kc.**, with power of 500 watts, unlimited time. The Commission also entered its final order denying the application of the National Television Corp. for a C. P. (Ex. Rep. 1-125), to establish and operate a visual broadcast station upon frequencies **2000-2100 kc.**, with power of 500 watts, hours of operation to be determined in accordance with Rule 308.
- NEW—Seaboard Broadcasting Corp., Savannah, Ga.—Granted petition to intervene in the hearing on the application of Arthur Lucas for a new station at Savannah, Ga., to use **1310 kc.**, 100 watts, unlimited time, Docket 4563, now scheduled for July 6, 1937.
- NEW—George H. Payne, San Jose, Cal.—Granted motion for continuance of hearing now calendared for June 28, 1937, on application for new station at San Jose, to use **1440 kc.**, 500 watts, unlimited time, Docket 4276, and that new hearing date in October, 1937, be fixed at the convenience of the Docket Section.
- NEW—Kenneth Baker, Hartwell Gaus and V. A. Bernier, Kankakee, Ill.—Granted petition to intervene in the proceedings upon the application of Robert Raymond McCulla (Docket 3647), now scheduled for June 15, for C. P. to use **1500 kc.**, 100 watts, daytime only.
- NEW—Gallatin Radio Forum, Gallatin, Mont.—Denied motion to quash an order to take depositions in connection with the application of the Roberts-MacNab Company for C. P. to erect a new station at Bozeman, Mont., to use **1420 kc.**, 100 watts night, 250 watts LS, unlimited time (Docket 4460), and dismissed opposition thereto by Roberts-MacNab Company.
- WOW—Woodmen of the World Life Ins. Assn., Omaha, Neb.—Denied petition to extend effective date of the Commission's Order in Docket 2412, granting the application of WKZO, Inc., for C. P. to move transmitter location, install directional antenna and increase hours of operation to unlimited time.
- WAAB—The Yankee Network, Inc., Boston, Mass.—Denied petition requesting authority to operate station with 1 KW day pending effective date of Commission's order authorizing such operation. The Commission on May 18 granted application of WAAB for modification of license to increase power from 500 watts to 1 KW daytime.
- WKEU—Radio Station WKEU, Griffin, Ga.—Granted petition for continuance of hearing now scheduled for June 18, for a period of approximately 4 months, the new date to be fixed at the convenience of the Docket Section.
- KGMB—J. L. P. Robinson, Pacific Theatres & Supply Co., Ltd., and Fred J. Hart, Honolulu, T. H.—Granted petition for continuance of hearing now scheduled for June 25, 1937, to a date on or about November 1, 1937, in the matter of the application to transfer control of Honolulu Broadcasting Co., Ltd. (Docket 3873), and the applications of Honolulu Broadcasting Co., Ltd. (Dockets 4571, 4572, 4590 and 4570).
- WBNO—Coliseum Place Baptist Church, New Orleans, La.—The Commission, on its own motion, continued the hearings upon the applications of Coliseum Place Baptist Church for voluntary assignment of license and renewal of license (Dockets 4468 and 4008), Charles C. Carlson (WJBW) for C. P. to use **1200 kc.**, 100 watts night, 250 watts LS, unlimited, and for renewal of license (Dockets 4204 and 4330), and Southern Broadcasting Corp., for a new station to use **1200 kc.**, 100 watts night, 250 watts LS, unlimited (Docket 3999), to be heard upon the same date as the applications of Coliseum Place Baptist Church for C. P. to use **1420 kc.**, 100 watts night, 250 watts LS, unlimited time (Docket 4580), and Standard Life Ins. Co. of the South for a new station to use **1420 kc.**, 100 watts n, 250 watts LS, unlimited (Docket 4510).
- WRC—National Broadcasting Co., Washington, D. C.—Denied petition to reconsider and grant without a hearing application to use 5 KW power at night on **950 kc.**
- KFWB—Warner Bros. Broadcasting Corp., Hollywood, Cal.—Denied petition to reconsider and grant without a hearing application to use 5 KW power at night on **950 kc.**
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Denied petition to reconsider and grant without a hearing application to use 5 KW power at night on **950 kc.**

## RATIFICATIONS

The Broadcast Division ratified the following acts, authorized on the dates shown:

- WTAR—Radio Station WTAR, Norfolk, Va.—Granted authority to operate directional antenna authorized by C. P., for period of 5 days, beginning June 4 from midnight to local sunset in order to obtain additional measurements.
- WGST—Radio Station WGST, Atlanta, Ga.—Granted authority to reduce power at 6:30 instead of 6:45 p. m., CST, during June and July to prevent interruption of program.
- KGFL—KGFL, Inc., Roswell, N. M.—Granted authority to operate unlimited time for emergency broadcast flood only in strict compliance with Rule 23, period 10 days.
- WNOX—Continental Radio Co., New York City—Granted extension program test period 30 days from June 3.
- KVEC—Valley Electric Co., San Luis Obispo, Cal.—Granted extension program test period 30 days from June 11.
- WNOX—Radio Station WNOX, New York City—Granted authority employ former licensed transmitter WNOX period 10 days repair equipment damaged by lightning.
- W9XPV-W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority operate as licensed period 30 days, beginning June 3, relaybroadcast material from Douglas Farms provided no wire lines available.
- W4XCI—The Atlanta Journal Co., Atlanta, Ga.—Granted authority operate as licensed period 30 days, beginning June 5, relaybroadcast A. A. A. National Safety Campaign, also from Atlanta Fire Dept.
- KNEF—Radio Service Corp. of Utah, Salt Lake City—Granted authority operate as licensed, June 5 and 11, relaybroadcast model home description.
- WAXD-WAXC—Alford J. Williams, Pittsburgh, Pa.—Granted special temporary authority to operate R. C. A. Type H. aircraft transmission, 5 w. power, on board plane NR-1050, and R. C. A. Type AVT-7 transmission, portable on ground, for period 30 days, for testing transmission of program communication service between plane and portable transmission on ground in connection with flight demonstrations and junior Aviator activities at various locations over U. S.
- KROC—Southern Minn. Broadcasting Co., Rochester, Minn.—The Broadcast Division, upon consideration of a petition by the Southern Minn. Broadcasting Co., to reconsider its action of April 2, 1937, in designating for hearing applica-

tion for C. P. to make changes in equipment and increase day power from 100 to 250 watts, and granted same without a hearing. The Broadcast Division directed further that an order be entered accordingly and forwarded to all interested parties.

**WEAU**—Central Broadcasting Co., Eau Claire, Wis.—The Broadcast Division, upon consideration of a petition filed on behalf of WEAU, reconsidered its action of December 15, 1936, in designating application for modification of C. P. approving transmitter location and increase in time of operation from daytime to limited, sunset at Abilene, Kans., for hearing, and granted same without a hearing, and directed that an order be entered accordingly and forwarded to all interested parties.

**NEW**—Northwest Research Foundation, Inc., Seattle, Wash.—Dismissed, without prejudice, at request of applicant, application for C. P. for new station, **1530 kc.**, 1 KW, unlimited time; exact transmitter site in Seattle to be determined, subject to Commission approval.

Granted motion of WCLS, Inc., for continuance of hearing upon its application of modification of license, Docket 4517, and directed that hearing be continued until September 7, 1937.

Granted petition of Athens Times, Inc., for continuance of hearing upon its application for C. P., Docket 4534, until July 9, 1937.

Granted petition of F. B. Clements & Co., d/b as Southern Minn. Supply Co., for continuance of hearing upon its application for C. P., Docket 4549, and directed that said hearing be continued until July 15, 1937.

Reconsidered its action of June 1, 1937, in denying petition of Ashland Broadcasting Co. (WCMI), for continuance of hearing an application for C. P., Docket 4537, and directed that hearing be continued until September 8, 1937.

Denied motion of George W. Taylor Co., Inc., for continuance of hearing on application for C. P., Docket 4367, now scheduled for June 4, 1937.

Granted petition of J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland and A. Lynne Brannen, d/b as J. K. Patrick & Co., for an order to take depositions in support of their application for C. P. for new station at Athens, Ga., Docket No. 4489.

Granted petition of WSMK, Inc., requesting that its application for C. P., Docket 4470, be heard on July 2, 1937, together with application of KQV Broadcasting Co., Docket 4469.

## PETITION DENIED

**NEW**—Saginaw Broadcasting Co., Saginaw, Mich.—Denied petition for rehearing upon its application for C. P. to establish a new broadcast station to operate on frequency **1200 kc.**, 100 watts, 250 watts LS, specified hours (Docket 3651), and upon the application of Harold F. Gross and Edmund C. Shields for a C. P. to establish a new broadcast station at Saginaw, upon the frequency **950 kc.**, 500 watts, daytime hours. (Docket 3899.)

## APPLICATIONS RECEIVED

### First Zone

**NEW**—Colonial Broadcasting Co., Morristown, N. J.—Construction permit for a new station to be operated on **620 kc.**, 1 KW, unlimited time. Amended to give transmitter site as adjacent to Route 10, near Whippany, N. J.

**WDEL**—WDEL, Inc., Wilmington, Del.—Authority to transfer **1120** control of corporation from Mason Dixon Radio Group, Inc., to J. Hale Steinman and John F. Steinman, 500 shares common stock.

**WILM**—Delaware Broadcasting Co., Wilmington, Del.—Authority **1420** to transfer control of corporation from Mason Dixon Radio Group, Inc., to J. Hale Steinman and John F. Steinman, 707 shares of stock.

**NEW**—Donald B. MacMillan, Provincetown, Mass.—Construction permit for a new temporary relay station to be operated on **12855 kc.**, 100 watts.

**W2XDG**—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new equipment, decrease power from 5000 watts to 150 watts, and move transmitter from 350 Fifth Avenue, New York, to 30 Rockefeller Plaza, New York, N. Y.

**W2XDG**—National Broadcasting Co., Inc., New York, N. Y.—License to cover above.

**NEW**—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new relay broadcast station to be operated on **1606, 2022, 2102, 2758 kc.**, 100 watts.

**NEW**—National Broadcasting Co., Inc., New York, N. Y.—License to cover above.

**NEW**—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new relay broadcast station to be operated on **1606, 2022, 2102, 2758 kc.**, 100 watts.

**NEW**—National Broadcasting Co., Inc., New York, N. Y.—License to cover above.

### Second Zone

**WPHR**—WLBG, Inc., Petersburg, Va.—Construction permit to **880** install a new transmitter, erect a directional antenna for day and night use, increase power from 500 watts to 1 KW, and change hours of operation from daytime to unlimited time.

**WEST**—Associated Broadcasters, Inc., Easton, Pa.—Authority to **1200** transfer control of corporation from Mason Dixon Radio Group, Inc., to J. Hale Steinman and John F. Steinman, 5,000 shares common stock.

**NEW**—D. E. Kendrick, Louisville, Ky.—Construction permit for **1210** a new station to be operated on **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

**WORK**—York Broadcasting Co., York, Pa.—Authority to transfer **1320** control of corporation from Mason Dixon Radio Group, Inc., to J. Hale Steinman and John F. Steinman, 5,000 shares common stock.

**WLVA**—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit to change frequency from **1200 kc.** to **1390 kc.**; make changes in equipment; increase power from 100 watts night, 250 watts day, to 500 watts day and night; and install directional antenna for night use. Amended to change transmitter site from near Lynchburg, Va., to U. S. Highway 29, near Lynchburg, Va.

**WAZL**—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Authority to transfer control of corporation from Mason Dixon Radio Group, Inc., to J. Hale Steinman and John F. Steinman, 5,000 shares common stock.

**WKBZ**—Karl L. Ashbacher, Muskegon, Mich.—Voluntary assignment of license from Karl L. Ashbacher to Ashbacher Radio Corporation.

**WGAL**—WGAL, Inc., Lancaster, Pa.—Authority to transfer control of corporation from Mason Dixon Radio Group, Inc., to J. Hale Steinman and John F. Steinman, 5,000 shares common stock.

**W8XNC**—Allen T. Simmons, Akron, Ohio—License to cover construction permit for a new relay broadcast station.

**W8XKH**—The Crosley Radio Corp., Cincinnati, Ohio—Modification of construction permit (B2-PRE-44) to extend completion date from 6-7-37 to 12-7-37.

**WATA**—Ashland Broadcasting Co., Ashland, Kentucky—License to cover construction permit (B2-PRY-29) for a new relay broadcast station.

**W8XKD**—The Fort Industry Co., Mobile—Modification of construction permit to extend completion date from 5-29-37 to 7-29-37.

**W8XKB**—West Virginia Broadcasting Corp., Mobile—Modification of construction permit (B2-PRE-22) to extend completion date from 5-29-37 to 8-29-37.

### Third Zone

**KARK**—Arkansas Radio and Equipment Co., Little Rock, Ark.—**890** Involuntary transfer of control of corporation from John R. Frazer to Radio, Inc., 617 shares common stock.

**WBBZ**—Adelaide Lillian Carrell, Rep. of Estate of Charles Lewis **1200** Carrell, deceased, Ponca City, Okla.—License to cover construction permit (B3-P-1384) for new equipment, changes in antenna, and increase in day power.

**WJNO**—Hazlewood, Inc., West Palm Beach, Fla.—License to **1200** cover construction permit (B3-P-1610) for changes in equipment and increase in day power.

**WJBY**—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Construction permit to make changes in transmitting equipment; install vertical antenna; increase power from 100 watts to 100 watts night, 250 watts day; move transmitter from Anniston Highway, Gadsden, Ala., to 100 Block, Broad Street, Gadsden, Ala., and move studio from 108 South Sixth Street, Gadsden, Ala., to 100 Block, Broad Street, Gadsden, Ala.

**KOCA**—Oil Capital Broadcasting Assn. (James G. Ulmer, Pres.), **1210** Kilgore, Tex.—Construction permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Modification of 1240 construction permit (B3-P-1518) for new transmitter and antenna, requesting authority to change frequency from 1420 kc. to 1240 kc., make further changes in equipment and antenna, increase power from 100 watts to 1 KW, and move transmitter from 126½ Magnolia Avenue, Daytona Beach, Fla., to N. Ridgewood Avenue, Port Orange, Fla.

KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—License to 1240 cover construction permit (B3-P-1472) for a new transmitter and antenna.

WAIR—C. G. Hill, George D. Walker and Susan H. Walker, 1250 Winston-Salem, N. C.—Construction permit to make changes in transmitting equipment and increase power from 250 watts to 1 KW.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modifi- 1310 cation of license to use the transmitter now licensed to KTSM located at corner Texas and Stanton Streets, El Paso, Tex. Amended to change power from 100 watts to 100 watts night, 250 watts day.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modifi- 1310 cation of license to change frequency from 1310 kc. to 1350 kc., and change power from 100 watts night, 250 watts day, to 250 watts day and night.

KMAC—W. W. McAllister, San Antonio, Tex.—Voluntary assign- 1370 ment of license from W. W. McAllister to W. W. McAllister and Howard W. Davis, d/b as Walmac Company.

NEW—National Life & Accident Insurance Co., Inc., Nashville, 1370 Tenn.—Construction permit for a new station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.— 1450 Construction permit to change frequency from 1450 kc. to 620 kc. and install directional antenna for day and night use.

KTVL—Voice of Longview, Longview, Tex.—Reinstatement and modification of construction permit for 1622, 2058, 2150, 2790 kc., 20 watts.

#### Fourth Zone

KCAM—A. Stanearl Graham, E. V. Baxter and Norman Baxter, 790 d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—Modification of construction permit (B4-P-459) for a new station requesting changes in authorized equipment, approval of vertical antenna, approval of transmitter site near Pittsburg, Kansas and studio site at 404 Commerce Bldg., Pittsburg, Kansas.

WDZ—WDZ Broadcasting Co., Decatur, Ill.—Construction permit 1020 to move transmitter from 1½ miles north on U. S. Highway No. 45, Tuscola, Illinois, to site to be determined. Decatur, Illinois, and studio from Star Store Bldg., Tuscola, Illinois to site to be determined, Decatur, Illinois.

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—License to cover 1120 construction permit (B4-P-1566) as modified, for a new transmitter and antenna and move of transmitter.

KGCU—Mandan Radio Assn., Inc., Mandan, N. Dak.—Modifica- 1240 tion of license to change hours of operation from specified hours to unlimited time. Contingent upon the granting of KLPM's application for a new frequency. Amended: To install a new vertical antenna.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Construction 1310 permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day and change hours of operation from daytime to unlimited time. Also change frequency from 1310 kc. to 1210 kc. Amended: To omit request for change in frequency.

NEW—Sherman V. Coultas, Milton Edge & Hobart Stephenson, 1310 Jacksonville, Ill.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.— 1360 Voluntary assignment of license and construction permit (B4-P-1599) from Oak Leaves Broadcasting Station, Inc., to WSBC, Incorporated.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Au- 1400 thority to install new automatic frequency control equipment.

KOVC—KOVC, Inc., Valley City, N. Dak.—Construction permit 1500 to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

KSAL—R. J. Iaubengayer, Salina, Kans.—License to cover con- 1500 struction permit (B4-P-1004) as modified, for a new station.

W9XJL—Head of the Lakes Broadcasting Co., Superior, Wisc.— Modification of license to delete frequencies 31600, 35600, 38600, 41000 kc. and request 25950 kc. only.

W9XPU—WDZ Broadcasting Co., Mobile—License to cover con- struction permit (B4-PRE-24) for a new relay broadcast station.

WAAC—WDZ Broadcasting Co., Mobile—Modification of con- struction permit (B4-PRY-9) to extend commencement and completion dates.

WAAE—WDZ Broadcasting Co., Mobile—Modification of con- struction permit (B4-PRY-10) to extend commencement and completion dates.

W9XPW—WDZ Broadcasting Co., Mobile—Reinstatement of con- struction permit (B4-PRE-26) for a new relay broadcast station, requesting increase in power from 2 watts to 30 watts and changes in equipment.

#### Fifth Zone

NEW—Scripps-Howard Radio, Inc., Denver, Colo.—Construction 630 permit for a new station to be operated on 630 kc., 1 KW night, 5 KW day, unlimited time. Amended: To change name from Continental Radio Co. to Scripps-Howard Radio, Inc.

KFVD—Standard Broadcasting Co., Inc., Los Angeles, Calif.— 1000 License to cover construction permit (B5-P-1210) for changes in equipment, new vertical antenna and increase in power.

KFXM—J. C. & E. W. Lee (Lee Brothers Broadcasting Co.), San 1210 Bernardino, Calif.—Construction permit to make changes in equipment.

KTMS—News Press Publishing Co., Santa Barbara, Calif.—Modi- 1220 fication of construction permit (B5-P-982) for a new station, requesting changes in authorized equipment, approval of vertical antenna and approval of transmitter site near Goleta, California.

KHUB—Anna Atkinson as Executrix of the last will of F. W. 1310 Atkinson, deceased, Watsonville, Calif.—Involuntary assignment of license from F. W. Atkinson to Anna Atkinson as Executrix of the last will of F. W. Atkinson, deceased.

KGGC—The Golden Gate Broadcasting Co. (Robert J. Craig), 1370 San Francisco, Calif.—Construction permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day and change frequency from 1420 kc. to 1370 kc. Contingent upon the granting of KRE's application for change in frequency.

KOY—Salt River Valley Broadcasting Co., Phoenix, Arizona.— 1390 Authority to install automatic frequency control.

KLO—Interstate Broadcasting Corp., Odgen, Utah.—Construction 1400 permit to make changes in equipment, increase power from 500 watts to 1 KW night, 5 KW day, move transmitter and install directional antenna. Amended: To give transmitter site as ⅝ Mile South of Kanessville Church, Kanessville Township, Utah, and make changes in directional antenna.

#### Puerto Rican Zone

WAAG—Julio M. Conesa, Mobile, Puerto Rico—License to cover construction permit for a new relay broadcast station.





# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

Vol. 5 - - No. 26  
JUNE 17, 1937

Copyright, 1937. The National Association of Broadcasters

### FCC GRANTS FOUR NEW STATIONS

The Federal Communications Commission this week granted construction permits for four new broadcasting stations as follows:

To the Owensboro Broadcasting Company, at Owensboro, Ky., to use 1500 kilocycles, 100 watts, unlimited time, effective July 13.

To Harold M. Finley and Mrs. Eloise Finley, at La Grande, Ore., to use 1420 kilocycles, 100 watts night and 250 watts day, and unlimited time, effective July 13.

To Edwin A. Kraft, at Petersburg, Alaska, to use 1420 kilocycles, 100 watts, unlimited time, effective August 10.

To the Okmulgee Broadcasting Corporation, at Okmulgee, Okla., to use 1210 kilocycles, 100 watts and daytime operation, effective July 20.

### NEW RELAY STATION PROVISIONS

The Federal Communications Commission this week made the following official statement in connection with relay broadcast stations:

The Broadcast Division on June 15 deleted the provisions in the rules and regulations pertaining to the requirement of two-day notice and approval from the Commission for operation required of relay broadcast stations.

The following changes were made in the rules governing relay broadcast stations:

Rule 1002 was deleted in its entirety;

Rule 1001 (f) was amended by striking out in the sixth and seventh lines "and the information specified in Rule 1002 (b), 1, 2, 3, 4"; and

Rule 1004 was amended by striking out in the second and third lines "and have been authorized to operate under Rule 1002 (b)".

In the future, the operation of relay broadcast stations that may cause interference to other relay stations shall be governed by the provisions of Rule 1004. All the licenses of existing relay broadcast stations will be corrected in accordance with these amendments when the next renewals are issued.

### SOCIAL SECURITY TAX RESPONSIBILITY

"Statement of custom with respect to employment of musicians, orchestration writers and orchestra leaders on sponsored radio programs:

### PLEASE REGISTER EARLY

Delegates to the Fifteenth Annual Convention of the NAB will aid materially in following the schedule for opening the Convention if they will register and secure their credentials Sunday, June 20. The Registration desk will be open beginning at 10 a. m. Sunday.

"A sponsor may or may not engage an advertising agency to make arrangements for the program. The sponsor, or the agency, engages an orchestra leader specifying the number of musicians needed. The orchestra leader then deals with the musicians through a 'contractor', as required by union rules. This 'contractor' is usually a musician and union member, and in most cases he plays in the orchestra receiving double pay, one salary as a musician and another as a 'contractor'. The musicians can be discharged for unsatisfactory services by the 'contractor', orchestra leader, advertising agency or the sponsor. Ordinarily, musicians are engaged for several different programs during the same period of time. When an orchestration is needed the orchestra leader hires an orchestration writer, also a union member. These orchestration writers 'free lance'; they are hired only for one orchestration at a time, but they may work for many employers during the same period. The money for salaries is paid to the orchestra leader who in turn pays the musicians, 'contractor' and orchestration writers.

"Ruling: The orchestra leader, 'contractor', orchestration writers and musicians are all employees of the sponsor. They are employees as distinguished from independent contracts because they are members of a voluntary union, which requires a specified amount of compensation and regulates the conditions of employment, and because they perform services subject to the direction of the

### IN THIS ISSUE

	Page
FCC Grants Four New Stations.....	2157
New Relay Stations Provisions.....	2157
Social Security Tax Responsibility.....	2157
Cairo Conference Committee Appointed.....	2158
Denial Recommended.....	2158
Federal Trade Commission Action.....	2158
FTC Disposes of Two Cases.....	2160
Federal Communications Commission Action.....	2161

sponsor or its agents. They are employees of the *sponsor* because the advertising agency, orchestra leader and 'contractor' act as agents or sub-agents of the sponsor in producing the program. (*Digest Treasury Department letter, dated 3-13-37.*)"

—Prentice-Hall, Inc.—Unemployment Insurance Service, 6-4-37.

## CAIRO CONFERENCE COMMITTEE APPOINTED

A report to the Department of Commerce from American Commercial Attache, James T. Scott, at Cairo, regarding the International Telecommunication Conference to be held beginning February 1, states that an organizing committee has been formed in the Egyptian capital under the chairmanship of the Minister of Communications.

The organizing committee has nominated an executive committee under the chairmanship of the general manager of the Egyptian state railways, telegraphs and telephones, to take charge of the general arrangement for the conference, according to the report.

## DENIAL RECOMMENDED

The Valley Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Youngstown, Ohio, to use 1350 kilocycles, 1,000 watts, and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-437 recommended that the application be denied. The Examiner contended that the applicant did not demonstrate at the hearing "a very definite need in the area to be served for the type of service proposed to be rendered, nor that such proposed service is not duplicated by broadcasts received from other stations." He found also that the proposed station would receive severe interference from other existing stations at night.

## FEDERAL TRADE COMMISSION ACTION Complaints

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

**No. 3147.** A complaint has been issued against **H. E. Wagley**, 508 South Dearborn St., Chicago, trading as **National Sales** and as **Paramount Sales**. The complaint alleges unfair competition in the sale of clocks and other merchandise through use of sales methods involving lottery, in violation of Section 5 of the Federal Trade Commission Act.

Charged with distributing certain merchandise to ultimate purchasers entirely by lot or chance, the respondent is said to have used push card devices by means of which some retail customers received prizes for drawing names of girls appearing under disks on the card, the lucky name corresponding to the name under a master seal at the top of the card.

**No. 3148.** Alleging unfair competition in the sale of pipes and smokers' supplies, a complaint has been issued against **Wally Frank, Ltd.**, 10 East 45th St., New York.

The respondent company is alleged to have advertised in periodicals, on labels and in its publication, "Pipe Lore Monthly," in a manner implying that it is a British concern or has an office and a business in London, dealing exclusively in goods imported from foreign countries; that some of its pipes are prepared in accordance with certain famous processes, and that it sells established brands of pipes at prices greatly reduced from the customary and standard prices. The respondent is also charged, with indicating in its advertising that it is a manufacturer.

**No. 3149.** A complaint has been issued against **Les Parfums d'Isabey, Inc.**, 312 East 32nd St., New York, alleging unfair methods of competition in connection with the sale of perfumes in interstate commerce.

Appearing in price lists and on containers, it is alleged, are representations and descriptions in the French language which serve to lead purchasers into the erroneous belief that the respondent company's perfumes are manufactured in France and imported into the United States. According to the complaint, the perfumes so described are made in the United States.

**No. 3150.** A complaint has been issued against **Schenley Distillers Corporation**, 20 West 40th St., New York, a holding company controlling 13 subsidiary liquor companies in various parts of the country. The complaint charges the respondent company with violation of Section 7 of the Clayton Act, through purchase of the capital stock of the Bernheim Distilling Co., Louisville, Ky., a competitor.

This acquisition by Schenley is alleged to have the effect of (1) substantially lessening competition between Bernheim Distilling Co. and the Schenley subsidiaries, (2) restraining interstate commerce in the sale of whiskey in certain sections of the United States, and (3) tending to create a monopoly in Schenley Distillers Corporation and its subsidiaries in the sale and distribution of whiskey.

Schenley Distillers Corporation, according to the complaint, organized the Bernheim Distilling Co., a Delaware corporation with headquarters in New York, on or about March 2, 1937, and on or about March 11, acquired all outstanding capital stock of Bernheim Distilling Co., the Kentucky corporation, with headquarters in Louisville, and thereupon transferred the Kentucky corporation's capital stock to the newly organized Delaware corporation in exchange for the latter's outstanding capital stock. According to the complaint, it also caused the Kentucky corporation to transfer and assign all of its assets and business as a going concern, including trade marks, good will, accounts receivable, machinery, equipment, and stocks of whiskey in bonded warehouses, to the Delaware corporation. Since on or about March 11, 1937, the Delaware corporation allegedly has operated the business theretofore conducted by the Kentucky corporation, and Schenley Distillers Corporation owning all outstanding capital stock of the Bernheim Distilling Co., the Delaware corporation, controls operations of that subsidiary.

## Stipulations and Orders

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

**No. 01673.** **The Grove Laboratories, Inc.**, Pine and Beaumont Sts., St. Louis, has entered into a stipulation to discontinue certain misleading advertising representations in the sale of Grove's Emulsified Nose Drops.

This product, according to the stipulation, will not be advertised as affording relief in cases of asthma and sinusitis and as relieving nasal pains and irritations or congestion of the nasal mucosa, unless the latter representation is worded so as to indicate clearly that it refers to pains, irritation or congestion due to or usually associated with the progress of head colds.

**No. 01678.** **William A. and Myndall Cain Wickland, trading as The Myndall Cain House of Beauty**, 808 LaSalle Ave., Minneapolis, will cease representing that either Myndall Cain Cleansing Cream or Myndall Cain Nourishing Cream are penetrating oils, or that they will serve as a diet for the skin, revitalize or rebuild the skin, banish wrinkles, or restore those youthful secretions that have been taken from the skin by time and exposure.

**No. 01680.** **G. Bernardi**, 1015 Euclid Ave., Cleveland, agreed that in the sale of Bernaris, a medicinal preparation, he will cease advertising that the product is a competent treatment or effective remedy for colds, catarrh, bronchitis, sinus ailments or throat irri-

tations, or that it will afford a cure or prevent any disorder or disease of the body.

**No. 01681. Elmer C. Rice, trading as Plymouth Rock Squab Co., Melrose, Mass.,** has entered into a stipulation to discontinue false and misleading advertising representations in the sale of pigeons and pigeon supplies.

Rice agrees to stop representing that more than 100,000,000 or any other number of squabs are produced by his customers, unless he possesses reliable information showing this to be true, and to cease asserting that with an order for pigeons or any other products, additional pigeons or products will be given free, when in fact a price therefor is included in the purchase price of the products ordered.

**No. 01682. Charles C. Merriam, trading as Caswell Agency, New Haven, Conn.,** will stop representing that his Hollywood Nights Perfume is a new sensation in perfume, that it originated in Paris, has been endorsed by Hollywood's most discriminating stars, and that a \$1 introductory bottle is sent postpaid for 25 cents and the return of a coupon. The respondent admitted that the introductory bottle does not have a value of \$1.

**No. 01683. Collins Laboratories, 523 Franklin Ave., St. Louis,** agreed that in the sale of Nuro-Sheen Dandruff Eliminator Shampoo it will cease advertising that the product is guaranteed to give relief from dandruff, will maintain a healthy condition of the scalp, remedy dandruff trouble, and revive dead and lifeless hair. The respondent company also will cease using the word "eliminator" as a part of the trade name for the preparation, or from otherwise representing that the product eliminates dandruff.

**No. 01684. Frank H. Jones, trading as Britelite Co., Greenfield, Mass.,** will discontinue representing that his polish, designated "Brite-Lite", restores antiques, brass and pewter ware, and other articles to their original luster or brightness, and "makes old things new". The respondent also will cease representing that his sales agents are assured of repeat orders, or that any territory is open to them.

**No. 01685. Mary C. Hogle Foundation, Scott Building, Salt Lake City,** agreed to cease advertising that a booklet entitled "Build Up With Foods That Alkalinize and Heal" tells the things one may do to keep well when in health and to regain health when ill; lists the foods that protect, revitalize, soothe and heal, and contains food regimes for digestive disorders, cancer, arthritis and other ailments. The respondent also will stop representing that carrot juice and celery juice offer the body the essential food materials for good blood and healthy cells.

**No. 01686. Scott-Phillips, Inc., 211 West Wacker Drive, Chicago,** selling Eye-Gene, will discontinue advertising that the preparation is an essential of eye hygiene and relieves strained eyes regardless of the cause; that it is a competent treatment for inflamed eyes and lids, unless this representation is limited to relief of inflamed eyes and lids when due to a minor local condition, and that it does not contain boric acid, or that the latter is an old-fashioned solution.

**No. 01687. H. W. Eakins, trading as Long-Eakins Co., 1128 South High St., Springfield, Ohio,** selling a potato chip fryer, agreed to cease advertising that he will help finance prospective purchasers of his machines, that any profits in the potato chip business are certain, or that the profits to be realized from the operation of his machine are up to 80 cents of each dollar taken in. He also will stop representing, by use of such expressions in advertising as "Wanted—Men", that he has employment to offer.

**No. 01688. The Compagnie Parisienne, Inc., trading as H. U. Rhodius, Perfumes, Parisienne Building, San Antonio, Tex.,** will stop representing that its Madam Roxy cosmetic preparations protect youthful complexion or restore texture to older skins; penetrate the pores or oil glands, hold or restore contour of the chin, and are effective for sallow or muddy complexions, sunburn, and skin discolorations. The respondent company further stipulated that it will cease using the words "deep-pore" and "nourishing" as a part of the trade names of any of its products.

**No. 01689. Arwell, Inc., 119 Glen Rock Ave., Waukegan, Ill.,** agreed that in the sale of insecticides known as Arwell, Arwellex and Arwellmist, it will not represent that any of these products will "free the camp of insects" or banish odors, or that if these preparations are used, one will not be bothered by flies or mosquitoes.

**No. 01690. Zerbst Pharmacal Co., Zerbst Building, St. Joseph, Mo.,** stipulated that it will not advertise that its Ulypto Cough Drops stop coughs and end colds quickly, or that Zerbst Capsules stop colds before they get started, and keep colds from becoming dangerous.

**No. 01691. Lockhart Drug Store, Inc., Lockhart, S. C.,** will stop representing that Red Star Liquid and Red Star Ointment are competent treatments for the various forms of eczema, ringworm,

athlete's foot and itch, unless such representations are limited to palliative relief from itching and burning.

**No. 01692. The Howdy Co., 4545 Olive St., St. Louis, Mo.,** will discontinue representations that its preparation, known as 7-Up, settles the stomach, dispels the ill effects caused by excessive use of alcoholic drinks, banishes distress after eating, speeds digestion, and slenderizes.

**No. 01701. Selling premium merchandise and punch boards, Jay Zelle and S. Fischman, 329 Loeb Arcade Building, Minneapolis,** trading as Variety Sales Co., have entered into a stipulation to discontinue certain false and misleading advertising representations.

The respondents agree to stop advertising that a person can make "big money" giving away the respondents' motion picture cameras, admitting in their stipulation that only in connection with the sale of other merchandise can a person make money in giving away these cameras. The respondents also will cease asserting that everybody wins in their punch board deals and that such deals are legal in every State or that there is no gambling in connection with the deals. Another representation to be abandoned is that the respondents' merchandise is a sensational new business stimulator.

**No. 1947. Owens Staple-Tied Brush Co., 901 Buckingham St., Toledo, Ohio,** manufacturing tooth brushes, hair brushes, clothes brushes and finger nail brushes, agrees to stop representing, through the medium of labeling or stamping on the handles of tooth brushes, that such products are made entirely in the United States, when in fact the handles have been imported from a foreign country, the name of which has been obliterated and obscured. This company agrees to stop representing, by imprinting upon the brushes or the cartons or other packages in which they are placed for sale, the phrase "Made in U. S. A.", or other words of similar import, meaning that the brushes are manufactured in the United States, when, in fact, the handles have been imported from a foreign country.

**No. 1949. Maison Blanche Co., Canal & Dauphin Sts., New Orleans,** a department store, will cease employing in advertising matter or on labels the words "Solid Mahogany" or "Mahogany", or any abbreviation or imitation of the word mahogany so as to imply that certain furniture products are manufactured of wood derived from trees of the mahogany family, when such is not a fact.

**No. 1951. Levy Bros. & Adler-Rochester, Inc., Hand St., Rochester, N. Y.,** maker of men's and boys' ready-made suits, agrees to stop using or furnishing others for their use, labels or advertising matter bearing the words "Royal Warrant", alone or in connection with a typically English script, pictures or simulations of the British Coat-of-Arms or Crown, or in any other way implying that the respondent company's suits or the fabrics of which they are composed are manufactured in England or by the holder of a British or other Royal warrant, when such is not a fact. The respondent company agrees to stop using in advertising matter which it furnishes dealers for their use in selling products, representations to the effect that owners of the mills in the United States producing the worsted material designated "Royal Warrant" are lineal descendants of British manufacturers, or that this worsted originated in England. It will cease asserting that superiority of English fabrics is due to the fact that they have been treated by washing in English or West English streams of water allegedly possessing chemical qualities or properties particularly applicable to treating woolen fabrics. The respondent company will stop asserting that the water used by the manufacturer in producing the "Royal Warrant" worsted in the United States possesses and was chosen because it has the same chemical properties to be found in streams of water in the west of England, when such are not the facts.

**Nos. 1948 and 1952. Rainier Brewing Co., Inc., 1550 Bryant St., San Francisco,** manufacturing beer, ale and stout, and **Seminole Bottling Co., 102 Hamilton St., LaGrange, Ga.,** selling carbonated beverages, have entered into stipulations to discontinue certain unfair methods of competition in connection with the sale of their products.

Advertising its products in newspapers and in radio broadcasts, the San Francisco brewing company agreed to discontinue representations implying that lager beer, to be real or true beer, is dependent upon lengthy ageing, and that the company's storage capacity is the largest or in excess of any in the West, when such is not a fact. The company also will cease advertising that it has been a brewer of ale and stout since 1878. According to the stipulation, the brewery has been making ale and stout only since 1934.

**No. 1953. J. F. Friedel Paper Box Co., 215 Wallace St., Syracuse, N. Y.,** also trading as J. F. Friedel Co., and engaged in

the manufacture of paper boxes and kindred items, will discontinue the use in circulars or in other advertising matter of representations which, in effect, may tend to cause purchasers to believe that the method of protecting garments against moth damage as used in its Pro Tex Wardrobe has been endorsed or approved by the United States Government or any of its departments, when such is not a fact.

**No. 1954. Ajax Tire & Rubber Corporation, 601 West 25th St., New York,** engaged in the sale of tires and tubes, stipulated that it will stop making assertions in advertising implying that it was founded in 1904 or has been in business for more than 30 years, and that it is now engaged in either the manufacture or sale of its fiftieth million series of tires and tubes. The company also agreed to cease using the word "factory", or any other words or representations, to create the impression that it manufactures the products it sells.

Other representations to be discontinued are that the company formerly had factory branches in the United States or in foreign countries or that it has spent up to \$1,000,000 annually for advertising, when such are not the facts.

According to the stipulation, Ajax Tire & Rubber Corporation was organized in 1934, fills orders with products manufactured in factories which it neither owns nor operates, and is merely a distributor.

**No. 1955. Webster Co., North Attleboro, Mass.,** manufacturing tableware, toilet ware and novelties, agrees to cease using the expression "Mir-A-Gold" as a brand name for its products not composed of gold, and from use of the word "gold" in connection with the letters "Mir-A" or in any way in advertisements to imply that the products are composed of gold, when such is not a fact. The Webster Co. also stipulates that it will stop using as a trade brand for or in its advertising matter relating to its products, the word "Syl-van-ite", or other words simulating the word "Silver" so as to imply that certain articles are made of or contain silver in whole or in part, when such is not a fact.

**No. 2404. Provincial Distilleries, Ltd., Inc., 1-27 Forrest St., Brooklyn,** has been ordered to cease and desist from representing that it is a distiller of alcoholic beverages, when such is not a fact.

The respondent company is ordered to discontinue representing, through use of the word "Distilleries" in its corporate name, in advertising, on labels, or otherwise, that it distills whiskies, gins or other spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, until it does own or operate such a place.

**No. 2476. L. Musil Distilling Co., 1228 Buchanan St., Racine, Wis.,** has been ordered to cease and desist from representing that it is a distiller of alcoholic beverages, when such is not a fact. Findings are that the company had been engaged in the liquor business solely as a wholesaler and rectifier.

The respondent company is ordered to discontinue representing, through use of the word "Distilling" in its corporate name, in advertising, on labels, or otherwise, that it is a distiller of whiskies, gins or other spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless and until it does own or operate such a place.

**No. 2530.** Prohibiting certain price fixing agreements in the sale of uniform caps, an order to cease and desist has been issued against the **Cap Association of the United States, Inc.,** and the **Uniform Cap Manufacturers Institute, Inc.,** both of **New York City,** certain of their officers, eleven manufacturers of uniform caps, and four manufacturers of visors and trimmings.

These respondents are directed to cease entering into agreements or understandings among and between themselves for fixing prices at which they sell uniform caps. They are also ordered to stop maintaining by concerted action, coercion and persuasion, a boycott against and refusing to purchase visors and trimmings from any visor manufacturer failing to abide by their program of withholding supplies from non-participants in their uniform price fixing agreement.

The order further bans publication of lists containing names of only the so-called regular or recognized members of the two associations entitled to procure visors and trimmings used in manufacturing uniform caps.

**No. 2550.** Six Middle Western manufacturers selling more than 90 per cent of the total volume of new butter tubs produced in the United States, and their trade association, the **Butter Tub Manufacturers' Council, Cleveland,** have been ordered to discontinue certain concerted efforts to maintain uniform prices, terms or discounts, resulting in restraint of trade in violation of Section 5 of the Federal Trade Commission Act.

Orders to cease and desist from these practices have been served

on the following manufacturers: **Menasha Wooden Ware Corporation, Menasha, Wis.,** said to be the largest manufacturer and distributor of butter tubs in the United States; **The Creamery Package Mfg. Co., 1243 West Washington Blvd., Chicago;** **Elgin Butter Tub Co., Elgin, Ill.;** **Wisconsin Butter Tub Co., Marshfield, Wis.;** **Bousfield Wooden Ware Co., 2524 Marshall Ave., N. E., Minneapolis,** and **Storey City Butter Tub Co., Storey City, Iowa.**

The respondent manufacturers are directed to cease and desist from entering into combinations, conspiracies or agreements, express or implied, with each other and by and through their trade association, to restrict, restrain and suppress competition in the interstate sale of butter tubs by any one or more of six specific methods detailed as follows:

**No. 2854.** An order to cease and desist has been issued against **Allura, Inc., Sacramento, Calif.,** directing discontinuance of certain unfair methods of competition in the sale of Allura, an eye lotion. Findings are that the company made false and misleading representations in advertising matter and radio broadcasts in violation of Section 5 of the Federal Trade Commission Act.

The order prohibits representation, directly or by implication, that use of the respondent company's preparation will take the place of the wearing of glasses, relieve astigmatism and general weakness of the eyes, and overcome irritating and painful conditions.

**No. 2909.** Under an order to cease and desist, **National Kream Co., Inc.,** and **National Foods, Inc., 360 Furman St., Brooklyn,** are directed to discontinue certain unfair methods of competition in the sale of preserves and jams or imitations thereof.

Findings are that the respondents sold certain preserves and jams prepared under formulas at variance with the commercially recognized ratio of actual fruit content in relation to sugar. This proportion is said to be a minimum of 45 pounds of actual fruit to each 55 pounds of sugar in preserves or jam and to be based on the housewife's formula of one cup of sugar to a cup of fruit.

The respondents' products are said to have been adulterated by substitution of a mixture of water, sugar and pectin for part of the fruit content required in pure preserves and jams, with the result that, in selling such adulterated products as genuine, they have saved considerable expense in manufacture and gained an unfair competitive advantage over competitors selling the pure products.

**No. 3041.** Use of unfair methods of competition in connection with the sale of a type of piano formerly designated as the "Haddorff Vertichord Grand" is prohibited in an order to cease and desist entered against **Haddorff Piano Co., 1900 Harrison Ave., Rockford, Ill.**

The respondent company is ordered to discontinue use of the word "grand", alone or with other words, as a trade name to designate any piano not having its strings placed horizontally, and not having gravity action of hammers, shifting soft pedal, and those tonal and other qualities associated by the trade and the general public with grand pianos.

**No. 3070. Mills Sales Company of New York, Inc., 901 Broadway, New York,** and its officers, have been ordered to discontinue fictitious price marking and certain other unfair methods of competition in connection with the sale of peddlers' and retail dealers' supplies, including tooth brushes, dental creams, razor blades, perfumes and other drug sundries and notions.

The order to cease and desist directs the respondents to discontinue marking cartons and containers, in which their merchandise is offered for sale, with retail prices in excess of the actual and usual selling prices at which such merchandise is sold by retailers to the consuming public; and to stop representing in advertisements, catalogues, radio broadcasts, or in any other manner, that the prices marked on their products are the regular or customary retail prices when they are fictitious and greatly in excess of the customary prices at which such products are retailed.

## FTC DISPOSES OF TWO CASES

**No. 2868.** The Federal Trade Commission has dismissed without prejudice its complaint against **Associated Rubber Corporation, 517 West 57th St., New York,** charged with unfair representations in the sale of rubber tires.

Dismissal was ordered following receipt of information that the corporation had been dissolved.

**No. 3126.** The Commission has also issued an order closing its case against **M. J. Levinson,** trading as **J. Lewis, Francine Laboratories and Superior Products Co., 539 State St., Hammond, Ind.,** charged with unfair competition in the sale of the "Circe Line" of cosmetics, and of packaged drugs, chemical

specialties and feminine hygiene products, in violation of Section 5 of the Federal Trade Commission Act.

The closing order was issued following receipt of information that Levinson had been convicted and sentenced for violation of the postal laws upon charges similar to the allegations of the Commission's complaint. It was also reported that the respondent's place of business had been closed.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, June 21:

Monday, June 21

#### FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

- WLB—University of Minnesota, Minneapolis, Minn.—C. P., 760 kc., 5 KW LS, S-WCAL (2/3 daytime). Present assignment: 1250 kc., 1 KW, specified hours.
- WCAL—St. Olaf College, Northfield, Minn.—C. P., 760 kc., 5 KW LS, S-WLB (1/3 daytime). Present assignment: 1250 kc., 1 KW, 2½ KW LS, specified hours.
- WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Modification of license, 1250 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1250 kc., 1 KW, 5 KW LS, specified hours.

Tuesday, June 22

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Roberts-MacNab Co., Bozeman, Mont.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Gallatin Radio Forum, Bozeman, Mont.—C. P., 1420 kc., 250 watts, daytime.

Wednesday, June 23

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Radio Enterprises, Inc., Hot Springs, Ark.—C. P., 1310 kc., 100 watts, daytime.
- NEW—Asso. Arkansas Newspapers, Inc., Hot Springs, Ark.—C. P., 1310 kc., 100 watts, daytime.

Thursday, June 24

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-382:

- NEW—Peninsula Newspapers, Inc., Palo Alto, Cal.—C. P., 1160 kc., 250 watts, daytime.

Examiner's Report No. 1-392:

- WMEX—The Northern Corp., Boston, Mass.—C. P., 1470 kc., 5 KW, unlimited time.

Examiner's Report No. 1-393:

- KARK—Ark. Radio & Eqpt. Co., Little Rock, Ark.—Modification of C. P., 890 kc., 1 KW, unlimited time. Present assignment: 890 kc., 500 watts, 1 KW LS, unlimited time.

Examiner's Report No. 1-394:

- NEW—Arthur H. Croghan, Minneapolis, Minn.—C. P., 1310 kc., 100 watts, daytime.

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Leon M. Einfeld, Burlington, Ia.—C. P., 1310 kc., 100 watts, unlimited time.

Friday, June 25

#### HEARING BEFORE AN EXAMINER (Broadcast)

- KIUL—Garden City Broadcasting Co. (Hoher A. Ellison & Frank D. Conard), Garden City, Kans.—Voluntary assignment of license to KIUL, Inc., 1210 kc., 100 watts, unlimited time.
- NEW—John W. Haigis, Greenfield, Mass.—C. P., 1210 kc., 250 watts, daytime.

#### APPLICATIONS GRANTED

- KOBH—Black Hills Broadcast Co. (Robert Lee Dean), Rapid City, S. Dak.—Granted C. P. to install new equipment and increase day power to 250 watts; 1370 kc., 100 watts night.
- KFXM—J. C. & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Cal.—Granted C. P. to make changes in equipment.
- KDLR—KDLR, Inc., Devils Lake, N. Dak.—Granted C. P. to move transmitter and install vertical antenna.
- KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted C. P. to erect new vertical antenna at NE½ of NE¼ Sec. 24, Township 101, Range 50 West, 3 miles west of Sioux Falls.
- KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—Granted license to cover C. P. as modified; 1240 kc., 1 KW, unlimited time.
- WNOX—Continental Radio Co., Knoxville, Tenn.—Granted license to cover C. P. as modified; 1010 kc., 1 KW night, 5 KW day, unlimited time.
- WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted license to cover C. P. as modified; 1120 kc., 250 watts night, 1 KW day, unlimited time.
- KFVD—Standard Broadcasting Co., Los Angeles, Cal.—Granted license to cover C. P.; 1000 kc., 1 KW night and day, limited time.
- WBBZ—Adelaide L. Carrell, Representative of estate of Chas. L. Carrell, Deceased, Ponca City, Okla.—Granted license to cover C. P.; 1200 kc., 100 watts night, 250 watts day, unlimited time.
- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted license to cover C. P.; 1390 kc., 1 KW night, 5 KW day, unlimited time.
- KSAL—R. J. Laubengayer, Salina, Kans.—Granted license to cover C. P.; 1500 kc., 100 watts night, 250 watts day, unlimited time.
- KWNO—Winona Radio Service, Winona, Minn.—Granted modification of C. P. approving transmitter and studio at 110 Main Street, installation of new equipment and vertical radiator.
- WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted modification of C. P. for changes in equipment.
- WNOX—Continental Radio Co., Knoxville, Tenn.—Granted modification of license to change name to Scripps-Howard Radio, Inc.; 1010 kc., 1 KW night, 2 KW day (C. P., 5 KW day, unlimited).
- WCPO—Continental Radio Co., Cincinnati, Ohio.—Granted modification of license to change name to Scripps-Howard Radio, Inc.; 1200 kc., 100 watts night, 250 watts day, unlimited time.
- WTAQ—WHBY, Inc., Green Bay, Wis.—Granted modification of license for changes in directional antenna.
- KFXR—Exchange Avenue Baptist Church of Oklahoma City, Oklahoma, City, Okla.—Granted authority to install automatic frequency control, on condition that this authority shall not be construed as a finding upon the application for renewal of license and assignment of license, nor upon any issues involved therein.
- WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted authority to install new automatic frequency control equipment.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted authority to install new automatic frequency control equipment.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of C. P. to extend completion date to 12-13-37.
- W8XKH—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Granted modification of C. P. to extend completion date to 12-7-37.
- W3XEX—WTAR Radio Corp., Norfolk, Va.—Granted C. P. to make equipment changes (new antenna) and move transmitter of high frequency broadcast station.

WATA—Ashland Broadcasting Co., Mobile (Ashland, Ky.).—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

W9XPU—WDZ Broadcasting Co., Mobile (Tuscola, Ill.).—Granted license to cover C. P. for new relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., experimentally, 10 watts.

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Granted license to cover C. P. for experimental high frequency broadcast station, frequencies 31600, 35600, 38600, 41000 kc., 50 watts.

W8XKD—The Fort Industry Co., Toledo, Ohio (Mobile).—Granted modification of C. P. to extend completion date to July 29, 1937.

WAAC—WDZ Broadcasting Co., Mobile (Tuscola, Ill.).—Granted modification of C. P. covering reinstatement of same which expired May 29, 1937, covering authority to extend commencement date to 7-29-37 and completion date to 1-29-38.

WAEE—WDZ Broadcasting Co., Mobile (Tuscola, Ill.).—Granted modification of C. P. covering reinstatement of same which expired May 29, 1937, covering authority to extend commencement date to 7-29-37 and completion date to 1-29-38.

W8XKB—West Virginia Broadcasting Corp., Mobile (Wheeling, W. Va.).—Granted modification of C. P. authorizing extension of completion date to 8-29-37.

WAAH—West Virginia Broadcasting Corp., Mobile (Wheeling, W. Va.).—Granted modification of C. P. authorizing reinstatement of original C. P., and increase in power from 50 to 100 watts; also changes in equipment.

KTVL—Voice of Longview, Mobile (Longview, Tex.).—Granted modification and reinstatement of C. P. for changes in equipment and decrease in power from 40 to 20 watts.

NEW—Florida Capitol Broadcasters, Inc., Mobile (Tallahassee, Fla.).—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

### RENEWAL OF LICENSES

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

KABC, San Antonio, Tex.; KABR, Aberdeen, S. Dak.; KAST, Astoria, Ore.; KBIX, Muskogee, Okla.; KBPS, Portland, Ore.; KBST, Big Spring, Tex.; KDB, Santa Barbara, Calif.; KERN, Bakersfield, Calif.; KEUB, Price, Utah; KELD, El Dorado, Ark.; KFIZ, Fond du Lac, Wis.; KFJZ, Fort Worth, Tex.; KGAR, Tucson, Ariz.; KGFF, Shawnee, Okla.; KGFL, Roswell, N. Mex.; KGKL, San Angelo, Tex.; KICA, Clovis, N. Mex.; KIDW, Lamar, Colo.; KOBH, Rapid City, S. Dak.; KORE, Eugene, Ore.; KPLC, Lake Charles, La.; KPLT, Paris, Tex.; KRE, Berkeley, Calif.; KRLH, Midland, Tex.; KTOK, Oklahoma City, Okla.; KVOE, Santa Ana, Calif.; KWBG, Hutchinson, Kans.; KWYO, Sheridan, Wyo.; KXO, El Centro, Calif.; WACO, Waco, Tex.; WAGF, Dothan, Ala.; WAPO, Chattanooga, Tenn.; WAZL, Hazleton, Pa.; WBNY, Buffalo, N. Y.; WBTM, Danville, Va.; WCBM, Baltimore, Md.; WCBS, Springfield, Ill.; WCNW, Brooklyn, N. Y.; WDNC, Durham, N. C.; WELL, Battle Creek, Mich.; WEOA, Evansville, Ind.; WGAL, Lancaster, Pa.; WGL, Fort Wayne, Ind.; WHBQ, Memphis, Tenn.; WHFC, Cicero, Ill.; WHLB, Virginia, Minn.; WIBM, Jackson, Mich.; WJMS, Ironwood, Mich.; WKBB, E. Dubuque, Ill.; WKBZ, Muskegon, Mich.; WLEU, Erie, Pa.

### SET FOR HEARING

NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—C. P., already in hearing docket, amended to request 1210 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission approval.

NEW—Gerald A. Travis, La Porte, Ind.—C. P., already in hearing docket, amended to request 1420 kc., 250 watts, daytime only, transmitter and studio locations to be determined with Commission's approval.

NEW—J. T. Griffin, Oklahoma City, Okla.—C. P. for new station. Requests facilities of KFXR, 1310 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter site to be determined with Commission's approval.

WFBL—Onondago Radio Broadcasting Corp., Syracuse, N. Y.—Modification of license to increase power from 1 KW night, 5 KW day, to 5 KW unlimited time (to be heard before the Broadcast Division).

WJAX—City of Jacksonville, Jacksonville, Fla.—Special experimental authorization to increase night power from 1 KW to 5 KW for period ending September 1, 1937 (to be heard before the Broadcast Division).

NEW—The Hampden-Hampshire Corp., Holyoke, Mass.—C. P., already in hearing docket, amended to request operation on 1240 kc., 500 watts night, 1 KW day, unlimited time, using directional antenna system for day and night-time operation.

### SPECIAL AUTHORIZATIONS

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to operate from 7 to 7:30 p. m., CST, on Fridays only, from July 16 to August 13, 1937 (provided WLB remains silent), in order to permit WTCN to schedule the NBC program "Robert Ripley and Henry Busse's Orchestra."

WLB—University of Minnesota, Minneapolis, Minn.—Same as above except to operate from 8 p. m. to 8:30 p. m., CST (provided WLB remains silent).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate unlimited time for the period June 26 to July 1, 1937 (provided WSVS remains silent).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m. EST, the following Saturdays: June 19 and 26, in order to broadcast local safety program; to operate from 8:30 to 10 a. m., EST, Sundays, June 20 and 27, in order to broadcast various religious services, and also from 2 to 3 p. m., EST, Sundays, June 20 and 27, in order to broadcast program of the Catholic Evidence Guild (provided WSVS remains silent).

KTMS—The News Press Publishing Co., Santa Barbara, Cal.—Granted special temporary authority to operate a 50 watt portable crystal controlled transmitter between the hours of 12 midnight and 6 a. m., PST, for period not to exceed 30 days, in order to make tests for transmitter site located on the ocean, 1 mile east of Coleta, Cal.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent on the following dates: July 1 to Sept. 15, 1937, summer vacation; Oct. 12, Columbus Day; Oct. 29 and 30, Teachers' Convention; Nov. 2, Election Day; Nov. 11, Armistice Day; Nov. 25, 26, 27, Thanksgiving holidays, and from Dec. 24 to 31, 1937, for Christmas holidays.

WSUI—State University of Iowa, Iowa City, Ia.—Granted special temporary authority to operate a minimum of 6 hours daily, instead of unlimited time, for the period July 1 to July 31, 1937, inclusive, in order to observe summer vacation period at university.

KBPS—Benson Polytech. School, Portland, Ore.—Granted extension of special temporary authority to remain silent for the period July 1 to Sept. 8, 1937, in order to observe regular school vacation.

WMFO—James R. Doss, Jr., Decatur, Ala.—Granted special temporary authority to operate from local sunset (June sunset 7 p. m.), Saturday, June 26, until midnight, Sunday, June 27, in order to celebrate second anniversary of radio station WMFO.

WNBX—The WNBX Broadcasting Corp., Springfield, Vt.—Granted special temporary authority to operate a 100 watt portable test transmitter between hours of 12 midnight and 6 a. m., EST, for a period not to exceed 30 days, in order to conduct transmitter site survey for station WNBX.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted special temporary authority to rebroadcast over station WBOW the conversation carried on between experimental radio stations W5XAR and W5XAS of the Western Radio Telegraph Co., for a period of 1 hour between June 12 and June 17, 1937, flying weather permitting.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to rebroadcast over station WGBF the conversation carried on between experimental radio stations W5XAS and W5XAR of the Western Radio Telegraph Co., for a period of 1 hour, between June 8 and 14 flying weather permitting.

WLBC—Donald A. Burton, Muncie, Ind.—Same as above except between June 14 to 19, 1937.

W3XDS—RCA Mfg. Co., Inc., Camden, N. J.—Granted extension of special temporary authority to operate with power of 5 KW on 590 kc. during broadcast experimental hours from 1 to 6 a. m., EST, for period June 11 to July 10, in order

to make certain measurements of radio frequency harmonic radiation provided schedule is arranged so as to cause no interference to stations maintaining regular programs.

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted special temporary authority to operate from local sunset (June sunset, 7:30 p. m.) to 11 p. m., EST, June 15, in order to broadcast Democratic Town Committee banquet.

### APPLICATIONS DISMISSED

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

WMIN—Edward Hoffman, St. Paul, Minn.—1400 kc., 250 watts, unlimited time.

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—950 kc., 5 KW, unlimited time.

### EXAMINERS' REPORTS RELEASED SINCE JUNE 8, 1937

NEW—Ex. Rep. 1-436: Clarence A. Berger and Saul S. Freeman, Coeur d'Alene, Idaho.—Examiner P. W. Seward recommended grant of C. P. for new station to operate on 1200 kc., 100 watts, daytime hours.

NEW—Ex. Rep. 1-437: Valley Broadcasting Co., Youngstown, Ohio.—Examiner Melvin H. Dalberg recommended denial of application for new station to operate on 1350 kc., 1 KW, unlimited time.

### ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. 1-354: Owensboro Broadcasting Co., Owensboro, Ky.—Granted C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. (Site to be determined subject to Commission's approval.) Examiner R. H. Hyde sustained. Order effective July 13, 1937.

NEW—Ex. Rep. 1-367—Harold M. Finley & Mrs. Eloise Finley, La Grande, Ore.—Granted C. P. for new broadcast station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time. (Site to be determined subject to Commission's approval.) Examiner P. W. Seward sustained. Order effective July 13, 1937.

NEW—Ex. Rep. 1-384—Edwin A. Kraft, Petersburg, Alaska.—Denied C. P. for new broadcast station to operate on 1420 kc.; 100 watts, unlimited time. (Site to be determined subject to Commission's approval.) Examiner R. H. Hyde reversed. Order effective August 10, 1937.

WJAR—Ex. Rep. 1-404—The Outlet Co., Providence, R. I.—Granted C. P. to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW day, on 890 kc., unlimited time (directional antenna day and night). Examiner R. L. Walker sustained. Order effective July 30, 1937.

NEW—Ex. Rep. 1-415—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted C. P. for new broadcast station to operate on 1210 kc.; 100 watts, daytime. Site to be determined subject to Commission's approval. Examiner P. W. Seward sustained. Order effective July 20, 1937.

WAPO—Ex. Rep. 1-419: W. A. Patterson, Chattanooga, Tenn.—Granted C. P. to install new transmitter; increase power from 100 watts to 100 watts night, 250 watts day, and change hours of operation from daytime to unlimited; 1420 kc. Examiner John P. Bramhall sustained. Order effective July 27, 1937.

WHBB—Ex. Rep. 1-424: W. J. Reynolds, Jr., J. C. Hughes & J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Granted modification of license to change hours of operation from daytime to unlimited; 1500 kc., 100 watts. Examiner P. W. Seward sustained. Order effective July 27, 1937.

WHBB—Ex. Rep. 1-425: W. J. Reynolds, Jr., J. C. Hughes & J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Granted voluntary assignment of license from W. J. Reynolds, Jr., J. C. Hughes & J. S. Allen, d/b as Selma Broadcasting Company to Selma Broadcasting Company, Inc., 1500 kc., 100 watts, daytime. Examiner Seward sustained. Order effective July 27, 1937.

### ORAL ARGUMENTS GRANTED

Oral arguments were granted to be held October 7, 1937, in the following cases: Ex Rep. 1-412, Pacific Acceptance Corp., San Diego, Cal.; Ex. Rep. 1-327, Smith, Keller & Cole, San Diego, Cal.; Ex. Rep. 1-420, Norther Broadcasting Co. (WSAU), Wau-

sau, Wis.; Ex. Rep. 1-421, R. R. Jackman, et al., Lawrence, Kans., and Kansas City Star Co., Kansas City, Mo. On October 14, Ex. Rep. 1-422, The Troy Broadcasting Co., Inc., Troy, N. Y.

### DATE OF ORAL ARGUMENTS CHANGED

Oral arguments scheduled for June 24 were changed to July 1, 1937, in the following cases:

Ex. Rep. 1-382, Peninsula Newspapers, Inc., Palo Alto, Cal.; Ex. Rep. 1-392, The Northern Corp., Boston, Mass.; Ex. Rep. 1-393, Arkansas Radio and Equipment Co. (KARK), Little Rock, Ark., and Ex. Rep. 1-394, Arthur H. Croghan, Minneapolis, Minn.

### EFFECTIVE DATES EXTENDED

WSBT—Ex. Rep. 1-315: The South Bend Tribune, South Bend, Ind.—Effective date of order extended to July 6, 1937.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Effective date of order extended to July 6, 1937.

NEW—Ex. Rep. 1-330: Brownwood Broadcasting Co., Brownwood, Tex.—Effective date of order extended to July 6, 1937.

NEW—Ex. Rep. 1-331: Sweetwater Broadcasting Co., Sweetwater, Tex.—Effective date of order extended to July 6, 1937.

### MISCELLANEOUS

KFOR—Cornbelt Broadcasting Corp., Lincoln, Neb.—Granted petition for continuance of hearing upon application for modification of license to use 1450 kc., 1 KW night, 5 KW LS (Docket 4604), and petitions of L. L. Coryell & Son and of KCMO Broadcasting Company in opposition to the continuance were dismissed.

NEW—T. E. Kirksey, Waco, Tex.—Denied motion to reopen case for the purpose of adducing additional evidence in connection with application for C. P. to use frequency 930 kc., 250 watts night, 500 watts LS, unlimited time, heard May 10 and 11, and dismissed motion in opposition filed on behalf of KTSA Broadcasting Co. (WACO), Intervenor, and dismissed motions filed on behalf of Birmingham Broadcasting Co., Inc. (WRBC), Times-World Corp. (WDBJ), and Educational Broadcasting Corp. (KROW), respondents.

Southwest Broadcasting Co., Prescott, Ariz.—Granted petition for a change of place of hearing upon application of W. P. Stuart, for new station at Prescott, to use 1500 kc., 100 watts, unlimited. Docket 3905, and of the Southwest Broadcasting Co., Prescott, for new station to use 1500 kc., 100 watts night, 250 watts LS, unlimited (Docket 3797), to Prescott, Ariz., and continued hearing date to July 27; also vacated orders to take depositions in Prescott on June 21 and 24, heretofore issued, and authorized an examiner and an attorney to proceed to Prescott to conduct the hearing.

WMIN—Edward Hoffman, Minneapolis, Minn.—Granted authority to make the following station announcement: "This is Station WMIN with studios in St. Paul and Minneapolis."

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—Granted motion in part authorizing new hearing date after September 1, 1937, to be fixed by Dockets (Docket 4004), and denied request for indefinite continuance.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Granted extension of Rule 132 until August 1, 1937.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted continuance of oral argument now scheduled for September 9, 1937, to a new date to be fixed by the Broadcast Division.

NEW—Havens & Martin, Petersburg, Va.—Granted petition to accept amendment of May 28, 1937, to its application (Docket 4562), without changing the hearing date or status of said application.

NEW—W. W. Luce, Fort Lauderdale, Fla.—Granted continuance of hearing, now scheduled for June 30, for a period of at least 30 days, new hearing date to be fixed by Dockets. (Docket 4455.)

NEW—Eugene P. O'Fallen, Denver, Colo.—Granted petition to intervene in the hearing on application of Colorado Radio Corp. (Docket 4527), now scheduled for June 23.

KFNF—KFNF, Inc., Shenandoah, Ia.—Granted petition to advance oral argument on the application of KARK (Docket 4263), now scheduled for June 24 to July 1, 1937.

WFLA-WSUN—Clearwater Chamber of Commerce, Clearwater, Fla.—Denied petition asking authority under Rule 175 to announce location as: "This is Station WFLA with studios in Clearwater and Tampa, Fla." Permitted to make this

announcement: "This is station WFLA, Clearwater, with studios in Clearwater and Tampa."

WEBC—Head of the Lakes Company, Duluth, Minn.—Denied petition asking authority to announce location under Rule 175, as "This is station WEBC with studios in Duluth and Superior." Permitted to make this announcement: "This is Station WEBC, Duluth, Minn., with studios in Duluth and Superior."

## RATIFICATIONS

The Division ratified the following acts authorized on the dates shown:

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Granted extension equipment test period for period of 10 days from June 9.

WAAU—Columbia Broadcasting System, Inc., New York City—Granted authority to operate as licensed period 30 days from June 14 relay broadcast from SS Potomac program dance music.

W8XIK—Crosley Radio Corp., Cincinnati, Ohio—Granted authority to operate as licensed June 16, 23, 30 relay broadcast program "playtime from different local playgrounds."

WPAY—Veebee Corp., Portsmouth, Ohio—Granted special temporary authority to suspend operation until June 15, pending compliance Rule 132.

WQDM—Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 2 to 3:30 p. m. and 5 to 6 p. m., EST, June 12; 3 to 6:30 p. m., EST, June 13, and 5 to 7:45 p. m., EST, June 16, 19, 22 and 24, in order to broadcast sponsored ball games.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Granted special temporary authority to test with directional antenna daytime for period not to exceed 15 days, to facilitate completion of field measurements; sunset for June 8 p. m.; July 8 p. m., EST.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted extension of special temporary authority to broadcast police calls for period beginning June 8 ending in no event later than July 1, pending building of new police transmitter, (effective June 8).

Granted motion for postponement of oral argument on the application of W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co. for C. P. Docket 4078, The Knoxville Journal Broadcasting Co. for C. P., Docket 4188, and Richard M. Casto for C. P., Docket 4212, now scheduled for June 10, and directed that said oral argument be continued until September 30, 1937.

Granted request of Gallatin Radio Forum to amend the order to take depositions in Docket No. 4501, issued by the Commission on May 28, by substituting the name of J. E. Woodard, Butte, Mont., in place of J. J. Burke, Butte, Mont.

Granted petition of Scripps-Howard Radio, Inc., for continuance of the hearing date upon application of Colorado Radio Corp. (KVOD), Docket 4527, and Eugene O'Fallon, Inc. (KFEL), Docket 4578, and for a consolidated hearing upon these applications with the application of Scripps-Howard Radio, Inc. for C. P. for new station at Denver, Colorado, Docket No. 4559, and dismissed the opposition of Colorado Radio Corp. to said petition.

The Broadcast Division, upon consideration of a petition of Keystone Broadcasting Corp. (WKBO), waived Rule 104.6 (b) and accepted its answer to the appearance of Press-Union Publishing Co. in Docket No. 4449.

## APPLICATIONS RECEIVED

### First Zone

WINS—Hearst Radio, Inc., New York, N. Y.—Construction permit to install a new transmitter, increase power from 1 KW to 5 KW, change hours of operation from limited time to unlimited time, erect a directional antenna for day and night use and move transmitter from Paterson Plank Road, Carlstadt, New Jersey to 1 Mile East of Kearny, New Jersey.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—1210 Special experimental authorization to operate simultaneously with WBRB, sharing as before with WGBB and WGNY, for regular license period. Amended: To change requested hours of operation from simultaneously with WBRB, share WGBB & WGNY to simultaneously with WBRB, share WGNY, WGRB and share evenings with WBRB, WGNY, WGBB.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Construction permit to install a new transmitter. Amended: To make changes in requested equipment, install a new vertical antenna and change transmitter site from 600 W. Ingham Avenue, Trenton, New Jersey to 1 Mile S. of Morrisville, U. S. Route 1, Falls Township, Pa.

NEW—City Broadcasting Corp., New Haven, Conn.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

NEW—Donald B. MacMillan, Provincetown, Mass.—Construction permit for a temporary relay broadcast station to be operated on 12855 kc., 100 watts.

NEW—Donald B. MacMillan, Provincetown, Mass.—License to cover above.

### Second Zone

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-1412) for a new antenna and move of transmitter, requesting extension of completion date from 6-13-37 to 12-13-37.

NEW—WAVE, Incorporated, Louisville, Ky.—Construction permit 610 for a new station to be operated on 610 kc., 250 watts night, 500 watts, daytime, unlimited time.

NEW—WWPO, Incorporated, Pittsburgh, Pa.—Construction permit 1120 for a new station to be operated on 1120 kc., 250 watts, unlimited time. To use directional antenna for day and night use.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Modification of 1200 license to change frequency from 1500 kc. to 1200 kc.

W8XKI—The Crosley Radio Corp., Cincinnati, Ohio.—Modification of construction permit (B2-PRE-43) to extend completion date from 6-7-37 to 12-7-37.

NEW—WLBG, Incorporated, Petersburg, Va.—Construction permit for a new relay broadcast station to be operated on 38900, 39100, 39300, 39500 kc., 50 watts.

W9XSF—WAVE, Incorporated, Louisville, Ky.—License to cover construction permit (B2-PRE-100) for a new relay broadcast station.

### Third Zone

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special 680 experimental authorization to operate with 5 KW power from sunset at KPO to 11 p. m., EST, using directional antenna after sunset, for period 8-1-37 to 2-1-38.

KWKH—International Broadcasting Corp., Shreveport, La.—Extension of special experimental authorization to operate on 850 1100 kc., unlimited time, with directional antenna at night, for period 8-1-37 to 2-1-38.

WWL—Loyola University, New Orleans, La.—Extension of special experimental authorization to operate unlimited time for the period 8-1-37 to 2-1-38.

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Voluntary assignment of license from Sabine Broadcasting Co., Inc., to Beaumont Broadcasting Corp.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Construction permit 1200 to install a new transmitter and increase power from 100 watts to 250 watts.

WDSU—WDSU, Inc., New Orleans, La.—Construction permit to 1250 install a new transmitter, increase power from 1 KW to 5 KW, and make changes in antenna system. Amended to change transmitter site from Belle Chase Highway, Gretna, La., to site to be determined, New Orleans, La.

NEW—Harwell V. Shepard, Denton, Tex.—Construction permit 1420 for a new station to be operated on 1420 kc., 100 watts, daytime.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Modification of construction permit (B3-P-1056) for new equipment and antenna and move of station, requesting changes in authorized equipment, approval of vertical antenna, studio site at Brownsville, Tex., and transmitter on State Highway No. 96, Brownsville, Tex.

NEW—WDSU, Inc., New Orleans, La.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time. Amended to change transmitter site from 214 Royal Street, New Orleans, La., to site to be determined, New Orleans, La.

NEW—Howard W. Davis and W. W. McAllister, d/b as Walmac Co., San Antonio, Tex.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 50 watts.



NEW—Savannah Broadcasting Co., Savannah, Ga.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 10 watts.

NEW—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 40 watts.

#### Fourth Zone

WDAF—The Kansas City Star Co., Kansas City, Mo.—Modification of construction permit (B4-P-1418) for new transmitter and antenna and move of transmitter, requesting extension of completion date from 7-10-37 to 8-10-37.

770 KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special experimental authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, from 8-1-37 to 2-1-38.

770 WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special experimental authorization to operate synchronously with KFAB from local sunset (KFAB local sunset) to midnight, for period 8-1-37 to 2-1-38.

830 NEW—Four Lakes Broadcasting Co., Madison, Wis.—Construction permit for a new station to be operated on 830 kc., 100 watts, daytime.

1250 NEW—Martin R. O'Brien, Aurora, Ill.—Construction permit for a new station to be operated on 1240 kc., 250 watts, daytime. Amended to change frequency from 1240 kc. to 1250 kc.

1410 KFJM—University of North Dakota, Grand Forks, N. Dak.—Authority to install new automatic frequency control equipment.

1420 KATE—Albert Lea Broadcasting Co., Inc., Albert Lea, Minn.—Modification of construction permit (B4-P-883) as modified for a new station, requesting changes in authorized equipment, approval of vertical antenna, and approval of transmitter and studio sites at 330 South Broadway, Albert Lea, Minn.

WATB—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—License to cover construction permit (B4-PRY-31) for a new relay broadcast station.

NEW—WDAY, Inc., Fargo, N. Dak.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—Radio Station KFH Co., Wichita, Kans.—Construction permit for a new relay broadcast station to be operated on 38900, 39100, 39300, 39500 kc., 2 watts.

#### Fifth Zone

590 KHQ—Louis Wasmer, Inc., Spokane, Wash.—License to cover construction permit (B5-P-925) as modified, for changes in equipment, increase in power and move of transmitter.

590 KHQ—Louis Wasmer, Inc., Spokane, Wash.—Authority to determine operating power by direct measurement of antenna.  
NEW—Larry Rhine, San Francisco, Cal.—Construction permit for 980 a new station to be operated on 980 kc., 250 watts, daytime.

1230 KJBS—Julius Brunton & Sons Co., San Francisco, Cal.—Authority to install new automatic frequency control equipment.  
1230 KGGM—New Mexico Broadcasting Co., Albuquerque, New Mex.—Authority to install new automatic frequency control equipment.

1310 KIT—Carl E. Haymond, Yakima, Wash.—Modification of construction permit (B5-P-1115) for a new transmitter and vertical antenna, change in frequency, increase in power and move of transmitter, requesting approval of transmitter site at Yakima County, Washington.

1310 NEW—Roberts-MacNab So. (Arthur L. Roberts, R. B. MacNab & A. J. Breitbach, General Manager), Livingston, Mont.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time.

1420 NEW—Gila Broadcasting Co., Safford, Ariz.—Construction permit for a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time.

W7XAC—Symons Broadcasting Co., Spokane, Wash.—License to cover construction permit (B5-PRE-70) for a new relay broadcast station.

NEW—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 40 watts.

#### Puerto Rican Zone

1290 WNEL—Juan Piza, San Juan, Puerto Rico—Construction permit to make changes in antenna and change frequency from 1290 kc. to 590 kc.



# The National Association of Broadcasters

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

## NAB REPORTS

Copyright, 1937. The National Association of Broadcasters

Vol. 5 - - No. 27  
JUNE 24, 1937

### STATUS OF RADIO COURT DOCKET

The following radio cases are now pending on the docket of the United States Court of Appeals for the District of Columbia:

Case No. 6762—Paul R. Heitmeyer, Cheyenne, vs. FCC.

No. 6772—Eastland Company vs. FCC.

No. 6773—Congress Square Hotel Company vs. FCC.

No. 6852—Great Western Broadcasting Assn., Inc., Logan, Utah, vs. FCC.

No. 6853—Great Western Broadcasting Assn., Inc., Provo, Utah, vs. FCC.

No. 6854—Intermountain Broadcasting Corporation vs. FCC.

No. 6866—Pulitzer Publishing Company vs. FCC.

No. 6869—Missouri Broadcasting Company vs. FCC.

No. 6906—Red River Broadcasting Company, Inc., vs. FCC.

No. 6911—Continental Radio Company vs. FCC.

No. 6931—Tri-State Broadcasting Company, Inc., vs. FCC.

No. 6990—Saginaw Broadcasting Company vs. FCC.

In the District Court of the United States for the District of Columbia:

Case No. 64232—Black River Valley Broadcasters, Inc., vs. Anning S. Prall et al.

### NEW STATION RECOMMENDED

Chase S. Osborn, Jr., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Fresno, Cal., to use 1440 kilocycles, 500 watts and unlimited time on the air.

Examiner John P. Bramhall in Report No. I-439 recommended that the application be granted "on condition that an antenna site be selected which meets with the approval of the Commission." He found that "need for additional service in the area proposed to be served has been established." The Examiner found that the granting of the application would not cause any interference with any existing station.

### DENIAL RECOMMENDED FOR NEW STATION

The Waterloo Times-Tribune Publishing Company applied to the Federal Communications Commission for a

construction permit for the erection of a new station at Waterloo, Iowa, to use 1370 kilocycles, 100 watts and daytime operation.

Examiner George H. Hill in Report No. I-441 recommended that the application be denied. He found, among other things, that "the financial showing of the applicant is unsatisfactory." The Examiner found also that "it does not appear that there is any substantial need for the proposed station."

### RECOMMENDS NEW STATION

Elmira Star-Gazette, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Elmira, N. Y., to use 1200 kilocycles, 250 watts and daytime operation.

Examiner Robert L. Irwin in Report No. I-438 recommended that the application be granted. The Examiner states that "there is need for the daytime service proposed to be rendered in the area by the applicant." He states also that the operation of the proposed station would not result in objectionable interference "to the recognized good service area of any existing station."

### FEDERAL TRADE COMMISSION ACTION

#### Complaints

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

No. 3151. Allegedly engaged in a conspiracy to represent falsely the quality and value of certain pianos sold in interstate commerce, **W. W. Kimball Co.**, 306 South Wabash Ave., Chicago, and **Victor G. Williams**, trading as **Williams Music Store**, 30 East Broad St., Columbus, Ohio, are respondents in a complaint. The Kimball company manufactures pianos, and Williams is a retailer and sales agent for Kimball products in the Columbus area.

### IN THIS ISSUE

	Page
Status of Radio Court Docket.....	2167
New Station Recommended .....	2167
Denial Recommended for New Station.....	2167
Recommends New Station .....	2167
Federal Trade Commission Action.....	2167
FTC Closes Two Cases.....	2171
Federal Communications Commission Action.....	2171

The Kimball company's sales manager, Ben F. Duvall, and one of its employees, George H. Kranz, also are named in the complaint, which charges use of unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

In newspaper advertisements, the respondents allegedly represent that they have for sale repossessed pianos on which purchasers had been unable to finish payment; that to return the pianos to the factory would be very expensive, and that they will sell them at sacrifice prices for the unpaid balances due.

In answer to inquiries concerning the pianos so advertised, Williams, the complaint charges, transports them from his place of business to persons making inquiry, each piano exhibited having a purported regular retail price stamped on a tag affixed to the instrument.

**No. 3152. General Motors Corporation and General Motors Sales Corporation, of Detroit,** are charged with unfair competition and practices tending to create monopoly in the sale of automobile parts, accessories and supplies, in a complaint. The complaint alleges violation both of Section 5 of the Federal Trade Commission Act prohibiting unfair competition and of Section 3 of the Clayton Act forbidding exclusive dealing contracts.

Principal unfair practices alleged are the use of intimidation, oppression and coercion to compel dealers handling General Motors cars, against their will, to purchase parts, accessories and supplies for use on such cars only from General Motors subsidiaries or affiliates.

These practices are alleged to have been effected by six General Motors subsidiaries for three years prior to October, 1936, and by General Motors Sales Corporation subsequent to that time, the Sales Corporation having acquired the assets of the dissolved subsidiaries, Chevrolet Motor Car Co., Buick Motor Car Co., Pontiac Motor Car Co., Olds Motor Works, Cadillac Motor Car Co., and General Motors Parts Corporation.

**No. 3153. Mutual Rosebloom Corporation,** 498 Seventh Ave., New York, a garment manufacturer, is charged with unfair competition in the sale of women's dresses in a complaint.

Representations of the respondent company are alleged to have deceived buyers into believing that certain of its dresses are made of silk, when such is not a fact and to have created the impression among buyers that when they order dresses from the respondent company specifying that such garments be made of silk jersey they actually receive dresses so manufactured, when in fact they receive merchandise made from material other than silk, according to the complaint.

**No. 3154.** Charging a conspiracy to fix prices, control sources of supply and channels of distribution in window glass, and to bring about a system of discriminatory prices, a complaint has been issued against a group of manufacturers and distributors said to dominate the window glass industry in the United States.

**The Window Glass Manufacturers Association,** 19 West 44th St., New York, and **The National Glass Distributors Association,** 2217 Tribune Tower, Chicago, and their officers, directors and executive committeemen also are named respondents.

Violation of both the Federal Trade Commission Act and the Robinson-Patman Anti-Price Discrimination Act is alleged in the complaint.

Manufacturers named as respondents, who constitute the membership of the **Window Glass Manufacturers Association,** are **Pittsburgh Plate Glass Co. and American Window Glass Co., Pittsburgh;** **Libbey-Owens-Ford Glass Co., Toledo, Ohio;** **Harding Glass Co., Fort Smith, Ark.;** **Adamston Flat Glass Co. and Rolland Glass Co., Clarksburg, W. Va.;** **Schoy Sheet Glass Co., Sistersville, W. Va.,** and **Blackford Window Glass Co., Vincennes, Ind.**

**The Fourco Glass Co., Clarksburg, W. Va.,** is joined as a respondent and is said to be the owner of Harding Glass Co. and the exclusive selling agent for the Harding, Adamston, Rolland Schoy and Blackford companies.

The complaint alleges that the respondent manufacturers own practically all the factories making window glass in the United States and produce most of the window glass sold and distributed.

Distributors specifically named as respondents, and who are described as representative members of the **National Glass Distributors Association,** are **Postlewait Glass Co., Kansas City, Mo.;** **Patek Bros., Inc., Milwaukee;** **Schrenk & Co., Hoboken, N. J.;** **Bennett Glass Co., Salt Lake City;** **Pritchard Paint & Glass Co., Charlotte, N. C.;** **Hires Turner Glass Co., Philadelphia;** **Toledo Plate & Window Glass Co., Toledo, Ohio;** **W. P. Fuller & Co., San Francisco,** and **Binswanger & Co., Richmond, Va.**

The complaint also is directed against all other members of the distributors' association, numbering about 150, who are alleged to constitute a group so large and influential as to be able, by themselves and in cooperation with manufacturers, to control and influence the window glass industry in the country.

**No. 3155.** A complaint has been issued alleging unfair methods of competition on the part of **Jules Chain Stores Corporation,** 315 Fourth Ave., New York, operating the **Liberal Credit Department Store** at 415 Seventh St., N. W., Washington, D. C.

Engaged in the sale of wearing apparel for men, women and children, the respondent company, in newspaper advertisements and handbills, allegedly offered free gifts, such as blankets and silverware, to customers purchasing a specified amount of merchandise.

The complaint charges that such advertisements are false and misleading in that the gifts advertised are not free, their cost being included in the price to be paid by purchasers of the amounts of merchandise specified.

**No. 3156. Golden Peacock, Inc., Paris, Tenn.,** engaged in the sale and distribution of toilet preparations, is charged in a complaint with the use of certain false and misleading representations in advertising two of its products, **Golden Peacock Bleach Cream** and **Miracream.**

Among representations made by the respondent company in radio broadcasts, newspapers and other advertising matter, and which the complaint charges are false, are that **Golden Peacock Bleach Cream** contains costly, refined ingredients imported from France and Spain which revitalize the skin and change it to a child-like whiteness and texture, and that it is a new discovery developed after many years of experimentation by eminent doctors and skin specialists.

The complaint further charges that use of either of the preparations will not, as allegedly advertised, remove deep-seated skin discolorations and blemishes over-night or in any other period of time; and will not bleach the skin white and keep it so in all cases, or nourish, revitalize and rejuvenate the skin.

**No. 3157. Hay & Peabody Cement Vault Co.,** 201-05 Arlington St., Watertown, Mass., in a complaint is charged with unfair methods of competition in the sale of its products.

The respondent company is alleged to have advertised its burial vaults as insuring positive protection for all time and as being absolutely water-proof, sweat-proof, vermin-proof, and air-tight, when, according to the complaint, these are not the facts.

The respondent company is also alleged to have represented that while wood decays and metal rusts and disintegrates, concrete improves with age, and the longer a cement vault remains in the ground the better and stronger it becomes because moisture and other underground conditions further solidify cement. The complaint charges that these results do not take place in all cases, and that the respondent company's vault will, and often does, disintegrate and permit both air and water to enter, under burial conditions.

## Stipulations and Orders

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

**No. 01693. Raymond Stotter,** trading as **The Raymond Press,** 313 Madison Ave., New York, in selling a book designated "Beauty Unmasked", agreed to cease representing that the book reveals secrets that have brought astounding beauty to many men and women, and that the information it contains will enable a person to learn how to change his facial features and to remove scars, signs of age and skin blemishes.

**No. 01694. B. C. Burden,** trading as **Lincoln Engineering School,** Lincoln, Nebr., will stop advertising that his correspondence courses of instruction in radio and electrical engineering are more than equivalent to any other courses now being offered and are sold for only a fraction of the cost of comparable courses; that graduates of his school are so trained as to be able to obtain hundreds of thousands of positions paying \$125 to \$350 a month; that the courses cover the complete electrical field, and graduates are equipped to compete successfully with college-trained men.

**No. 01695. The Filbertone Co., Inc.,** 608 Hoyt St., Saginaw, Mich., agreed to cease representing that **Filbertone Powder** or **Filbertone Pills,** when used separately or in combination, will constitute an effective remedy for rheumatic aches and pains, nervousness, neuritis, indigestion, skin eruptions, and bladder or stomach troubles.

**No. 01696.** **R. Flores, trading as Sana-Cutis Chemical Co., Joplin, Mo.,** will cease representing that Sana-Cutis is a competent remedy in the treatment of eczema, ringworm, athlete's foot, or dry, itching skin. The respondent further stipulated that he will not use the words "chemical company" in his trade name until he operates a chemical company, or the word "manufacturer" unless he manufactures the products he sells.

**No. 01697.** **Wecker Laboratories, Inc., 3859 Broadway, New York,** selling Klearol Acne Lotion, agreed to stop representing that the product will banish pimples and acne and clear up the skin, and that it contains costly ingredients.

**No. 01698.** **Donald S. Kenyon, 2608 Nicollet Ave., Minneapolis, trading as Kondon Manufacturing Co.,** will cease representing that Kondon's Nasal Jelly will stop a head cold, or is other than a palliative treatment for the pains and discomforts of head colds, or that it will protect against chest colds, and bring immediate relief in all cases.

**No. 01699.** Use of certain false and misleading representations in advertising poultry remedies will be discontinued under a stipulation entered into by **S. R. Johnson, D. V. M., 2030 Broadway, Kansas City, Mo.,** trading as **Johnson Laboratories.**

The respondent's products are designated generally as Johnson's Poultry Remedies, but have individual brand names.

Among the representations to be discontinued are that Kamala Nicotine Tablets will remove tapeworms or all species of roundworms; that Iriquin or Mercolated Tablets will restore poultry to the best of health, stop coccidiosis, and prevent intestinal disorders; that Avispray or Ivacol will prevent roup, colds, brooder pneumonia or respiratory infections, and that Mercolated Tablets or Mixed Bacterin (Avian) will constitute a competent treatment for chicken cholera, fowl typhoid, or other bacterial diseases of the digestive system.

**No. 01700.** **Bristol-Myers Co., International Building, Rockefeller Center, New York,** agreed to stop representing that its hair tonic, Vitalis, retards falling hair, unless limited to indicate excessive falling hair; that the product, combined with a massage treatment, brings new life and looks to the hair by giving it a chance to grow at the roots and scalp, and that it contains oils that hair requires for health.

**No. 01702.** **Forty-second Street Sales Co., 820 North Michigan Ave., Chicago,** stipulated that it will discontinue representing that Forty-second Street Super Cleansing Cream will condition and reduce the size of the pores and prevent dryness of the skin or prevent wrinkles; that Forty-second Street Tissue Cream is deeply penetrative, will refine skin texture, and is an effective treatment for helping banish signs of age, and that Forty-second Street Hand Cream penetrates the pores almost instantly and will enrich the skin.

**No. 01703.** **R. S. Agnew, trading as The Genuaid Co., Clarion, Pa.,** will discontinue advertising that Genuaids will remove the cause of minor aches and pains and rheumatism, and that by its use a person can guard against colds, indigestion, fatigue and high blood pressure.

**No. 01704.** **Cosmos Chemical Corporation, 81 Washington St., Boston,** selling Sanovan, a deodorant, stipulates that it will stop advertising that this product will permanently rid any place of any odor. In its stipulation, the respondent company admits that although the preparation is a deodorant while being used, it will not protect against recurrence if the source of the odor is not removed. The respondent company will not represent Sanovan as being the only deodorant capable of completely eliminating odors.

**No. 01705.** **Atkins Chemical Co., Inc., 44 East 63rd St., New York,** engaged in the sale of Bonnox, stipulated that it will cease representing that the preparation is a competent treatment for kidney, bladder or prostate disorders; that it will prevent any ailment from developing into more dangerous stages, and that it is a competent home treatment for nervousness, neuralgia and other ailments.

**No. 01706.** **Laura Phillips, 4532 Murdock Ave., New York,** in the sale of Laura's Rapid Tonic and Hair Formula, agrees to desist from the representation that 18 treatments will grow new hair; that use of these preparations will stimulate dormant roots and stop falling hair, unless, in connection with the latter assertion, the representation is limited to the stopping of excessive loss of hair. The respondent will cease asserting that Laura's Realization Face Cream will eliminate wrinkles, make the skin firm, smooth and white, or do away with sallow complexion.

**No. 01707.** **John F. Coleman, trading as Typists' Information Service, Smithboro, N. Y.,** selling a folio of instruction designated "Typing Tips for Typists", will discontinue asserting in advertising that all details explaining how typists may earn \$15 to

\$20 a week are furnished by him upon receipt of a stamp. Coleman admitted that upon receipt of a stamp he merely furnishes information concerning the booklet he sells. He also agreed to cease representing by publication of advertisements in "Help Wanted" columns or otherwise that he has employment to offer, and to stop making unmodified claims of earnings in excess of the average earnings of purchasers of his folio of instruction.

**No. 1708.** **Dr. J. F. True & Co., Inc., Auburn, Me.,** agrees to quit advertising that Dr. True's Elixir is useful in treating the ordinary ailments of children, and that it safeguards health, gives children double protection and contains no harmful ingredients.

**No. 01709.** **Chas. H. Phillips Chemical Co., 170 Varick St., New York,** agrees to stop advertising that Phillips' Milk of Magnesia Texture Cream helps to correct certain ugly skin blemishes and that this preparation and Phillips' Milk of Magnesia Cleansing Cream help to neutralize the fatty acid accumulations on the skin, unless, in this latter representation, the language is qualified to mean excess fatty acid accumulations. The respondent company stipulates that it will not advertise Phillips' Milk of Magnesia Tooth Paste as providing the best way yet discovered or as science's latest discovery for cleaning teeth. The respondent company will also cease asserting that its tooth paste contains more milk of magnesia than any other tooth paste, unless such representation is true at the time it is made. The respondent company admits in its stipulation that there is no evidence that its dentifrice contains more milk of magnesia than any other tooth paste.

**No. 01710.** **A. Carolus Becker, 22 Hale Ave., Brooklyn,** is engaged in the sale of pamphlets, variously designated, containing information relative to astrology and numerology. He stipulated that he will cease representing that any booklet sold by him will enable the purchaser to become a medium, or to construct his own horoscope or arrive at his own astrological predictions; that any of his booklets covers the subjects of numerology thoroughly, or contains information on astrology or forecasts and enables the purchaser to determine his vocation, financial prospects and psychic powers.

**No. 01711.** **J. M. Simmons, trading as J. M. Simmuons & Co., 19 West Jackson Boulevard, Chicago,** also dealing in pamphlets on the subjects of astrology and numerology, entered into a stipulation substantially the same as that signed by A. Carolus Becker.

**No. 01712.** **The Methusa Co., 10427 St. Clair Ave., Cleveland,** agrees to cease stating that its preparation Methusa will enable the user to get rid of nervousness, rheumatism, arthritis and certain other ailments of different degrees of seriousness, unless the assertion is specifically limited to temporary, palliative relief from symptoms. Other representations to be discontinued are that through the use of Methusa the weight of years and age are removed, and that this product will completely recondition the human system. The term "Manufacturing Chemists" or any other term implying that the respondent company manufactures Methusa or any other preparation, will no longer be used, according to the stipulation.

**No. 01713.** **W. J. Latimer, trading as The Midwest Art Co., 514 North Prior Ave., St. Paul, Minn.,** selling pictures of motion picture stars, in connection with which a missing word contest is conducted, will cease representing that it is possible for a person supplying the missing word to win \$1000 without expenditure of "one red cent", and that in event of a tie for any one prize, there will be as many prizes reserved as there are participants tied.

**No. 01714.** **Bristol-Myers Co., International Building, Rockefeller Center, New York,** in the sale of Ipana tooth paste, will cease advertising that this preparation and massaging will correct any unhealthy gum condition; that Ipana and the use of a tooth brush will restore to the gums the stimulation they need to remain firm and healthy; that modern dental science or the country's dentists urge or approve the use of Ipana and massaging in the care of teeth and gums, and that Ipana and massaging will prevent one from becoming a "dental cripple".

**No. 01715.** **United Milk Crate Corporation, trading as The Lifetime Portrait Society, 1041 Evans St., Cincinnati,** selling pictures enlarged and processed by a method designated as "Por-Ce-Lite Process", will stop advertising that three motion picture studios have ordered pictures of their stars treated by this process, and that the bonus offered by the respondent will pay sales agents \$140 extra a month. It is further stipulated that the respondent company will cease using the words "Society" and "Lifetime" in its trade name or otherwise, and will discontinue representing that portraits treated by its process will never fade, warp or soil, and will last for generations.

No. 01716. Alfred J., Paul, and Arthur Smith, trading as Johnson Smith & Co., 6615 E. Jefferson Ave., Detroit, entered into a stipulation to cease the following representations: That their book of instruction in piano playing, entitled "The Vamping Tutor", will enable one to play the piano without lessons or personal instruction, and without any knowledge of music, and to play by ear the accompaniment to any song; and that their book on hypnotism enables one to strengthen his will power, banish fear and worry, and overcome bad habits. The respondents also will stop advertising that Japanese rose bushes grown from seed they sell will bloom "all the year round" or every 10 weeks, winter or summer.

No. 01717. H. M. Cheney, 1218 Adams St., Toledo, trading as Cheney Medicine Co. and as F. J. Cheney Co., stipulates that, in the sale of Hall's Nasal Catarrh Medicine, he will stop asserting that it is a competent treatment for sinusitis or an effective remedy for the symptoms of sinus troubles, unless this latter assertion is limited to relief of headaches occurring in cases where an excessive amount of nasal congestion prevents the proper drainage of the sinus cavities.

No. 01718. Herman Nagel, 633 Plymouth Court, Chicago, engaged in selling Formula B, a so-called vitality restorer, will quit asserting that use of its tablets will restore vitality and bring back one's youth, and that this preparation consists mainly of extracts of tropical herbs which have been used for centuries for their vivifying effects.

No. 01719. The Cream of Wheat Corporation, 730 Stimson Building, Minneapolis, agrees to stop representing that by eating Cream of Wheat a person may increase resistance to disease, unless this assertion is limited to the cereal's value as a nourishing food. The respondent company will also cease advertising that Cream of Wheat has been especially created to help youngsters escape contagion, and that a child burns up as much or more energy than a full-grown athlete unless a comparison is made between an active child and an adult and in proportion to weight.

No. 01720. Bristol-Myers Co., International Building, Rockefeller Center, New York, will cease representing that its preparation, Sal Hepatica, is used in cases of constipation to prevent more serious physical conditions or trouble, and that it is a competent treatment for headaches, indigestion, and certain other ailments, unless this claim is limited to such conditions when due to hyperacidity or constipation. The respondent company agrees to cease asserting that Sal Hepatica will cleanse the system thoroughly, unless this is limited or qualified to indicate cleansing of the intestinal tract, and that Sal Hepatica will correct or counteract acid conditions, unless this is qualified or limited to indicate gastric hyperacidity. In its stipulation, the respondent company admitted that, according to scientific opinion furnished the Commission, Sal Hepatica is an effervescent salt which, when taken in small doses, will act as a laxative, and in larger doses as a cathartic, and that therefore it can be relied upon neither as a competent treatment for colds, headaches, indigestion, upset stomach, or unnatural fatigue, nor as a preventive of more serious physical conditions in cases of constipation.

No. 01721. Louis J. Schuck, 155-65 One Hundred Sixteenth Drive, Jamaica, N. Y., selling certain designated medical preparations, stipulates that he will cease representing, inferentially or otherwise, that any of his preparations or any of the ingredients thereof, are imported from Indo-China or any other country, unless this is true. He will also cease asserting that Kandu Tabs will be of benefit to one in need of "pep" or that either Kandu Tabs or a specified tonic or a combination of both will stir up, wake up or strengthen weak or tired glands.

No. 01722. B. W. Rucker, trading as DeSala Enterprises and Vincent DeSala, Buechel, Ky., in the sale of a book entitled "This Power Called Hypnotism", will stop representing that persons studying this book will gain dynamic power and become masterful, successful and happy, and that its price formerly was \$10 or any other price different from that at which it was regularly sold.

No. 01723. C. E. Richards, 404 Morase St., Lewistown, Mont., selling Nu Way Method, agrees to desist from the representations that his prescription, called a system cleaner, will clean the system, break up a case of typhoid, remove gall-stones and has other accomplishments, or that it has any therapeutic value except as a laxative and that there is no danger of spreading tuberculosis when the respondent's treatment is used. The respondent will also cease asserting that Indian Root Treatment treats the body by means of medicated air, or that he, through the use of his preparations, can do more for a person than can a Doctor of Medicine.

No. 01724. Spear Brand Mills, Inc., Kansas City, Mo., selling Spear Brand Chick Feed, will discontinue advertising that this product is capable of producing healthier, sturdier chicks quicker and at less cost than any other feed on the market and that it contains all the vitamins and minerals necessary for rapid, healthy and sustained growth.

No. 01725. E. B. Graham, trading as Golden West Co., Knoxville, Tenn.; "Golden West Compound", for stomach, kidney, blood and liver disorders, indigestion and rheumatic pains.

No. 01726. Western Chemicals, Inc., Vance Building, Seattle, Wash.; "Alcoban", for alcoholism.

No. 01727. E. L. Morris, trading as Nuway Products, Frankford, Del.; "Vim Tabs", a stimulant for glands or nerves.

No. 01728. W. F. Young, Inc., 111 Lyman St., Springfield, Mass.; "Absorbine, Jr.", for inducing sleep.

No. 01729. Chemm, Incorporated, 245 Fifth Ave., New York, agrees to stop representing that Chemm is a balanced food drink. Other allegations to be discontinued are that Chemm develops healthful beauty, causes children to drink more milk and supplies all required amounts of Vitamins A, B and D.

Nos. 01730-01733. A dealer in machines to stamp impressions on coins and a distributor of book matches and other printed material have entered into stipulations to discontinue certain false and misleading advertising practices in the sale of their products.

The respondents are H. W. Boetticher, 124 East Larned St., Detroit, trading as Blue Dot Stamp Co., and Bannen Printing Co., 110 North Second St., Rockford, Ill., known also as All-Trades Printing Service.

Both respondents agree to stop making representations that opportunities exist for prospective salesmen to earn amounts in excess of those actually earned by their regular salespersons under normal conditions.

No. 01731. W. M. Akin Medicine Co., 108 N. Governor St., Evansville, Ind.; "Dr. R. A. Armistead's Ague Tonic", for colds and influenza.

No. 01734. Omar Baking Co., Omaha, Nebr., a subsidiary of National Baking Co., Omaha, also named as a respondent, will quit advertising that Omar Bread is balanced as a diet is balanced, is capable of furnishing tremendous over-generosity of calcium and is a daring contribution to the science of bread-making. The respondent company will also stop asserting that calcium is the sole requisite for strong, hard bones and sound, white teeth, and that lack of it is the cause of malnutrition.

No. 01735. Northwestern Yeast Co., 1750 N. Ashland Ave., Chicago, stipulates that it will desist from representing that the typical every-day diet is sadly deficient in Vitamin B, and that the use of the respondent company's yeast foam tablets will restore a person's digestive and eliminative system to normal, healthy function, provided the latter claim is limited to such conditions when due to a deficiency of Vitamin B complex. The respondent company will no longer advertise that its yeast preparation is capable of correcting skin blemishes, and that its Animal-Poultry Yeast Foam when fed to dogs, has a capacity to help a dog get all the nourishment available from his food, or when fed to chickens, can cause coccidiosis or other intestinal diseases to disappear.

No. 01736. Charles Keller, trading as Keller Co., Mechanicsburg, Ohio; "Bukots", for weakness and irritation of the bladder.

No. 01737. Margaret Vorhees Doyle, trading as the Estate of C. A. Vorhees, M. D., 426 Chelton Ave., Philadelphia; "Bumstead's Worm Syrup", for worms in either children or adults. This respondent also will discontinue representing that the manufacturer of this preparation is a practicing physician or that the originator of the formula is now alive.

No. 1956. Trading as United States Marble & Granite Co., Asa L. Wooten, Oneco, Fla., has entered into a stipulation to discontinue representations in advertising matter implying that he manufactures the tombstones and monuments he sells in interstate commerce.

According to the stipulation, the products sold by Wooten are manufactured at plants which he does not own or operate, although his advertising matter contained assertions such as "Sell Direct From Factory To You" and "From Stone Quarry To Monument Factory Direct To You."

No. 1994. Wayne County Produce Co., Green Point, Long Island, N. Y., agrees to stop using a so-called gift offer of a skillet having an alleged value of \$1.25 or other purported value, when in fact such designated value is greatly in excess of the price at which the article is regularly sold. The respondent company manufactures bottled, canned and packed food products, including cider, vinegar, jelly, preserves and apple sauce.

**No. 1995. Fragrant Perfumers, Inc., 40 East 19th St., New York,** engaged in assembling perfumes and in the sale thereof as well as of other toilet articles, stipulates that it will stop the use on labels of exaggerated or misleading representations concerning the value of a perfume or the price at which it is sold or intended to be sold. Fragrant Perfumers, Inc., also stipulates that it will quit using the word "France" in connection with its sale of this perfume so as to imply that it is made in France, when such is not a fact.

**No. 1996. Reliable Stores Corporation, 1 South Howard St., Baltimore,** distributor of furniture, house furnishings, jewelry and related commodities, and operating retail stores in different States, including the National Furniture Co., 7th and H Sts., N. W., Washington, agrees to cease use in advertising matter of the words "free" or "gift" alone or in connection with each other or with other words as descriptive of certain articles represented to be given with the purchase of other merchandise, when in fact the price of the so-called "free" or "gift" merchandise is included in the price asked for the goods sold. The corporation also will stop employing the words "free" or "gift" in any way implying that the articles to which such words refer are in fact gifts or are given free or as a gratuity to the buyer of other merchandise, when such is not a fact.

**No. 2004. B. Altman & Co., 5th Ave. and 34th St., New York,** department store, has entered into a stipulation to discontinue certain unfair representations in the sale of women's blouses.

Certain blouses were designated as "Diagonal Crepe Shirts" and "Diagonal Crepes", when in fact, according to the stipulation, they were not composed of silk but of materials other than silk.

**No. 2420. American Grain Distillers, Inc., 634 Lafayette Building, Detroit,** has been ordered to cease and desist from representing that it is a distiller of alcoholic beverages, when such is not a fact. The order does not apply as to gins produced through a rectification process in which alcohol purchased by the respondent company is redistilled over juniper berries and other aromatics.

Findings are that the company formerly engaged in the liquor business solely as a wholesaler and rectifier, and that it is now insolvent, but still maintains its corporate existence and the Commission is not assured that upon a reorganization the name might not be resumed in the absence of a prohibitive order.

**No. 2706. J. G. McDonald Chocolate Co., Salt Lake City, Utah,** has been ordered to cease and desist from selling and distributing to dealers, candy so packed and assembled that sales to the public may be made by means of a lottery, gaming device or gift enterprise.

The order also prohibits packing in the same assortment pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy to be given as prizes to purchasers procuring pieces of candy with centers of a particular color.

**Nos. 2708-2837-2848.** Cease and desist orders have been issued requiring three candy companies to discontinue selling and distributing to dealers, candy so packed and assembled that sales to the public may be made by means of a lottery, gaming device or gift enterprise.

The respondent companies are **Shupe-Williams Candy Co., 2605 Wall Ave., Ogden, Utah; Ostler Candy Co., 143 South State St., and Glade Candy Co., 232 South Fifth East St., both of Salt Lake City.**

The orders also prohibit the Shupe-Williams and Ostler companies from packing in the same assortment pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy or a small package of candy or other merchandise, to be given as prizes to purchasers procuring pieces of candy with centers of a particular color.

**Nos. 2704-2697-2699-2705.** Under orders to cease and desist, four candy companies are required to discontinue selling and distributing to dealers candy so packed and assembled that sales to the public may be made by means of a lottery, gaming device or gift enterprise.

The respondent companies are **Williams-Crahan Co., Woody Candy Co., and Fine-Reding Candy Manufacturing Co., Inc., all of Oklahoma City, Okla., and Startup Candy Co., Provo, Utah.**

The orders also prohibit the Williams-Crahan and Startup companies from packing in the same assortment pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy or small packages of candy, to be given as prizes to purchasers procuring pieces of candy with centers of a particular color.

**No. 3114.** Prohibiting certain unfair competitive methods in the sale of an herb tea and an orange pekoe tea, an order to cease and desist has been issued against **Germania Tea Co., 608 First Ave., North, Minneapolis, and Consolidated Drug Trade Products, Inc., 544 South Wells St., Chicago.**

The respondent companies are directed to stop representing that Germania Herb Tea performs any functions in a reducing program other than those of a laxative or purgative, and that Germania Orange Pekoe Tea performs any function or has any value in treating obesity, or in a reducing program, other than in the caffeine supplied through its consumption.

#### FTC CLOSES TWO CASES

**No. 1846.** The Federal Trade Commission has issued an order vacating and setting aside an order to cease and desist issued in September, 1933, against **Magnecoil Co., Inc., Salt Lake City,** manufacturer of blankets and other appliances with electrical connections, for use in treating certain diseases.

The Commission directed resumption of testimony on the charges of the complaint in this proceeding. The former order to cease and desist prohibited certain misrepresentations concerning the therapeutic value of the respondent company's product.

**No. 1856.** The Commission has also closed its case against **J. V. Linehan and C. A. Weldt, trading as Lion Manufacturing Co., Chicago,** for the reason that the respondents have discontinued the unfair methods of competition alleged in the complaint.

The respondents were charged with misrepresentation of certain blankets they sold in interstate commerce, and with use of a lottery scheme in promoting the sale of such blankets. The Commission closed the case without prejudice to its right to reopen it should the facts warrant.

#### FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission this week. The next broadcast meeting is scheduled for June 29.

The Commission granted the petition to withdraw from the Commission files the petition of WLWL for reconsideration of the action of the Broadcast Division of November 24, 1936, in granting the application for the transfer of control of WOV.

#### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, June 28:

Monday, June 28

#### FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—El Paso Broadcasting Co., El Paso, Tex.—C. P., 940 kc., 1 KW, unlimited time.
- NEW—World Publishing Co., Tulsa, Okla.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time.
- KGKL—KGKL, Inc., San Angelo, Tex.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited.
- NEW—The Tribune Co., Tampa, Fla.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time.
- NEW—Earl Weir, St. Petersburg, Fla.—C. P., 1370 kc., 100 watts, unlimited time.

#### HEARING BEFORE AN EXAMINER (Broadcast)

- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—C. P., 1450 kc., 1 KW, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited.
- KRE—Central California Broadcasters, Inc., Berkeley, Calif.—C. P., 1440 kc., 500 watts, 1 KW LS, unlimited. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited.

Tuesday, June 29

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—WSMB, Inc., New Orleans, La.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited.  
NEW—WDSU, Inc., New Orleans, La.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited.

Wednesday, June 30

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Zenith Radio Corp., Chicago, Ill.—C. P., 42000-56000, 60000-86000 kc., 1 KW, 1 KW LS, unlimited time in accordance with Rule 983 (a).  
NEW—Dr. William States Jacobs Broadcasting Co., Houston, Tex.—C. P., 1220 kc., 1 KW, unlimited time (using directional antenna at night).  
WRBC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—C. P., 930 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 930 kc., 1 KW, unlimited.  
NEW—The Birmingham News Co., Birmingham, Ala.—C. P., 590 kc., 1 KW, unlimited time.

Thursday, July 1

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-382:

- NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—C. P., 1160 kc., 250 watts, daytime.

Examiner's Report No. 1-393:

- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Modification of C. P., 890 kc., 1 KW, unlimited time. Present assignment: 890 kc., 500 watts, 1 KW LS, unlimited.

Examiner's Report No. 1-394:

- NEW—Arthur H. Croghan, Minneapolis, Minn.—C. P., 1310 kc., 100 watts, daytime.

Examiner's Report No. 1-396:

- NEW—F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—C. P., 1200 kc., 100 watts, daytime.

Examiner's Report No. 1-398:

- NEW—Stanley Reid and Charles Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Iowa.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. 1-399:

- KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Voluntary assignment of license to Columbia Broadcasting System of Calif.; 560 kc., 1 KW, unlimited.

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Fall River Herald News Publishing Co., Fall River, Mass.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited.

Friday, July 2

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Centennial Broadcasting Corp., Dallas, Tex.—C. P., 1500 kc., 100 watts, daytime.  
NEW—William F. Maag, Jr., Youngstown, Ohio.—C. P., 1420 kc., 100 watts, daytime.  
NEW—The Colonial Network, Inc., Providence, R. I.—C. P., 720 kc., 1 KW, limited time.  
NEW—Geraldine Alberghane, Pawtucket, R. I.—C. P., 720 kc., 1 KW, daytime.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Renewal of license, 1500 kc., 100 watts, unlimited time.

WSMK—WSMK, Inc., Dayton, Ohio.—C. P., 1380 kc., 250 watts, 500 watts LS, unlimited. Present assignment: 1380 kc., 200 watts, simultaneous day with KQV, specified hours night.

APPLICATIONS RECEIVED

First Zone

WAAB—The Yankee Network, Inc., Boston, Mass.—Modification 1410 of license to change power from 500 watts, 1 KW day, to 1 KW day and night.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—1460 Construction permit to install a new transmitter; increase power from 10 KW to 50 KW; install a new directional antenna for day and night use; and move transmitter from Mt. Vernon Highway, near Potomac Yards, 1½ miles north of center of Alexandria, Va., to .4 miles due east of Wheaton four corners, Wheaton, Md.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—Construction permit for replacement of transmitter, reduce power from 10000 watts to 500 watts.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—License to cover above.

Second Zone

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Extension of 700 special experimental authorization to operate with power of 500 KW day and 500 KW night using directional antenna, for period from 8-1-37 to 2-1-38.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—License to 700 cover construction permit (B2-P-1557) for changes in equipment.

WTAR—WTAR Radio Corp., Norfolk, Va.—License to cover con- 780 struction permit (B2-P-1074) for increase in power, new directional antenna, and move of transmitter.

NEW—George B. Storer, Pontiac, Mich.—Construction permit for 800 new station to be operated on 680 kc., 1 KW power, daytime operation. Amended to change requested frequency from 680 kc. to 800 kc., and transmitter and studio sites from site to be determined, Detroit, Mich., to site to be determined, Pontiac, Mich.

WQAN—The Scranton Times (co-partnership), E. J. Lynett, Wm. 880 R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Jr., Scranton, Pa.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day.

WCHV—Community Broadcasting Corp., Charlottesville, Va.— 1420 Modification of license to change hours of operation from unlimited day, share WEED night, to unlimited time. Contingent upon the granting of WEED's application for change in frequency.

Third Zone

WSM—The National Life and Accident Insurance Co., Nashville, 650 Tenn.—License to use old Western Electric Transmitter as an auxiliary, at old location, 1501 Weston Ave., Nashville, Tenn., 5 KW power.

WCOG—Mississippi Broadcasting Co., Inc., Meridian, Miss.— 880 Modification of construction permit (B3-P-1434) for changes in equipment, requesting extension of completion date from 7-10-37 to 9-10-37.

KRGV—KRGV, Incorporated, Weslaco, Texas.—License to cover 1260 construction permit (B3-P-1190) for changes in equipment and increase in power.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Con- 1310 struction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

NEW—William C. Smith, Bogalusa, La.—Construction permit for 1310 a new station to be operated on 1470 kc., 100 watts, daytime (7 a. m. to 7 p. m.). Amended: To change frequency from 1470 kc. to 1310 kc. and hours of operation from daytime (7 a. m. to 7 p. m.) to unlimited time.

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Texas.— 1370 Authority to transfer control of corporation from R. S. Bishop to Ruth G. Roosevelt, 313 shares common stock.

NEW—M. M. Valentine, Laredo, Texas.—Construction permit for 1500 a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time. Amended: To change requested frequency from 1310 kc. to 1500 kc.



NEW—Lamar Life Insurance Co., Jackson, Miss.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 50 watts.

NEW—A. H. Belo Corporation, Dallas, Texas.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 75 watts.

#### Fourth Zone

WILL—University of Illinois, Urbana, Ill.—Construction permit 580 to make changes in transmitting equipment and increase power from 1 KW to 5 KW.

#### Fifth Zone

KEHE—Hearst Radio, Inc., Los Angeles, Calif.—License to cover 780 construction permit (B5-P-1759) for an auxiliary transmitter at KEHE's present site.

NEW—Hollenbeck Heights Christian Church, Los Angeles, Calif.—1170 Construction permit to erect a new station to be operated on 1170 kc., 100 watts power, limited time.

KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico.—

1180 License to cover construction permit (B5-P-1492) as modified, for a new transmitter.

KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico.—

1180 Authority to determine operating power by direct measurement of antenna.

KTMS—News Press Publishing Co., Santa Barbara, Calif.—Modification of construction permit (B5-P-982) to make changes in authorized equipment, approval of vertical antenna and approval of transmitter site at near Goleta, California. Amended: To install directional antenna for day and night use.

NEW—Anna Jay Levine, Palm Springs, Calif.—Construction permit 1370 for a new station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time. Amended: To change transmitter site from Riverside Co. to Palm Canyon Drive, near Morongo Road, Palm Springs, California, and studio site from Palm Canyon Drive and Tahquitz Road to Palm Canyon Drive near Morongo Road, Palm Springs, California.

NEW—KLZ Broadcasting Co., Denver, Colo.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 1 watt.

